

PLANNING COMMITTEE

AGENDA



Wednesday 17 April 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 13 March 2024

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director, Neighbourhood Services*

1. H/2023/0285 78 Grange Road (page 1)
2. H/2022/0470 Land Adjacent to Hart Moor Substation (page 21)
3. H/2022/0456 South of Village Green behind Priory Farm, Dalton Piercy Village Hall, Dalton Piercy (page 81)
4. H/2023/0315 Land and Garages off Dumfries Road (page 128)
5. H/2022/0382 Land West of Wynyard Village and South of the A169, Wynyard, Billingham (page 169)
6. H/2024/0011 Land, North Duchy Homes, Wynyard, Billingham (page 201)
7. H/2023/0380 Siskin Park, The Meadows, Wynyard, Billingham (page 217)
8. H/2023/0344 3 The Paddock, Church Street, Seaton Carew (page 223)

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

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

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

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints and Enforcement Actions – *Assistant Director, Neighbourhood Services*
- 5.2 Planning Appeal at the Old Mill Trunk Road, A19 - *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 – date to be confirmed



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

13th March 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,
Andrew Martin-Wells and Veronica Nicholson.

Also Present: In accordance with Council Procedure Rule 4.2 Councillor Gary Allen was in attendance as substitute for Councillor Karen Oliver and Councillor David Nicholson was in attendance as substitute for Councillor Mike Young.

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services
Sylvia Pinkney, Assistant Director, Regulatory Services
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Sarah Scarr, Head of Service for Heritage and Open Spaces
Daniel James, Planning (DC) Team Leader
Peter Frost, Highways, Traffic and Transport Team Leader
Umi Filby, Legal Advisor
Jo Stubbs, Democratic Services Officer

67. Apologies for Absence

Apologies were submitted by Councillors Melanie Morley, Karen Oliver, Carole Thompson and Mike Young.

68. Declarations of interest by members

None

69. Confirmation of the minutes of the meeting held on 7th February 2024

Minutes confirmed

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

Number:	H/2023/0028
Applicant:	PERSIMMON HOMES
Agent:	MISS HALL, PERSIMMON HOMES
Date received:	27/07/2023
Development:	Engineering works to infill and level the disused and drained lower reservoir
Location:	LAND AT HART RESERVOIR HARTLEPOOL

Officer recommendation was to approve this application.

A member requested information as to the possibility of contaminated land being used to infill the reservoir and where said contamination would go. The Planning Team Leader advised that the imported inert material to be used would be mostly sourced from Greenfield donor sites and both the Council's Engineering Consultancy and the Environment Agency were happy with the plans and details. Any future developer would need to take account of this.

The Agent, Alice Hall, urged members to support the application, the details of which were a result of lengthy discussions with Council officers and external consultees. The land was privately owned and these works would support sustainable development in line with the Local Plan and associated policies. The reservoir infrastructure would remain in place and the grass used to top it off would be deposited in an appropriate manner with no risk to human health or the environment. Access to Hart Reservoir House would also be maintained in perpetuity. In response to a member query Ms Hall confirmed that a construction management plan was included in the conditions and if approved the developer would ensure there was minimal mud on the roads as a result of these works. Any mud currently in place was not the responsibility of this developer as the site was currently owned by a separate party.

A member requested information on the transport links and queried whether there were weight restrictions. It was confirmed that there were weight restrictions on the quarry land however any information on transport links was irrelevant to this application which was solely about the infill.

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 Gary Allen, Rob Darby, Tom Feeney, Sue Little, David Nicholson and Veronica Nicholson

Against – Moss Boddy, Paddy Brown and Andrew Martin-Wells

Abstain – None

Decision: **Minded to APPROVE subject to a S106 legal agreement to secure the delivery of Biodiversity Net Gain requirements and subject to the following planning conditions;**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number HAR-HRE-CON-001 (Site Red Line Plan), received by the Local Planning Authority 30/01/2023; drawing number HRT-CDL-XX-XX-DR-GE-60802 Rev P02 (Geological Cross Sections A-A', B-B' and C-C') and drawing number HRT-CDL-XX-XX-DR-GE-60803 Rev P02 (Anticipated Earthworks Construction Sequence), received by the Local Planning Authority 11/05/2023; and drawing number HAR-HRE-STRUCT-001 Revision A (Structure Removal/Retention Plan), drawing number HAR-HRE-STRUCT-002 (Topographical Survey with Infill Overlay) and drawing name Approximate Post Fill Reservoir Levels & Temporary Basin, all received by the Local Planning Authority 02/02/2024.
For the avoidance of doubt.
3. Prior to the commencement of development, a Construction Management Plan (CMP) shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CMP for during the construction phase of the development hereby approved.
In the interests of the amenities of the area and highway safety.
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. 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 approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion of the development.

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

5. 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 (contained within The Biodiversity Net Gain Assessment Hart Reservoirs Infill, received by the Local Planning Authority on 20/10/2023) a minimum of 0.32 Habitat Units, 0.03 Hedgerow Units and 0.01 Watercourse Units habitat retention, creation and enhancement (as detailed in 'Headline Results' section of 'The Biodiversity Metric 4.0 - Calculation Tool', received by the Local Planning Authority on 20/10/2023) and the subsequent management of habitats in the condition stated in the BNG Metric has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the compensation, shall be measured in accordance with the biodiversity metric 4.0 (The Biodiversity Metric 4.0 - Calculation Tool, received by the Local Planning Authority on 20/10/2023). 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).

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in;

- section 6 (Recommendations), page 35 of the submitted Ecological Appraisal by OS Ecology, document dated October 2023 and received by the Local Planning Authority 26/10/2023;
- section 6 (Recommendations), page 24 of the Breeding Bird Survey by OS Ecology, document dated September 2023 and received by the Local Planning Authority 20/10/2023);
- section 6 (Recommendations), page 18 of the Watercourse Survey by OS Ecology, document dated October 2023 and received by the Local Planning Authority 20/10/2023 and;
- section 6 (Recommendations), page 16 of the Great Crested Newt eDNA Survey by OS Ecology, document dated July 2023 and received by the Local Planning Authority 20/10/2023.

The CEMP (Biodiversity) shall also 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; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented in accordance with the agreed details and timetable and throughout the construction period strictly in accordance with the approved details. To ensure suitable provision of ecological mitigation measures.

7. Notwithstanding the submitted details and prior to commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping (primarily in respect to the landscaping and surface finish to the infilled area) within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all 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. 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 completed. Any landscaping/planting 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 ensure a satisfactory form of development.
8. Soil imported to the site as part of the development hereby approved shall be carried out solely in accordance with document 'Hart Reservoir Design Statement' (document reference HRT-CDL-XX-XX-T-60201 Rev P1 by Cundall, (document dated 19/10/2023), received by the Local Planning Authority 20/10/2023 including section 6.0 (Verification of Scheme) of the aforementioned document. Upon completion of the infill works hereby approved, a final Verification Report (as detailed in section 6.3 'Reporting' of the aforementioned document) shall be submitted to the Local Planning Authority.
To prevent the importing of contaminated soil
 9. The development hereby approved shall be carried out in accordance with the Waste Audit (by Persimmon Homes) dated January 2024 and received by the Local Planning authority 02/02/2024.
To ensure a satisfactory form of development, 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.
 10. The extent of the infill works hereby approved shall be limited to the area defined by the magenta coloured line on plan 'Approximate Post Fill Reservoir Levels & Temporary Basin, received by the Local Planning Authority 02/02/24.
To define the permission and for the avoidance of doubt.
 11. The development hereby approved (infill works) shall be completed strictly in accordance with the agreed levels details as shown on drawing number HRT-CDL-XX-XX-DR-GE-60802 Rev P02 (Geological Cross Sections A-A', B-B' and C-C'), drawing number HRT-CDL-XX-XX-DR-GE-60803 (Anticipated Earthworks Construction Sequence) received by the Local Planning Authority 11/05/2023; drawing number HAR-HRE-STRUCT-002 (Topographical Survey with Infill Overlay), HAR-HRE-STRUCT-001 Revision A (Structure Removal/Retention Plan), drawing name Approximate Post Fill Reservoir Levels & Temporary Basin, received by the Local Planning Authority 02/02/2024.
To ensure a satisfactory form of development and in the interests of the amenities of the surrounding area.
 12. The working hours for all construction/Infilling activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Any deliveries and collections during the infilling works shall be kept between these hours as well.

In the interests of the amenities of the area.

The committee considered representations in respect to this matter.

Number: H/2023/0416

Applicant MR IAN BOND YORK PLACE HARTLEPOOL

Agent: ELDER LESTER ARCHTECTS REEDS MILL ATLAS
WYND YARM

Date received: 05/12/2023

Development: Proposed replacement of existing timber sliding sash windows and bay windows to front elevation with uPVC sliding sash windows

Location: 2 YORK PLACE HARTLEPOOL

Officer recommendation was to refuse this application.

The Applicant, Mr Bond, urged members to support his request. He had bought the property 2 years previously and spent a lot of money making internal improvements. He understood the importance of the Headland Conservation Area but felt that using uPVC for their replacement windows would increase thermal efficiency and allow for cheaper repairs. The property was less than 50 yards from the sea and the cost to replace with timber windows was simply not sustainable. The proposed windows were of a sympathetic appearance and better for his family. In response to queries from members Mr Bond advised that the current windows were wood and could not cope with the weather conditions. They had been painted the previous year and were already flaking off. There was condensation inside some of the rooms to the point where it was not worth sitting in those rooms due to the draughts.

A member highlighted the number of applications requesting permission to install uPVC windows and doors in conservation areas and the lack of apparent consistency in the approach taken by Planning Committee. He suggested that work be undertaken on a consultation document in order to have a more consistent approach to this issue. The Head of Service for Heritage and Open Spaces advised that 2 Conservation Area Management Plans were currently due to go out for public consultation. These would include proposed management plans which would set out guidelines for the enhancement of these conservation areas including the provision of timber windows in these areas. This work was expected to be completed in the new municipal year. In the meantime, timber windows in conservation areas remains the appropriate material.

A member indicated he was sympathetic but minded to refuse as per the office recommendation due to the placement of the windows and prominence of the building in the Headland conservation area. Mr Bond commented that the proposed windows would be high quality and cleaned regularly. His was the only property on that block that did not have uPVC windows

A member queried whether estate agents made those buying in a conservation area aware of the rules regarding these properties and

suggested more should be done by the Council to make clear these requirements.

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

For – Councillors Gary Allen, Moss Boddy and Tom Feeney

Against – Paddy Brown, Rob Darby, Sue Little, Andrew Martin-Wells, David Nicholson and Veronica Nicholson

Abstain – None

Following consultation with members the Planning and Development Manager confirmed members' reasons to approve this application as being adaption to climate change and ease of maintenance.

Councillor Andrew Martin-Wells moved approval of this application. Councillor Sue Little seconded this. A recorded vote to approve the application, against the officer recommendation, was taken:

For – Paddy Brown, Rob Darby, Sue Little, Andrew Martin-Wells, David Nicholson and Veronica Nicholson

Against – Gary Allen, Moss Boddy and Tom Feeney

Abstain – None

Councillor Moss Boddy queried the reasons given for going against officer recommendation and asked that they be provided to him in writing. The Planning and Development Manager confirmed that while climate change did not outweigh the conservation area concerns it was a planning reason that could be given weight to.

Decision: **Planning Permission Approved with planning conditions delegated to the Planning and Development Manager (in consultation with the Chair of Planning Committee).**

The committee considered representations in respect to this matter.

Number: H/2023/0285

Applicant: CARWOOD HOUSE LTD HAVERSTOCK HILL
SECOND FLOOR (C/O FKGB) LONDON

Agent:

MR MICHAEL DRAKE OFFICES AND
PREMISES AT 2ND FLOOR 201 HAVERSTOCK
HILL LONDON

Date received: 25/10/2023

Development: Change of use of dwelling (Use Class C3) to large house in multiple occupation for up to 8no. residents (Sui Generis)

Location: 78 GRANGE ROAD HARTLEPOOL

Officer recommendation was to approve this application. The Planning Team Leader updated Members on a tabled response received from Natural England which confirmed no objections to the proposal. Following agreement with the Chair, a representation in support of the application from the applicant was also tabled for Members to consider.

A member queried the lack of concern around a potential increase in cars. The Highways, Traffic and Transport Team Leader advised that the property currently has 3 spaces and Houses of Multiple Occupancy (HMO) tended to have low car ownership. Another member disagreed with this assessment saying that there was a current lack of parking capacity and the back streets were a disgrace without adding 8 more households creating waste. More HMOs should not be created simply because others already exist.

A member referred to the detailed response from Cleveland Police within the report and queried why these concerns had not been included in the conditions for approval. The Planning Team Leader acknowledged these comments and advised that they had been forwarded to the developer as they were a management issue but they were not obliged to follow this advice. Officers felt it was not a reason to recommend refusal as there was no evidence of anti-social behaviour. Officers had taken account of the Crime and Disorder Act when making their recommendation.

A member noted that there was no provision for communal areas on the plans provided. The Planning Team Leader advised that the property was currently a 6 bedroom dwelling and could be changed to a 6 bedroom HMO without planning permission provided it satisfied HMO licence requirements. Housing Standards had made no comment. The Assistant Director for Regulatory Services and the Environmental Health Manager were both unclear as to whether the current plans would satisfy licence requirements but this was a separate process in any case. A member suggested that this item be deferred to allow members to be provided with further information as to whether this application would meet HMO licence requirements. He also suggested that officers have further discussions with the applicant around other issues such as parking, rubbish removal and the Police's comments.

Councillor Moss Boddy moved that this application be deferred. Councillor Gary Allen seconded this. A recorded vote to defer the application was taken:

For – Gary Allen, Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Andrew Martin-Wells, David Nicholson and Veronica Nicholson

Against – None

Abstain – None

Decision:	Deferred by Members
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Number:	H/2023/0314
Applicant:	MR MANMINDER SING DHATT ELWICK ROAD HARTLEPOOL
Agent:	LJC ARCHITECTURAL DESIGN MR GORDON HENDERSON
Date received:	08/11/2023
Development:	Change of use from a vacant beauty salon (E Use Class) to hot food takeaway (Sui Generis Use Class)
Location:	91 ELWICK ROAD HARTLEPOOL

Officer recommendation was to refuse this application.

The Agent, Gordon Henderson, urged members to support this application. Despite being outside the designated retail centre the property had been used as a retail building for many years although current policy restricts how it can be used. There would be no architectural change and this would bring the building back to life. Public Health had objected due to a potential negative impact on health however Mr Henderson felt fish and chips were a staple and nourishing part of any diet and a healthier option than other takeaways thanks to the use of rapeseed oil. A salad bar would also be included. If this application was not approved consumers would have to travel further causing issues with roads and pollution. There would also be employment opportunities for 2 people.

A resident, Anne Saunders, spoke against the application. There was a lack of parking in the area and she questioned how oil and rubbish would be disposed of as she felt the back yard was too small to house large industrial bins. Smells coming from the property would also cause her problems.

Councillor Andrew Martin-Wells moved the officer recommendation to refuse. Councillor Veronica Nicholson seconded this. A recorded vote to refuse the application, as per the officer recommendation, was taken:

For – Councillors Gary Allen, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Andrew Martin-Wells, David Nicholson and Veronica Nicholson

Against – Moss Boddy

Abstain – None

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. The application site is not located within a suitable location for the proposed use, whereby Policies RC18 and RC21 of the Hartlepool Local Plan (2018) expressly prohibit hot food takeaway uses outside of designated retail centres in order to protect the vitality and viability of local centres and ensure that residential amenity is not negatively affected by such commercial uses.
2. In the opinion of the Local Planning Authority, the proposed hot food takeaway would be in conflict with Policy RC18 (Hot Food Takeaway Policy) of the Hartlepool Local Plan (2018) and paragraph 96(c) of the National Planning Policy Framework (2023) as the proposal would undermine efforts to promote healthy lifestyles and would have a potential negative impact on public health (and the health of local residents).
3. In the opinion of the Local Planning Authority, the proposed external flue would constitute an inappropriate form of development in a residential location by virtue of its size and location, resulting in an unacceptable harm to the character and appearance of the host building and surrounding area, contrary to the requirements of Policy QP4 and RC21 of the Hartlepool Local Plan (2018).

The committee considered representations in respect to this matter.

Number:	H/2020/0444
Applicant:	MR JOSEPH NELSON NELSON'S BUREAU LTD TEES ROAD SEATON CAREW HARTLEPOOL
Agent:	DAMIEN WILSON
Date received:	18/01/2021
Development:	Change of use from C3 Dwelling to a C1 Hotel including the provision of 3 x hot tubs and a wooden gazebo seating area (retrospective) to the front of the property.
Location:	

MAYFAIR BUNGALOW TEES ROAD
HARTLEPOOL

Officer recommendation was to approve this application.

In response to a member query the Environmental Health Manager advised that there had been 3 noise complaints in the last 4 years with regard to the hot tubs. She had wanted to impose a condition on the hours of usage for the hot tubs but had been told this would be unreasonable. However installation of an acoustic fence was included in the proposed conditions.

In response to a member query the Assistant Director for Neighbourhood Services confirmed the proposed dedicated parking plan would address the query raised by the Council's Traffic and Transport section.

The Agent, Damien Wilson, was present to answer questions. He confirmed that the site would be managed 24/7. He also felt it would not be unreasonable to impose time restrictions.

Councillor Moss Boddy moved the officer recommendation to approve. Councillor Andrew Martin-Wells seconded this. A recorded vote to approve the application, as per the officer recommendation, was taken:

For – Councillors Gary Allen, Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Andrew Martin-Wells, David Nicholson and Veronica Nicholson

Against – Sue Little

Abstain – None

Decision: **Minded to APPROVE subject to a s106 legal agreement to secure a Green Infrastructure Contribution (£1,500) and subject to the following planning conditions;**

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following plans;
1016-CPM-P- EX-DR-A-4101 Rev A03 (Proposed Elevations)
1016-CPM-P- RL-DR-A-2101 Rev A03 (Proposed Roof Layout)
Received by the Local Planning Authority on 05/01/2022; and

Proposed Dedicated Parking Location Plan (1:1250),
1016 -CPM-P-00-DR-A-2101 Rev A03 (Proposed Floor Plan)
received by the Local Planning Authority on 18/09/2023.
For the avoidance of doubt.

2. Notwithstanding the submitted information, and within 1 month from the date of this approval, details of a minimum 2m (two metre) high (taken from the ground level) acoustic fence to enclose the 3no. external hot-tub areas as annotated on plan 1016-CPM-P- OO-DR-A-2101 Rev A03 (Proposed Floor Plan, received by the Local Planning Authority on 18/09/2023) shall be submitted to the Local Planning Authority. Thereafter the agreed scheme shall be implemented within 1 month from the date of the written agreement of the Local Planning Authority, or prior to the hot tubs being brought into use, whichever is the sooner and shall be retained for the lifetime of the development hereby approved. In the interests of neighbouring amenity.
 3. The parking and access area(s) associated with the development shall be kept available for the use of the development hereby approved, and the Sports and Leisure Development approved under the provisions of planning permission H/2011/0489, for the lifetime of the developments. In the interests of the highway safety.
 4. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a Hotel/Guest House accommodation within the C1 Use Class and for no other Use within The Town and Country Planning (Use Classes) Order 1987 (as amended). In the interests of the potential adverse impact of an unrestricted consent on the use of the site and the surrounding area.
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71. Update on Current Complaints and Enforcement Actions *(Assistant Director (Neighbourhood Services))*

Members were informed of 15 ongoing investigations and 7 which had been completed. There had been no enforcement actions taken.

Decision

That the report be noted.

72. Conservation Area Management Plans *(Assistant Director – Preventative and Community Based Services)*

Members were given information on 2 Conservation Area Management Plans, for Seaton Carew and the Headland, that had been developed with the support of funding from Historic England's Capacity Building Grant Scheme. This work was based on the two areas being at risk using the Historic England criteria to assess buildings at risk. Consultants Purcell were

commissioned to prepare plans for each area. Historic England provided grant assistance of £20,000 to support the work. This was matched by £10,000 of council funding from the Adult and Community Services Budget.

On 26th January Adult and Community Based Services Committee agreed to take the two draft documents out for public consultation. The format of the consultation would be the same as at the initial stages of this work. Drop in sessions for members of the public would be held in key locations within the area at varying times of the day to allow attendance. Stakeholders would be approached directly for comment and the documents would be available online. Ultimately the final approved documents would form part of the evidence base when considering planning applications within these conservation areas and relevant weight would be placed on them when making planning decisions.

Decision

That the report be noted

73. Appeal at land at Hart Moor Farm, North of the A179 *(Assistant Director – Neighbourhood Services)*

Members were advised that a planning appeal in respect of the erection of a synchronous condenser with ancillary infrastructure and associated works had been allowed. A copy of the inspector's decision was appended to the report.

Decision

That the report be noted

The meeting concluded at 11.45am.

CHAIR

No: 1.
Number: H/2023/0285
Applicant: CARWOOD HOUSE LTD HAVERSTOCK HILL SECOND FLOOR (C/O FKGB) LONDON NW3 4QG
Agent: MR MICHAEL DRAKE OFFICES AND PREMISES AT 2ND FLOOR 201 HAVERSTOCK HILL LONDON NW3 4QG
Date valid: 25/10/2023
Development: Change of use of dwelling (Use Class C3) to large house in multiple occupation for up to 8no. residents (Sui Generis)
Location: 78 GRANGE 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 presented at the Planning Committee meeting on 13/03/2024, however it was deferred at the request of Members to allow officers to seek additional information prior to the determination of the application with respect to addressing a number of concerns including car parking, waste management and HMO Licensing requirements (including any requirement for communal areas such as living rooms).

1.3 The following planning applications are considered relevant to the proposed development:

HFUL/1986/0086 – Change of use of 78-80 Grange Road from dwelling to guest house, refused 08/04/1986.

HFUL/1986/0200 – Change of use of 78-80 Grange Road from dwelling to hostel for unemployed, homeless people and single people on probation, approved 16/07/1986.

HFUL/1990/0354 – Change of use of 78-80 Grange Road from house in multiple occupation to guest house, approved 25/07/1990.

HFUL/2003/0248 – Change of use of 78-80 Grange Road from guest house to single dwelling, approved 29/05/2003.

H/2008/0698 – Conversion of single dwelling to 4 flats, approved 05/03/2009.

PROPOSAL

1.4 Planning permission is sought to change the use of the property from a six bedroom dwelling (C3 use class) to an eight person House in Multiple Occupation (HMO) (Sui Generis use class) at 78 Grange Road.

1.5 It is proposed to relocate a doorway and block up an existing window at ground floor in the side elevation of the rear offshoot of the property in order to facilitate the proposed development. The plans initially submitted indicated two windows at first floor level would also be blocked up, however these works have previously been undertaken prior to the application being submitted under permitted development and do not therefore form part of the proposals for which planning permission is now sought.

1.6 The application has been referred to Planning Committee due to the number of objections received (more than 3) and at the request of a local ward councillor, in line with the Council's Scheme of Delegation.

SITE CONTEXT

1.7 The applicant property (78 Grange Road) is a Victorian mid-terraced, two and a half storey property with rooms in the roof served by a dormer window roof light to the front. The property is situated on the north side of Grange Road, approximately 15m west of the junction with Thornville Road; surrounding properties are predominantly in residential use. The application site is adjoined to No 76 to the east and No 80 to the west. The property is within the Grange Conservation Area.

PUBLICITY

1.8 The application has been advertised by way of neighbour letters (8), site notice and a press notice. To date, there have been three objections received by members of the public, and one comment neither in support nor against (commenting that conversion works have already taken place and the property is occupied).

1.9 The objections and concerns raised can be summarised as follows:

- There are already other HMOs in the area,
- Some existing HMOs do not have planning permission,
- Existing anti-social behaviour may be made worse,
- Owner of the property does not live locally,
- Increased pressure on parking in the area,
- Loss of property value,
- HMO will affect the conservation area,
- the property is already being used as a HMO.

1.10 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/2023/0285

1.11 The period for publicity has expired.

CONSULTATIONS

1.12 The following consultation replies have been received:

HBC Housing – Provided the HMO complies with all legal aspects of the appropriate licence I have no objections. There is a lack of affordable accommodation for single people and this could help alleviate this problem.

HBC Building Control – A Building Regulation application will be required for '8 person HMO'.

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

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

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

Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

The proposal is the change of use of a dwelling to a house in multiple occupation for up to 8 residents.

In principle there would be no objection to the change of use only. It is disappointing to see that to the rear offshoot it is proposed to remove a number of windows at ground and first floor level, and move the door providing access. It is requested that further consideration is given to this, in the case of the first floor, this would not impact on the proposed layout or the number of rooms provided. To the ground floor it is accepted that this would necessitate alternative arrangements, however it would appear that it would be possible to retain a number of the windows should the

bathroom and kitchen space be moved to the rear wall, and the new door is retained in its proposed location. These alternative options should be considered.

Updated Comments received 08/01/2024

I note the amended plans and it is disappointing that such changes have been made to the property. Given the remaining alterations that are proposed, I do not believe that these would cause less than substantial harm to the conservation area and therefore would not wish to object.

HBC Ecology – The proposal includes Change of use of an existing dwelling (Use Class C3) to large house in multiple occupation (HMO) for up to 8no. residents. The existing building is a large Victorian property. The roof line, guttering, soffits and fascia provide opportunities for bats. There is extensive internal work and changes to the windows.

A preliminary bat roost risk assessment shall be undertaken to determine if the building has any interest for bats. The risk assessment shall be completed by a suitably qualified bat ecologist.

Updated Comments received 18/01/2024

I note that the information submitted to support the application is now out-of-date and in some cases incorrect, as works bricking up windows and doors at the back has now been undertaken.

I had requested the Bat Risk Assessment as the information submitted is very limited, there are no photographs or detailed description of the proposed works and therefore I have had to take a precautionary approach. There are parks, large gardens and habitat 'corridors' in close vicinity to the property. This increases the opportunities for the property to be used for Bats. It was difficult to confirm the condition of the roof on Google Earth and determine if there were any missing or loose tiles that could provide access to voids for Bats to utilise.

The planning and heritage statement section on ecology (para 6.14 and 6.15) fails to reference the potential impact of the building refurbishment on Bats, and therefore I can only assume that this has not been considered.

I am happy to remove the requirement for a preliminary bat roost risk assessment provided that it is agreed that there are no external works to the property (as part of this application) other than those stated as moving a door and blocking up a ground floor window. However, should Bats or a Bat Roost be discovered during the refurbishment then works should cease and a professional ecologist with experience in building and Bats be contacted for guidance. To continue works in the knowledge of the presence of Bats / Bat Roost with no mitigation could result in prosecution by Natural England.

Habitats Regulations Assessment stage 1 screening (16/02/2024)

2. Stage 1 findings Nutrient neutrality

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?

Yes. There are no changes proposed to the foul and surface water arrangements which currently discharge to the Seaton Carew Wastewater Treatment Works. From there the water discharges to the North Sea via a long sea outfall.

Recreational disturbance

Is Recreational disturbance accounted for by the Hartlepool Local Plan Coastal Mitigation Scheme?

No. HRA Appropriate Assessment is required.

Habitats Regulations Assessment Stage 2 Appropriate Assessment (16/02/2024)
(summarised)

5. Conclusion

The increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site.

Hartlepool Borough Council Local Planning Authority can lawfully permit this development.

Natural England must be consulted on the HRA Appropriate Assessment.

HBC Traffic & Transport – There are no highway or traffic concerns, the traffic impact of such a property is likely to be less than a conventional large residential property.

Updated Comments received 28/03/24

Parking standards state that the existing property as a 6 bedroomed house would require 3 parking spaces, whereas the proposed development (8 person HMO) would only require 2 spaces, with HMOs generally having low car ownership. It is appreciated that there is no frontage parking for the property, however these are spaces that would be accommodated in the surrounding area, some of which is subject to residents' permit parking controls.

Given the proposed development would have a requirement for less spaces than the current situation there is no way that an objection could be sustained on parking grounds, and were the application to be refused on that basis only, it is anticipated that such grounds for refusal would be difficult to defend were a subsequent planning appeal be submitted.

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

The installation of a suitable sound insulation scheme to the party walls to the neighbouring residential premises' 76 and 80 Grange Road. The scheme shall ensure adequate protection is afforded against the transmission of noise between the neighbouring properties on either side.

I understand that the requirement of adequate sound insulation between the internal individual residential accommodation units will be included in building regulation requirements.

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

HBC Community Safety – There are no community safety concerns in relation to this application.

HBC Housing Standards – – There is no requirement to have living shared space in a HMO. With regards to this property, there are no concerns with the room sizes and they all comply with the minimum space standard (and well exceed it). The tenants all have self-contained facilities and it's only classed as a licensable HMO because there is a shared kitchen.

My opinion would be that there's more likely to be issues relating to ASB with shared living space.

With regards to the police recommendations, we would not be able to incorporate these as licence conditions as these can only relate to the management and condition of the property. With regards to internal doors, these are required to be fire doors and they are only able to install locks (applies to internal and external doors) that can be operated from the inside without the use of a key to facilitate easy egress in the event of a fire. Generally this would mean a thumb turn mortice lock.

We include a condition relating to ASB and this can be tailored if we receive notification that there have been issues relating to ASB. We have not received any indications of such issues at these premises.

2.11 Anti-social Behaviour

The Licence Holder must take reasonably practical steps to prevent or where appropriate reduce, anti-social behaviour by persons occupying or visiting the house. They must also reasonably cooperate with the Local Authority over any action being taken in respect of the same.

The Licence Holder shall ensure that each occupier is made aware of any conditions imposed by the Council relating to the behaviour of occupants, and that compliance with any such conditions is made a condition of occupancy.

Those conditions are that occupants shall:-

- Not cause nuisance and annoyance to other occupants or to neighbouring residents.
- Comply with arrangements made by the manager for the storage and disposal of refuse.
- Not cause damage to fixtures, fittings, fire precautions or premises.

- Not use abusive or threatening behaviour.
- Allow access to the agents/landlord/local authority staff to maintain communal areas and with reasonable notice to carry out works/carry out inspections within the occupant's own accommodation.

The licence holder also has to adhere to the management regulations.

We can't insist that landlords vet potential tenants but we would expect them to deal with any issues that arise. Failure to comply with licence conditions can attract substantial fines and as such are well regulated.

We have no objections to the planning application.

HBC Waste Management – We don't have any comments on this one. Our concerns are usually around bin storage space and resident access to the back street to present them, this proposal has both covered.

Cleveland Police – I've viewed the proposals and been along to site. There are alley gates to the rear of the property, however, they were closed when I visited, so I could only view the rear of the building from a distance.

I believe that the plans propose some sort of folding door arrangement for access to the rear yard? The existing door appears to be made from wood. Ideally there should be something atop the boundary fence/gate to discourage climbing.
There should be robust cycle anchoring points for the proposed bike storage area (Sold Secure Gold)

Doors

Doors to accommodation, and doors into the building from outside, should conform to at least the police preferred minimum standards:

PAS 24:2016

PAS 24:2022

Windows

Window frames must be securely fixed to the building fabric in accordance with the manufacturer's instructions and specifications.

All easily accessible windows should be certificated to one of the following standards:

PAS 24:2016

PAS 24:2022

Secure Mail delivery

There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms, such as identity theft, arson, hate crime, lock manipulation and 'fishing' for personal items (which may include post, vehicle and house keys, credit cards, etc).

In order to address such problems, I strongly recommend, where possible, mail delivery via secure external letter boxes meeting the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS 009) or delivery 'through

the wall' into a secure area of the dwelling. These should be easily accessible i.e. at a suitable height for a range of users. Mail and parcel delivery boxes should be equipped with high security cylinders that are not subject to master key access. Mail and parcel delivery boxes should be of robust construction, should incorporate an anti-fishing design and be fire resistant

Lighting

New low energy lighting should light the front and rear elevation of the building. A minimum 50lux uniform lighting level should be achieved.

Using luminaires with high colour rendering qualities (60 or above on the Colour Rendering Index for instance) often improves visual performance and people's personal experience of an area.

The Institute of Lighting Professionals (ILP) currently favours the use of good quality LED lighting and other energy effective light sources and advises against the use of fluorescent lighting which is environmentally unsustainable.

Access Control

A door entry system and access control system should be installed. I would recommend a secure access and control system to the building, preferably with an 'air lock' type arrangement, that lets the inner door open when the outer external door is closed.

The technology by which the visitor door entry system operates is a matter of consumer choice, however it should provide the following attributes:

Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, etc.).

Vandal resistant external door entry panel with a linked camera. Ability to release the primary and secondary entrance doorset from within the living accommodation.

Live audio and visual communication between the occupant and the visitor.

Ability to recover from power failure instantaneously.

If either doors are left open, a local alarm should be generated.

Unrestricted egress from the building in the event of an emergency or power failure.

Control equipment to be located in a secure area within the premises covered by the CCTV system and contained in a lockable steel cabinet to LPS 1175 Security Rating 1 or STS 202 Burglary Rating 1.

I would encourage the applicant to work with us to achieve a Secured by Design Award for the development.

The Secured by Design Homes 2023 document is here

[HOMES GUIDE 2023 web.pdf \(securedbydesign.com\)](https://www.securedbydesign.com/HOMES_GUIDE_2023_web.pdf)

The premises should have robust management practices in place, and tenants should be suitably vetted.

Cleveland Fire Brigade – Cleveland fire Brigade offers no representations regarding the development as proposed. However Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

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 1 Section B5 Table 13.1.

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.

Natural England – No objection subject to securing appropriate mitigation.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Durham Coast (Northumbria Coast SPA) and Teesmouth and Cleveland Coast Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution, Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI. Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the Page 2 of 2 ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures

are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

PLANNING POLICY

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

Local Policy

HARTLEPOOL LOCAL PLAN

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

HE1: Heritage Assets
 HE3: Conservation Areas
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 SUS1: The Presumption in Favour of Sustainable Development

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)(2023)

1.15 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: Planning conditions and obligations
 PARA056: Planning conditions and obligations
 PARA131: Achieving well-designed places
 PARA135: Achieving well-designed places
 PARA164: Energy Efficiency
 PARA195: Conserving and enhancing the historic environment
 PARA196: Conserving and enhancing the historic environment
 PARA200: Proposals affecting heritage assets
 PARA203: Proposals affecting heritage assets
 PARA205: Proposals affecting heritage assets
 PARA208: Proposals affecting heritage assets
 PARA212: Enhance or reveal significance of heritage assets
 PARA224: Implementation

1.16 HBC Planning Policy comments – no objections.

PLANNING CONSIDERATIONS

1.17 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, amenity of neighbouring occupiers, crime and anti-social behaviour, impact on highway safety and car parking, impact on the conservation area and ecology. These and any other planning matters are set out below.

PRINCIPLE OF DEVELOPMENT

1.18 The application site is located in a predominantly residential area, within the Grange conservation area and therefore the principle of a change of use to a house in multiple occupation (sui generis use class), which is also a residential use, is acceptable in planning policy terms. No objections have been received from the Council's Planning Policy section whilst HBC Housing has commented that 'there is a lack of affordable accommodation for single people and this could help alleviate this problem'. It is further noted that the property has previously been granted permission to be used for residential purposes other than as a single dwelling – e.g. a hostel, guest house and subdivision into four flats. The proposal is considered to be acceptable in principle subject to consideration of other material planning considerations, as detailed below.

AMENITY OF NEIGHBOURING PROPERTIES + FUTURE OCCUPIERS

1.19 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of

overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

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

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

1.21 It is considered that the amenity and privacy of the neighbouring properties would not be adversely impacted upon by the proposed development, given that none of the proposed alterations to the fenestration of the existing property would adversely affect privacy (a window and door being removed and a single access door being installed in a similar location within the rear offshoot). Furthermore, the proposal would not reduce existing separation distances and relationships between the host property and neighbouring properties. It is also noted that the majority of the existing window openings would continue to serve rooms of a similar nature. Finally, there are no extensions or alterations to the main building that would result in a loss of light or overbearing impact to neighbouring properties.

1.22 While it is noted objectors raise concerns with respect to noise nuisance and it is acknowledged that a HMO would have the potential to be a more intensive use than a single dwelling with regular comings and goings in comparison to those that might be associated with a single residential property, given that the proposal would result in an additional 2no. bedrooms overall, it is considered, on balance that the proposed conversion would be unlikely to give rise to any significant noise and disturbance issues. Furthermore and significantly, the Council's Public Protection team have been consulted on the application and have raised no objections in relation to matters of amenity and noise disturbance, subject to conditions regarding noise attenuation between the applicant property and adjoining neighbouring properties, and limitations on the hours of work during construction/conversion. Such planning conditions are duly recommended.

1.23 Subject to the identified planning conditions, it is considered that the proposal would not result in an adverse loss of amenity for existing neighbouring properties or future occupiers of the proposed HMO in terms of noise disturbance.

1.24 With regard to the amenity of future occupiers of the property, it is noted that three bedrooms are to be introduced on the ground floor, one in the existing living room to the front, which would be served by a bay window, and two to the rear of the property with views into the rear yard. Given that the windows serving bedrooms 2 and 3 as shown on the proposed floor plan would have an oblique view towards each other, it is considered that this relationship would not result in such an unacceptable impact on the amenity and privacy of future occupiers as to warrant refusal of the application.

1.25 While it is noted the proposed layout does not include a shared living room, the occupants would benefit from shared kitchen facilities and the bedroom sizes are

relatively large. The Council's Housing Standards team have confirmed they have no objections to the application or proposed layout, including the proposed room sizes and specifically highlight that shared living room spaces are not a licensing requirement. As such, on balance, it is considered that this would not warrant refusal of the planning application. The applicant will need to take account of and apply for the requisite HMO licencing requirements from the Housing Standards team in due course, and it is understood this is in process at the time of writing, however this is a separate regulatory approval process and does not prevent the planning application being determined.

1.26 Given the assessment above, the proposals are, on balance, considered to be acceptable in respect to the amenity and privacy of neighbouring properties and future occupiers.

CRIME, FEAR OF CRIME, AND ANTI-SOCIAL BEHAVIOUR

1.27 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour. This is reflected in Local Plan Policy QP5 (Safety and Security) and the provisions of the NPPF (2023).

1.28 A number of the objections received refer to concerns that the nature of the use proposed would have the potential to increase anti-social behaviour and crime in the area. While this concern is noted, it must be recognised that this is primarily a management and licencing issue rather than a planning issue. As noted above no objections are raised in relation to the potential for anti-social behaviour from HBC Housing Standards (who deal with the licensing process), HBC Community Safety, HBC Housing or HBC Public Protection.

1.29 Cleveland Police have made a number of recommendations as to how to achieve secure by design standards but do not object to the principle of development. This would fall within the need for good management and the applicant has confirmed they are happy to accept a condition requiring details of secure cycle storage measures to be submitted for approval as per the Police's advice. There are no proposals to replace existing external doors and windows, which the applicant considers to be secure, however they have confirmed that new internal fire doors with private, 5 pin locks have been installed, which will enhance security. It has also been confirmed that lockable, private galvanised steel letter boxes have been installed in the hallway as per Cleveland Police's recommendation.

1.30 In response to the Police request for a door entry system, the applicant has advised as follows: '78 Grange Road is a period property and the application is for change of use to an 8-bedroom HMO. It is not realistic or necessary to install primary and secondary entrance doorsets, security encrypted electronic key systems and live audio/visual communication systems for what is being proposed. The front door is lockable and secure, and provides access to communal areas only. All private bedrooms have an additional thumb turn lock and the communal areas are covered by CCTV.'

1.31 With regards to the suggestion that prospective tenants should be vetted, this is considered to be a management issue, which is controlled by Housing Licensing, which the applicant is in the process of applying for.

1.32 While not all of the suggestions made by the Cleveland Police Designing out Crime Officer have been incorporated into the proposals, a number of additional security measures have been introduced and it is considered the reasons for not implementing others are not unreasonable and overall the proposals are acceptable in this regard, subject to the noted condition for cycle storage details.

1.33 Overall, the proposal is considered to be acceptable in this respect.

HIGHWAY SAFETY AND PARKING

1.34 The applicant property is terraced and like the majority of others in the vicinity, does not benefit from in curtilage parking, so occupiers would be reliant on on-street parking should they need it. Members raised concerns in relation to this matter at the previous committee meeting.

1.35 In response, HBC Traffic and Transport have reiterated that the existing use of the property as a six bedroom dwelling is similar to the current proposals, albeit with two additional bedrooms to be accommodated at the property, and the parking requirements for the proposed 8-bed HMO are less than a that of a single dwelling of this size, and there are no highway or traffic concerns and therefore raise no objections on highway safety or parking grounds.

1.36 In addition, the site is within a short walking distance of the town centre and associated services and public transport links, and therefore any future occupants would not be reliant on the use of a car.

1.37 The proposed development is therefore considered to be acceptable in this respect.

CHARACTER + APPEARANCE OF THE CONSERVATION AREA + EXISTING BUILDING

1.38 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

1.39 The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 212). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 196 & 203).

1.40 Further to this, at a local level, Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for

development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

1.41 As identified in the comments received from the Council's Head of Service for Heritage and Open Spaces, it is considered that the proposed change of use would not be harmful to the character of the conservation area, particularly at the scale of HMO proposed.

1.42 As noted above, the submitted scheme has been amended to more accurately reflect the existing situation in relation to window openings that have previously been blocked up within the rear of the property. Although the Council's Head of Service for Heritage and Open Spaces notes that these works are disappointing, they would have been carried out under permitted development (given that the Article 4 Direction that is in place for the Grange Conservation Area would not apply to a rear elevation that does not front a highway or open space). Following re-consultation, HBC Heritage and Open Spaces Manager has confirmed the remaining works, which are to the rear of the property, would not result in harm to the conservation area and raises no objection to the application.

1.43 As such, it is considered that there would not be any adverse impact on the character and appearance of the host dwelling or the Grange Conservation Area that would warrant refusal of the application and the proposed development is considered to be acceptable in this respect.

ECOLOGY

1.44 The Council's Ecologist has been consulted on the application and has raised no concerns or objections to the proposed development. The Council's Ecologist has completed a stage 1 Habitat Regulation Assessment (HRA) to consider any Likely Significant Effects (LSE) on the Teesmouth & Cleveland Coast SPA (and Ramsar) arising from nitrate enrichment and increased recreational disturbance.

1.45 Due to the proposed creation of additional overnight accommodation (i.e. additional bedrooms), it is necessary to consider any Likely Significant Effects of the proposals as a result of nutrient neutrality. The application form states that the public mains sewer is to be used and as a result, all additional nutrient pollution will be processed by the Seaton Carew Waste Water Treatment Works and HBC Ecology have advised that any Likely Significant Effects from the application can be screened out at Stage 1 of the Habitats Regulations Assessment.

1.46 HBC Ecology have undertaken and HRA Stage 1 and HRA Stage 2 (Appropriate Assessment) to take account of the potential for recreational disturbance and any Likely Significant Effects on the designated sites and have concluded this would be mitigated by the Hartlepool Coastal Mitigation Scheme and there would be no Adverse Effect on the Integrity of any European. Natural England have been consulted on the Appropriate Assessment and have confirmed they concur with this conclusion and raise no objections to the application.

1.47 Initial comments from HBC Ecology requested a Preliminary Bat Roost Assessment to be submitted, however following the submission of updated details showing some of the works required for conversion had previously been carried out (understood to have been undertaken under permitted development), it has been confirmed by HBC Ecology that this is no longer required. The attention of the applicant can be drawn to the need to cease works and seek professional ecological advice in the event of bats or bat roosts are discovered during conversion works via an informative on the decision notice.

1.48 Given the above points, the proposed development is considered to be acceptable with regards to ecology matters.

OTHER PLANNING MATTERS

1.49 The proposals would allow for secure storage of bins in the rear yard area, to which no objections or comments have been received from appropriate technical consultees including HBC Waste Management. The proposals are therefore considered to be acceptable in this regard.

1.50 In respect to the comments from objectors regarding HMOs in the area operating without planning permission, it should be noted that a change of use from a dwelling (C3 Use) to a small HMO (up to 6 people sharing facilities – C4 Use) constitutes permitted development and therefore there will be instances where such HMOs do not require planning permission.

OTHER MATTERS

1.51 Some of the objections received raise concerns about the potential impact of the proposals on property value and that the applicant is not from the local area, however such matters are not material planning considerations.

1.52 Cleveland Fire Brigade has been consulted and has provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note to make the applicant aware of this advice has been recommended accordingly, although these, including any consideration for sprinklers, are principally Building Regulations matters and therefore this would be dealt with through the Building Regulations process.

1.53 With respect to queries raised by Members at the previous committee meeting regarding council tax for HMOs, whilst this is not a material planning consideration, it is understood that this is applied to the whole of the building as opposed to individual rooms (given that they are not self-contained units such as a flat or apartment).

CONCLUSION

1.54 The application proposes a change of use from a six bedroom dwelling to a large house in multiple occupation with eight bedrooms, both of which are similar

residential uses that are considered to be acceptable in what is broadly a residential area.

1.55 It is considered there would not be a significant negative impact on neighbour amenity, parking, highway safety, crime and anti-social behaviour or the character and appearance of the conservation area as a result of the proposed development, as such the officer recommendation is to approve the application subject to the conditions identified below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.56 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.58 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION –APPROVE 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: Site Location Plan at scale of 1:1250, drawing number 2023/MD/02 (Floor Plans + Elevation), received by the Local Planning Authority 03/11/2023, and drawing number 2023/MD/03 (Floor Plans + Elevation), received by the Local Planning Authority 20/12/2023.
For the avoidance of doubt.
3. Prior to the development hereby approved being occupied, a scheme demonstrating suitable noise insulation between the application site and adjoining neighbouring properties at 76 and 80 Grange Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development.
In the interests of the amenity of future occupiers of the development and neighbouring occupiers.

4. Prior to occupation of the development hereby approved, final details of the cycle storage to be positioned within the rear yard as illustrated on drawing number 2023/MD/02 (Floor Plans & Elevation), received by the Local Planning Authority 03/11/2023, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development.
In the interests of the amenity of future occupiers of the development and sustainable development.
5. The use of the property as a large House in Multiple Occupation (Sui Generis Use) hereby approved shall be limited to a maximum of eight occupants.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.
6. The waste storage arrangements as shown on drawing number 2023/MD/02 (Floor Plans + Elevation, received by the Local Planning Authority 03/11/2023) shall be implemented prior to first occupation of the development hereby approved and retained thereafter for the lifetime of the development.
In the interests of visual amenity and the amenities of the occupants of neighbouring properties.
7. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the area.

BACKGROUND PAPERS

1.60 Background papers can be viewed by the 'attachments' on the following public access page:
https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2023/0285

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

CONTACT OFFICER

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

AUTHOR

1.63 Laura Alderson
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 523273
E-mail: laura.alderson@hartlepool.gov.uk

78 Grange Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 22.01.2023
	SCALE 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2023/0285	REV

No: 2.
Number: H/2022/0470
Applicant: MS KIRSTY MCGUIGAN 88 WOOD STREET LONDON EC2V 7DA
Agent: PLAN A CONSULT MR JAMES WHEATER
Date valid: 13/02/2023
Development: Installation and operation of a Grid Stability Facility consisting of Synchronous Compensators and associated Electrical Infrastructure, underground cabling, access tracks, drainage, temporary construction compounds, ancillary infrastructure and demolition of existing buildings.
Location: LAND ADJACENT TO HARTMOOR SUBSTATION HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following planning history is relevant to the application site and its immediate surroundings:

2.3 Current pending applications (all to the south of the A179):

H/2022/0423 - Erection of a Solar Electric Forecourt with ancillary commercial uses, and associated electrical infrastructure, a solar photo voltaic (PV) farm. Energy storage, new access, car parking, landscaping and associated works (Land at Whelly Hill Farm, Worset Lane). Pending consideration.

H/2023/0181 - Construction and operation of a gas powered standby electricity generator and related infrastructure (Land to the east of electricity substation). Pending consideration.

2.4 To the east of the application site, south of the A179:

H/2017/0287 – planning permission for a gas-powered electricity generator and related infrastructure was granted in December 2017.

H/2018/0330 – planning permission for a Section 73 amendment for the variation of condition no.2 (approved plans) of Planning Permission Ref: H/2017/0287 to amend the approved layout including amendment to size and position of main building, amendment to position of dump radiators, reorientation of transformer, relocation of

oil bulk tanks, shortening of access road, omission of 2no. parking bays and additional access details was granted in November 2018.

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

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

H/2020/0004 – EIA screening opinion in relation to the proposed development of solar farm and associated development. It was considered not to be development requiring an EIA.

H/2020/0175 – planning permission was granted for a solar farm and associated development on 63ha of arable land to the south east (east of Worset Lane) in August 2021.

H/2020/0162 - Screening opinion request in respect of electric vehicle charging facility ('Solar Electric Forecourt'), including erection of a 2-storey 'central hub' building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure. It was considered not to be development requiring an EIA.

H/2021/0404 - Scoping opinion request in respect of electric vehicle charging facility (Solar Electric Forecourt), including erection of a 2-storey central hub; building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure, on a parcel of land beyond the A179 to the south of the application site. A scoping opinion (which provides advice on the scope of any Environmental Statement (for EIA development)) was issued in October 2021.

H/2022/0198 – EIA screening opinion in relation to the proposed development of a Battery Energy Storage System (BESS facility) to the south east (east of Worset Lane). It was considered not to be development requiring an EIA development.

H/2022/0263 – the proposed Battery Energy Storage System (BESS facility) to the south east (east of Worset Lane) was approved in January 2023.

H/2023/0041 – EIA Screening opinion in relation to the Installation and operation of a Grid Stability Facility consisting of Synchronous Compensators and associated Electrical Infrastructure, underground cabling, access tracks, drainage, temporary construction compounds, ancillary infrastructure and demolition of existing buildings. It was considered not to be development requiring an EIA.

H/2022/0459 - Proposed Construction, Operation and Maintenance of a Battery Energy Storage System (BESS) Facility and Associated Infrastructure. Approved in December 2023.

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

H/2022/0302 - Erection of a Synchronous Condenser with ancillary infrastructure, and associated works including access and landscaping. Allowed on appeal (reference APP/H0724/W/23/3330856, decision date 12/02/2024), following refusal by the Local Planning Authority in April 2023.

H/2021/0311, H/2021/0312 & H/2021/0312 – planning permission was refused for three applications for the erection of a substation and cables to the approved solar farm at Hulam and the refused solar farm at Sheraton (both within the DCC boundary), to the north and south west of the application site. The proposed substation would be to the east of the application site and north of the A179. All (including two linked appeals within the jurisdiction of DCC) were allowed on appeal (references APP/H0724/W/22/3299848, APP/H0724/22/3299842 and APP/H0724/W/22/3299857) on 06/12/2023, following refusal by the Local Planning Authority in March 2022.

PROPOSAL

2.6 This application seeks full planning permission for the proposed installation and operation of a Grid Stability Facility consisting of synchronous compensators and associated electrical infrastructure, underground cabling, access tracks, drainage, temporary construction compounds, ancillary infrastructure and demolition of existing buildings, on land on and around Whelly Hill Farm, approximately 600m to the west of Hartmoor substation, to the south of the A179 in Hartlepool. The proposals would also include a temporary construction compound immediately to the east of the existing track road and south of the A179.

2.7 In detail, the proposed Grid Stability Facility would comprise 2no. synchronous compensator buildings, an amenities building and infrastructure including circuit breakers, coolers and transformers, which would be installed on a platform in the main area of the application site (to the south west section). The proposed platform would measure approximately 178.896m in length by approximately 105.490m in depth, to give an area of approximately 17,763sqm.

2.8 Each of the two synchronous compensator buildings would measure approximately 61.09m in length by approximately 22.606m in width, with a pitched roof design with a total height of approximately 9m and which would contain a total of 8no. compensators units, circuit breakers and protection and control. The proposed buildings would be finished in grey ('goosewing grey') coloured cladding to the roof and walls, and would each feature 4 roller shutter doors and 4 access doors in the northern elevation, 2no. access doors on each of the side elevations (east and west facing), and 7no. access doors in the south elevation, all finished in the same grey colour.

2.9 The electrical infrastructure would be sited to the south of the proposed main buildings and would comprise firewalls, transformers and other switchgear infrastructure with approximate heights of 9.5m, 9.3m and 9.6m dropping to 7.9m respectively.

2.10 An amenities building would be to the north east corner of the main area of the application site. This would measure approximately 13m in length by approximately 11m in width with a pitched roof design with a total height of approximately 6m. The building would be finished in grey coloured ('goosewing grey') cladding to the roof and walls.

2.11 The proposed platform would be raised to the northern extent where the proposed buildings would be sited, and would slope down to the south toward the siting of the proposed underground cables. Overall the site level would slope down by approximately 1.3m from north to south.

2.12 Underground cables (275kV) would be installed between the proposed platform and the National Grid substation to the east of the site, access off Worset Lane. The submitted Planning, Design and Access Statement indicates that these would comprise trenches within which the cable circuits would be laid, and the trenches would be backfilled using a sand/cement mixture and soils. Following installation, the ground would be restored and the surface re-seeded.

2.13 In addition, the proposals include the erection of galvanised/self-coloured palisade fencing and gates around the substation and overall compound with a height of approximately 2.4m "with an optional electrified top with a height of approximately 0.6m (total height approximately 3m)"; and the installation of an internal access road, fire walls, drainage and landscaping, as well as CCTV around the main building and overall compound.

2.14 The existing farm building and farmhouse would be demolished as part of the proposals.

2.15 The proposed development would be accessed from the existing farm access (to Whelley Hill Farm) from the A179 (to the north). The submitted Design and Access Statement indicates that the proposed access into the site would comprise a permeable layer of gravel topped with bituminous surfacing.

2.16 The proposals include the installation of landscaping throughout the application site, to include native hedgerow planting along the northern and eastern boundaries, native woodland planting to the northern, southern and eastern areas of the application site, wildflower and grass seeding to the northern, eastern and southern boundaries and grass across the proposed development (between plant, building and hardstanding areas). A Sustainable Drainage Solution (SuDS) basin would be installed in the south eastern corner of the application site.

2.17 The proposals include a temporary construction compound, which is to be situated at the northern extent of the site, adjacent to the boundary with the A179 trunk road and to the east of the access track to Whelley Hill farm. The submitted Planning, Design and Access Statement indicates that the temporary compound

would contain site cabins, parking and waste facilities, and that this would be fenced off with stockproof fencing or security fencing as required. Following completion of the construction this area would be reinstated to its previous use as agricultural land.

2.18 The application has been amended during the course of consideration, primarily in respect of the proposed installation of additional landscaping, to the southern boundaries, which is discussed in further in the report below.

2.19 The submitted Planning, Design and Access Statement indicates that the Hartmoor Substation (located to the south of the A179) has been identified by National Grid as part of a Pathfinder Project including the proposed application, comprising an energy stability project required for energy generation (as a result of the decline in fossil fuel generation). The Statement confirms that the scheme proposed through this application is the only current proposal that can meet the identified grid stability need at Hartmoor. The Statement confirms that the applicant has been awarded a contract from National Grid for the proposed development.

2.20 The submitted information indicates that Synchronous compensators “*can be utilised to support the transition to renewable sources whilst helping to replace some of the capability which has been lost due to the reduction of large synchronous generators on the network. Synchronous compensators can provide this capability without the need for fossil fuels and requires a relatively small amount of power from the grid to support operation. Synchronous compensators are large rotating machines that are similar to a generator or a motor. Unlike these items, however, the shaft isn’t used to drive nor is it conversely is driven by external equipment.*”

2.21 The submitted information also notes that the proposal is intended to be a permanent installation (as opposed to having a ‘temporary’ lifespan on it), noting “*In terms of the period of time which the proposed development would be operational, there is a permanent need for grid stabilisation, which is constant and long term. On this basis the proposed development is considered to be permanent.*”

2.22 The submitted Transport Statement indicates that the construction phase would be expected to last for 24 months, during which time peak numbers of vehicles are expected to include 48 vehicles per day, which would be expected to arrive at intervals throughout the working day, although the greatest volume of traffic movements would be during the first 18 months. The submitted Planning, Design and Access Statement indicates that once operational, traffic is expected to include, on average, approximately two visits per week.

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

SITE CONTEXT

2.24 The application site is an area measuring approximately 7.6 hectares, situated to the south of the A179, and west of Hartmoor substation, and part of which currently comprises Whelly Hill Farm (consisting of a farm house and farm buildings). The application site comprises agricultural land and is primarily surrounded by

further agricultural fields. It is bound to the north by the A179 trunk road, to the west by agricultural fields (with the A19 situated approximately 400m to the west beyond), and to the east by further adjacent agricultural fields, with the Hartmoor substation situated approximately 500m east of the proposed Synchronous Compensators and infrastructure.

2.25 As noted above, a planning application is pending consideration for the installation of a solar farm and solar electric forecourt (H/2022/0423) on the surrounding areas around the current application site. A proposed battery energy storage facility (H/2022/0459) benefits from planning permission to the north east of the application site (south of the A179, west of Worset Lane).

2.26 The application site comprises a number of buildings and features non-designated heritage assets, including Whelly Hill Farm, Whelly Hill House, and adjacent/west of the site is Whelly Hill House Limestone Quarry Local Wildlife Site (LWS).

2.27 Within the immediate vicinity of the site, Throston Moor is sited approximately 270m south east, High Volts Farm is approximately 560m to the east of the main section of the application site, Hart Moor House is approximately 420m to the north (beyond the A179 trunk road) of the access and temporary construction area of the application site, Tilery Farm is sited approximately 960m to the south east of the main section, East Grange Farm is sited approximately 500m to the north west (beyond the A179 trunk road) of the temporary construction area of the application site, and Whangden Farm is sited approximately 860m to the west (beyond the A19 trunk road).

2.28 The residential street of Nine Acres is located approximately 1.2km east/north east of the application site. The village of Hart is located approximately 1.7km to the east/north east of the application site, whilst the village of Elwick is located approximately 1.55km south of the application site.

2.29 The northern boundary of the application site is delineated from the A179 by a hedgerow and a row of mature trees.

2.30 Whilst the wider site of Whelly Hill includes a notable hill toward the northern extent (whereby the proposed structures would primarily be sited to the south west of the hill, with the ancillary cabling running west-east to the south to the Hartmoor substation to the south east), the topography of the application site is such that it is gently undulating, sloping from north to south and from west to east.

PUBLICITY

2.31 The application has been advertised by way of site notices, press advert and letters to 25 individual neighbouring properties and local ward councillors.

2.32 A re-consultation was undertaken to technical consultees following the receipt of a Phase 1 Ground Contamination Assessment following an objection from the Environment Agency and amended Biodiversity Metric and Habitat Management Plan following discussions with the Council's Ecologist. It was not considered

necessary to issue re-consultation letters to neighbours on receipt of these details given the technical nature of the additional information received.

2.33 A full re-consultation to neighbours and technical consultees was undertaken when the Landscape and Visual Assessment was updated and additional photomontages were provided.

2.34 A re-consultation was undertaken to specific technical consultees (namely the Council's Landscape Architect and Arboricultural Officer, Hart Parish Council and the Rural Neighbourhood Plan Working Group) following additional viewpoints and amended landscaping details.

2.35 To date, there have been objections received from 15 members of the public (including repeat objections from the same individual).

2.36 The main concerns and objections raised can be summarised as follows:

- The proposed infrastructure would replace an existing farmstead in open countryside, not in keeping with the wider setting
- Prominent structures and industrial appearance
- Concerns regarding the cumulative impacts
- Saturation of similar proposals in the surrounding area
- Admired and valued local landscape
- Lack of consultation from applicant during pre-application stages for residents of Hart, Sheraton and outskirts of Hartlepool
- "monumental, disastrous and irreversible" development
- Residents have identified more suitable locations
- Photomontages highlight the shocking visual impact
- Impacts on local village
- Impacts on wildlife, including deer
- Impacts on local footpaths
- Insufficient proposed landscaping
- Construction plan does not align with peak traffic times for the road network
- Increased traffic
- No provision of local jobs
- Noise pollution
- Impacts during construction period
- Contravenes local planning policies
- Fire safety
- Loss of agricultural land which impacts on food production
- Visual impact, particularly from "wall to wall" industrialisation
- Spoiling the environment
- Villages are being made into an extension of the town with houses and industrial development

2.37 In addition, one response of 'neither support nor object' has been received, although the representation appears to refer to a different proposal (for battery energy storage).

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156385>

2.39 The period for publicity has expired.

CONSULTATIONS

2.40 The following consultation replies have been received:

HBC Flood Risk Officer: In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land. Please include our standard unexpected contamination condition and the surface water condition shown below on any permission issued for proposals:

Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

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

In respect of demolition of any existing buildings, the applicant's attention is drawn to section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate and in addition to the planning application.

For information only I note that section 7.4 of the Flood Risk Assessment states "*Proposed works in, over under or within 8m of a watercourse will require a 'Land Drainage Consent' (LDC) application to the LLFA*". This is not the case for Ordinary Watercourse and applies to Main Rivers only, of which there are none near the site. Land Drainage Consent for Ordinary Watercourse is required only for works that affect flow in that watercourse such as diversions, dams, culverting and suchlike. Please see section 23 of the Land Drainage Act 1991.

Update 29/06/2023 following re-consultation on amended Biodiversity information:

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

Update 06/11/2023 following re-consultation on amended Phase 1 Ground Conditions Assessment:

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

HBC Ecology: This is a comprehensive submission supported by a range of ecological survey and biodiversity assessments, which have been reviewed:

- Application Form – December 2022;
- Planning, Design and Access Statement;
- Ecology Assessment Report (BSG, 2022);
- Biodiversity Net Gain Assessment (BSG, 2023)
- Tree Survey and Arboriculture Impact Assessment;
- Suite of detailed planning drawings.

An ecological appraisal has been produced for the development that included an extended habitat survey. The scope of the appraisal includes the results of the extended Phase 1 habitat survey that covered key protected and notable species and bat emergence surveys undertaken (due to the presence of buildings on site which will be demolished and removed). The study also presents an assessment of likely significant impacts based on the available project information, along with mitigation and/or enhancement measures as appropriate in support of a planning application to Hartlepool Borough Council.

The proposal is not located within or likely to impact designated ecological sites, and no significant impacts to ecology have been identified through the ecological appraisal. However, there is a Local Wildlife Site (LWS) Whelly Hill Quarry immediately to the west of the facility. This adjacent LWS is an important consideration in the Biodiversity Net Gain (BNG) requirements (discussed later in this memo).

Within Whelly Hill Farm, two trees from the areas of sycamore-dominated woodland will be lost, as will areas of young broadleaved plantation woodland, semi-improved neutral grassland, and amenity grassland that overlap with the construction of a platform. It is acknowledged that the hedgerow on the southern Site boundary will be lost in order to facilitate the cabling route and the hedgerow to the west of the road access to Whelly Hill Farm may also be lost. I support the statement that any habitat created as part of a biodiversity net gain assessment should give preference to hedgerow, woodland, scrub, and grassland habitats within any accompanying landscape plan (this is stated in the Ecological Assessment Report). Biodiversity Loss is discussed in further detail.

It is stated that the proposals require the demolition of Buildings 1 – 5, which would result in the loss of a bat day-roost in Building 4. The roost is a day-roost observed to support a single common pipistrelle. If the roost is active, the building may not be demolished without a licence from Natural England. The Ecological Assessment Report suggests that the structure may be registered under the low-impact class

licence for bats. Licensing requirements are to be confirmed and the licences obtained prior to disturbance and if necessary, demolition of any of the buildings on site. This will be conditioned.

I support the proposed mitigation for bats, to include woodland and scrub habitats within the proposed landscaping plan to support foraging and commuting bats and the recommended that 3 pole mounted bat boxes (woodcrete) are installed on the west side of the site adjacent to the LWS. The location of the poles shall be agreed with the LPA.

Trees affected by the development have been assessed with regard to roost potential. Trees have been determined as negligible or low suitability for roosting bats and may therefore be removed without further survey work. It is, however, recommended that their removal is also undertaken under a precautionary method statement. I agree that a method statement is prepared, and this shall be conditioned.

Given the scale of the habitats on site, I agree with the conclusions regarding the value of the development site for birds. It is recommended within the Ecological Assessment that 6 pole-mounted bird boxes are installed in suitable locations around the Site boundary. These boxes should include a mix of designs to suit different passerine species, such as sparrow species, tit species, or starling. I agree with this recommendation. The location of the boxes shall be agreed in advance of installation with the LPA.

Accessible waterbodies on Site or within 250 m of the Site were assessed for their suitability for great crested newt *Triturus cristatus* (GCN) in accordance with guidance from Natural England. One waterbody is located within the Site boundary and was identified during the habitat survey. This waterbody was sampled using eDNA analysis (Biggs et al. 2014). The sample was taken by a licenced newt ecologist and sent to SureScreen Scientifics Ltd. for analysis. The sample returned a likely negative result. Two further ponds were identified by the desk study. The first pond lies 248 m from the site, whilst the second is 490 m. Both these ponds are on the opposite side of the A179. The single pond on site is regarded as of negligible ecological importance, due to the lack of egg-laying vegetation and as the pond is artificial and lined with PVC sheeting. The pond is also stocked with ornamental koi. I agree with the view that this pond is of negligible ecological importance, no further mitigation is required with regard to Great Crested Newts (see Pre-construction survey requirements).

No records of reptiles were returned by ERIC NE. Based on the sub-optimal nature of the habitat present and isolated nature of the site, the likelihood of reptiles being present is considered to be low. No further mitigation is required with regard to Reptiles (see Pre-construction survey requirements).

A pre-construction walk-over surveys shall be undertaken in advance of the commencement of works to confirm the details within the Ecological Assessment. Should any variation be recorded (e.g. new badger excavations, nesting birds, reptiles), a report shall be issued to the LPA including the recommended mitigation. This requirement shall be conditioned.

I support the recommendation that pre-construction walk-over surveys shall be recorded as a measure to be included within a Construction Environmental Management Plan (CEMP).

Following the biodiversity net gain assessment in January 2023, it was concluded that the proposed development would result in a deficit of -9.78 BU, or a 31.83 % loss, for area-based habitats and would not satisfy habitat trading rules within the DEFRA Metric 3.1.

Based on the findings of the updated BNG assessment (June 2023), there is an overall net loss of 7.24 BU once the gains from the landscaping proposals are compared to the losses through construction. This still falls below the target of at least 10%. The developer is in discussion with Hartlepool Borough Council to consider enhancement of Whelly Hill Quarry LWS and are also in discussion with a third party to identify opportunities for obtaining BNG Units. The requirement is enforced by the 2021 Environment Act, which introduced an automatic new condition to every planning permission granted: a biodiversity net gain (BNG) of 10%. This means that, before any development begins, applicants need to measure the existing and proposed biodiversity values of their sites. The target date for all planning permissions is November 2023. We acknowledge the efforts of the developer to make sure that the 10% gain is achieved and request that a BNG Plan is submitted detailing how the 10% will be achieved. This shall be conditioned.

Conditions

A Biodiversity Net Gain Plan detailing how the applicant proposes to achieve at least 10% uplift in Units from the baseline as described in the Biodiversity Net Gain Assessment (BSG, 2023) shall be created and submitted for approval to the LPA prior to any development on site.

The Natural England licence requirements for bats shall be confirmed and details shall be submitted to the LPA. If a licence is required this shall be obtained prior to any development on site.

A plan to show where the 6 pole-mounted bird boxes will be installed shall be submitted for approval to the LPA prior to any development on site. These boxes should include a mix of designs to suit different passerine species, such as sparrow species, tit species, or starling.

A plan to show where the 3 pole mounted bat boxes (woodcrete) will be installed on the west side of the Site adjacent to the LWS shall be submitted for approval to the LPA prior to any development on site.

Trees have been determined as negligible or low suitability for roosting bats it is, however, it is recommended that their removal is also undertaken under a precautionary method statement. The method statement shall be submitted for approval to the LPA prior to any development on site.

Details of a pre-construction walk-over survey shall be created and submitted for approval to the LPA. The surveys shall be undertaken in advance of the

commencement of works to confirm the details within the Ecological Assessment. Any additional mitigation shall be recommended and submitted for approval to the LPA. A Construction Environmental Management Plan (CEMP) detailing all environmental mitigation shall be submitted for approval to the LPA prior to any development on site.

Assuming that agreement can be made over the proposed Conditions, the Ecologist does not object to the proposal in terms of NPPF paragraph 180 and 182, as there will be no significant harm to biodiversity.

Update 04/09/2023 following amended landscape plan:

It is noted that the Landscape Plan has been updated, but no reference been made to the location / position of the pole-mounted bird and bat boxes stated in the supporting documentation. These will be conditioned as pre-commencement conditions, as stated in my consultation response of 30th June 2023.

No further comments from my previous consultation of 30th June 2023.

HBC Traffic and Transport: There are no highway or traffic concerns with the proposed site. A construction management plan should be conditioned which details the temporary traffic management on the A179, details for keeping mud of the A179, temporary parking arrangements, and site traffic movements. Site Traffic should be prohibited from turning right into the site, there's been several shunt type accidents on this and nearby A179 junctions in the past few years. Site traffic should travel down to the Hart Roundabout and u Turn back up to the site access.

Update 29/06 following re-consultation on amended Biodiversity information and Phase 1 Ground Conditions Assessment:

I have no further comments with regards to the amended proposal in terms of traffic and transport.

HBC Countryside Access Officer: Whilst there is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. I would like to make sure that nearby access routes benefit from this development through s106 contributions.

HBC Landscape Architect: A landscape and visual appraisal has been provided, and a landscape strategy developed. Detailed landscape proposals should be provided in due course. Consideration should be given to the provision of a cumulative impacts section within the LVIA, given the current density of proposed infrastructure development within the A179 corridor.

Update 15/06/2023 following re-consultation on amended Biodiversity information and Phase 1 Ground Conditions Assessment:

The provision of montages has been informative regarding landscape and visual impact of the scheme. Viewpoint 1, 2 and 11 highlight the scale and industrial character of the proposed buildings and viewpoints 7 and 12 highlights the impact of

the form the SW (A 19 and PRowS adjacent). Mitigation through the provision of screen planting at VP11 would not be effective in the short - medium term. No mitigation has been provide at VP 12. If any development were deemed acceptable, impacts on views from SW would need to be fully mitigated.

Update 24/08/2023 following re-consultation on amended planting plan:

An amended planting plan has been provided. This however fails to address the previous issues raised with regard to mitigation form the SW (VP12).

Update 13/03/2024 following re-consultation on amended landscaping:

Some additional landscape planting has been provided. This is illustrated at on the photomontage provided. While there will be a small increase to effective screening, visual impacts will not be fully mitigated.

Tees Archaeology: A recent geophysical survey for application H/2022/0423, has demonstrated that there is archaeological potential on the site, with the survey revealing anomalies of both probable and possible archaeological origin. This information was not available when the heritage statement for H/2022/0470 was being updated; however, my recommendations made during conversations with the archaeological contractor regarding the proposed development remain unchanged.

Archaeological mitigation of the site should consist of a phased programme of archaeological works, including historic building recording on the farmstead (all buildings) and monitoring during groundworks for the cable run and temporary set down area. There is the possibility for archaeological fieldwork to be necessary in the vicinity of the farmstead; this will be determined following the building recording. The requested archaeological mitigation can be secured by condition upon the development. I set out the proposed wording of this condition below:

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a phased 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 used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

Update 26/06/2023 following re-consultation on amended Biodiversity information and Phase 1 Ground Conditions Assessment:

Our comments of May 2023 remain unchanged.

Update 05/09/2023 following re-consultation on amended planting plan:

Thank you for the additional consultation. Our comments of May 2023 remain unchanged.

Update 23/11/2023 following receipt of WSI:

Thank you for sending though the amended WSI; this is now satisfactory.

Update 03/04/2024 regarding planning conditions:

While I have approved the WSI for historic building recording, I would still like archaeological monitoring to be carried out during groundworks for the cable run and temporary set down area – the approved WSI does not cover this work.

You could split the archaeological condition into two so that there are separate conditions for the historic building recording and the archaeological monitoring. The archaeological monitoring would have the same condition wording as our usual condition, and the historic building condition could be similar to the amended wording you set out below, reading:

- a) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation as detailed in the document Hartmoor Grid Stabilisation Facility Whelly Hill Farm Hartlepool / Written Scheme of Investigation for Historic Building Recording (Level 1/2) / report prepared for Transmission Investment, document reference CA Project: MK1009 / CA Report: MK1009_1, dated November 2023, received by the Local Planning Authority on 20th November 2023.
 - b) 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 as detailed above and provision made for analysis, publication and dissemination of results and archive deposition has been secured. The development shall not be operational or brought into use until such matters have been confirmed/agreed in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
- In the interests of protecting archaeological assets.

I hope this makes sense.

National Highways: It is noted that the nature of the development means that there will be nominal operational impact of the development.

The Applicant has provided details of the projected construction traffic and the impact upon the SRN (A19 Sheraton junction) is likely to be minimal and transient.

The Applicant has proposed to prepare a Construction Traffic Management Plan and we consider that to be sufficient to allow for further scrutiny of the details to be undertaken at a later date.

We therefore recommend that we do not object to the application provided that a conditional response is made requiring an adequate Construction Transport Management Plan (CTMP). Please refer to our attached formal response for the wording.

I trust this is sufficient to complete our consultation on this application for the moment but look forward to review of the CTMP in due course.

HBC Arboricultural Officer: The proposed development will have an impact to the environment from the loss of young woodland on the site, this is however mitigated through proposed replanting of woodland on the site. The felling of the woodland area is likely to be subject to the requirements of a felling licence under control of the Forestry Commission due to the volume of timber to be removed from the site. The AIA is a good document that identifies the trees that will be affected, I am happy that any tree losses are mitigated within the provided planting scheme (Landscape Strategy Plan - West). Tree protection plan east comprises of already existing fencing which is adequate for the proposal. Tree protection plan west shows the temporary protective fencing required for the development and this is also deemed acceptable. The Landscape Strategy Plan - West covers the planting scheme to be put in place and the associated aftercare. To conclude I have no arboricultural concerns with the proposed development.

Update 05/09/2024 following re-consultation on amended planting plan:

I have no additional comments to make from an arboricultural point of view.

Update 02/04/2024 following re-consultation on amended planting strategy:

Following the additional woodland planting to the south of the development and the subsequent moved electrical cable a section of existing hedge to the south and T18 can now be retained to provide further immediate visual protection. The Arboricultural documentation still show there removal and non-protection and so would need to be amended which could be conditioned notwithstanding the submitted documentation. The landscape plan now also shows an additional 5 Scots Pines to be planted along the southern boundary.

Update 04/04/2024 following discussion with agent:

I still wouldn't object if they had to remove the hedge and tree due to the amount of compensatory planting but whatever they could keep would be advantageous.

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

A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree how to effectively control noise/vibration on site, agree the routing of all HGVs movements associated with the construction, effectively control dust emissions from the site, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust monitoring and communication with local residents.

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

Update 09/05/2023 following re-consultation on amended contamination report:

I have no objections to this and no further comment to make and request my original conditions are still attached.

Environment Agency: We OBJECT to this application as submitted, as it does not satisfactorily demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. We therefore recommend that planning permission is refused until adequate information is submitted.

Reasons

The previous use of part of the development site as a historic landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located:

- within source protection zone 3
- within an area potentially underlain by superficial deposits comprising more permeable granular horizons
- upon a Principal Aquifer comprising the Dolostone Ford Formation

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 174 and 183 of the National Planning Policy Framework.

Overcoming our objection

The applicant should submit a preliminary risk assessment which includes a desk study, tabulated and schematic conceptual model and initial risk assessment in accordance with the requirements of Land Contamination Risk Management guidance. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

The risk assessment within the Desk Study should clearly identify sources, pathways and receptors. The risk assessment should take into account the proposed earthworks, and likely foundation solutions and proposed surface water and foul drainage as potential pathways for contamination to migrate to controlled waters.

The risk from the proposed foul drainage (cess pool) should also be considered within the risk assessment.

Separate to the above objection, we also have the following advice/comments to offer:

Historic Landfill – Advice to LPA and Applicant

The West Plan area of the development is sited on top of historic landfill Whelley Hill Farm. The landfill occupies three distinct areas to the North and West, with the largest being to the West of Whelley Hill and the adjacent Track. The licence for the landfill has expired, having been first issued in 1989. It was licenced as an inert landfill including construction waste.

As the proposal involves disturbance of this area of historic landfill we would suggest that a full risk assessment is undertaken in order to determine any potential environmental impacts of this work.

We would also advise that excavation of a landfill site is not a permitted activity under the Environmental Permitting Regulations. However, if the developer seeks to treat and/or redeposit the excavated waste then an Environmental Permit will be required. We would advise the applicant request pre-application advice in this instance. <https://www.gov.uk/guidance/get-advice-before-you-apply-for-anenvironmental-permit>

Land contamination: risk management and good practice - Advice to Applicant
We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information.
- Please note that the CL:AIRE Code of Practice will not be appropriate for excavation and reuse / disposal of historic waste soils and that an appropriate Environmental Permit or exemption would be required. We would advise that you seek pre app advice from the Environment Agency.

The Environment Agency's approach to groundwater protection - Advice to Applicant

We would like to refer the applicant to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Drainage

Waste to be taken off-site - Advice to Applicant

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials – Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

National Quality Mark Scheme Advice

We would recommend that any reports to be submitted for approval to the Local Planning Authority are prepared under the National Quality Mark Scheme for Land Contamination Management (NQMS). The NQMS is a system designed by the industry led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and / or qualifications in their respective disciplines.
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems.
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies.
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations.
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations.

Reports prepared under the National Quality Mark Scheme aims to provide greater confidence to the regulator that land contamination issues have been appropriately identified and suitably investigated. It also demonstrates that all necessary information has been included and reported to a sufficiently high standard for regulatory decisions to be made.

Update 14/07/2023 following re-consultation on receipt of habitat management plan, BNG assessment and planting plan:

We maintain our previous objection to this development because the information submitted with the application does not demonstrate that the risk of pollution to controlled waters is acceptable or can be appropriately managed. We therefore recommend that planning permission is refused until adequate information is submitted.

Update 24/08/2023 following re-consultation on receipt of amended landscaping plan:

Thank you for consulting us on the above application following the submission of amended information. The amended landscaping plan does not change our previous response, which still applies to this application. I have attached our previous response for reference.

Update 05/12/2023 following re-consultation on receipt of Phase 1 Ground Conditions Assessment:

We have reviewed the revised Phase 1 Ground Conditions Assessment and consider that the information provided allows us to remove our previous objection. The proposed development will be acceptable if the following planning conditions are included in the granting of planning permission.

Condition 1 – Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to manage the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the LPA. This strategy will include the following components:

1. An updated Preliminary Risk Assessment (Phase 1 Ground Conditions Assessment) which has identified:

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors, and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on the above component, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

Hartlepool Rural Plan Working Group: The Group is alarmed at the seemingly endless applications for electrical generation infrastructure in this location alongside the A179 at Hart. The cumulative effect of a staggering 200 hectares and rising of electric energy generation and associated infrastructure proposals is transforming the rural area between Hart and the A19 into an industrial landscape. Having consumed the farmland perhaps we shouldn't be surprised at the shocking aspect of the latest application which seeks the demolition of the farmhouse and buildings. The Group are strongly opposed to further developments of this nature and therefore strongly object to this latest application based on the following policies.

POLICY GEN1 – DEVELOPMENT LIMITS

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

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

The location of this proposed development is in open countryside outside development limits. There is no designation other than for continued agricultural use. It is becoming clear that the presence of the High Volts Substation is acting as a magnet for new electric plant. The alarming cumulative effect of this proposal with other applications in addition to the existing wind turbine and major High Volts Substation are: -

- a Synchronous Condenser (H/2022/0302)
- a Substation Hart Moor Farm (H/2022/0311)
- a Battery Energy Storage System facility (H/2022/0263)
- a 63-hectare solar farm (H/2020/0175),
- a gas power generation plant (H/2017/0287)
- an energy Storage Facility including 2 sub-stations (H/2017/0540)
- a gas metering in kiosk with 66kv electrical transformer (H/2019/0208)
- Hulam Farm solar farm (just over the. boundary in Durham County)
- Sheraton Hall solar farm (just over the boundary in Durham County)
- Plus 85 hectare solar farm and electric vehicle charging station for which screening & scoping applications
- (H/2020/0162 & H2021/0404)

All the above to include associated works including security fencing.

The application states “the surrounding area, although rural, also contains significant industrial development in the form of the Hartmoor substation, the radio mast, wind turbines and other built developments which are at odds with the rural nature of the area and have a degrading effect on the local character. This is exacerbated by the pylons and OHL of varying scales”. Adding yet more developments of an industrial nature can only serve to further degrade the local character and the rural location. The supporting documents go on to state that “many of the approved and proposed developments are related to electricity infrastructure and sustainable electricity generation. This is in part due to the existing substation and other developments around Worset Lane and the degraded character in the local area making it more likely for development to be approved than other less degraded areas”. This suggests a downward spiral is to be expected, and indeed the growing number of similar applications confirms, once degraded there can be no reversal or halt to the decline. We can look to a dismal future where Hartlepool’s countryside can only decline to an ultimate industrialised destruction.

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

POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

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

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

Ugly, intrusive and of an industrial character – by their very nature these types of developments are alien to the character of the rural area. No effort is taken to make a utilitarian design more acceptable or attractive, resorting instead to lean heavily on screening. The application in no way helps create a sense of place or reinforce the character of the rural area by being individual or respecting the local vernacular, quite the contrary.

The location of this site is close to the highest point of the Borough of Hartlepool, part of the ridge which has at the eastern end the location of Hart Windmill, a navigational landmark visible from many miles. How can all the development along this ridge claim virtual invisibility? The farmhouse which will be demolished if this application is approved is highly visible from the A19 and the site will become visible from the proposed route of the Elwick bypass. These intrusive electrical generating and association plant will become the image that will mark Hartlepool from a main national route.

Unfortunately planning proposals are all too frequently considered as being seen only in daylight and during summer months. The visual intrusion of this application is permanent and will exist and become worse when the trees are bare in winter and lights are on at night. While planting screening schemes are always welcome they are only fully effective for half the year.

Any lighting proposed for this lighting will add to light pollution. Although not a dark sky area this site lies in a 'darker' area between the lights of the A19 and the urban area of Hartlepool. Lighting needs to be kept to the very minimum.

POLICY NE1 - NATURAL ENVIRONMENT

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

- a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;
- b. Provide screening around any non-agricultural uses;

c. Use a mix of local native species appropriate to the landscape character area. Local Plan policy NE4 Ecological Networks states the Borough Council will seek to maintain and enhance ecological networks throughout the Borough. One priority section of the network highlighted in the policy is the Rural West from Wynyard to Thorpe Bulmer and Crimdon Denes. The application site is within this section as indicated on the map, diagram 8. This proposal, if added to those already approved, would create a barrier of development cutting across this wildlife corridor. Main road and rail corridors are considered an integral part of the green infrastructure network, and a particularly high standard of landscaping, tree planting and design will be required from developments adjoining the main communication corridors which include the A179 from the A19 to the town centre. The application site is on this main corridor and would add to an increasingly degraded countryside on entering Hartlepool from the north.

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

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

The proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development as defined by Policy GEN1 of the Hartlepool Rural Neighbourhood Plan and Policy RUR1 of the Hartlepool Local Plan.

Due to size, siting and design, the proposal would have a detrimental visual impact on the open countryside and A179 main approach into Hartlepool and would have an unacceptable industrialising/urbanising effect on this part of the rural area, contrary to Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan and Policies RUR1 and QP4 of the Hartlepool Local Plan.

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

In Policy RUR1 of Hartlepool Local Plan the Borough Council promises it will seek to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. That

development outside the development limits will be strictly controlled. The Borough Council will seek to support the rural economy. Farming is the principal rural economic activity. Yet more agricultural land is lost at a time when national food security is of grave concern. Proposals in the rural area, it is stated, must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land-based businesses. This includes the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location.

This application does not meet these requirements and is undeniably prejudicial to continued agricultural use.

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

Update 26/03/2024 following re-consultation on amended landscaping, viewpoints and planting plan:

This supplementary letter should be read in conjunction with our earlier submission. The Group are unimpressed and disappointed with the Transmission Investment letter and the attitude toward landscaping which is clearly an afterthought. There have been 10 separate energy generation/related applications for the area alongside the A179 between Hart village and the A19. What was open countryside at the highest and most visible part of the Borough of Hartlepool is being increasingly industrialised and with most applications we have had to request better landscaping/screening.

None of this form of development is anticipated in the development plan for the area. The cumulative effect is appalling, and the rural area is once again paying the price with our concerns too easily dismissed. It is clear landscaping, environmental improvement and screening of unsightly industrial infrastructure such as this is an afterthought. Usually, the thinnest strip in the form of a single hedge or line of trees is expected to suffice. It is time that the developers of this sort of infrastructure put some serious thought into how their facilities actually sit in the landscape and minimise the negative impact as an important part of their schemes.

Once again we particularly draw the applicants' attention to the Rural Neighbourhood Plan Policy POLICY NE1 – NATURAL ENVIRONMENT and the following

4. The planting of woodland and trees, and the restoration of hedgerows, using appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area.

New tree and hedgerow planting must where possible:

- a. Aim to reduce the impact of any new buildings or structures in the landscape setting. In the area that forms the urban fringe of Hartlepool, areas of woodland and tree belts at least 10 metres wide designed to promote biodiversity and include public access routes must, where possible, be planted along the western edge of any areas to be developed, prior to any development commencing;
- b. Provide screening around any non-agricultural uses;

The bottom line is that the application, even if as stated in the latest letter “development like this is therefore essential to keep the electricity grid stable, and ultimately the lights on, in the North East”. It does not mean that they should be able to ignore local development policies. Surely in their office in London Transmission Investment were able to access these policies.

The best the developers can come up with regarding socio-economic investments is a company with a head office in Hull. Possibly in London, Hull is the same as Hartlepool, how big is the region which is to benefit from the estimated £6-7million? We then get to the operational ‘benefit’ which is a single person employed on a salary of £20,000 to £50,000 and a ‘specialist’ company in Peterlee providing building services. One wonders that a permanent job for one person is sufficient to put up with further degrading of our immediate environment and a half-hearted landscaping scheme.

The Group are pleased that the development if approved will be paying business rates. Of course, not all such rates benefit Hartlepool Borough directly, some go to Central Government to be pooled and shared across the country. Are the operators also intending to provide some funding across the life of the development (if approved) to benefit directly the local villages? Perhaps a grant scheme similar to that provided by the Red Gap Wind Farm can be offered.

The latest letter and supposed improved landscaping scheme is condescending and patronising. The revised landscaping appears to be a line of 5 trees underplanted with a hedge. This remains entirely insufficient in relation to the scale of the development and does not change the position of Hartlepool Rural Neighbourhood Plan Group who continue to strongly oppose this application as being contrary to the policies of the Hartlepool Rural Neighbourhood Plan.

Hart Parish Council: Following our March meeting we have reviewed the plans and have serious concerns about the construction of this facility at this rural location in the open countryside.

We were also extremely concerned that no public engagement was undertaken ahead of the planning application being submitted. This is in sharp contrast to proposals from other energy companies, who consulted the PC and held public events, ahead of submitting a planning application. We were informed that it was a Board decision to not consult ahead of the plans being finalised and this does not follow best practice as set out in HBC’s statement of Community involvement, therefore the community’s views have been given no consideration in the design of this huge industrial facility.

The parish council understand the need for renewable energy and the nation’s switch to a decarbonised future. However, the village residents are extremely concerned by the sheer scale of developments in this location which has been driven by the presence of the Electrical substation at High Volts, Worset Lane. While some of these have already been granted, others are live planning applications and some are at concept/pre planning stage.

The alarming cumulative effect of this proposal, with other applications in addition to the existing wind turbine and major High Volts Sub-station, represents a staggering circa 170 ha of energy development in the rural area are: -

- a Battery energy storage facility (H/2022/0470)
- a Synchronous Condenser (H/2022/0302)
- a Substation Hart Moor Farm (H/2022/0311)
- a Battery Energy Storage System facility (H/2022/0263)
- a 63-hectare solar farm (H/2020/0175),
- a gas power generation plant (H/2017/0287)
- an energy Storage Facility including 2 sub-stations (H/2017/0540)
- a gas metering in kiosk with 66kv electrical transformer (H/2019/0208)
- Hulam Farm solar farm (just over the. boundary in Durham County)
- Sheraton Hall solar farm (just over the boundary in Durham County)

Plus, 85 hectare solar farm and electric vehicle charging station for which screening & scoping applications (H/2020/0162 & H2021/0404)

All the above to include associated works including security fencing.

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

Adding yet more developments of an industrial nature can only serve to further degrade the local character and the rural location.

This application will increase the visual size and scale of an already large and growing industrial complex located in a rural area. The proposal is for the development of 2.6ha of agricultural land and has structures up to 9m tall, built and one of the high points of the Borough and prominent for miles from the main trunk road the A19. This is causing genuine stress to the people of Hart Village and the wider rural parish.

We have the following objections:

Planning Specific Objections

Local Plan 2018 and Hartlepool Rural Plan 2018

- 1) The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village and therefore contrary to the following policies:
LS1 Locational Strategy (Village envelope of Hart) (Local Plan)
Rur1 Development in the rural area. (Local Plan)

POLICY GEN1 - DEVELOPMENT LIMITS (Rural Plan)

- 2) The proposed development is also contrary to the local plan in terms of its effect on the landscape and countryside, design, and future strategic road improvements. Due to its location, scale, design and massing it will have an adverse effect on the landscape by introducing this industrial scale and type of development into the rural Area. The location of this site is close to the highest point of the Borough of Hartlepool, part of the ridge which has at the eastern end the location of Hart

Windmill, a navigational landmark visible from many miles. How can all the development along this ridge claim virtual invisibility? The farmhouse which will be demolished if this application is approved is highly visible from the A19 and the site will become visible from the proposed route of the Elwick bypass. These intrusive electrical generating and association plant will become the image that will mark Hartlepool from a main national route.

Therefore, it is contrary to the following Local plan and Rural Plan policies.

QP4: Layout and Design of Development

Rur1: Development in the Countryside

NE7: Landscaping along main transport corridors

POLICY GEN1 - DEVELOPMENT LIMITS (Rural Plan)

POLICY GEN 2 - DESIGN PRINCIPLES (Rural Plan)

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

The cumulative effect is of grave concern as the character, appearance and visual amenity of the rural area around Hart and along the A19 trunk road is being significantly impacted.

3) There are more than adequate industrial sites allocated in the Hartlepool local plan which would be more suitable for this kind of development and there are adequate amounts of land available at these sites including:

IND3 Queens Meadow Business Park

IND5 Industrial Areas - Oakesway, Brenda Road East, South Works, Tofts Farm/Hunter House, Brenda Road west and Graythorpe.

The town has 100s of hectares of available employment land located around the borough, many linked to existing energy infrastructure so how can greenfield unallocated land be chosen ahead of these sites?

Summary

Overall, the biggest issue for the people of parish of Hart and the other rural communities of Elwick and Sheraton is the massive visual impact on the landscape and cumulative effect linked with the other developments consented and proposed in this area that is effectively becoming an industrial zone.

This has not been planned for in a strategic way through the Local Plan and Rural Plan both of which are only 4 years old and residents views have been ignored at every stage of the previous applications which is causing anger locally.

For the reasons given in detail above and the fact this development is contrary to so many of the councils recently adopted Local Plan, and the community's own Rural Plan, we strongly oppose this it and recommend Hartlepool Borough Council refuse this application.

If the council do choose to approve this development, we ask that all the structures are painted green and that the mitigation planting schemes use semi mature or mature trees to speed up the natural screening of the site. We would also request a generous community fund to be used to support ongoing community projects in the village.

Elwick Parish Council: Elwick Parish Council strongly objects to yet more alternative energy infrastructure being built to the south of the A179. The loss of increasing amounts of agricultural land to the south of Hart is extremely worrying and, although EPC is committed to increasing the use of alternative energy, the concentration of the infrastructure around Hart, attracted by the Hartmoor gas-powered sub-station, is to be deplored. The siting of the sub-station at Hartmoor was strongly opposed when it was proposed, as there were many alternative brown field sites within Hartlepool town, but our objections were overruled, now we are facing the consequences of having this in our rural area. None of this industrial development was included in the Local Plan, nor the Rural Neighbourhood Plan. The development of the Synchronous Converters at this site, almost the highest point in the area, will be a blot on the visual landscape. The two buildings, some 30" tall and 40" long cannot be easily disguised and will be easily seen by travellers along the A19, the A179 and Worset Lane. Elwick residents can now only access the A19 north by travelling along the A179 via narrow Worset Lane, so will face even more difficulties, with construction traffic on these roads. We understand that the National Grid has identified the need for expansion of the infrastructure at Hartmoor as being a strategic necessity for the north of England. Should the Borough Council be minded to approve the application, we would expect conditions attached to include the colour of the buildings to be of a shade of green and that large, mature and semi-mature trees are planted around the perimeter to reduce their visual impact.

HBC Head of Service for Heritage and Open Space: The site of the application is not in a conservation area, and there are no listed or locally listed buildings within close proximity.

The proposal is the installation and operation of a Grid Stability Facility consisting of Synchronous Compensators and associated electrical infrastructure, underground cabling, access tracks, drainage, temporary construction compounds, ancillary infrastructure and demolition of existing buildings.

Existing buildings on site include a farmstead and ancillary properties associated with this. The Heritage Statement notes that there has been a farm on the site from the early 18th century however it also sets out how this has been changed and modified over a number of years up to the 1970s.

There would be no objection in principle to the proposal to demolish the building on the site however it is considered, given the long standing establishment of structures

in this area, that they should be recorded, prior to demolition, if the application is approved.

Health and Safety Executive: The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

Durham County Council: We have no comments to make in relation to Application H/2022/0470.

Update 07/12/2023 following re-consultation on amended planting plan:

In response to the re-consultation on H/2022/0470 I can confirm that we have no further comments or objections.

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

Northern Power Grid: Plan attached.

Anglian Water: This is not relevant to Anglian Water and we have no comment to make.

HBC Building Control: No comments received.

Northern Gas (summarised): No objection, but details must be passed to applicant.

Natural England: No comments received.

Teesmouth Bird Club: No comments received.

Northumbrian Water: No comments received.

HBC Estates: No comments received.

HBC Economic Development: No comments received.

Ramblers Association: No comments received.

CPRE: No comments received.

RSPB: No comments received.

Tees Valley Wildlife Trust: No comments received.

DEFRA: No comments received.

HBC Emergency Planning Officer: No comments received.

PLANNING POLICY

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

Hartlepool Local Plan (2018)

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

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

Hartlepool Rural Neighbourhood Plan (2018)

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

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

Tees Valley Minerals DPD

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

MWP1 – Waste Audits

National Planning Policy Framework (NPPF)(2023)

2.45 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:

PARA 001: Role of NPPF

PARA 002: Determination of applications in accordance with development plan

PARA 003: Utilisation of NPPF

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision making

PARA 047: Determining applications

PARA 055: Planning conditions and obligations

PARA 056: Planning conditions and obligations

PARA 085: Building a strong, competitive economy

PARA 087: Building a strong, competitive economy

PARA 088: Supporting a prosperous rural economy

PARA 114: Considering development proposals

PARA 115: Considering development proposals

PARA 131: Achieving well-designed places

PARA 135: Achieving well-designed places

PARA 157: Meeting the challenge of climate change, flooding and coastal change

PARA 158: Meeting the challenge of climate change, flooding and coastal change

PARA 180: Conserving and enhancing the natural environment

PARA 185: Habitats and biodiversity

PARA 186: Habitats and biodiversity

PARA 188: Habitats and biodiversity

PARA 195: Conserving and enhancing the historic environment

PARA 200: Conserving and enhancing the historic environment

PARA 201: Conserving and enhancing the historic environment

PARA 203: Conserving and enhancing the historic environment

PARA 205: Considering potential impacts

PARA 206: Considering potential impacts

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

2.47 The site is located within the Borough's rural area, as defined by the HLP and Hartlepool Rural Neighbourhood Plan (HRNP). HLP Policy RUR1 seeks to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. Accordingly, development outside the development limits (i.e. within the rural area) will be strictly controlled. Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses. RUR1 also notes in the pre-amble text that other appropriate uses include those relating to public infrastructure or to meet the social needs of the local community. The policy sets a number of criteria that any development should meet, where relevant:

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

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

namely GEN2, NE1 and NE2 require careful consideration be given to a number of other material planning considerations (similar to the above Local Plan requirements).

2.49 Within the context of the rural area designation, HLP Policy CC3 provides that support and significant weight will be given to the achievement of wider environmental and economic benefits from low carbon energy infrastructure. This policy seeks to ensure that proposals satisfactorily address standalone and cumulative impacts that may result from such development, taking into account the visual appearance, topography and character of the area, impact on the amenity of local residents and any impacts on species, among other criteria. HRNP Policy NE2 similarly supports the development of renewable and low carbon energy schemes providing that any adverse impacts are considered and mitigated.

2.50 The development plan policy context is therefore that a balancing exercise is required in respect of this proposal as concerns benefits vs adverse impacts, including the degree to which these impacts can be mitigated.

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

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

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

2.53 Given the nature of the proposed development as supporting (public) infrastructure for the grid in connection with the ongoing transition to increased reliance on renewable sources of energy, and its benefits as detailed in the supporting documentation in relation to the imperative of a secure and reliable supply of electricity as the UK transitions to Net Zero 2050, Planning Policy are open to supporting this type of the development in this rural location south of the A179 where there is considerable existing and consented energy infrastructure. This support is however contingent upon the development, by virtue of its siting, scale, appearance and screening, not giving rise to unacceptable impacts. In this regard, whilst the main site would comprise a redevelopment of Whelly Farm (dwelling and numerous agricultural buildings), having reviewed Pegasus Group's Photomontages, we have significant concerns over the visual and landscape impacts on the proposal in views from the A19 and A179. The Council's Landscape Architect's views on the

scheme (together with accompanying proposed mitigation) will be of particular importance when assessing and balancing the degree of overall visual and landscape impacts in this area against the scheme's benefits.

2.54 Whelly Hill Quarry is a Local Wildlife Site adjoining the west boundary of the main site. HLP policy NE1(1c) stipulates how such sites will be protected for nature conservation: development which would adversely affect a locally designated site, which is not also allocated for another use in the Local Plan, will not be permitted unless the reasons for the development clearly outweigh the harm to the conservation interest of the site. Planning Policy trust that the Council's technical specialists (including Ecologist) will advise with respect to this matter and other ecological issues, together with those other technical issues and impacts associated with the proposal.

PLANNING CONSIDERATIONS

2.55 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) (HLP), Hartlepool Rural Neighbourhood Plan (2018) (HRNP), Tees Valley Minerals DPD and the NPPF (2023), and in particular the principle of development, the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, highway and pedestrian safety and PRoW, ecology and nature conservation, flood risk and drainage, archaeology and loss of agricultural land. These and any other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

Development in the rural area

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

2.57 Given its location, Policy RUR1 (Development in the Rural Area) of the HLP (2018) and Policy GEN1 of the HRNP (2018) are therefore particularly relevant.

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

include those relating to public infrastructure or to meet the social needs of the local community.

2.59 Policy RUR1 lists a number of criteria which any development should comply with, where relevant:

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

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

2.61 Policy GEN1 goes on to state that development in the open countryside outside Development Limits will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements. Particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the countryside character and does not impact on visual amenity or the local highway network.

2.62 It is considered that whilst the proposal could be considered to comply in principle with HRNP Policy GEN1 given that it is considered to be appropriate development (public infrastructure) in the rural area, Policy GEN1 of the HRNP, as well as a number of other policies within the HRNP (2018), namely GEN2, NE1 and NE2 require careful consideration be given to a number of other criteria (similar to the above HLP (2018) requirements) and these are considered in greater detail below.

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

2.64 In view of the above, it is considered that overall, the proposal is broadly considered to be appropriate development (supporting public infrastructure) in the rural area, which would therefore be in general conformity with the requirements of Policy RUR1 of the HLP (2018), and Policy GEN1 of the HRNP (2018).

Planning policies relating to renewable energy development

2.65 Local and national planning policy give significant support to the development of renewable energy infrastructure.

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

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

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

2.69 It is understood that the proposed development would increase resilience of the existing electricity network, however the proposed development does not in itself constitute a proposal for the generation of energy from renewable and low carbon sources.

2.70 Whilst there are no specific policies of support in the HLP to development constituting supporting infrastructure (for renewable or low carbon infrastructure), the HRNP (2018) Policy NE2 (Renewable and Low Carbon Energy) does support the development of renewable and low carbon energy schemes and associated infrastructure, providing that any adverse impacts on the surrounding landscape are considered. Policy NE1 (Natural Environment) of the HRNP seeks to protect, manage and enhance the area's natural environment.

2.71 At a national level, Paragraph 157 of the NPPF (2023) states that the planning system "should support the transition to a low carbon future", offering general support to renewable and low carbon energy and associated infrastructure.

2.72 Paragraph 160 of the NPPF (2023) recognises the importance of the planning regime in delivering renewable energy. This paragraph sets out that the planning system should support the transition to a low carbon economy and, in particular, support renewable and low carbon energy infrastructure.

2.73 Paragraph 163 of the NPPF (2023) states that when determining planning applications for renewable and low carbon development, local planning authorities should:

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

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

2.75 As noted above, the proposal is not considered to constitute renewable or low carbon development in its own right, and therefore the 'tests' of paragraph 163 of the NPPF are not relevant, however the applicant has set out in their submitted Planning Statement (as referenced in the 'Proposal' section of this report) why the proposal is considered necessary, which Officers accept in this instance, particularly given that the proposal is considered to broadly comply with the provisions of the relevant policies of the HLP (RUR1) and HRNP (GEN1 and NE2) where any impacts arising from the proposal are considered to be acceptable as set out in detail in the sections below.

2.76 Notwithstanding this, it is considered that Policies of the HLP (2018) and HRNP (2018), particularly Policy RUR1 and Policy GEN1 respectively, must be given considerable importance and weight.

Need for the proposed development

2.77 As noted above, the details included within the applicant's submitted Planning, Design and Access Statement provide robust justification that the proposal is intended as a response to the National Grid identifying the Hartmoor substation as being a suitable location for grid stabilisation projects as part of its Pathfinder 3 project.

Principle of Development Conclusion + Planning Balance

2.78 It is acknowledged that the proposed synchronous compensators would comprise ancillary, supporting infrastructure which would complement the existing electricity substation, and would support the provision of electricity. However, the proposals are not, of themselves, considered to be low carbon or renewable energy infrastructure.

2.79 Notwithstanding this, whilst each application is considered on its own merits, officers are also cognisant that recent allowed appeal decisions (namely APP/H0724/W/23/3330856 (for the erection of a synchronous condenser and supporting infrastructure at land near Hart Moor Farm, north of the A179, decision date 12/02/2024) and APP/H0724/W/22/3299848 (construction of a substation and underground cables at land near Hart Moor Farm, north of the A179, decision date 06/12/2023) give a significant level of support to the benefits of such proposals relating to the efficient use of energy and the positive contribution the scheme would make to energy resilience and stability during the transition to renewable and low carbon energy are significant.

2.80 In the appeal decision for APP/H0724/W/23/3330856 (also for a synchronous condenser), the Inspector noted that *"the very important contribution the proposed infrastructure would make to the efficient management of energy supply outweigh my findings that the proposal does not constitute an acceptable use outside the limits to development and the limited harm to the character and appearance of the area."*

2.81 The Inspector continued *"As such, even with the identified conflict with development plan policies, there are particularly important and persuasive material considerations that indicate that this development should be approved."*

2.82 In view of the above considerations, including the recently allowed appeal decisions outlined above, and in weighing up the significant weight of the policies in favour of low carbon and renewable energy against the main policies of restraint (RUR1 of the HLP and GEN1 of the HRNP), it is considered that the benefits (of providing ancillary infrastructure to assist in the delivery of low carbon energy) would significantly and demonstrably outweigh any identifiable harm to the visual amenity of area (which is discussed in further detail below and to which the proposal is, on

balance, considered to be acceptable in such respects), and therefore the principle of development would be acceptable in this instance.

2.83 Concerns have been raised by officers with the applicant throughout the application (and pre-application) process as to the scale and design of the proposals being sited within an area which is open in nature and allows for prominent sequential views of the open countryside and coastline when travelling along the main route into the town of Hartlepool along the A179, and along a stretch of the A19. It has been requested by officers that consideration should be given to reducing the scale of the proposals or relocating the proposals closer to the existing Hartmoor substation (east). Although the applicant has confirmed that they are unable to do this, it is welcomed that the applicant has amended the submitted planting plan to include the installation of some additional planting along the southern boundary. This will be considered in further detail in the Visual Amenity section below.

2.84 In conclusion, when weighing up the balance of the policies in favour of the proposed siting of the development, and taking into account the proposed siting, site context and cumulative impact of the other energy related infrastructure in vicinity of the site, including the siting of the above referenced allowed appeal decisions, it is considered, on balance, that the identified substantial benefits of the proposal to which significant weight must be given, would outweigh the identified adverse impacts when assessed against the requirements of Policy RUR1 of the HLP (2018) and Policy GEN1 of the HRNP (2018), and the relevant paragraphs of the NPPF (2023). It is therefore considered that the principle of the development is acceptable in this instance subject to the scheme satisfying other material planning considerations in the sections below.

IMPACT ON VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF THE SURROUNDING AREA (INCLUDING LANDSCAPING)

2.85 The proposal is outside the limits to development of Policy LS1 of the HLP and Policy GEN1 of the HRNP. Policy RUR1 (Development in the Rural Area) of the HLP seeks to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled.

2.86 Criteria 5 and 9 of Policy RUR1 of the HLP (2018) require that proposals “through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes” and that they do “not have a detrimental impact on the landscape character or heritage assets”.

2.87 Policy GEN1 of the HRNP (2018) advises that particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the countryside character and to ensure that it does not impact on visual amenity.

2.88 Policy CC3 of the HLP (2018) recognises the importance of environmental and economic benefits of renewable and low carbon energy generation, subject to the proposal satisfactorily addressing any identified impacts (including cumulative impacts) arising from the proposal (as above, it is acknowledged that HLP Policy

CC3 does not specifically account for proposals for the stabilisation of energy but does support the achievement of wider environmental and economic benefits from low carbon energy infrastructure). Similarly, Policy GEN1 of the HRNP (2018) states that whilst development in the open countryside outside Development Limits will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community, particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to respect the countryside character and does not impact on visual amenity or the local highway network.

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

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

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

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

2.91 Paragraph 135 of the NPPF (2023) stipulates that planning policies and decisions should ensure that developments:

- Will function well and add to the overall quality of the area,
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping,
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, amongst other requirements.

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

2.93 A more recent description of the local landscape is contained in the Strategic Gap Assessment (2017). The Strategic Gap Assessment (2017) classifies the landscape in the area which includes the application site as Undulating Semi-Rural

Farmland, which is described (in the Strategic Gap Assessment, 2017) as being of a 'good' landscape condition, with 'high' value, and 'medium-high' sensitivity.

2.94 Concerns have been raised by the Hartlepool Rural Neighbourhood Plan Group, both Elwick and Hart Parish Councils, the Council's Planning Policy team, the Council's Landscape Architect, and a number of members of the public in respect to the industrial nature of the proposal and the cumulative impact of this and other approved and/or proposed energy related developments in the area on the character, appearance and visual amenity of the rural area.

2.95 It is of note that the main part of the proposed development would be situated approximately 200m to the south of the A179 trunk road, whilst the southern side (south east of the application site) of the proposed development would be visible from the A19 trunk road, particularly when travelling northbound along this route, at an approximate distance of 500m from the proposed structures. Views would also be possible from Worset Lane to the east, at an approximate distance of 700m from the proposed structures. The presence of energy infrastructure to the east is acknowledged however the land immediately to the south of the application site and surrounding it remains as open farm land. It is therefore considered that the proposal represents further non-agricultural development in this location, which is exacerbated by its proposed siting in the centre of the agricultural fields and in a relatively prominent and elevated position.

2.96 It is acknowledged that the development replaces an existing farm house and agricultural buildings (though these are of a form that would be expected to be seen in an agricultural landscape). The proposed development would be visible from a number of vantage points, including, when travelling along the A179 from Hartlepool toward the west and the A19, when travelling along the A19 and exiting at the A19 junction (from the south) and along the A179 toward the town centre, and when exiting the village of Hart to adjoin the A179 junction. It is also considered that views will be achieved from the access tracks and from permissive pathways within the vicinity of the application site.

2.97 Notwithstanding the above, the applicant's submitted Landscape and Visual Impact Assessment (LVIA) notes that the application site is not subject to any statutory landscape designations, that the application site is a designated area suitable for strategic wind turbine development (by virtue of Policy CC4 of the HLP, 2018) and considers that that power related infrastructure is an established characteristic of the landscape. The LVIA acknowledges that the presence of Hartmoor substation and demand for renewable energy increases the demand for additional energy related development which could increase the urbanised feel of the landscape and reduce the openness of the area.

2.98 The submitted LVIA considers that the existing Whelly Hill Farmstead includes the farmhouse which appears to be well maintained, and derelict farm buildings. The applicant's submitted LVIA concludes that overall the application site and its context are of a low value, with a low susceptibility to the proposed development.

2.99 The Council's Landscape Architect has been consulted on the application and initially commented that in respect of the submitted LVIA and the updated additional photomontages provided by the applicant, viewpoints 1, 2 and 11 highlight the scale and industrial character of the proposed buildings and viewpoints 7 and 12 highlight the incongruous features which would result in a significant adverse visual impact toward the south west (namely from the A19 and PRow's adjacent to the west). Furthermore, the Council's Landscape Architect considers that any proposed mitigation planting would not be effective in the short to medium term.

2.100 Nevertheless, at the request of officers, the applicant amended the Landscape Strategy Plan to enhance the landscaping screening along the southern boundary.

2.101 The Council's Landscape Architect has been consulted on the amended landscaping plan and other supporting details and has concluded that there would be some increase in effective screening, although visual impacts would not be fully mitigated.

2.102 It is also acknowledged that some landscape mitigation is proposed in the form of hedgerow planting to the northern boundary of the main section of the site, as well as sections along the road in the northern extent of the application site, and native woodland planting, primarily to the northern and eastern sections of the application site. The proposals also include proposed wildflower and grass seed planting throughout the application site area, including over the proposed cables.

2.103 The proposals would necessitate the removal of a section of hedgerow to the southern boundary (approximately 217m in total length) together with other sections of hedgerow (with a removal of approximately 300m of existing hedgerow). In its place the landscape screening proposed to the southern side of the development includes the retention and enhancement of woodland areas in the south west and south east corners, and the planting of a 50m section of replacement hedgerow in the central section.

2.104 It is acknowledged that owing to the topography of the land, the site is slightly higher than the A179 trunk road to the north. It is considered that the nature, siting and scale of the proposed development, in combination with other existing energy/utility related development in the vicinity (on the south side of the A179), would both in isolation and cumulatively have the potential to result in an adverse impact on the visual amenity of the area, the character of the open countryside and the approach into and out of Hartlepool.

2.105 Notwithstanding this, consideration is given the presence of built development (in the form of the farm house and associated buildings) that are currently present on the site and that some mitigation has been proposed in the form of landscaping (particularly along the southern boundary). The submitted details provide a photomontage of views to the southern section of the proposals which illustrate by year 15, the proposed planting would provide some screening but as noted by the Council's Landscape Architect, the visual impacts would not be fully mitigated.

2.106 In terms of finishing materials, it is acknowledged that Elwick Parish Council have requested that consideration be given to finishing the buildings in a visually recessive green colour. The submitted plans indicate that the main buildings (consisting of the synchronous compensator buildings and amenities building located towards the northern portion of the site, facing towards the A179) would primarily be finished in a 'goosewing grey' (a light grey) colour. It is understood that the main transformers (towards the southern portion of the site) and palisade fencing enclosures would be finished in galvanised steel. Whilst it is considered that the suggested green finish to the buildings (and fences) would further partially assist in reducing the identified visual impacts of the proposals, it is accepted that the proposed light grey colour to the main buildings would also represent a relatively visual recessive colour and assist in reducing any unacceptable impact on the visual amenity of the wider area. In terms of the transformers and palisade fencing, these would in part be read against the backdrop of the compensator buildings as well as the existing and proposed landscaping. Notwithstanding this, final details (and finishing colours) can be secured by an appropriately worded planning condition which is considered to be reasonable in this instance.

2.107 Overall and on balance, it is acknowledged that there would be views to the proposed development from surrounding vantage points and that the proposal has its shortcomings in respect to it not being fully screened or being fully assimilated within the landscape, which would therefore result in some localised harm to the character and appearance of the application site and surrounding rural area by virtue of its scale and design. Nevertheless, it is considered this adverse impact would be partially reduced by the mitigation provided by the proposed landscaping which would soften the identified adverse impact on the character and appearance of the rural area as well as the aforementioned separation distances to the main roads (and vantage points).

2.108 Taking into account the above identified benefits of the proposal, the increased landscaping mitigation proposed particularly along the southern boundary, and the recent appeal decisions (as detailed above) in which such appeals lend support to the benefits of the proposal in relation to energy infrastructure, it is considered in this instance, that there would not be such an unacceptable adverse visual impact on the character and appearance of the open countryside and wider areas as to warrant a reason to refuse the application in this instance.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.109 The application site is to the south of the A179 trunk road within an area predominately delineated by agricultural fields. As such, there are limited sensitive neighbouring land users, however there are some residential in the vicinity of the site that may be impacted by the proposals, those most likely to experience potential impacts are residents at High Volts Farm (approximately 560m to the east), Hart Moor House (approximately 420m to the north (beyond the A179 trunk road)), Tilery Farm (approximately 960m to the south east), East Grange Farm (approximately 500m to the north west (beyond the A179 trunk road)), and Whangden Farm (approximately 860m to the west (beyond the A19 trunk road)). The residential street of Nine Acres is located approximately 1.2km east/north east of the application site. The village of Hart is located approximately 1.7km to the east/north east of the

application site, whilst the village of Elwick is located approximately 1.55km south of the application site.

2.110 Given the aforementioned separation distances and intervening boundary treatments, it is considered that there would not be an adverse loss of amenity and privacy for such neighbouring properties in terms of loss of outlook, any overbearing impact or overlooking to such an extent as to warrant refusal of the application.

2.111 The Council's Public Protection section has been consulted and has not objected subject to the proposal, subject to a conditions securing a Construction Management Plan. This can be secured by planning condition, which is recommended accordingly.

2.112 In view of this and given the significant separation distance to neighbouring properties, it is considered that the proposal would not result in undue noise, odour, light pollution or other disturbance to neighbouring land users.

2.113 Overall and on balance, it is considered that the proposal would not have a significant detrimental impact on the living or working conditions, amenity or privacy of neighbouring land users and the application is therefore considered to be acceptable in this respect, and in accordance with Policy QP4 and QP6 of the Hartlepool Local Plan and paragraphs 174, 185 and 186 of the NPPF (2023).

HIGHWAY & PEDESTRIAN SAFETY & PUBLIC RIGHTS OF WAY

2.114 The application has been supported by a Transport Statement. The Council's Traffic & Transport section have also been consulted and have confirmed that they have no objections, subject to a planning condition securing the submission of a Construction Traffic Management Plan (CTMP) that would include a requirement for construction traffic to turn left out of the access/egress road. National Highways have been consulted and have confirmed no objections subject to a CTMP. A planning condition is therefore recommended to secure the above.

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

2.116 The Council's Countryside Access Officer has commented that should there be an opportunity for any possible Green Infrastructure contributions to be considered, then improvements to nearby access routes, would be encouraged. Whilst these comments are noted, the Council's Planning Policy section have confirmed that no planning obligations would be required in this respect in planning policy terms. The proposals are therefore considered acceptable in this respect.

2.117 Overall, subject to the inclusion of appropriate planning conditions as identified above, the proposal is considered acceptable in respect of highway and pedestrian safety.

ECOLOGY, NATURE CONSERVATION

2.118 Policy NE1 of the Hartlepool Local Plan (2021) requires that the natural environment be protected, managed and enhanced, whilst Policy NE4 states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough. Paragraph 186 of the NPPF (2023) requires that planning permission is refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated or compensated for, whilst development on land near a SSSI should only be permitted where the benefits outweigh its likely impact.

2.119 Concerns have been received from the Hartlepool Rural Neighbourhood Plan Group and both Hart and Elwick Parish Councils, as well as from members of the public, with respect to the potential impact of the proposal on the natural environment, and the restoration of landscaping and vegetation following completion of the development.

2.120 The submitted Arboricultural Impact Assessment in support of the proposals concludes that the proposed loss of trees would result in a minor impact, which would be appropriately off-set over the long term when the new trees would be established. The Council's Arboricultural Officer has confirmed no objections in respect of the proposed loss of trees and replacement planting. In respect to the updated proposed landscaping (to provide additional tree planting along the southern boundary), this indicates that the existing hedge would be removed. In response the Council's Arboricultural Officer has questioned whether the existing hedge could also be retained (in addition to the proposed tree planting). The applicant has indicated that the hedge is still likely to be removed owing to the requirements for the underground cabling route/working corridor. The Council's Arboricultural Officer notes this and overall has no objections to the proposed scheme. The final landscaping scheme can be secured by way of a planning condition.

2.121 The Council's Arboricultural Officer has also offered advice that the felling of the woodland area is likely to be subject to the requirements of a felling licence under control of the Forestry Commission due to the volume of timber to be removed from the site. An informative can relay this to the applicant.

2.122 The submitted Ecological Assessment in support of the proposals concludes that a Construction Environment Management Plan (CEMP) would be required, to include pre-construction investigation and mitigation, in order to protect bats, breeding birds, reptiles, brown hare and badger.

2.123 The Council's Ecologist has been consulted on the application, including the submitted Ecological Appraisal, mitigation and enhancement measures as appropriate, and has advised that the proposal is not located within or likely to impact designated ecological sites. The requisite mitigation measures, forming part of a CEMP, can be secured by a planning condition.

Biodiversity Net Gain

2.124 The Environment Act 2021 includes Biodiversity Net Gain (BNG) which came into force on 12th February 2024, with a mandatory requirement for at least 10% BNG post-development. Although 10% BNG is not mandatory for this proposed

development (as the application was made valid before mandatory BNG came into force) and as a minimum has to achieve a requirement for 'no net loss', the applicant has confirmed their agreement to providing a 10% BNG in this instance. Ecological enhancement (as per the NPPF) is additional to BNG and is aimed at providing opportunities for protected and priority species, which are not otherwise secured under the purely habitat based BNG approach.

2.125 The NPPF (2023) requires development to provide net gains for biodiversity. Paragraph 180(d) of the NPPF (2023) states that Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

2.126 Paragraph 186(a) of the NPPF (2023) states that when determining planning applications, local planning authorities should apply the following principles:

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

2.127 The Council's Ecologist has confirmed that the adjacent Local Wildlife Site (LWS) Whelly Hill Quarry is an important consideration in the Biodiversity Net Gain (BNG) requirements, and that the submitted Biodiversity Net Gain Assessment concludes a deficit 7.24 Habitat Units (BU) once the gains from the landscaping proposals are compared to the losses through construction. This falls below the target of at least 10% Biodiversity Net Gain. The submitted Biodiversity Net Gain Assessment notes that a 10% BNG would require 10.59 Biodiversity Units. As noted above, the applicant has confirmed that this would not be able to wholly be delivered on-site however off-site BNG contribution could be achieved on the adjacent LWS (Whelly Hill Quarry), to which the applicant has agreed would be progressed with a Habitat Management Plan for the LWS "to help bring it back into positive conservation management via the BNG requirement for the application".

2.128 The Council's Ecologist has confirmed that a Biodiversity Net Gain Plan is required to be developed and submitted to the LPA for approval prior to the commencement of works. This Biodiversity Net Gain Plan is required to detail how the landscape proposals will be implemented and how the increase in Biodiversity Units will be achieved both on site and off site. All proposed management requirements will need to be detailed and presented in the Biodiversity Net Gain Plan. Given that the proposed increase in Biodiversity Units would include works to the adjacent LWS (and outside of the application site red line boundary), this would need to be secured by planning obligation in a legal agreement, to which the applicant has agreed. A planning condition is also necessary to ensure a BNG Plan is secured.

2.129 Subject to this planning obligation and condition, the proposal is considered to be acceptable in terms of biodiversity net gain.

Biodiversity Mitigation Measures and Enhancement

2.130 The proposal would result in the loss of two trees, areas of plantation woodland, grassland, and hedgerows, including a large section of hedgerow along the southern boundary.

2.131 The proposals would result in the demolition of 5 buildings within the existing farmstead, which would result in the loss of a bat day-roost one of the buildings. The Council's Ecologist has advised that if the roost is active, the building may not be demolished without a licence from Natural England.

2.132 The Council's Ecologist has advised that the proposed mitigation for bats, to include woodland and scrub habitats within the proposed landscaping plan to support foraging and commuting bats and the recommended that 3 pole mounted bat boxes (woodcrete) are secured which can be secured by a planning condition.

2.133 As noted above, the application is accompanied by an Ecological Appraisal which sets out a number of mitigation measures that are required, namely:

- Fencing off the LWS during construction;
- A walk-over survey to assess for signs of badger;
- A precautionary method statement to cover the legal protections of bats;
- Removal of felled trees and scrub to prevent birds nesting;
- Clearance of neutral and calcareous grassland between April and September, and removal of refugia (suitable for newts nesting) by hand;
- Provision of a landscaping scheme to be wildlife friendly

2.134 The Council's Ecologist has recommended that these be secured and a planning condition is recommended accordingly (to require the submission of a CEMP in respect of the measures set out in the Ecological Appraisal).

2.135 The Council's Ecologist has confirmed that, as noted in the submitted Ecological Assessment, 6 pole-mounted bird boxes are installed in suitable locations around the application site boundary and this can be secured by a further condition.

2.136 The Council's Ecologist has confirmed that, in respect of bats, licensing requirements are to be confirmed and the licences obtained prior to disturbance and if necessary, demolition of any of the buildings on site. This can be relayed to the applicant via an informative.

2.137 Natural England has been consulted on the application and have not provided any comment or objections to the proposed development.

Ecology Conclusion

2.138 For the reasons set out above, and subject to the required planning obligation and conditions in respect of BNG and Ecological Enhancement and Mitigation, the proposal is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the Policies NE1 and NE4 of the Hartlepool Local Plan (2018), Policies NE1 and NE2 of the Rural Neighbourhood Plan (2018) and paragraph 186 of the NPPF (2023).

FLOOD RISK & DRAINAGE

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

2.140 The Council's Flood Risk Officer has been consulted on the application and has had regard to the submitted Flood Risk Assessment and has confirmed no objections in respect of surface water management, albeit has highlighted a discrepancy in respect to other consents with the information contained within the submitted Flood Risk Assessment. The Flood Risk Officer has confirmed that subject to a detailed design scheme being secured by a planning condition, the proposal is acceptable in this respect. A planning condition securing detailed design and maintenance of the surface water and SuDS facility (located within site boundary) can be secured by a planning condition.

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

2.142 Subject to the identified planning condition, the proposal is considered to be acceptable in respect to surface water and flooding.

CONTAMINATED LAND

2.143 In respect to contaminated land, the Environment Agency initially objected to the proposal stating that it did not satisfactorily demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. In response, the applicant has submitted a Phase 1 Ground Investigation, to which the Environment Agency has been consulted and have removed their objection, subject to the inclusion of a planning condition, in respect of a remediation strategy.

2.144 The Council's Flood Risk Officer has confirmed no objections, subject to the inclusion of a planning condition in respect of any unexpected contaminated land.

2.145 Subject to the identified planning conditions, the proposal is considered to be acceptable in respect to contamination matters.

ARCHAEOLOGY & OTHER HERITAGE ASSETS

2.146 Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology has considered the proposals including the submitted Geophysical Survey with application H/2022/0423 and have advised that the above noted Geophysical Survey reveals anomalies of both probable and possible archaeological origin. Tees Archaeology have confirmed that archaeological mitigation of the site should consist of a phased programme of archaeological works, including historic building recording on the farmstead (all buildings) and monitoring during groundworks for the cable run and temporary set down area.

2.147 During the course of consideration, the applicant submitted a Written Scheme of Investigation (WSI), to which Tees Archaeology was consulted upon and confirmed was acceptable in so far as a WSI for building recording however the analysis and submission of such details still needs to be secured by way of a planning condition. A further archaeology condition is required in respect to a WSI for archaeological work, analysis and submission which can be secured by way of a pre-commencement condition.

2.148 The Council's Head of Service for Heritage and Open Space has confirmed that the site of the application is not in a conservation area, and there are no listed or locally listed buildings within close proximity. Whilst the Council's Head of Service for Heritage and Open Space has confirmed no objection in principle to the proposal to demolish the building on the site, given the long standing establishment of structures in this area, it is recommended that they should be recorded, prior to demolition. This is secured by the above mentioned recommended planning condition in respect of archaeological monitoring.

2.149 The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology.

OTHER PLANNING MATTERS

2.150 It is acknowledged that an objection has raised from neighbouring occupants and the Rural Neighbourhood Plan Working Group that the proposal would result in a loss of agricultural land and impact upon food security. As noted above, the application is accompanied by an Agricultural Land Classification Report which indicates that the application site (approximate total area of 7.6ha) comprises a combination of Grade 3b (moderate) agricultural land (2.2ha) and non-agricultural land (5.4ha). The Survey also notes that the agricultural land areas that are affected consist of either temporary development (where the temporary compound is to be sited) or the installation of the underground cable routes (where trenches are to be filled and the surface reinstated once the cables are installed). For the reasons identified in the Principle of Development section noted above, this does not contravene the requirements of Criterion 10 of Policy RUR1 of the HLP (2018) in this instance.

2.151 The Rural Plan Working Plan Group have requested a condition securing the decommissioning and restoration of the site when the development is no longer required. It is noted that the application seeks permission for a permanent development, however a suitable planning condition is recommended to secure the removal and the suitable restoration of the site if and when the development is no longer operational/required.

2.152 The Tees Valley Minerals Development Plan Document requires details with respect to the management of waste from the site once the building is operational. This can be controlled by way of a planning condition, which is recommended accordingly.

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

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

OTHER MATTERS

2.155 The Council's Flood Risk Officer confirmed that in respect of demolition of any existing building, section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This can be relayed to the applicant via an informative.

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

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

CONCLUSION + PLANNING BALANCE

2.158 For the reasons detailed in the report, the proposal is broadly considered to be appropriate development (supporting public infrastructure) in the rural area, which would be in general conformity with the requirements of Policy RUR1 of the HLP (2018), and Policy GEN1 of the HRNP (2018).

2.159 When weighing up the planning balance between the benefits of the proposal and its shortcomings, it is acknowledged that the proposed development would result in some localised harm to the character and appearance of the application site and surrounding rural area by virtue of its scale, design and location within the rural area.

2.160 However, it is acknowledged that the identified adverse impact on the character and appearance of the application site and surrounding rural area would be partially reduced by the mitigation provided by the proposed landscaping.

2.161 It is also of significant weight in the planning balance, that local and national planning policy supports development which seeks to address the causes and impacts of climate change and provide for sustainable sources of renewable energy generation. Officers are cognisant that the recently allowed appeal decisions within close proximity of the current application site. In a similar manner, the proposal

would provide benefits relating to the efficient use of energy and the positive contribution the scheme would make to energy resilience and stability during the transition to renewable and low carbon energy are significant.

2.162 Overall and on balance, it is considered that the benefits of the proposal would be so substantial in this instance as to outweigh the identified adverse impacts. Therefore, when considering the requirements of Policy RUR1 (of the Hartlepool Local Plan) and GEN1 of the Rural Plan, it is considered that the proposal is acceptable in this instance.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.163 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.165 There are no Section 17 implications.

REASON FOR DECISION

2.166 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 a S106 legal agreement to secure the delivery of the provision, maintenance and management of Biodiversity Net Gain requirements and 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 and details:
Dwg. No. BP-HART-1000A Rev R1 (Site Location Plan, scale 1:5000),
Dwg. No. PRP-HART-1001C Rev R2 (Proposed Site Plan West),
Dwg. No. PRP-HART-1001D Rev R2 (Proposed Site Plan East),
Dwg. No. PRP-HART-2000 Rev P07 (Platform Layout),
Dwg. No. TTW1143-HART3-00-SPL-S2020-GA-002 Issue A (Planning Drawings Hartmoor TI Compound, Synchronous Compensator Overall Elevations),
Dwg. No. PRP-HART-5001 Rev P03 (Hartmoor - Syncon Building Elevations),
Dwg. No. PRP-HART-5010 Rev P03 (Hartmoor - Syncon Building Floor Plan),
Dwg. No. PRP-HART-2003 Rev P01 (Fencing Details),
Dwg. No. PRP-HART-2004 Rev P01 (Typical HV Cable Burial Details),
Dwg. No. PRP-LAND-2500 Rev P01 (Road Construction Details),

Dwg. No. BA11985TPP-WEST Rev D (Tree Protection Plan),
 Dwg. No. BA11985TPP-EAST Rev D (Tree Protection Plan),
 Dwg. No. BA11985TS-EAST Rev B (Tree Survey & Constraints Plan),
 Dwg. No. BA11985TS-WEST Rev B (Tree Survey & Constraints Plan),
 received by the Local Planning Authority on 22nd December 2022;

Dwg. No. PRP-HART-5050 issue no. P01 (Hartmoor – Amenities Building Floor Plan),
 Dwg. No. PRP-HART-5051 issue no. P01 (Hartmoor – Amenities Building Elevations),
 Dwg. No. PRP-HART-7001 Rev P03 (Earthworks – Cross Sections),
 Plan untitled, detailing Surface Level Data, Rev P04, received by the Local Planning Authority on 19th January 2023;

Dwg. No. BP-HART-1001F Rev R1 (Proposed Site Plan – Overview),
 received by the Local Planning Authority on 27th January 2023; and

Dwg. No. 34106-LN-LP-07 Rev E (Landscape Strategy Plan), received by the Local Planning Authority on 8th March 2024.
 For the avoidance of doubt.

3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping, 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 to the plan Dwg. No. 34106-LN-LP-07 Rev E (Landscape Strategy Plan, received by the Local Planning Authority on 8th March 2024) and where possible retain existing hedges along the southern boundary. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall also include details of the planting mix for the re-seeding of the backfilled trenches following the installation of the underground cables hereby approved. 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 completion or first use of the development (whichever is 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.
4. Notwithstanding the submitted details and prior to the erection of the temporary construction compound hereby approved, as denoted by the

hatched area on Dwg. No. BP-HART-1001F Rev R1 (Proposed Site Plan – Overview, received by the Local Planning Authority on 27th January 2023), details of the temporary construction compound and associated structures shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for the installation and thereafter removal of the temporary construction compound (such removal shall be prior to the first use or completion of the development (Grid Stability Facility) hereby approved, whichever is sooner). The scheme shall thereafter be completed in accordance with the approved landscaping details and timetable as required by condition 3 of this permission.

In the interests of visual amenity and to which the permission is based.

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

project coincide with the construction of any other major projects in the area;

- Measures to ensure that all construction traffic to the site follows an approved route to avoid any impacts on the minor road network.

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

7. 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. 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 approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion or first use (whichever is sooner) of the development.

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

8. Prior to the commencement of development, a Remediation Strategy to manage the risks associated with contamination of the site in respect of the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority. The Remediation Strategy shall include the following components:

1. An updated Preliminary Risk Assessment (Phase 1 Ground Conditions Assessment) that shall identify:

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors, and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on the above component, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

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

To address any risks arising from contamination.

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 (contained within the document entitled Grid Stability Facility – Hartmoor, Biodiversity Net Gain Assessment received by the Local Planning Authority on 13/06/2023) a minimum of 10.59 Units of habitat retention, creation and enhancement (as detailed in ‘Recommendations and discussion’ section of ‘The Biodiversity Net Gain Assessment’, received by the Local Planning Authority on 13/06/2023) 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 13/06/2023). 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. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in;
 - Section 4 (Potential Impacts and Recommendations), of the Ecological Assessment by BSG Ecology, document dated 06 October 2022 and received by the Local Planning Authority on 22nd December 2022 including the requirement for the removal of bats is undertaken under a precautionary method statement. The CEMP (Biodiversity) shall include the following:
 - Details of a pre-construction walk-over survey. The surveys shall be undertaken in advance of the commencement of works to confirm the details within the Ecological Assessment,
 - Risk assessment of potentially damaging construction activities,
 - Identification of "biodiversity protection zones",
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
 - Any excavations left open with escape ladders or planks are installed overnight and that they are inspected the following day prior to the start of work,
 - The location and timing of sensitive works to avoid harm to biodiversity features,

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

Thereafter the approved CEMP shall be adhered to and implemented throughout the construction period and strictly in accordance with the approved details.

In the interests of avoiding or mitigating ecological harm.

11. 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. Development shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on the adjacent landscape in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).
12. Prior to the commencement of development, a scheme for dust suppression measures during construction works and site remediation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented and adhered to throughout the construction period and strictly in accordance with the approved details.
In the interest of the amenity of neighbouring properties and land users.
13. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the protection measures to the hedges and trees identified in Dwg. No. BA11985TPP-WEST Rev D (Tree Protection Plan, received by the Local Planning Authority on 22nd December 2022) and Dwg. No. BA11985TPP-EAST Rev D (Tree Protection Plan, received by the Local Planning Authority on 22nd December 2022), shall be retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees or hedges which are seriously damaged or die as a result of site works shall be replaced with trees or hedges 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.
14. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and;

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

15. A) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation as detailed in the document Hartmoor Grid Stabilisation Facility Whelly Hill Farm Hartlepool / Written Scheme of Investigation for Historic Building Recording (Level 1/2) / report prepared for Transmission Investment, document reference CA Project: MK1009 / CA Report: MK1009_1, dated November 2023, received by the Local Planning Authority on 20th November 2023.
B) The development shall not be operational or brought into use until the site investigation and post investigation assessment (for historic building recording) has been completed in accordance with the programme set out in the Written Scheme of Investigation as detailed above and provision made for analysis, publication and dissemination of results and archive deposition has been secured. The development shall not be operational or brought into use until such matters have been confirmed and agreed in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
In the interests of protecting archaeological assets.
16. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be implemented prior to the development hereby approved being brought into use.
In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water

management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

17. Notwithstanding the submitted details and prior to the installation of any boundary fences, details (including finishing colours) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed means of enclosure shall be erected prior to the first use or completion (whichever is sooner) of the development hereby approved. No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority.
In the interests of visual amenity.
18. Prior to the installation of any fixed or permanent external lighting to serve the development hereby approved, full details of the method of fixed or external lighting, including siting, angle of alignment, light colour, and luminance of external areas of the site, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed lighting shall be implemented in accordance with the agreed scheme.
In the interests of visual amenity and to ensure a satisfactory form of development.
19. Prior to above ground construction of the development hereby approved, final details of the external materials (and finishing colours) to the grid stability facility buildings and structures hereby approved shall be submitted to and approved by the Local Planning Authority, colour treatments and samples (or high quality photographs) of the desired materials being provided for this purpose. Thereafter the approved scheme shall be implemented and retained thereafter.
In the interests of visual amenity and to ensure a satisfactory form of development.
20. Following the laying and installation of the cables hereby approved and prior to the completion or first use (whichever is sooner) of the development hereby approved, the trenches where the cables are to be laid, shall be backfilled and the surface (and any adjacent affected areas) shall be finished and made good in accordance with the details stipulated on Dwg. No. PRP-HART-2004 Rev P01 (Typical HV Cable Burial Details, received by the Local Planning Authority on 22nd December 2022). The surfaces to these areas shall be re-seeded to a suitable planting mix in accordance with the requirements (and a timetable for implementation) of condition 3 of this decision notice
In the interests of visual amenity and to ensure a satisfactory form of development.
21. Prior to the commencement of development above ground level, details of 6no. pole-mounted bird nesting boxes to be installed, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird nesting boxes shall be installed strictly in accordance with the details so approved prior to the completion or first use (whichever is sooner) of the development hereby approved, and shall be maintained for the lifetime of the development.

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

22. Prior to the commencement of development above ground level, details of 3no. pole-mounted woodcrete bat boxes to be installed, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bat boxes shall be installed strictly in accordance with the details so approved prior to the completion or first use (whichever is sooner) of the development hereby approved, and shall be maintained for the lifetime of the development. To provide an ecological enhancement for protected and priority species, in accordance with paragraph 180 of the NPPF (2023).
23. When the development hereby approved ceases its operational use, all buildings, support structures, means of enclosure and associated infrastructure shall be removed in their entirety and the land shall be restored to its current use as agricultural land in accordance with a scheme and timetable to be first submitted and agreed in writing by the Local Planning Authority. Thereafter the scheme for restoration shall be carried out in accordance with the agreed details and timetable.
In order to protect the visual amenity and character of the surrounding countryside.
24. The development hereby approved shall be carried out in accordance with the submitted Dwg. No. PRP-LAND-2500 Rev P01 (Road Construction Details), received by the Local Planning Authority on 22nd December 2022.
In the interests of highway safety.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156385>

2.168 Copies of the applications are available on-line:

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

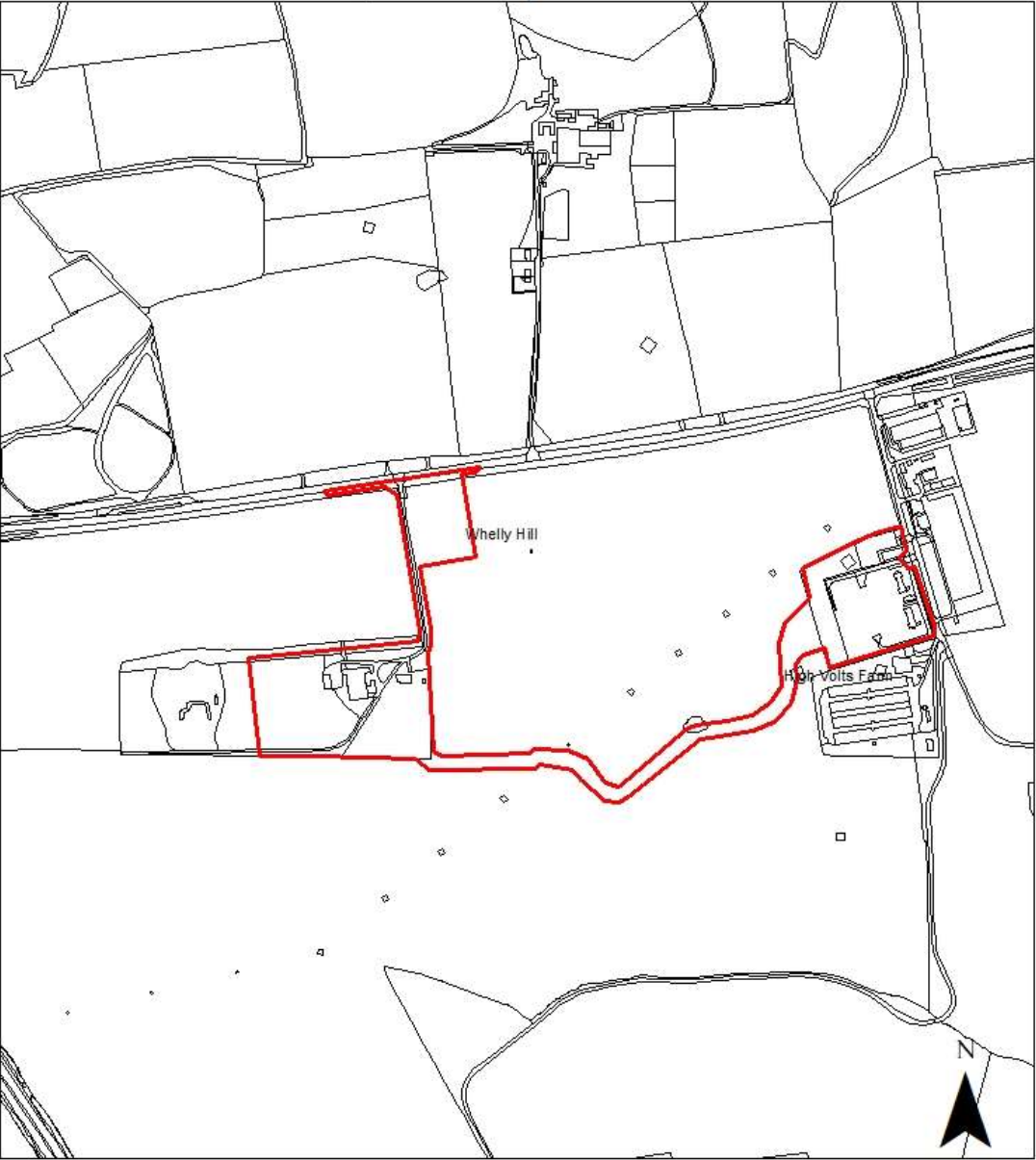
CONTACT OFFICER

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

AUTHOR

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

Hart Moor Farm , Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 05.07.2023
	SCALE 1:7,000	
	DRG.NO H/2022/0470	REV

No: 3.
Number: H/2022/0456
Applicant: MR MICHAEL PATRICK DALTON PIERCY
 HARTLEPOOL TS27 3IN
Agent: SJR ARCHITECTURAL & INT. DESIGNERS MR DAVID
 JOHNSON W2 THE INNOVATION CENTRE VENTURE
 COURT HARTLEPOOL TS25 5TG
Date valid: 21/08/2023
Development: Demolition of existing Village Hall premises and erection
 of replacement Village Hall premises in amended location,
 and associated external works.
Location: SOUTH OF VILLAGE GREEN BEHIND PRIORY FARM
 DALTON PIERCY VILLAGE HALL DALTON PIERCY
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 None.

PROPOSAL

3.3 The application seeks planning permission for the erection of a Village Hall building to include the demolition of the existing Village Hall and the removal of another outbuilding to the west of the site. The replacement building would be of a rectangular shape and would measure approximately 20 metres in length by an approximate 9 metre depth. The proposed building would be single storey, measuring approximately 3.5 metres to the eaves height and would feature a hipped roof design peaking at an overall height of 6.5 metres. The building would feature entrance doors to the front with no other opening present. A single secondary kitchen window would feature within the side elevation (east) although no windows would feature within the opposite (west) side elevation. To the rear (south), four sets of patio doors would feature that would each benefit from associated side light windows either side of the doors. The hipped roof design would feature eight roof lights within the front (north) roof slope and eight roof lights within the rear (south) roof slope, with four proposed within each of the respective side facing roof slopes.

3.4 The proposed building is indicated to be finished mainly from brickwork with some cladding to feature on all four elevations. The submitted floor plans illustrate that the proposed building would provide an entrance foyer, a main hall, a small hall, a kitchen and separate W.C. provision for men, women and disabled users.

3.5 Given the nature of the site, the building would be constructed on a split level, where the front would feature a suspended floor approximately 1.5 metres above the ground level at the front (north), although the building would appear level at rear (south), where the existing ground level is higher. Consequently, the front (north) elevation would also feature a ramped access to the front, which would have a 'zig zag' return at an overall depth of approximately 3 metres to the front. The ramped access to the front would be enclosed by brickwork and hand rail. To the side (west), the ramped access would adjoin the front ramp and would provide access to the higher, rear of the site.

3.6 Whilst the proposed building would be located within the same grounds as the existing village hall building, it would be positioned further to the west than the current building, where it would be set off the side (west) boundary by approximately 8.8 metres. Owing to a change in levels across the site where the rear of the site is at a higher level (south), the proposed building would be engineered into the higher ground level.

3.7 At the rear, adjacent to the patio doors, an external patio area would feature for the width of the rear elevation of the building, at a depth of approximately three metres, which could be accessed via the rear access doors and from the respective external side access points.

3.8 The proposed drawings indicate that a formalised parking area would be provided to the east of the site that would add up to nine parking spaces to the site.

3.9 The application has been referred to the Committee owing to the number of objections received (3) to the proposed development in line with the Council's Scheme of Delegation.

SITE CONTEXT

3.10 The application site relates to the parcel of land serving the existing Village Hall within the village of Dalton Piercy, which is situated on the southern side of the village, to the rear of the properties located on North View. Site access is taken from the main road running through the village from the north at the eastern part of the site, which is bounded to the east by the residential property 'The Priory', a grade II listed building. To the west, is the modern cul-de-sac development of Abbots Lea and the residential properties and associated garden areas of 3 and 4 Abbots Lea bound the application site to the side. To the north, the application site is bounded by the residential gardens and properties of 1 to 8 North View (consecutive) and to the rear, beyond the application site, are open agricultural fields. The site notably features changes in levels with the area furthest to the rear (south), being situated at a higher level than the front of the site. The site is bounded by a number of mature trees at the southern aspect of the site, none of which are covered by a Tree Preservation Order. A number of detached outbuildings serve the current village hall consisting of a timber shed like structure to the north and a larger storage structure to the south west corner. A number of detached outbuildings are also present beyond the northern boundary to the application site, serving the rear of the properties along North View.

PUBLICITY

3.11 The application has been advertised by way of neighbour letters (13) and a site notice. To date, 3 letters of objection have been received.

3.12 The concerns and objections raised can be summarised as follows:

- The position of the proposed building and its impact in terms of loss of light/daylight, overbearing and loss of outlook;
- The impact from the use of the elevated external area in terms of a loss of privacy;
- The impacts in relation to the noise generated by the proposed use of the building, noise generated from parking and vehicular movements and noise generated from the use of the external patio area;
- Concerns have also been raised with respect to the impacts from any associated lighting to be installed;
- Concerns are raised that the increased use of the existing vehicular access would impact upon the ground;
- Concerns in respect to available parking and the impact on the Green;
- Concerns that the proposed development will flood neighbouring land;
- The impact on ecology;
- The proposed building does not have widespread support;
- The pre-application public consultation agreed to scale back the proposals which the application does not reflect;
- There is no justification/need for the size of the proposed building;
- Car Parking would encourage unnecessary vehicle use;
- Access difficult for emergency vehicles.

3.13 Following a receipt of further plans to change the location of the proposed Village Hall building, a further public consultation period was carried out, although no further neighbouring responses were received. During the course of the application, it was noticed that an existing detached building within the site was not correctly shown to be removed and other buildings/extensions serving neighbouring properties were not correctly illustrated. Amended plans were subsequently received and a further public consultation was issued to clarify these anomalies which is outstanding at the time of producing this report. Members will be updated on the day of committee in respect to any additional comments received.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

3.15 The period for publicity is outstanding at the time of writing and will expire on 13/04/2024. Members will be updated on the day of committee of any additional comments received and this is reflected in the officer recommendation for the report.

CONSULTATIONS

3.16 The following consultation responses have been received:

HBC Landscape Architect: - The proposed development is visually enclosed, and so landscape and visual impacts will be minimal.

There are potential impacts on existing trees. An Arboricultural Impact Assessment has been produced and I would defer to Arb. Officer with regard to these matters.

Further Comments Received 21/12/2023

I Defer to Arboricultural Officer Comments.

HBC Arboricultural Officer: - The submitted arboricultural documentation from AllAboutTrees Ltd provides a good depth of knowledge and consideration for the trees and constraints on the site. There is a small loss of tree groups on the site to facilitate the development but this is minimal and the site will still be covered by mature trees following the development. Tree protection has been carefully considered through the use of ground protection, tree protection and the use of the no dig cellular confinement system in the car park. As mentioned in section 4.7.2 of the Arboricultural impact assessment by AllAboutTrees dated 18th May 2023 the no dig cellular confinement system is indicated in the essential areas only and therefore we insist the methodology of using this system should be employed and conditioned for the entire car park. The Arboricultural Method statement and Arboricultural Method statement, Tree Protection Plan by AllAboutTrees dated 18th May 2023 should be amended to show this system in place across the entire car park and once completed the following documents should be conditioned:

Arboricultural impact assessment by All About Trees
Arboricultural Method statement by All About Trees

Arboricultural Method statement, Tree Protection Plan by All About Trees

Further Comments Received 04/04/2024

Following the amended layout an updated suite of arboricultural documentation has been provided. The submitted arboricultural documentation from AllAboutTrees Ltd provides a good depth of knowledge and consideration for the trees and constraints on the site. There is a small loss of tree groups on the site to facilitate the development but this is minimal and the site will still be covered by mature trees following the development. Tree protection has been carefully considered through the use of ground protection, tree protection and the use of the no dig cellular confinement system in the car park but only in areas where tree protection is required. The levels of the car park will be different due to the use of no dig cellular confinement system.

Ahead of the construction period, the applicant's information details that they would either install ground protection measures before any equipment was brought onto site and work commencing and would then install the no dig construction measures to following or alternatively the no dig construction would be installed first. Either method is acceptable, as the trees and their root systems would be protected, although the applicant should provide clarity on which method would be used prior to works commencing.

The Arboricultural Impact Assessment, Arboricultural Method statement, Tree Protection Plans by AllAboutTrees dated 20th Feb 2024 should be conditioned:

- Arboricultural impact assessment Rev A
- Arboricultural impact assessment Rev A, Tree Protection Plan
- Arboricultural Method statement Rev A
- Arboricultural Method statement Rev A, Tree Protection Plan

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

Further Comments Received 09/01/2024

No highway objections to the proposed amendments.

HBC Ecology: - Summary

- A condition is required for the developer to obtain a [Bat Mitigation Class Licence](#) before work commences.
- A condition is required for 4 N° bat bricks (to compensate for loss of a bat roost).
- A condition is required for 1 N° starling nest box (to compensate for the loss of a starling nest).
- A condition is required for 4 N° bird bricks (to deliver biodiversity gain).
- Bird nesting informative.
- Tree issues to be considered by the appropriate officer.

Bats

I have assessed the submitted Bat Survey Report (GSL Ecology, 22/06/2023) and agree with its findings. These are summarised in section 7 (copied below).

Bat Survey Report section 7.

7.0 Summary and Conclusion

The surveys undertaken have demonstrated that the Dalton Piercy Village Hall is used as a roost site by Common pipistrelle bats. The building is used as:

- A day roost by an individual or small number of Common pipistrelle bats.

The building is also used by nesting birds.

The proposed demolition of the building:

- Will result in destruction of a day roost used by small numbers of Common pipistrelle bats.
- Will result in disturbance to bats present at the time works are carried out.
- Has the potential to result in bats being killed or injured if any present at the time demolition is carried out.

As a bat roost site will be destroyed and bats will be disturbed, a Bat Mitigation Licence will be required so that the works can be carried out legally.

Because of the bat species present, the number of bats present, and the roost

type present, the works can (at the time of this report) be covered by use of Natural England's "light touch" licence for roosts of low conservation significance: The Bat Mitigation Class Licence (BMCL).

It is recommended that:

- Once any planning permission required has been obtained, a detailed mitigation proposal is drawn up by an appropriately experienced and licensed bat ecologist who is a Registered Consultant (RC) able to use the BMCL.
- The mitigation proposal should preferably be drawn up in consultation with the architect and/or building contractor specifying or undertaking the demolition works and construction of the new building (to ensure that the detailed mitigation proposal is feasible and deliverable from both a construction and an ecological perspective).

While the detail of the mitigation proposal cannot be finalised prior to the consultation with the building contractor, sufficient detail is provided in Section 6 of this report to confirm that the works can be carried out with minimal risk of bats being killed or injured.

Recommendations are also included in Section 6 to avoid impacts on nesting birds and achieve biodiversity enhancement.

The recommendations within this report are those we consider are necessary to comply with the legal protection afforded to bats and to allow an LPA to grant planning consent.

Bat Mitigation Condition

The applicant must arrange for a licensed, Natural England registered, bat consultant to apply for a 'low impact' Bat Mitigation Class Licence (BMCL), which permits the disturbance of up to three 'common or widespread' species (which for NE England includes common pipistrelle) and to damage or destroy up to three 'low conservation status roosts' (which are feeding, day, night, and transitional roosts). A BMCL will be needed for the common pipistrelle daytime roost. Licence application details can be found at <https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence> where 'how to apply' information is provided.

The applicant should follow the recommendations given in section 6.0 of the Bat Survey Report. For information, these are as follows:

Bat Survey Report section 6.

Once any planning permission required has been obtained, a detailed mitigation proposal is drawn up by an appropriately experienced and licensed bat ecologist who is a Registered Consultant (RC) able to use the BMCL.

The mitigation proposal should preferably be drawn up in consultation with the architect and/or building contractor specifying or undertaking the demolition works and construction of the new building (to ensure that the detailed mitigation

proposal is feasible and deliverable from both a construction and an ecological perspective).

While the detail of the mitigation proposal cannot be finalised prior to the consultation with the building contractor, in general terms the mitigation required will involve:

- The site being registered with Natural England for the demolition of the building to be covered under the BMCL before any works commence.
- A detailed written, method statement (Contractors Method Statement – CMS) being produced by the RC setting out the appropriate working methods, and timing of works, that will ensure that bats cannot be killed or injured during the work.
- Prior to any works starting, all contractors being made aware (by means of the Contractors Method Statement and a tool box talk by the RC) of the presence of bat roosts in the building, of the locations known to be used by bats, of their legally protected status, of the working methods and timing to be adhered to, and the appropriate course of action to be taken if bats are found in an unexpected location.
- Elements of work where there is a risk that bats might be present in the working areas during the demolition of the building being identified within the CMS and being carried out under the direct ecological supervision of the RC. The works requiring ecological supervision are likely to include, but will not necessarily be limited to:
 - Any works within the loft space (e.g. stripping out electrics and pipework) prior to demolition of the building.
 - Careful removal by hand of external timber wall cladding, fascia boards, barge boards, roof tiles, ceilings, etc. prior to mechanical demolition of the building.

To compensate for the loss of a bat roost and to be included in the Bat Mitigation Licence application, the following must be conditioned:

Bat roost brick Condition

The building should include 4N° integral bat roost brick located in south or east facing walls (where possible) and at a minimum height of 3m above ground level.

Starling compensation

One starling nest will be lost when the building is demolished, and this requires compensation. Starling is a material consideration as a red-listed Bird of Conservation Concern.

Starling nest box Condition

The building should include 1N° Starling nest box attached to a south or east facing wall (if possible) and at a minimum height of 2m above ground level.

An example of a suitable box is the Vivara Pro Woodstone Starling Nest Box – see <https://www.nhbs.com/vivara-pro-woodstone-starling-nest-box>

Biodiversity gain

Positive biodiversity measures are required to satisfy NPPF (2018) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This net gain is appropriate to the scale of the development and should be conditioned.

The site is close to greenspace which supports declining birds such as swift, house sparrow, tree sparrow and starling, which could benefit from the provision of integral bird nest bricks. To meet current Ecology planning requirements, the following should be conditioned:

Bird nest brick Condition

The building should include 4N° integral 'universal' nest brick located in south or east facing walls (where possible) and at a minimum height of 2m above ground level.

For further information, see:

<https://drive.google.com/file/d/1ljcJ7rlkNMrr4lxd41XcBU3YC6lFKM6z/view>

See: https://www.swift-conservation.org/swift_bricks.htm

NB: Bird nest bricks and boxes are available from several suppliers such as:

<https://www.nhbs.com/blog/universal-nest-bricks>

https://www.schwegler-natur.de/portfolio_1408366639/sperlingskoloniehaus-1sp/?lang=en

https://www.nhbs.com/4/bird-boxes?q=&fR%5bhide%5d%5b0%5d=false&fR%5blive%5d%5b0%5d=true&fR%5bhops.id%5d%5b0%5d=4&fR%5bsubsidiaries%5d%5b0%5d=1&hFR%5bsubjects_eqipment.lvl1%5d%5b0%5d=Bird%20Boxes&qview=195281

Nesting birds

Because of the risk of birds nesting within the walls of the building, or in bird boxes on the building, and in vegetation on site, any site clearance and the demolition of the building should be done outside of the main nesting bird period (March to August inclusive).

If this is not possible, then the area/building must be surveyed by an appropriately experienced ecologist within 48 hours prior to the start of works to determine whether any active bird nests are present. (It should be noted that if active bird nests are found to be present, works may have to be delayed.)

Bird nesting Informative

'Breeding birds and their nests are protected by the Wildlife & Countryside Act (1981) as amended. It is an offence to damage or destroy the nest of a breeding bird whilst it is being built or in use. In practice the bird breeding season is mainly confined to the period from March to August inclusive, but it should be noted that some species will breed outside this period. If bird's nests that are actively being built or used are found, then work should be suspended within a 10m circumference

until the birds have finished breeding. For further information contact the Council's ecologist on 01429 523431'.

Trees

I am satisfied that management and safeguarding of trees within the site will be assessed by the HBC Arboricultural Officer.

End.

HBC Heritage & Open Space: - The application site is situated in Dalton Piercy, with the access road passing by a listed building, Priory Farmhouse which as a grade II listed building is recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 199, NPPF).

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

The proposed access will remain the same with the location of the hall altered and a car park provided alongside this. It is considered that given the access will remain as existing, these proposed works will not impact on the significance of the setting of the listed building.

Further Comments Received 03/01/2024

No objections to the proposed amendments.

Tees Archaeology: - Dalton Piercy is medieval in origin, and follows a two-row green plan typical of northern villages which were planned after the Norman Conquest. The development site is set back from the village green, and the proposed new building appears to overlap the footprint of the current village hall. Given the distance from the green and the overlap with the existing footprint, it is not considered that archaeological monitoring will be necessary, and I have no objections to the proposal.

The current village hall is a second-hand pre-fab building that was erected in 1953, following fundraising efforts during the coronation celebrations. We would request that a level 1 building recording is carried out (photographic survey accompanied by a short description/history of the building) prior to its demolition; this can be done by the applicant. This would be also be a good opportunity to involve the community by collecting memories of the existing village hall before it is replaced.

Details on how to carry out the building recording can be found here: <https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/heag099-understanding-historic-buildings/>. The requested building recording can be conditioned upon the development.

HBC Engineering Consultancy: - In response to your consultation on the above application we have no objection in respect of contaminated land. We ask that our standard unexpected contamination condition is included on any permission issued for proposals.

In respect of surface water management we have no objection in principle. It is shown that surface water will be managed by means of soakaway, no further detail is provided. As such please can you include our standard basic surface water condition on any permission issued for proposals.

The applicant is advised that it will need to be demonstrated that soakaways are of a suitable size to accommodate anticipated rainfall, BRE Digest 365 Soakaway Design provides the necessary guidance. Furthermore we will also need to know how it is proposed to drain the car parking area. In respect of demolition of the existing building, the applicant's attention is drawn to section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate and in addition to the planning application and is administered by jack.stonehouse@hartlepool.gov.uk

Further Comments Received 28/03/2024 (Impact from Use of Access Track)

Historically there has been a track there a long time and used by those using the Village Hall. The proposed development would also be for a Village Hall and parking within the site would be limited. The weight and size of the vehicles (assumed that nothing larger than a van would use it) using the existing track should not have a detrimental effect on the house walls.

Consideration may have to be given to the construction phase, as larger, heavy construction vehicles may have the potential to affect the ground.

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

The working hours for all construction and demolition activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Any deliveries and collections during these works should be limited to these times as well.

Adequate dust suppression should be available on site at all times during demolition.

No open burning at all on site.

No external lighting shall be installed on site or used during demolition or construction until plans showing the type of light appliance, the height and position of

fitting and illumination levels have been submitted to and approved in writing by the Local Planning Authority.

Further Comments Received 28/03/2024

In respect to the further chance to comment on the above application, it is noted that the revised plans re-locate the proposed building away from the shared boundary to the west. I am aware that prior to these plans being received neighbouring objection comments were received in relation to the potential impacts from noise generated by the proposed use of the building; noise generated from parking and vehicular movements and noise generation from the use of the external patio area. Concerns have also been raised with respect to the impacts from any associated lighting to be installed.

Whilst there were no objections or concerns raised by Public Protection from the original consultation, it is recognised that as a result of the proposed changes, by moving the building away from the shared boundary to the west, the increased separation from residential occupiers represents betterment to the scheme. With respect to concerns received in respect to noise generation from the proposed use, Public Protection recognise that the site is the location of the existing Village Hall, where similar activities could take place. Whilst acknowledging that the proposed building would be larger, it would also be of a solid construction, unlike the existing hut building, and would offer increased noise insulation benefits. With respect to any noise generation from comings and goings of vehicles, whilst the proposed development would involve the formation of a parking area, the vehicular access into the site is existing and the parking provision would be limited to small vehicular movements. Consequently, there are no concerns or objections in this respect.

Finally, whilst noting the concerns raised with respect to the proposed building and external patio area, it is considered that the use of such an area can be compatible alongside the neighbouring residential occupiers, providing that responsible and considerate management of building and the space is exercised. In the event that any issues of conflict do arise between the proposed use and the neighbouring residential occupiers, Public Protection can use necessary legislation to advise and if necessary, place controls on the proposed building and space to manage it accordingly. I note the concern with respect to lighting and as part of my initial comments a condition is recommended to control this matter. Having regard to the above considerations, no further planning conditions are recommended from Public Protection, beyond those recommended with respect to the construction phase and lighting condition within my first memo. I trust that this is helpful.

HBC Countryside Access Officer: - There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

Hartlepool Rural Neighborhood Plan Group: - Thank you for consulting the Rural Neighbourhood Plan Group with s to the above application. The following policies are particularly relevant.

POLICY GEN1 – DEVELOPMENT LIMITS.

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan. The application site is located within the development limits of Dalton Piercy village and is therefore in compliance with this policy.

POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;
3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;
7. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water into fluvial water;

The old wooden village hall has served it's community well but is now out of date and in an extremely poor condition. The application site is discreetly hidden away behind the main village street. The finish materials are not familiar in the village, with the possible exception of some agricultural buildings but given the location and the enormous community benefit the proposed design is not objectionable. The access remains unchanged, and more parking is provided. The building seeks to be more energy efficient and will utilize mains sewers and a soak away for surface water. The application is felt to be acceptable with regard this policy.

POLICY C1 - SAFEGUARDING AND IMPROVEMENT OF COMMUNITY FACILITIES

Community buildings, play areas, sports/recreation facilities, allotments and open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made.

Recreation and associated facilities will be supported where the proposed facilities are of a type and scale appropriate to the size of the settlement.

Priority schemes include:

1. Improvements to Dalton Piercy Village Hall.

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

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

The replacement of the dilapidated Dalton Piercy Village Hall safeguards the future of an essential facility for the village community and was a priority scheme in the Rural Neighbourhood Plan. This application is clearly in line with this policy.

The Rural Neighbourhood Plan Group welcome and support this application.

Further Comments Received 15/01/2024

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group. The changes do not alter the Group's support for this application as detailed in our earlier consultation response. The need for a new village hall at Dalton Piercy was identified as a community improvement priority in appendix 5 of the Rural Neighbourhood Plan.

Dalton Piercy Parish Council: - Dalton Piercy Parish Council very much wishes to support this application to replace Dalton's Village Hall. It is a second hand army hut, funded by residents in 1953 to commemorate Queen Elizabeth II's Coronation. It can no longer serve the community as it is unsafe due to wood rot and asbestos and is beyond repair. We do not have a school, church, pub, shop or any other facility where residents can meet to socialise, or organise and participate in group activities, as we have in the past. At present we have access to the call up Tees Flex bus service, introduced during the pandemic, but this is likely to be withdrawn shortly. A car is therefore essential in our rural community to access activities elsewhere, but it does impact on the mobility of our older residents.

The Hall would not only serve Dalton's residents but also other local villages close by. There is a shortage of community venues within the rural area of Hartlepool e.g. Hart Village Hall is oversubscribed. It would provide town residents with another attractive venue for one off events and weekly classes. The Borough Council use it as a Polling Station and our nearest church would like to use the Hall to conduct services.

A new modern Hall, in response to local demand, would allow the Village Hall Association to provide a variety of inclusive social activities for all age groups, affordable, in a safe and friendly atmosphere, thus developing more community cohesion. The Parish Council holds an annual meeting of electors where a wish list is drawn up. Always top of the list is a new Village Hall. Parishioners have been consulted about the proposed design for a new Hall with a formal presentation by the planning consultants. Villager's feedback was used to inform the design. It cannot be overstated how much the loss of the Village Hall matters to our parishioners as a social hub; it is much missed.

Further Comments Received 17/01/2024

Dalton Piercy Parish Council wish to strongly support this application. We submitted our comments previously on 19.10.23 and wish to state that these comments still stand for this current consultation.

Hart Parish Council: - Hart Parish Council wish to strongly support this application.

HBC Economic Development: - No objections from Economic Growth to this proposal.

Cleveland Police: With regard to the proposed development above, I make the following recommendations.

Doorsets

I note that the doors will be powder coated aluminium construction. In this case, these should be certified to BS 4873:2009.

All doorsets allowing direct access into to the building should be certificated to one of the following standards:

- . PAS 24:2016
- . PAS 24:2022
- . STS 201 Issue 12:2020
- . LPS 1175 Issue 7.2:2014 Security Rating 2+
- . LPS 1175 Issue 8:2018 Security Rating A3+
- . STS 202 Issue 10:2021 Burglary Rating 2
- . LPS 2081 Issue 1.1:2016 Security Rating B
- . STS 222 Issue 1:2021

I note from the application that the doors are to be powder coated aluminium construction. In this case, these should be certified to BS 4873:2009.

Windows

Window frames must be securely fixed to the building fabric in accordance with the manufacturer's instructions and specifications.

All easily accessible windows (including easily accessible roof lights and roof windows) shall be certificated to one of the following standards:

- . PAS 24:2016
- . PAS 24:2022
- . STS 201 Issue 12:2020
- . LPS 1175 Issue 7.2:2014 Security Rating 2+
- . LPS 1175 Issue 8:2018 Security Rating A3+
- . STS 202 Issue 10:2021 Burglary Rating 2
- . LPS 2081 Issue 1.1:2016 Security Rating B
- . STS 222 Issue 1:2021

I note from the application that the windows are to be powder coated aluminium construction. In this case, these should be certified to BS 4873:2009.

All ground floor and easily accessible glazing must incorporate one pane of laminated glass or glass tested to BS EN 356:2000 Glass in building. Security glazing - resistance to manual attack to category P1A.

Secure Mail delivery

There are increasing crime problems associated with the delivery of post to buildings, such as identity theft, arson, lock manipulation and 'fishing' for items etc. In order to address such problems, I strongly recommend, where possible, mail delivery via a secure external letter box meeting the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS 009) or delivery 'through the wall' into a secure area of the building. Mail and parcel delivery boxes should be of robust construction, should incorporate an anti-fishing design and be fire resistant.

Lighting

- . Lighting should be provided to illuminate all elevations containing a doorset.
- . Using luminaires with high colour rendering qualities (60 or above on the Colour Rendering Index for instance) often improves visual performance and people's personal experience of an area.
- . The Institute of Lighting Professionals (ILP) currently favours the use of good quality LED lighting and other energy effective light sources and advises against the use of fluorescent lighting which is environmentally unsustainable.
- . Bollard lighting is not appropriate as it does not project sufficient light at the right height, making it more difficult to recognise facial features, and as such, can result in an increase in the fear of crime.

Closed Circuit Television (CCTV)

Although CCTV is not a solution to all security problems it can help deter criminals and assist with the identification of offenders after a crime has been committed. If a CCTV system has a recording facility only, it can be a useful investigate tool whereas a monitored system allows a real-time reaction to criminal activity. CCTV is also often very useful in mitigating against risk where other forms of security are not feasible.

It is important that an operational requirement for CCTV is drawn up in accordance with their specific use and that the objectives for the CCTV system are clearly established.

CCTV systems must be installed to BS EN 62676-4: CCTV surveillance systems for use in security applications.

Intruder alarm

A suitably designed, fit for purpose, monitored intruder alarm system should be considered. For police response, the system must comply with the requirements of the NPCC Security Systems policy.

Unfortunately, there are many crimes which occur during the construction phase, the most common include theft of plant equipment, materials, tools and diesel fuel. Security should be in place prior to the demolition, and the construction phase of the proposed Village Hall. For example, this should include robust perimeter fencing of the site and (where appropriate) a monitored alarm system (by a company or individual who can provide a response) for site cabins and those structures facilitating the storage of materials and fuel. The developer is advised that signage should be displayed across the site (i.e. on the perimeter fencing) and should contain the emergency contact details and point of contact. This will allow both the public and staff members to report suspicious behaviour and circumstances. Mobile or part time CCTV systems can be used as an effective aid to the security of the site and can act as a deterrent to criminal activity.

Further Comments received 17/01/2024

No additional comments from us in relation to this latest change to the proposal.

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.

Further Comments Received 10/01/2024

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 ADB 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.

Northern Gas Networks: - Northern Gas Networks acknowledges receipt of the planning application at SOUTH OF VILLAGE GREEN, BEHIND PRIORY FARM DALTON PIERCY, N Northern Gas Networks has no objections to these proposals,

however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Further Comments Received 22/12/2023
(re-sent original comments)

Northern Powergrid: - (summarised with advice appended as informative) Thank you for your enquiry dated 21/12/2023 concerning the above. The enclosed mains records only give the approximate location of known Northern Powergrid apparatus within the area. Great care is therefore needed and all cables and overhead powerlines must be assumed to be live.

Further Comments Received 02/01/2024

Thank you for your email. Regarding planning application H/2022/0456, National Grid Electricity Transmission have no objection to the proposal that is nearby to our overhead lines. If you would like to view if there are any other affected assets in this area, please raise an enquiry with <https://qbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.lsbud.co.uk%2F&data=05%7C02%7C%7Cb1ccb9e6121646419e7508dc08c0cd71%7Ce0f159385b7b4e50ae9acf275ba81d0d%7C0%7C0%7C638394871379221555%7CUnknown%7CTWfPbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=bfYmU%2BRfWYq5GrRQHRj7QyNNY2H6MUib8SBUP5ZGc6Y%3D&reserved=0>. Additionally, if the location or works type changes, please raise an enquiry. Please note this response is only in reference to National Grid Electricity Transmission assets only. National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

National Grid: - Thank you for your email. Regarding planning application H/2022/0456, there are no National Grid Electricity Transmission assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry. Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity

Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

Northumbrian Water: Dear Planning Team; Thank you for consulting Northumbrian Water on the above proposed development. In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. I can confirm that at this stage we would have no comments to make. I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

HBC Building Control: A Building Regulation application will be required for 'erection of village hall at Dalton Piercy'.

Further Comments Received 03/04/2024 in relation to Land Stability

As I mentioned during our conversation it is a difficult matter to predict with any great certainty but considering traffic is unlikely to increase following the development and the fact that larger vehicles will not be able to use this access i.e. fire appliances, delivery lorries then an increase in loading is seen as very unlikely in this instance.

Can I also add that this is something that Building Control would not consider as part of any application, other than for fire-fighting access, which I believe is in hand with a sprinkler system to be fitted due to the access restrictions.

I am not sure if signage may be required to avoid larger vehicles using this access but I suppose engineers would comment on this in any case. It certainly looks quite a tight access point from the photograph

I hope that this clarifies matters.

HBC Waste Management - No comments were received

HBC Community Safety and Engagement - No comments were received

HBC Estates - No comments were received

Anglian Water - No comments were received

The Civic Society - No comments were received

PLANNING POLICY

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

3.18 Hartlepool Local Plan

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

LS1: Locational Strategy;
 INF4: Community Facilities;
 NE1: Natural Environment
 NE2: Green Infrastructure;
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 SUS1: The Presumption in Favour of Sustainable Development
 CC1: Climate Change
 RUR1: Development in the Rural Area

Hartlepool Rural Plan

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

GEN1: Development Limits
 GEN2: Design Principles
 C1: Safeguarding & Improvement of Community Facilities
 EC1: Development of the Rural Economy
 EC2: Retention of Shops, Public Houses and Community Facilities
 HA3: Protection and Enhancement of Listed Buildings

National Planning Policy Framework (NPPF) (2023)

3.20 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 Policies for England;
 PARA002 Planning law;
 PARA003 NPPF read as a whole;
 PARA007 Purpose of planning;

PARA008 Sustainable Development;
 PARA009 Implementation of plans and relating to local circumstances;
 PARA010 Planning in a positive way;
 PARA011 Presumption on favour of sus development;
 PARA012 Status of development plan;
 PARA038 Positive planning;
 PARA047 Development Plan and material considerations;
 PARA055 Planning Conditions;
 PARA056 Planning Conditions;
 PARA057 Planning Obligations;
 PARA085 Economic growth;
 PARA088 Supporting a Prosperous Rural Economy;
 PARA114 Access
 PARA124 Making Effective Use of Land;
 PARA128 Efficient use of land;
 PARA131 Design;
 PARA135 Design;
 PARA139 Refuse poor design;
 PARA159 Avoiding vulnerability to climate change;
 PARA162 Renewables and energy efficiency;
 PARA224 NPPF material Considerations.

3.21 **HBC Planning Policy:** - There are no Planning Policy objections to this proposal.

PLANNING CONSIDERATIONS

3.22 The main material planning considerations of this proposed development relate to the principle of development, the impact on the character of the area and any considered impacts on heritage assets, the impact on amenity of surrounding neighbouring properties, ecology, drainage and any other material considerations arising.

PRINCIPLE OF DEVELOPMENT

3.23 The application seeks planning permission for the erection of a replacement Village Hall building within the rural village of Dalton Piercy. With respect to the existing facility, it is understood that the building was a former army hut, dating back to the Queen's Coronation and that the building is now in a state of disrepair, no longer capable of serving the community.

3.24 Paragraph 88 of the National Planning Policy Framework (NPPF) is concerned with supporting a prosperous rural economy and section 'D' of the paragraph references support for the retention and development of accessible local services and community facilities. At a local level, Policy INF4 of the Hartlepool Local Plan (HLP, Adopted 2018) seeks to protect, maintain and improve existing facilities, where appropriate and practical, and require and support the provision of new facilities to serve developments to remedy any existing deficiencies.

3.25 In addition, Policies C1 and EC2 of the Hartlepool Rural Neighbourhood Plan (HRNP, also Adopted 2018), seek to safeguard and improve community facilities. Furthermore, point 1 of Rural Plan Policy C1 specifically references making improvements to Dalton Piercy Village Hall.

3.26 Comments from Dalton Piercy Parish Council note the lack of available services within the village and highlight the benefits that would arise not just for Dalton Piercy, but for other villages within the wider surrounding area. The application site is located within the defined village development limits of Dalton Piercy. The addition of a new, replacement Village Hall community facility is considered to improve the sustainability of the village and the wider area that it would serve. The Council's Planning Policy section have been consulted, and there are no concerns or objections to the proposed development. Similarly, the Hartlepool Rural Neighbourhood Plan Group have commented that the proposed development would comply with the HRNP Policies and support is therefore given to the proposed development.

3.27 Recent changes in Building Regulations legislation (June 15th 2022) have upgraded the energy efficiency requirements of new buildings and in some instances this would supersede the requirements of Local Planning Policy QP7, which required a 10% uplift in standard beyond the previous Building Regulation standards. With respect to the current application, it is considered that the proposed building would provide a level of energy efficiency that would at least be in line with planning policy requirements and therefore no planning condition requiring the 10% uplift is required in this instance.

IMPACT ON THE CHARACTER & APPEARANCE OF THE SURROUNDING AREA

3.28 Hartlepool Local Plan Policy QP4 (Layout and Design of Development) sets out that the Council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. Policy QP4 and the relevant criterion sets out 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.

3.29 Hartlepool Rural Neighbourhood Plan Policy GEN 2 (Design Principles) sets out that the design of new development should demonstrate, how the design helps to create a sense of place and reinforces landscape (criterion 3); how the design preserves and enhances significant views and vistas (criterion 5). Hartlepool Rural Neighbourhood Plan Policy EC1 (Development of the Rural Economy) sets out that the development of the rural economy will be supported if the development is of a scale appropriate to its setting and enhances the local landscape character.

3.30 The application site relates to the parcel of land serving the existing Village Hall within the village of Dalton Piercy, which is situated on the southern side of the village, to the rear of the properties located on North View. Site access is taken from the main road running through the village from the north at the eastern part of the site, and would be unchanged from the existing arrangement, as a result of the proposed development.

3.31 The proposed development would replace the existing Village Hall building, with another single storey building within a similar location. It is acknowledged however, that despite the proposed replacement building also being single storey, owing to the suspended floor level proposed (to take account of the existing site levels), there would be an increased height to the proposed building and it would be a notable change from the appearance of the existing building, with a proposed maximum height of approximately 6.5 metres. The proposed building would be approximately 1.5 metres higher than the existing building and the expanse of the roof of the proposed building would be a notable feature of its design.

3.32 Notwithstanding the acknowledged differences between the existing and proposed buildings, the proposed scheme would still be set back behind the two rows of cottages flanking the Village Green that characterises Dalton Piercy and the proposed building would be largely screened from any significant public views by the two storey residential properties located on North View. This view has been echoed within the comments received by the Council's Landscape Architect, who raises no objections or visual concerns to the proposed development. Furthermore, the functional scale, design and appearance of the building is considered to respect the surrounding application site as a whole.

3.33 Planning conditions are recommended for final details of materials of the building, to exercise controls over any means of enclosure and seek details of hard and soft landscaping through respective planning conditions.

3.34 The site boundaries also features mature trees, particularly to the rear of the site that would provide suitable screening of views onto the proposed building from the open countryside to the south. To the west, the site features site trees, hedgerow and other vegetation. The consideration of the impact on the trees and landscaping is considered within the following sub-section, although it is recognised that the role of landscaping is important in enhancing and mitigating the setting and the impact of the proposed development. Having regard to the above considerations, subject to the considerations of the impact on trees and landscaping, the proposed development is considered to be acceptable in terms of the impact on the character of the village of Dalton Piercy and the wider surrounding area.

IMPACT ON TREES & LANDSCAPING

3.35 Beyond consideration of the proposed building, it is recognised that the associated development can also impact upon the character of the area. The proposed site plan illustrates a parking area at the rear of the site. It is notable that the entrance to the site from the village Green is through a grassed track, leading to the rear of the site. This is considered an important feature of both the village Green and the rural village setting and therefore a planning condition is recommended to exercise controls over any potential changes to this site access.

3.36 As detailed within the above section, the site is partly surrounded by mature trees, hedgerow and other vegetation. During the course of the planning application, at the request of the case officer, revisions were sought to the proposed scheme to alter the location of the proposed building, which have moved the position of the proposed building a greater distance from the shared boundary to west. These

changes were primarily requested in the interests of residential amenity, although the considered positive impacts have a number of other benefits and allow for the retention of existing landscaping along the western boundary of the site, which offers benefit to the character, amenity and the ecological credentials of the area.

3.37 The revised location of the proposed building would be further to the east. The Council's Arboricultural Officer has confirmed that the revised location of the proposed building would not significantly impact upon the existing vegetation along the western boundary of the site or the mature trees on site. The Council's Arboricultural Officer's comments note that a small loss of some tree groups on site, although, subject to the recommended planning conditions for the protection and retention of the landscaping and trees along the site boundaries, the proposed development would retain and protect the more mature trees and existing landscaping along the boundaries of the site.

3.38 The impacts of retaining the mature trees and landscaping is considered to provide valuable screening onto the proposed development from the wider surrounding area including from the open countryside to the south (rear). Additionally, the site would also retain its verdant character, which is synonymous with the character of the rural village setting.

3.39 The proposed development would involve the installation of some hard surfacing parking area in close proximity to the trees (south-east of the site) that would be constructed of a no dig cellular method. This would protect the trees in the longer term and is recommended to be conditioned accordingly. Notwithstanding the long term solution, during the construction period the submitted information details that the no dig construction method would be carried out prior to works commencing or that temporary ground protection measures would be carried out, which would then be followed by the no dig construction in a phasing exercise. The Council's Arboricultural Officer considers either of these solutions to be acceptable, although notes that the LPA should be notified of which method is used before the works are to commence. Appropriate conditions in respect to the types of surface protection and the phasing are recommended accordingly and subject to such conditions, the proposed development is considered acceptable in respect to the impact on trees.

3.40 The Council's Arboricultural Officer notes that due to construction of the vehicular parking area subject to no dig cellular construction, this area of parking would be at a higher level than the remaining parking area not utilising the cellular construction method. Whilst noting the comments, the levels of the surrounding parking area are not required to utilise this method, although could be raised appropriately to prevent any jarring levels change between the differing construction methods. Conditions relating to levels and hard landscaping can manage this matter accordingly and are secured by the appropriate planning conditions and no issues of significance are raised in this respect.

3.41 Having regard to the above considerations, subject to the recommended planning conditions, the proposed development is considered not to result in a significantly detrimental impact on the character of the village setting and wider surrounding area and the proposed development is therefore considered acceptable in this respect.

IMPACT ON HERITAGE ASSETS

3.42 Bounding the application site to the east, adjacent to the site access is Priory Farmhouse, which as a grade II listed building is recognised as a designated heritage asset. Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.43 Policy HE1 of the HLP states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 of the HLP states, to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting. Additionally, Policy HA3 of the HRNP seeks protection and enhancement of Listed Buildings. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 199, NPPF).

3.44 The proposed access location would remain unaltered, although there would be the provision of a parking area with associated hardstanding and the proposed building would increase the scale of the building, albeit still remaining single storey and at a greater distance than the existing building. The Council's Head of Service for Heritage & Open Spaces has considered the proposed development and any impacts on the neighbouring listed building and considers that the proposed works would not impact on the significance of the setting of the heritage asset.

3.45 Having regard to the comments and considerations of the Council's Head of Service for Heritage & Open Spaces, the proposed development is considered not to impact on the designated Heritage Asset and the proposed development is considered acceptable in this respect.

IMPACT ON RESIDENTIAL AMENITY OF THE SURROUNDING PROPERTIES

3.46 Hartlepool Local Plan Policy QP4 requires that the Borough Council will seek to ensure that all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties. Hartlepool Rural Neighbourhood Plan Policy EC1 (development of the rural economy) sets out that the development of the rural economy should not result in a detrimental to the amenity of nearby residential properties.

3.47 HLP Policy QP4 sets out minimum separation distances that must be adhered to and whilst this primarily relates to dwellings, the above requirements are reiterated in the Council's Residential Design SPD (2019) whereby it states that such distances should also be applied to commercial units;

The principle elevations of a commercial unit are to be treated the same as the principle elevations of a dwelling i.e. the principle elevation of a dwelling should be located at least 20m from the principle elevation of a commercial unit.

3.48 The application site is the location of the existing Village Hall to the rear of properties located on North View in Dalton Piercy. The proposed replacement building would be single storey in scale, although the height of the building would be greater than the building it would replace, with an overall ridge level height of approximately 6.5 metres and the proposed building would be located further to the west, than the location of the current building proposed to be demolished.

Properties to the West

3.49 To the west is the modern cul-de-sac development of Abbots Lea. The residential properties and associated rear garden areas of 3 and 4 Abbots Lea bound the application site to the side, where the respective occupiers have both raised objections to the proposed development. Objection comments have been received in relation to the position of the proposed building; the impacts in terms of loss of light/daylight; overbearing, loss of outlook impacts and a loss of privacy from the use of the elevated external area. Objection comments have also been received in relation to the potential impacts from noise generated by the proposed use of the building; noise generated from parking and vehicular movements and noise generation from the use of the external patio area. Concerns have also been raised with respect to the impacts from any associated lighting to be installed.

3.50 It is noteworthy that through the course of the planning application, the location of the proposed building has been altered, at the request of the case officer, where the building would be positioned at a further distance from the shared boundary to the west by approximately 8.7 metres. The movement of the location of the proposed building would also allow for the retention of the existing boundary hedge along this shared boundary. The side elevation of the proposed building would face towards the residential properties to the west. The building would have an approximate depth of 9 metres facing towards this shared boundary.

3 Abbots Lea (west)

3.51 There would be an approximate 20 metre separation distance between the side (west) elevation of the proposed building and the neighbouring property to the west. Whilst the side elevation of the proposed Village Hall building would not be the principal elevation, it would still have a 20 metre separation distance and would therefore be in excess of the required separation distances as set out within HLP Policy QP4 and the Residential Design SPD. The depth of the side elevation and the hipped design of the building is considered to limit the extent of the impact along this shared boundary. In addition, the revised position of the proposed building would provide space between the proposed building and the shared boundary and with the presence of the existing boundary hedge protected and retained along this boundary, views onto the proposed building are considered to be partially screened and filtered and it is considered that the proposed development would not lead to any significant loss of amenity in terms of overbearing, loss of light/overshadowing, or loss of outlook for this property as to warrant the refusal of the planning application on such grounds.

3.52 With respect to the consideration of privacy, only high level roof lights are proposed within the side elevation of the proposed building, where no significant

views would be achievable and given the distance and relationship, it is considered that there would be no significant loss of privacy occurring from the proposed building on this neighbouring residential property in terms of overlooking. It is noted that there would be an external patio area located to the rear of the proposed building (south) and that the land in this area raises approximately 1.5 metres higher than the ground at the front of the proposed building. Whilst acknowledging the change in levels, the proposed rear patio area would not increase the height of this area from the existing situation, where the space can be utilised currently. Whilst acknowledging that the proposed external patio would increase the propensity to use the space, it is considered that given the distances involved, the retention of the boundary hedge and boundary enclosure along the shared boundary and given that the proposed building would screen much of the patio area from this residential property, it is considered that the proposed external patio area would not give rise to any significant loss of privacy for the neighbouring property of 3 Abbots Lea in terms of overlooking.

3.53 A ramped access is proposed to the front of the building, which would also provide access along the side (west) elevation, facing towards the properties to the west, where access would be provided to the rear patio area. Whilst the access would increase the height around the building in this area, the purpose and nature of the ramp (and associated access doors in the north elevation of the building) to provide access and egress to and from the building and area means that any views towards the property to the west would be fleeting and given the uneven level, it would not be conducive to lead to the propensity to frequent the space for prolonged periods. In addition, given the distances involved and the levels of screening between the proposed ramp area and the neighbouring property and garden area, the proposed structure is considered not to lead to any significant loss of privacy in terms of overlooking as to warrant the refusal of the planning application on these grounds.

4 Abbots Lea (south west)

3.54 The neighbouring property of 4 Abbots Lea is situated immediately to the side (south) of 3 Abbots Lea, although this property is staggered at an increased distance from the proposed building with an approximate 21 metre separation distance. Whilst the side elevation of the proposed Village Hall building would not be the principal elevation, it would still have a separation distance of approximately 21 metres and would therefore be in excess of the required separation distances as set out within HLP Policy QP4 and the Residential Design SPD. The depth of the side elevation and the hipped design are also considered to limit the extent of the impact along this shared boundary. In addition, the revised position of the proposed building would provide space between the proposed building and the shared boundary. It is noted that the existing arrangement features an outbuilding adjacent to the shared boundary with 4 Abbots Lea. As a result of revised plans, this building would now be removed from this area and, at the request of the case officer, landscape hedge planting is proposed within this area, which would provide some screening of views onto the proposed building and the area generally. With the presence of the proposed boundary hedge along this boundary, views onto the proposed building are considered to be partially screened and filtered and it is considered that the proposed development would not lead to any significant loss of amenity for this

property in terms of overbearing, loss of light/overshadowing, or loss of outlook to warrant the refusal of the planning application on such grounds.

3.55 With respect to the consideration of privacy, only high level roof lights are proposed within the side (west) elevation of the proposed building, where no significant views would be achievable and given the distance and relationship, it is considered that there would be no significant loss of privacy occurring from the proposed building on this neighbouring residential property.

3.56 It is noted that there would be an external patio area (served by patio doors within the rear of the building), where 8 roof lights would also feature within the rear facing roof slope (south). Notably, the land in this area, adjacent to the neighbouring property is raised by approximately 1.5 metres higher than the ground at the front of the proposed building. Whilst acknowledging the change in levels, the proposed rear patio area would not increase the height of this area from the existing situation, where the space can be utilised currently. It is however acknowledged that the provision of an external patio (and associated access doors) would increase the propensity to use the space, although it is considered that given the distances involved, with the provision of the boundary hedge, to be secured by planning condition, and given the existing boundary enclosure along the shared boundary, it is considered that the proposed external patio area and associated fenestration (roof lights) would not give rise to any significant loss of privacy for the neighbouring property of 4 Abbots Lea in terms of overlooking.

3.57 A ramped access is proposed to the front (north) of the building, which would also provide access along the side (west) elevation, facing towards the properties to the west, where access would be provided to the rear patio area. Whilst the access would increase the height around the building in this area, the purpose and nature of the ramp (and associated access doors in the north elevation of the building), to provide access and egress to and from the building and area means that any views towards the property to the south west would be fleeting and given the uneven level, it would not be conducive to lead to the propensity to frequent the space for prolonged periods. In addition, given the distances involved and the screening proposed between the proposed ramp area and the neighbouring property and its garden area, the proposed structure is considered not to lead to any significant loss of privacy in terms of overlooking for this property to warrant the refusal of the planning application on these grounds.

3.58 Having regard to the scale and nature of the proposed development, taking account of the distances and relationships and having regards to existing and proposed mitigation measures, the proposed development is considered not to lead to any significant loss of privacy and amenity for the neighbouring properties to the west to warrant the refusal of the planning application on these grounds and the proposed development is considered acceptable in this respect.

Properties to the North-West

9 and 10 North View (west)

3.59 At the opposite side (north) of 3 Abbots Lea are the rear garden areas and respective properties of 9 and 10 North View. These residential properties are not directly adjacent to the application site, although views onto the proposed development would be possible from the rear aspect and respective garden areas. 9 North View would be approximately 37 metres from the proposed building and 10 North View would be at a distance of approximately 40 metres away, which are considerably in excess of the required separation distances as set out within HLP Policy QP4 and the Residential Design SPD. Whilst some views would be achievable, given the distance and the indirect relationship as well as the intervening boundary treatments, the proposed development, including the provision of the ramped access is considered not to lead to any significant loss of privacy and amenity in terms of loss of outlook, loss of light/overshadowing and overbearing for these distant neighbouring residential occupiers and the proposed development raises no concerns in respect to these residential properties.

6, 7 and 8 North View (north/north west)

3.60 The residential properties of 6, 7 and 8 North View bound the application site to the north-west, although the proposed building would not be located directly at the rear of these neighbouring properties, but would be further to the east of the respective rear garden areas. The properties along North View characteristically feature sizable, elongated garden areas and there would be separation distances of approximately 26 metres from the proposed building (and approximately 24 metres from the ramped access) to 6 North View, 26 metres from 7 North View (taking account of rear conservatory HFUL/2002/0692)(and approximately 24 metres from the ramped access) and approximately 30 metres from 8 North View (approximately 28 metres from the ramped access); all of which would be in excess of the required separation distances as set out within HLP Policy QP4 and the Residential Design SPD. Given these distance, intervening boundary treatments (which includes a notable scale outbuilding along the rear boundary to No 7) and relationship with the neighbouring properties to the north-west, the proposed building is considered not to result in any significant loss of amenity in terms of overbearing, loss of light/overshadowing and loss of outlook.

3.61 With respect to privacy related matters, the proposed building would feature only limited openings within the front (north) and side (west) aspects of the building, with a set of front entrance doors to the front (north) and roof lights within the front and side facing roof slope (north and west). The proposed ramped access would be located along the front and side elevation of the building (north and west), although much of this structure (and views from it) would be largely screened by the presence of a large garden building located within the neighbouring garden area to the east of 5 North View. In addition, given the purpose and nature of the ramp (and associated access doors in the north elevation of the building), to provide access and egress to and from the building means that any views towards the properties to the north-west would be fleeting and given the uneven level, it would not be conducive to lead to the propensity to frequent the space for prolonged periods. In addition, given the distances involved and the levels of screening between the proposed ramp area and the neighbouring properties and garden areas to the north-west, the proposed structure is considered not to lead to any significant loss of privacy in terms of overlooking as to warrant the refusal of the planning application on these grounds.

Having regard to the above considerations, taking account of the distances, relationship and nature of the proposed works, the proposed development is considered not to result in any significant loss of privacy for the neighbouring properties to the north-west.

Properties to the North

5 North View (north)

3.62 The residential property and rear garden area of 5 North View bounds the application site to the north. The proposed building would be located approximately 3 metres off the shared boundary to the south, directly at the rear of the neighbouring rear garden area, although the residential property benefits from a sizable rear garden outbuilding adjacent to the boundary with the application site. The ramped access would be within one metre of the shared boundary fence, although given its height, the shared boundary enclosure together with the presence outbuilding within the neighbouring garden area would largely screen the ramp structure, and would assist in reducing its physical impact and the ramp is considered not to lead to any significant overbearing or loss of light impact on the neighbouring property. As detailed above, the neighbour's outbuilding would provide a degree of screening from views onto the proposed development from the neighbouring property and garden area. The property features a sizable, elongated rear garden area and taking account of the single storey rear extension at the site (understood to be approved under HFUL1993/01964), there would be an approximate separation distances of 22 metres from the extended rear of 5 North View to the proposed building and an approximate distance of 20 metres between the extended property and the ramped access, which would meet the required separation distances as set out within HLP Policy QP4 and the Residential Design SPD. Given the distance, and relationship with the neighbouring property to the north, the proposed building is considered not to result in any significant loss of amenity for the neighbouring property in terms of overbearing, loss of light/overshadowing and loss of outlook.

3.63 With respect to privacy related matters, the proposed building would feature only limited openings within the front aspects of the building, with a set of front entrance doors to the front and roof lights within the front roof slope (north). The proposed ramped access would be located along the front and side elevation of the building (north and west) and be positioned close to the adjacent rear boundary of the neighbour, although much of this structure (and views from it) would be largely screened by the presence of the large garden building located within the garden area of 5 North View. In addition, given the purpose and nature of the ramp (and associated access doors in the north elevation of the building), to provide access and egress to and from the building, it is considered that any views towards the neighbouring property to the north would be fleeting and given the uneven level, it would not be conducive to lead to the propensity to frequent the space for prolonged periods. In addition, given the distances involved and the levels of screening between the proposed ramp area and the neighbouring property and garden areas to the north, the proposed structure is considered not to lead to any significant loss of privacy in terms of overlooking as to warrant the refusal of the planning application on these grounds. Having regard to the above considerations, taking account of the distance, relationship and nature of the proposed works, the proposed development

is considered not to result in any significant loss of amenity and privacy for the neighbouring property to the north.

4 North View (north)

3.64 The residential property and rear garden area of 4 North View bounds the application site to the north. The application site in this area extends further to the north than the properties either side of 4 North View and there is a small storage building serving the Village Hall in this area, between the location of the proposed building and the neighbouring garden to the north. The proposed building would be located approximately 8 metres off the shared boundary to the south. The residential property of 4 North View benefits from a sizable, elongated rear garden area and there would be separation distances of approximately 25 metres from the rear of 4 North View and the proposed building (and approximately 23 metres to the ramped access) which would be in excess of the required separation distances as set out within HLP Policy QP4 and the Residential Design SPD. The proposed ramp structure would largely be screened by the presence of the shared boundary fence and outbuilding situated between and being located off the shared boundary and is considered not to lead to any overbearing or loss of light impact for the neighbouring resident to the north. The residential property benefits from a sizable rear garden area and given the distance and relationship with the neighbouring property to the north, the proposed building and ramped structure are considered not to result in any significant loss of amenity in terms of overbearing, loss of light/overshadowing and loss of outlook.

3.65 With respect to privacy related matters, the proposed building would feature only limited openings within the front aspects of the building, with a set of front entrance doors to the front and rooflights within the front roof slope (north). The proposed ramped access would be located along the front and side elevation of the building (north and west), although much of this structure would be largely screened by the presence of the storage building within the grounds of the application site. It is acknowledged however, that as a result of the proposed ramp, views would be achievable from the top of the ramp towards the neighbouring property and garden area, which could also be mutually achieved from the residential occupier from the north, towards the front of the proposed building. Whilst acknowledging the raised height of the proposed structure, given the purpose and nature of the ramp (and associated access doors in the north elevation of the building), to provide access and egress to and from the building, it is considered that any views towards the neighbouring property to the north would be fleeting and given the uneven level, it would not be conducive to lead to the propensity to frequent the space for prolonged periods. In addition, given the distances involved between the proposed ramp area and the neighbouring property and garden areas to the north, the proposed structure is considered not to lead to any significant loss of privacy in terms of overlooking for this property as to warrant the refusal of the planning application on these grounds. Having regard to the above considerations, taking account of the distance, relationship and nature of the proposed works, the proposed development is considered not to result in any significant loss of privacy for the neighbouring property to the north.

3 North View (north)

3.66 The residential property and rear garden area of 3 North View bounds the application site to the north. The proposed building would be located approximately 3 metres off the shared boundary to the south, directly at the rear of the neighbouring rear garden area, although the neighbouring residential property benefits from two rear outbuildings adjacent to the boundary with the application site. The neighbour's outbuildings would provide a degree of screening from views onto the proposed development from the neighbouring property and garden area. This property has notably been extended with a two storey side and rear extension and single storey rear extension. The works project further to the rear by approximately 3 metres for part of the rear elevation (H/2029/0488). The property features a sizable, elongated rear garden area and there would be separation distances of approximately 25 metres from the rear of 3 North View (and approximately 22.5 metres from the ramped access), which would be in excess of the required separation distances as set out within HLP Policy QP4 and the Residential Design SPD. The proposed ramp structure would largely be screened by the presence of the shared boundary fence and outbuildings situated between and is considered not to lead to any overbearing or loss of light impact for the neighbouring resident to the north. Given the distance, and relationship with the neighbouring property to the north, the proposed building is considered not to result in any significant loss of amenity in terms of overbearing, loss of light/overshadowing and loss of outlook.

3.67 With respect to privacy related matters, the proposed building would feature only limited openings within the front aspects of the building, with a set of front entrance doors to the front and rooflights within the front roof slope (north). The proposed ramped access would be located along the front elevation of the building (north), although much of this structure would be largely screened by the presence of the outbuildings, located within the garden area of 3 North View. In addition, given the purpose and nature of the ramp (and associated access doors in the north elevation of the building), to provide access and egress to and from the building, it is considered that any views towards the neighbouring property to the north would be fleeting and given the uneven level, it would not be conducive to lead to the propensity to frequent the space for prolonged periods. Furthermore, given the distances involved, the proposed structure is considered not to lead to any significant loss of privacy in terms of overlooking for the neighbouring property as to warrant the refusal of the planning application on these grounds. Having regard to the above considerations, taking account of the distance, relationship and nature of the proposed works, the proposed development is considered not to result in any significant loss of privacy for the neighbouring property to the north.

Properties to the North-East

1 and 2 North View (north east)

3.68 The residential properties of 1 and 2 North View bound the application site to the north-east, although the proposed building would not be located directly at the rear of these neighbouring properties, but would be further to the west of the respective rear garden areas at a distance of approximately 11.5 metres away from the shared boundary. 2 North View would have a separation distance from the proposed building of approximately 27 metres and 1 North View would have a

separation distance of approximately 28 metres; both of which would be in excess of the required separation distances, as set out within HLP Policy QP4 and the Residential Design SPD. Given the distance, and relationship with the neighbouring properties to the north-east, the proposed building (and associated ramped access) is considered not to result in any significant loss of amenity in terms of overbearing, loss of light/overshadowing and loss of outlook.

3.69 With respect to privacy related matters, the proposed building would feature only limited openings within the front and side aspects of the building, with a set of front entrance doors to the front (north) and roof lights within the front and side facing roof slope (north and east). The proposed ramped access would be located along the front and side elevation of the building (north), although much of this structure would be largely screened by the presence of intervening outbuildings. In addition, given the purpose and nature of the ramp (and associated access doors in the north elevation of the building), to provide access and egress to and from the building, it is considered that any views towards the properties to the north-west would be fleeting and given the uneven level, it would not be conducive to lead to the propensity to frequent the space for prolonged periods. Furthermore, given the distances involved between the proposed ramp area and the neighbouring properties and garden areas to the north-east, the proposed structure is considered not to lead to any significant loss of privacy in terms of overlooking for the neighbouring properties as to warrant the refusal of the planning application on these grounds. Having regard to the above considerations, taking account of the distance, relationship and nature of the proposed works, the proposed development is considered not to result in any significant loss of privacy for the neighbouring properties to the north-west.

The Priory (north east/east)

3.70 Beyond the site access to the north-east is the grade II listed building of The Priory with its associated curtilage extending the full length of the eastern boundary to the application site. The proposed single storey building would be approximately 37 meters away and situated indirectly from the neighbouring property. The proposed building would be in excess of the required separation distances, as set out within HLP Policy QP4 and the Residential Design SPD. Given the distance, and relationship with the neighbouring property to the north-east, the proposed building (and associated ramped access) is considered not to result in any significant loss of amenity in terms of overbearing, loss of light/overshadowing and loss of outlook.

3.71 With respect to privacy related matters, the proposed building would feature only limited openings within the front and side aspects of the building, with a set of front entrance doors to the front (north), a kitchen window within the side elevation (east) and roof lights within the front and side facing roof slopes (north and east). The proposed ramped access would be located along the front elevation of the building (north). It is considered that given the purpose and nature of the ramp (and associated access doors in the north elevation of the building), to provide access and egress to and from the building, any views towards the neighbouring property to the north-east would be fleeting and given the uneven level, it would not be conducive to lead to the propensity to frequent the space for prolonged periods. Furthermore, given the distances involved between the proposed ramp area and the neighbouring property and garden area to the north-east, the proposed structure is

considered not to lead to any significant loss of privacy in terms of overlooking for the neighbouring property as to warrant the refusal of the planning application on these grounds. Having regard to the above considerations, taking account of the distance, relationship and nature of the proposed works, the proposed development is considered not to result in any significant loss of privacy for the neighbouring property to the north-east.

Levels

3.72 The above considered impacts from the proposed development on the surrounding neighbouring occupiers have appreciably taken account of the change in levels across aspects of the site and beyond, which would involve a split level development. Notwithstanding this, whilst some spot levels have been provided with the application as well as elevations to illustrate the required retaining walls/steps/change in levels, a planning condition is recommended to secure further levels details in order to exercise further control over the development to ensure that the impacts from level changes are suitably managed and a levels condition is therefore recommended accordingly.

3.73 Having regard to the scale and design of the proposed development and taking account of the above referenced and considered separation distances and relationships, on balance, the proposed development is considered not to lead to any significant loss of privacy and amenity for the surrounding neighbouring land users and the proposed development is therefore considered acceptable in this respect.

Use

3.74 It is recognised that beyond the physical works, the way a building functions can also give rise to activity in terms of the associated operations in and around the site and any noise and disturbance activity including any such associated comings and goings. Objection comments were received in relation to the potential impacts from noise generated by the proposed use of the building; noise generated from parking and vehicular movements and noise generation from the use of the external patio area. Concerns have also been raised with respect to the impacts from any associated lighting to be installed.

3.75 Through the course of the planning application, the Council's Public Protection section have had regard to the matters raised through the public consultation exercise. With respect to concerns received concerning noise generation from the proposed use, HBC Public Protection have commented that the site is the location of the existing Village Hall, where similar activities are expected to take place. HBC Public Protection have commented that whilst acknowledging that the proposed building would be larger, unlike the existing hut building, it would also be of a solid construction and would offer increased noise insulation benefits as a result. With respect to consideration of noise generation from comings and goings of vehicles (including car parking), it is noted that whilst the proposed development would involve the formation of a parking area, the vehicular access into the site is existing and the parking provision would be limited to a small number of vehicular movements. Furthermore, given the site constraints, the associated parking is limited

to an area of the site, which is enclosed by the existing boundary treatments to the north and east.

3.76 With respect to consideration of the use of the proposed building and external patio area, the revised location of the proposed building would provide greater separation from the nearest neighbouring properties and the Council's Public Protection section consider that subject to responsible and considerate management, the use of the area would not lead to any significant impacts on neighbouring residential amenity, although if matters were to arise in this respect, HBC Public Protection have advised that this can be controlled through their respective powers and legislation at such a time.

3.77 The Council's Public Protection section recommended a number of planning conditions from the initial consultation response, although it is noted that the lighting condition recommended was related to the construction period only. The lighting condition is therefore altered to address the lighting consideration beyond the construction phase. This was a concern raised through the public consultation period and a planning condition can manage this matter accordingly. Other conditions recommended relate to the construction phase as considered within the following section.

3.78 It is noteworthy that the proposed building would contain a kitchen to serve the Village Hall. The kitchen is considered to be ancillary to the main use and given the scale and nature, it is not expected to generate significant issues in relations to odours from cooked food and no objections or requirements have been received from HBC Public Protection.

3.79 Having regard to the nature of the use and the relationship with the surroundings, taking account of the changes made to the scheme and the comments of the Council's Public Protection section, it is considered that the use of the site raises no significant concerns in respect to impact on residential amenity and the proposed development is considered acceptable in this respect subject to identified planning conditions where necessary.

The Construction Phase

3.80 The Council's Public Protection section recommend a number of planning conditions relating to external lighting, hours of construction and deliveries and a condition to manage dust. Such conditions are considered to be reasonable and are recommended to be secured by planning conditions. The Public Protection team also recommend that no open burning takes place on the site and this is relayed by way of informative to advise the applicant accordingly (as it can be covered by separate environmental legislation).

Residential Amenity Conclusion

3.81 Whilst having regard to the comments of the surrounding neighbouring occupiers received through the public consultation exercise, taking account of the scale and design, the distance, relationships and nature of the proposed use, the proposed development is considered not to lead to any significant loss of privacy and

amenity to warrant the refusal of the planning application on these grounds and the proposed development is considered acceptable in this respect.

HIGHWAY SAFETY & PARKING RELATED MATTERS

3.82 The proposed development would utilise the existing access point from the north, to the east of the site and would provide nine vehicular parking spaces. The Council's Traffic & Transport section have considered the application and have raised no concerns or objections to the proposed development. In addition, the Council's Countryside Access Officer has confirmed that no public rights of way would be affected by the proposed development.

3.83 Comments received through the public consultation exercise have suggested that the provision of formal parking spaces would encourage unnecessary vehicle use. Whilst acknowledging the comments, the proposed use of the site would not change, which already benefits from the vehicular access. Whilst there is no formal parking currently available, vehicles using the facility would be able to park at the site.

3.84 A comment has also suggested that the site is difficult for emergency vehicles to access. With respect to this concern, the position would be no different to the existing situation. With respect to fire safety, Cleveland Fire Brigade have identified a solution that the applicant has confirmed would be considered through the necessary Building Regulation process, outside of the planning process. Furthermore, the Council's Traffic and Transport section raise no concerns or objections in this respect.

3.85 Concerns have raised that the proposal may encourage vehicles parking on the Village Green, which would conflict with by-laws. With respect to such concerns, should any breaches occur, this could be managed through the necessary legislation, which includes the powers of the Highways Authority and these concerns would not be a reason to warrant the refusal of the planning application on such grounds.

3.86 Having regard to the above considerations and the comments of the Council's Traffic and Transport section, and the application is considered acceptable in terms of pedestrian and vehicular highway safety and parking related matters.

FLOOD RISK & DRAINAGE

3.87 The application site is located within Flood Zone 1 and therefore is the most suitable location sequentially in terms of flood risk. The Council's Flood Risk officer has considered the application and has confirmed that there are no objections to the proposed development in principle, although further details are required on respect to the disposal of surface water. A condition is therefore recommended for such details to be submitted prior to the commencement of any works. It is noted that the details provided have suggested the use of a soakaway system. Subject to the recommended condition in respect to surface water information, the proposed development is considered to be acceptable in respect to flood risk and surface water related matters. In addition, to assist the applicant in satisfying the drainage

condition, information is relayed by way of informative to advise the applicant of the requirements of satisfying the surface water soakaway requirements.

ECOLOGY

3.88 Hartlepool Local Plan policy NE1 (Natural Environment) sets out that the Council will protect, manage and enhance Hartlepool's natural environment by ensuring that development proposals are in accordance with the locational strategy, that ecological networks are enhanced and green infrastructure is protected and enhanced and that development avoids harm to and, where appropriate, enhances the natural environment by following the sequence of avoidance, mitigation, compensation.

Bats

3.89 In order to facilitate the proposed development, the existing Village Hall building would be demolished. Surveys carried out of the site have identified a day bat roost contained within the building, used by a small number of Common Pipistrelle bats. Given the proposed demolition of the building, the bat roost is required to be removed. The impact of the proposed demolition would result in disturbance to bats present at the time works are carried out and there is the potential that bats may be killed or injured if present at the time of the demolition works are carried out.

3.90 As a bat roost site will be destroyed and bats will be disturbed, a Bat Mitigation Licence will be required from Natural England, in order for the works to be legally carried out. Whilst the Council's Ecologist initially recommended that the requirement for a planning condition to require the applicant to obtain the necessary licence, the planning system cannot enforce the applicant to access other legislation, but can direct the applicant accordingly and the Council's Ecologist has confirmed agreement with this approach. An informative is therefore instead recommended to direct the applicant to the necessary legal requirements in relation to obtaining the bat licence.

3.91 The Council's Ecologist has considered that the applicant would likely be granted the appropriate licence by Natural England to carry out these works and therefore there are no objections to this loss in this instance. An appropriately worded informative is recommended to inform the applicant of their legal responsibilities in this respect.

3.92 In order to compensate for the loss of potential roosting sites, the Council's Ecologist has requested at total of four integral bat roost bricks be located within the south or east elevation facing walls at a minimum height of three metres. A condition is recommended accordingly.

Birds

3.93 The applicant's surveys discovered that a Starling nest would also be lost, as a result of the proposed demolition works and the Council's Ecologist has therefore requested a compensatory nest box be installed within the south or east elevation, at a

minimum height of two metres above the ground level. A condition is recommended accordingly.

3.94 In order to provide bio-diversity enhancement, the Council's Ecologist has requested a total of 4 integral bird nest bricks to be located within the south or east elevation, at a minimum height of 2m above ground level. A condition is therefore recommended in this respect.

3.95 In addition, owing to the risk of birds nesting within the walls of the building, or in bird boxes on the building, and in vegetation on site, any site clearance and the demolition of the building should be done outside of the main nesting bird period (March to August inclusive). If this is not possible, then the area/building must be surveyed by an appropriately experienced ecologist within 48 hours prior to the start of works to determine whether any active bird nests are present. An informative is therefore also recommended to remind the applicant about the legal responsibilities to avoid harm to nesting birds at the request of the Council's Ecologist.

3.96 The Council's Ecologist is satisfied that the management and safeguarding of trees within the site is suitably addressed by the HBC Arboricultural Officer, where due consideration has taken place and suitable conditions are requested to address these matters, including the protection of the existing boundary hedge as set out above.

3.97 Having regard to the comments and considerations of the Council's Ecologist with respect to the proposed demolition and construction works at the site, subject to the recommended planning conditions, the proposed development is considered to be acceptable in respect to ecology related matters.

CONTAMINATION

3.98 The Council's Flood Risk officer has raised no objections in relation to contamination, although has requested a condition in the event that contamination is discovered on site. A condition is recommended accordingly. In addition, the Council's Flood Risk officer draws the attention of the applicant to the requirements of the Building Act with respect to demolition works associated with the existing Village Hall to be removed from the site. An informative is recommended in respect to this matter.

OTHER PLANNING MATTERS

Land Stability/Structural Matters

3.99 As a result of the public consultation exercise, the neighbouring occupier of the grade II listed building of 'The Priory' has raised concerns that the increased use of the site access, which is adjacent to the neighbouring property, may cause lateral movement of ground, resulting in increased pressure on the walls of the Grade II listed building. As the property does not have foundations, concerns are raised regarding the impact on the structural integrity of the listed building.

3.100 Land stability can be a material planning consideration to be taken into account. In this instance, both the Council's Engineering Consultancy section and the Council's Building Regulations department were consulted upon the comments. As a result, no concerns have been received and it is noted that the Head of Heritage and Open Space raised no concerns with respect to any impacts from the proposed development on the listed building. It is of note that the access and use are existing and the parking provision proposed is limited, where similar traffic movements could occur. Whilst the comments of the resident are noted, there is no evidence provided that the use of the existing access would result in any significant impact on the neighbouring property in this respect.

3.101 With respect to consideration of the construction phase, both the Council's Building Control section and the Engineering Consultancy section have noted however that heavier vehicles have the potential to create some ground movement. Should any ground movement occur during the construction phase, this would be a civil matter to be managed between the applicant and the neighbouring property to manage outside of the planning process. An informative is recommended to advise the applicant of the matter raised for awareness and any necessary action.

Archaeology

3.102 Tees Archaeology have been consulted and the comments received note that Dalton Piercy was a medieval village in origin, although given the set-back nature of the site from the main two row village setting, and given the overlap of the footprint with the existing village hall, Tees Archaeology consider it not to be necessary to carry out any further Archaeological monitoring in this instance. Tees Archaeology do however note the important history associated with the existing building associated with Queen Elizabeth II Coronation and therefore consider the building worthy of recording details of the building. A level 1 photographic survey and appraisal is therefore required, prior to the demolition of the building taking place. Subject to the recommended planning condition, the proposed development, including demolition works are considered to be acceptable in terms of impact on Archaeology. In addition, to aid the applicant in carrying out such survey works, information has been provided by Tees Archaeology with a link to enable the applicant to satisfy the requirements and an informative is recommended accordingly.

Crime and Safety

3.103 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour. Comments have been received from Cleveland Police suggesting security measures of windows doors, mail security, lighting, CCTV, alarm systems and in respect to the need for vigilance during the construction phase. The Council's Community Safety section were also consulted although no comments were received.

3.104 With respect to the comments of Cleveland Police, they are duly noted and an informative is recommended to advise the applicant of all such considerations and to provide the necessary contact details of Cleveland Police should the applicant wish to correspond further in respect to secure by design considerations. Subject to

the above considerations, the proposed development is considered to be acceptable in respect to crime and safety related matters.

Cleveland Fire Brigade

3.105 Cleveland Fire Brigade have offered no objections to the proposals with advice on the requirement for access and water supplies access and a recommendation that the applicant considers the use of a sprinkler system. The applicant has considered the willingness to explore this option, although such matters would need to be considered and addressed through the separate legislation of Building Regulations and is not a material planning consideration. Nevertheless, Cleveland Fire Brigade's comments have been forwarded to the applicant for their consideration and a suitable informative note if recommended to reiterate this advice.

Utilities

3.106 Northern Gas Networks have been consulted and whilst they offer no objections to the proposals, they have advised that there may be apparatus in the area that may be at risk during construction works and therefore they we require the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail. An informative note is recommended accordingly.

3.107 Northern Powergrid have been consulted and have not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the applicant's information and has provided advice in respect of any works in proximity to Northern Powergrid apparatus. An informative note is recommended accordingly.

3.108 Similarly, National Grid have confirmed that they have no infrastructure within this area and no objections are raised in this respect.

3.109 Northumbrian Water have confirmed that they have no comments to make on the application.

3.110 Having regard to the comments and considerations of the utilities consultees, the proposed development raises no issues and the proposed development is considered to be acceptable in this respect and the respective informatives are passed onto the applicant for information accordingly.

Building Regulations

3.111 The Council's Building Regulations section have advised that the appropriate Building Regulations process would be required, should planning permission be granted. An informative is recommended accordingly.

OTHER MATTERS

3.112 Objection comments received have questioned whether the proposed Village Hall does have widespread support, as set out by the applicant. Comments received

have also highlighted that the submission does not take account of pre-application publicity within the community, where it is claimed that it was agreed that the proposals would be scaled back. These comments are noted, although the planning application can only assess the proposal and the associated impacts as submitted.

3.113 Objection comments received have suggested that there is no identified need or justification for a building at the scale proposed. It is not the role of the Local Planning Authority to determine the 'need' of the facility as a material consideration, but rather to assess the associated impacts arising from the proposed development and consider the proposal against the identified relevant policies of the HLP and HRNP. As noted above, both Plans offer general support for improving the facilities of the village hall.

CONCLUSION

3.114 The proposed development for a new Village Hall within the grounds of the existing facility to be demolished is considered to be acceptable in principle. The site specific considerations and consultation responses indicate that there would be no material considerations that would weigh against the proposal, subject to the recommended planning conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.115 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.117 There are no Section 17 implications.

REASON FOR DECISION

3.118 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 – subject to the consideration of any further comments received as a result of the consultations outstanding at the time of writing, the recommendation is to **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:

09 Rev A (Site Location Plan) Received 12.07.2023 by the Local Planning Authority;

04 Rev B (Proposed Floor Plan) and 05 Rev B (Proposed Elevations) Received 19.12.2023 by the Local Planning Authority and;

06 Rev C (Proposed Site Plan) and 08 Rev C (Proposed Block Plan) Received 28.03.2024 by the Local Planning Authority.

To define Planning Permission and for the avoidance of doubt.

3. Prior to the commencement of development above ground level (excluding any demolition or site clearance), a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

4. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, the agreed scheme for the protection and retention of the retained trees (as identified in the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan' by All About Trees, dated 20 February 2024, received by the Local Planning Authority on 21 February 2024) 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 and the visual amenity of the area and surrounding area.

5. Notwithstanding the requirements of condition 4, and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, confirmation and final details of the ground protection measures and surfacing finish to be used in the construction phase shall be submitted to and agreed in writing with the Local Planning Authority. Such measures shall be either a No Dig Construction Method or Ground Protection Measures and shall be in general conformity with section 3.4 (Ground Protection Within Tree Root Protection Areas) and section 4 (Construction Methodology) of the Arboricultural Method Statement & Tree Protection Plan' by All About Trees, dated 20 February 2024, received by the Local Planning Authority on 21 February 2024. Thereafter and following the written agreement of the Local Planning Authority, the agreed measures shall be implemented on site (and retained until the completion of the development) and the works carried out in accordance with the requirements of condition 4 of this decision notice. In the interests of establishing the Method of Tree Protection during the Construction Phase of the development in the Interests of the health of the mature trees within the immediate surrounding area.

6. All tree works as detailed in the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan' by All About Trees, dated 20 February 2024, received by the Local Planning Authority on 21 February 2024) shall comply with BS 3998:2010 'Tree work - Recommendations', paying particular regard to section 7 'Pruning and related work'.

In the interests of the health and appearance of the existing mature site trees.

7. Prior to the commencement of the development hereby approved, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision and footpath connections, shall include the details for permanent implementation of the surface parking associated with the ground protection zone as detailed within Arboricultural Impact Assessment and Arboricultural Method Statement, by All About Trees, dated 20 February 2024, received by the Local Planning Authority on 21 February 2024). Thereafter and following the written approval of the Local Planning Authority, the scheme shall be completed in accordance with the agreed details prior to the first use 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 mature trees in the area and the visual amenity of the surrounding area.

8. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development (including demolition), a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree and hedge planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works and timetable to be undertaken. The scheme shall include details of hedge planting as well as other details of soft landscaping and be in general conformity with the landscaping as illustrated on plan reference 06 C (Proposed Site Plan, received 28.03.2024 by the Local Planning Authority). Thereafter all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion or first use (whichever is the sooner) of the development hereby approved and 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.

In the interests of the residential amenity of neighbouring occupiers, the health, habitat, biodiversity value and the visual amenity and of the surrounding area.

9. Prior to the commencement of works above ground level, details of 4no. integral bat roost bricks to be installed within the south or east facing walls, at a minimum height of 3m above ground level of the proposed building (where possible); details of 4no. integral 'universal' bird nest bricks to be installed within the south or east walls, at a minimum height of 2m above the ground level of the proposed building (where possible); and details of 1no. Starling nest box to be installed within the south or east facing walls, at a minimum height of 2m above ground level of the proposed building (where possible), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 4no. Bat roost bricks, 4no. Integral bird nest bricks and 1no. Starling nest box shall be installed strictly in accordance with the details so approved prior to the completion or first use of the development (whichever is the sooner) and shall be maintained as such thereafter for the lifetime of the development.
To provide an ecological compensation and enhancement for protected and priority species, in accordance with paragraphs 185 and 186 of the NPPF.
10. 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 proposed building to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
To take into account the position of the building and impact on adjacent properties and their associated gardens and in the interests of visual amenity of the surrounding area in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan.
11. Prior to the commencement of the development hereby approved, a scheme to effectively control dust emissions from the demolition and construction works shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed measures shall be installed prior to any commencement of development and the development shall be carried out solely in accordance with the agreed scheme during the course of construction/development.
In the interests of the occupiers of adjacent properties.
12. Notwithstanding the submitted details, prior to above ground construction of the development hereby approved, precise details of the materials to be used and their colour in the construction of the external walls, windows, doors, railings and roof of the building and ramped access shall be submitted to and approved in writing by the Local Planning Authority and thereafter 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.
13. Prior to the installation of any external lighting and/or floodlights associated with development hereby approved, including during the construction phase, 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 solely 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 and ecology of the area.

14. Prior to any demolition works of the existing Village Hall building being undertaken in respect to the development hereby approved, a Level 1 Building Recording, consisting of a photographic survey of the internal and external areas of the existing Village Hall, accompanied by a short description/history of the building, shall first be undertaken and shall be submitted to and approved in writing by the Local Planning Authority.

In order to provide a visual record of the building which is considered to be of some historical significance in accordance with guidance contained within the National Planning Policy Framework.

15. Notwithstanding the development hereby approved, the existing site access taken between the Village Green (north) and the area of the proposed vehicular parking area within the site (south), as detailed on 08 Rev C (Proposed Block Plan, Received 28.03.2024 by the Local Planning Authority), shall not be altered from the existing grassed surface access or laid to surface in any way without the written permission of the Local Planning Authority.

For the avoidance of doubt and in the interests of protecting the character of the Village Green and Village setting.

16. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2020 (or any order revoking and re-enacting that order), the development hereby approved shall be used specifically for a Village Hall community facility (Use Class F.2 (b) - a hall or meeting place for the principal use of the local community), and for no other use within Class F of the use class order, or any other use within the use class order, without the express written approval of the Local Planning Authority. The building shall not be extended or altered in any way without the prior written approval of the Local Planning Authority.

To enable the Local Planning Authority to retain control over the proposed development and to prevent new operators/uses from operating from the facility without the necessary considerations, in the interests of safeguarding the residential amenity of the surrounding residential occupiers.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Hartlepool Borough Council's standard 'Site Characterisation' condition. Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of Hartlepool Borough Council's standard 'Submission of a Remediation Scheme' condition. Following completion of measures identified in the approved remediation scheme, a validation report shall be prepared in accordance with Hartlepool Borough Council's standard 'Implementation of Approved Remediation Scheme' condition, which is subject to the approval in writing of the Local Planning Authority. For details of the aforementioned

conditions, please contact the Local Planning Authority. Long Term Monitoring and Maintenance and a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority. This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

18. 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 residential occupiers.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of the Village Hall building, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the character and appearance of the wider surrounding area.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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

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

CONTACT OFFICER

- 3.121 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291

E-mail: kieran.bostock@hartlepool.gov.uk

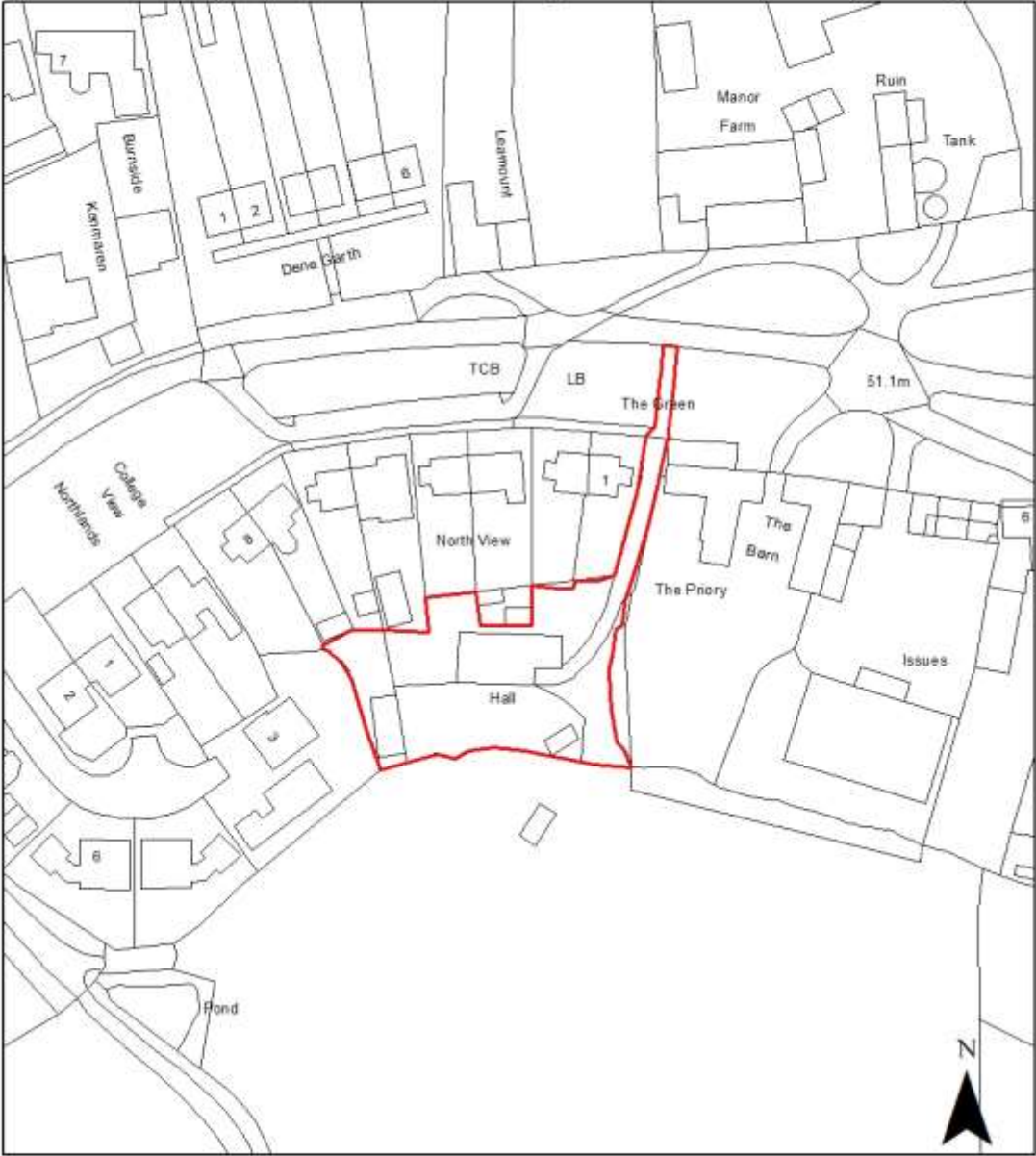
AUTHOR

3.122 Kieran Campbell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 242908

E-mail: kieran.campbell@hartlepool.gov.uk

South Of Village Green Behind Priory Farm Dalton Piercy Village Hall,



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 04.04.2024
	SCALE 1:1,000	
	DRG.NO H/2022/0456	REV

No: 4.
Number: H/2023/0315
Applicant: MR JOSHUA CHAPMAN LORIMERS CLOSE
 PETERLEE SR8 2NH
Agent: LORIMERS CONSULTANCY LTD MR JOSHUA
 CHAPMAN 2 LORIMERS CLOSE PETERLEE SR8 2NH
Date valid: 05/10/2023
Development: Application for the erection of 3.no single storey dwellings
 with associated communal garden, parking and
 landscaping (Demolition of existing garages).
Location: LAND AND GARAGES OFF DUMFRIES ROAD
 HARTLEPOOL

PURPOSE OF REPORT

4.1 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

4.2 There is no recent planning background to this planning application.

PROPOSAL

4.3 The application seeks planning permission for the erection of three detached bungalow properties on land to the rear of Dumfries Road. Each of the three properties would be of a matching design and would feature an asymmetrical dual pitched roof. The bungalows would measure approximately 13.7 metres in width by a depth of approximately 7.5 metres. The properties would feature four windows within the front elevation, with two either side of the entrance door. Four windows would also feature on the rear elevation along with a set of patio doors and a further window within the (west) side elevation of each respective dwellings. The properties are illustrated as featuring (24) solar panels on the front roof slope and three roof lights within the rear facing roof slope. The proposed dwellings would provide three bedrooms featuring a living room, a dining room, kitchen, bathroom, Master-en-suite and entrance lobby. The properties would feature front and rear garden areas and at the most eastern part of the site is a communal garden area (which includes a 'sensory garden'), designed to serve the three properties. Parking would be provided at each property, with 'property 1' providing two spaces and properties 2 and 3 each providing a single space to the side of the respective properties.

4.4 The application has been referred to the Planning Committee as a result of the number of objections received (more than 3) in line with the Council's Scheme of Delegation.

SITE CONTEXT

4.5 The application site relates to a parcel of land to the north and north-east of Dumfries Road within the Rossmere area of Hartlepool. The site is the location of disused and redundant garages, which benefits from its own site access onto and from Dumfries Road. The application site was formerly owned by the Local Authority, although has since been sold. The application site is bounded to the south by residential properties and their respective rear garden areas. To the south-west are the properties 2 to 8 Dumfries Road (evens); to the south are the residential properties of 20 to 38 Rossmere Way (evens). The site access is bounded either side by the curtilages of residential properties, with 10 Dumfries Road to the west, and 8 Dumfries Road to the south-west and the existing access point faces towards 3 and 5 Dumfries Road (south-west). To the north, the application site bounds allotment gardens.

4.6 At the time of the case officer's site visit, it was noted that some areas of the application site appeared to be enclosed by neighbouring boundary fences and other structures, forming parts of the respective neighbouring garden areas, where there is understood to be a land ownership/civil dispute.

PUBLICITY

4.7 The application has been advertised by way of neighbour letters (62) and a site notice. Following the initial public consultation exercise, letters of objection were received from four separate residential properties. Through the course of the planning application, changes were made to revise the scheme down from four dwellings to three dwellings. Following a further public consultation exercise, including the erection of a further site notice, letters of objection were received by a further four residential properties, as well as objections from some residents who had already objected, taking the total number of objections received from separate residential properties to eight. An objection was also received from a local ward councillor raising concerns regarding the potential impact on bats.

4.8 The concerns and objections raised can be summarised as follows:

- Dispute over land ownership from a number of residential properties backing onto the application site.
- The proposed development would cause disruption and noise during the construction phase.
- The proposal would increase traffic and indiscriminate parking on Dumfries Road and would negatively impact on highway safety.
- The site does not benefit from a public footpath and is a safety concern for pedestrians.
- The neighbouring properties were not consulted pre-application submission, despite the application stating this had been carried out.
- The use of the access would increase likelihood of damage to neighbouring property adjacent to the site access.
- The proposal would attract anti-social behaviour.
- Concerns are raised that the Fire Brigade would be unable to access the site and turn around.

- Concerns are raised with respect to the asbestos roofs of the existing garages if disturbed.
- The impact on bats occupying the site.
- A resident has stated that they have a legal right of access to their rear garden from the site.
- The construction of the storm chamber would cause damage to garden walls.
- The details of the storm chamber are not clear.
- The location of the foul connections are not clear.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159228>

4.10 The period for publicity has expired.

CONSULTATIONS

4.11 The following consultation replies have been received:

HBC Traffic & Transport: - There are no highway objections to this proposal as the site and access would remain private, sufficient parking and turning space has been provided within the site to accommodate domestic sized vehicles.

The Fire Service have raised concerns that the proposed access would restrict entry for their appliances, I would confirm that the proposed access would fall short of their requirements.

Further Comments received 15/01/2024

No further comments to add to the amended scheme.

Further Comments received 21/02/2024

Further to the chance to comment on this application, I can confirm that there are no highway objections to this proposal as the site and access would remain private, sufficient parking and turning space has been provided within the site to accommodate domestic sized vehicles.

I note that through the public consultation, comments have been received raising concerns that Emergency vehicles would not be able to access the site. Cleveland Fire Brigade have confirmed that the applicant's solution would be suitable and there are no concerns with respect to ambulances accessing the site, therefore the proposed development is considered acceptable in this respect.

HBC Countryside Access Officer: - There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Landscape Architect: - An Arboricultural Impact Assessment has been provided and I would defer to Arb. Officer comments.

Full hard and soft landscape details should be provided in due course. These can be controlled by condition.

There may be scope for additional soft landscaping to the north of the VP bays between plots 2 and 3.

Further Comments received 11/01/2024

A revised layout has been provided. Full hard and soft landscape details should be provided in due course. These can be controlled by condition.

HBC Arboricultural Officer: - The submitted arboricultural documentation from AllAboutTrees Ltd provides the relevant detail and information required for the site. There is a loss of tree groups on the site to facilitate the development but this is not excessive and is mainly overgrown, self-seeded scrub. The following documents should be conditioned:

- Arboricultural impact assessment by All About Trees
- Arboricultural Method statement by All About Trees
- Arboricultural Method statement, Tree Protection Plan by All About Trees

Details of a proposed planting scheme will also need to be conditioned which should include stock sizes, types and species, indicate the proposed layout and include a programme of the works to be undertaken.

Further comments received 18/01/2024

The proposed site plan and tree protection plan no longer align with each other and therefore a new updated tree protection plan should be provided to reflect the new site plan. It cannot be understood now how the protection of T7, a tree of moderate quality in a neighbour's garden is going to be put in place.

Further Comments received 22/02/2024

The documents now reflect accurately to the site since the update from 4 dwelling to 3. The submitted arboricultural documentation from All About Trees Ltd provides the relevant detail and information required for the site. There is a loss of tree groups on the site to facilitate the development but this is not excessive and is mainly overgrown, self-seeded scrub that offer little to no amenity value to the site. The following documents should be conditioned:

- Arboricultural impact assessment by All About Trees
- Arboricultural Method statement by All About Trees
- Arboricultural Method statement, Tree Protection Plan by All About Trees

Details of a proposed planting scheme will also need to be conditioned which should include stock sizes, types and species, indicate the proposed layout and include a programme of the works to be undertaken.

Subject to condition of this information the proposed development provides no arboricultural concerns and is deemed acceptable.

HBC Ecology: - Summary

- No further survey is required.
- Biodiversity gain is demonstrated.
- A landscape plan should be conditioned (which includes the habitats and areas listed in the Biodiversity Metric).
- Four integral bird nest bricks should be conditioned.
- The project has been HRA assessed and is compliant with the legislation.
- The HRA Appropriate Assessment must be approved by Natural England.

I have studied the submitted “Preliminary Ecological Appraisal Low Impact Ecological Impact Assessment” report (August 2023), the Biodiversity Net Gain Statement and the Small Sites Biodiversity Metric (all prepared by All About Trees). The proposed site area is 1,475 m² (0.147 Ha).

I am satisfied that the Ecology reports are mostly robust, and no further survey effort is required.

In section 5.12 of the Low Impact EcIA non-statutory designated sites have been missed. Rossmere Park Island Heronry Local Wildlife Site is within 500m of the proposed site. The development will not impact on this LWS.

The Biodiversity Net Gain Statement shows:

Biodiversity baseline – 0.2710 Habitat Units (HU) – all to be lost.

Post development biodiversity – 0.2898 HU.

Biodiversity change - +0.0188 HU + 0.0746 HU for six new trees.

And

Biodiversity baseline – 0.0125 Hedgerow Units (HrU) – hedge to be lost.

Post development biodiversity – 0.0463 HrU.

Biodiversity change - +0.0338 HrU.

I note that the BNG Small Metric ‘Metric screen dumps’ in Appendix 2 give a different set of figures, with some errors.

However, I am satisfied that there is enough biodiversity gain to satisfy NPPF and Hartlepool Local Planning Authority (LPA) requirements. This is to achieve ‘no-net loss’ of biodiversity, and to deliver biodiversity gain to satisfy NPPF (2018) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Mandatory 10% Biodiversity Net Gain (BNG) is not currently legally required,

I am satisfied that the scheme fulfills all the current biodiversity requirements, so long as a landscape plan is conditioned which secures the habitats presented in the Biodiversity Net Gain Statement, namely:

- 270m² of vegetated gardens
- 31m² lawns
- 270m² sensory garden
- Six standard trees
- 48m length of hedge.

In addition, each of the four buildings should include 1 no integral 'universal' nest brick located in east facing walls (where possible) and at a minimum height of 3m above ground level.

See: <https://drive.google.com/file/d/1ljcJ7rlkNMrr4lxd41XcBU3YC6IFKM6z/view>

Habitats Regulations Assessment

A Habitats Regulation Assessment (HRA) is required for Nutrient Neutrality and Increased Recreational Disturbance. The HRA is provided below.

Revision history

Version	Date	Revision	Prepared by
1	17/10/2023	A	Graham Megson (MSc Ecology)

1. Stage 1 findings

Nutrient neutrality

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?	Yes	The scheme is screened out.
Evidence from application documents.	Foul Sewage Please state how foul sewage is to be disposed of: <input checked="" type="checkbox"/> Mains sewer	

Recreational disturbance

Is Recreational disturbance accounted for by the Hartlepool Local Plan Coastal Mitigation Scheme?	No	HRA Appropriate Assessment required (see below).
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The Nutrient Budget Calculator result is zero and the scheme is below the EIA threshold for the consideration of surface water drainage. LSE is ruled out.

Habitats Regulations Assessment stage 2 Appropriate Assessment

Revision history

Version	Date	Revision	Prepared by
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1	17/10/2023	A	Graham Megson (MSc Ecology)
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1. Introduction

Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

2. HRA Stage 2 - Appropriate Assessment

European Sites and issues requiring Appropriate Assessment

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

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

That HRA stage 1 screening screened in the following LSE:

- Increased recreational disturbance.

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

Background

Recreational disturbance is identified as an LSE, potentially harming populations of SPA/ Ramsar birds and SAC vegetation communities. Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan (adopted May 2018) identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Since the publication of the Hartlepool Local Plan, the Local Planning Authorities (LPA) in the Tees catchment commissioned a joint study which examined the relationship between population growth and the provision of new homes. The report (dated April 2023) concludes that the nationally derived occupancy figure of 2.4 people per dwelling does not reflect local conditions, mainly due to population movement wholly within the Tees catchment area. It advises that a 5-year average of dwelling delivery (based on trends in the last twenty years) provides a reasonable, local, upper estimate. The report states that this is an occupancy figure of 0.56 people per dwelling. Natural England guidance allows for robustly evidenced locally derived figures to be used.

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

All major, non-allocated housing developments, and all small-scale housing developments (nine or fewer dwellings) [windfall sites] are not covered by the Hartlepool Local Plan HRA/ Hartlepool Coastal Mitigation Scheme and (due to the

People Over Wind Ruling) must be Appropriately Assessed in their own right. Provision to mitigate small-scale housing developments is built into the Hartlepool Coastal Mitigation Scheme and this can be referenced in the individual HRA Appropriate Assessments for windfall sites.

3. Mitigation measures

Measures to avoid and mitigate Adverse Effects on Integrity

This application is Appropriately Assessed below:

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

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

4. Conclusion

The increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site.

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

Further Comments received 25/01/2024

Ecology

I responded to this application on 17/10/2023, however, I note the proposed changes (the new site plan is included as Appendix 1).

Bats

A concern that buildings on the site may support bats has been raised, however, this was ruled out in the submitted Preliminary Ecological Assessment (PEA) report prepared by All About Trees and dated 31/08/2023, which states:

- Garages on site have negligible potential of supporting roosting bats.
 - The site is situated in area with limited potential to support foraging or commuting bats.
 - No additional surveys are considered necessary.
 - The inclusion of bat boxes and bird boxes are advised on site, to enhance the area.
- Bat(s) have been reported flying in the area and I assess it likely that these would have roosted elsewhere and be foraging or commuting over the site, rather than them having emerged from the garages on site. The Ecological information submitted provides reasonable assessment that the risk of bats being harmed is low.

Further, the following images of the garages (taken from the PEA report) show the unsuitability of these buildings for roosting bats, which require enclosed, draft-free crevices.

However, all species of bat are legally protected species and therefore any individual (e.g. a builder) is lawfully required to stop work immediately if a bat is found and seek professional ecological advice. As this is a legal rather than a planning matter, the Hartlepool Borough Council bat informative should be issued.

Bat Informative

Bats are highly mobile species and individual bats can turn up in any building or any tree which has suitable holes or crevices. All species of bat in the UK are protected by both UK legislation. This legal protection extends to any place that a bat uses for shelter or protection, whether bats are present or not. Should bats or signs of bats (such as droppings, dead bats etc) be discovered in any buildings and/or trees to be demolished or altered, work should stop immediately, and advice sought from the Bat Conservation Trust or Natural England. Failure to do this may result in the law being broken. The National Bat Helpline number is:

Conditions

I am satisfied that there is enough biodiversity gain to satisfy NPPF and Hartlepool Local Planning Authority (LPA) requirements. This is to achieve 'no-net loss' of biodiversity, and to deliver biodiversity gain to satisfy NPPF (2018) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. I am satisfied that the scheme fulfils all the current biodiversity requirements, so long as a soft landscape plan including is conditioned.

In addition, each of the three buildings should include 1no integral 'universal' nest brick located in east facing walls (where possible) and at a minimum height of 3m above ground level (or as high as possible).

For further information see:

<https://drive.google.com/file/d/1ljcJ7rlkNMrr4lxd41XcBU3YC6lFKM6z/view>

Habitats Regulations Assessment

The HRA included in my response dated 17/10/2023 does not need to be altered by the change in the number of dwellings from four to three. The HRA remains valid.

Appendix 1. Recent submitted roof plan, showing three rather than four dwellings.

Natural England: - Thank you for your consultation on the above dated 10 October 2023 which was received by Natural England on 10 October 2023 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

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

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

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

Annex A – Additional advice

Natural England offers the following additional advice: *(summarised with headers given)*

- Landscape
- Best and most versatile agricultural land and soils
- Protected Species
- Local sites and priority habitats and species
- Ancient woodland, ancient and veteran trees
- Biodiversity and wider environmental gains
- Green Infrastructure
- Access and Recreation
- Rights of Way, Access land, Coastal access and National Trails
- Biodiversity duty

Further Comments received 08 February 2024

Thank you for your consultation. Natural England has previously commented on this proposal and made comments to the authority in our response dated 02 November 2023 reference number 453878 (H/2023/0315). The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

HBC Flood Risk Officer: - In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land. Please include our standard unexpected contamination condition and the condition below on any permission issued for proposals:

Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

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

The applicant is advised to fully explore the need for a “Downstream Defender” interceptor asset on surface water drainage that flows to combined sewer that should operate at self-cleansing velocity. This asset will necessitate additional maintenance.

In respect of demolition of existing buildings, the applicant’s attention is drawn to section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate and in addition to the planning application and is administered by jack.stonehouse@hartlepool.gov.uk

Northumbrian Water: - This site would drain to Seaton Carew STW. The connection would be to the nearest sewer manhole 7901.

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

The working hours for all construction and demolition activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Any deliveries or collections to the site shall be limited to these hours as well.

No open burning at all on site.

Adequate dust suppression must be available on site during demolition works.

There should be provision of a wheel washing facility to the entrance/exit of the site.

Cleveland Police: - I note the objection on the portal with regard to ownership of the land. My only concern is for the design of the properties, to build in security at the earliest possible opportunity. The Design and Access statement references Secured by Design in relation to paths and entry points. I would ask the developer to consider incorporating the features contained in the Secured by Design Homes Guidance Document. I've provided a link to it below. The additional cost to incorporate these measures is insignificant in comparison to modern day house prices. For the sake of a couple of hundred pounds per property, the development could win a Secured by Design Award, which could be used to help in marketing the site. Investing now can save crime issues further along the line.

Here is the link – [HOMES GUIDE 2023 web.pdf \(securedbydesign.com\)](https://www.securedbydesign.com/HOMES_GUIDE_2023_web.pdf)

I can help the applicant at every step in the process of achieving the award.

Further comments received 30/01/2024

I note the alteration of the layout and design and reduction of dwellings from 4 to 3. I have no further comments.

Community Safety & Engagement - There is nothing from Community Safety in addition to the response provided by Cleveland Police.

Cleveland Fire Brigade: - Cleveland Fire Brigade offers the following representations regarding the development as proposed. Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings. The plan (S4125-BDN-XX-XX-PL-A-0003) demonstrates that the farthest point of plot 4 is approx. 77m from Dumfries Road, access will therefore be required for fire appliances onto the newly established access road to achieve the 45m rule as set out in ADB v1 Para 13.1. This access road must meet the requirements of ADB v1 Table 13, including the below Brigade specific requirements. 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 1 Section B5 Table 13.1. 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 1 Section B5 Table 13.1. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

Further Comments received 21 February 2024

The applicant's updated solution would meet the Fire Brigade's requirements.

Tees Archaeology: - Thank you for the consultation. I have checked the Historic Environment Record and there are no archaeological concerns for this application.

Further Comments received 17/01/2024

Thank you for the additional consultation on this application. Our comments of October 2023 remain unchanged.

HBC Building Control: - A Building Regulation application will be required for '3.no single storey dwellings - Land and garages off Dumfries Road'

Northern Gas Networks: - Northern Gas Networks acknowledges receipt of the planning application at LAND AND GARAGES OFF DUMFRIES, Hartlepool. Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Further comments received 11/01/2024 (summarised)

Dear Sir/Madam, Northern Gas Networks acknowledges receipt of the planning application at Dumfries Road, Hartlepool, TS Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail.

Northern Powergrid: - (summarised with advice appended as informative) Thank you for your enquiry dated 10/10/2023 concerning the above. The enclosed mains records only give the approximate location of known Northern Powergrid apparatus within the area. Great care is therefore needed and all cables and overhead powerlines must be assumed to be live.

Further Comments received 12/01/2024

Thank you for your enquiry dated 11/01/2024 concerning the above. The enclosed mains records only give the approximate location of known Northern Powergrid apparatus within the area. Great care is therefore needed and all cables and overhead powerlines must be assumed to be live.

National Grid Asset Protection Team: - Thank you for your email.

Regarding planning application H/2023/0315, there are no National Grid Electricity Transmission assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

Further Comments received 18/01/2024

Re-provided previous advice

Further Comment s received 31/01/2024

Re-provided previous advice

No comments were received from the following consultees;

HBC Heritage & Open Spaces;
HBC Waste Management;
HBC Parks & Countryside;
HBC Allotments Officer;
HBC Estates;
HBC Adult Social Care;
HBC Housing;
HBC Housing Management;
HBC Housing Standards;
HBC Economic Development; and
Anglian Water.

PLANNING POLICY

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

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

Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change
HSG1: New Housing Provision
LS1: Locational Strategy
NE1: Natural Environment
NE2: Green Infrastructure
QP1: Planning Obligations
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF) (2023)

4.14 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:

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

PARA056: Planning conditions and obligations

PARA057: Planning conditions and obligations

PARA060: Delivering a sufficient supply of homes

PARA114: Considering development proposals

PARA115: Considering development proposals

PARA123: Making effective use of land

PARA124: Give substantial weight to the value of using suitable brownfield land.

PARA128: Achieving appropriate densities

PARA131: Achieving well-designed and beautiful places

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

PARA159: Planning for climate change

PARA165: Planning and flood risk

PARA180: Conserving and enhancing the natural environment

PARA185: Habitats and biodiversity

PARA224: Implementation

PARA225: Implementation

PARA226: Implementation

4.15 **HBC Planning Policy Comments:** The site has no policy constraints / designations of note. As a parcel of previously developed land within the Hartlepool town defined development limit, the principle of its redevelopment for residential use is acceptable in accordance with Hartlepool Local Plan policies LS1 and HSG1 (windfall housing within the existing urban area). Clearly however, in order for this to be acceptable, there are a number of further planning considerations which need to be satisfied, not least the requirements of Local Plan policy QP4 as concerns issues including layout, design and amenity impact.

4.16 The back land positioning together with the constrained and awkward size and shape of the site is such that its successful redevelopment for any number of dwellings will inevitably be of a very different layout, form and appearance than that of the existing properties along Dumfries Road. The priority should therefore be to achieve the best layout for the site, rather than have its layout unduly influenced by its (contrasting) surroundings. The rotated arrangement proposed as the optimal layout is therefore currently unconvincing in that the principal and rear elevations of the dwellings would be set at angles to the site's front and rear boundaries. It is unclear why a standard linear arrangement of two south facing pairs (bringing forward/south the footprint slightly such to add more rear garden space – see page 17 of the DAS) would not be suitable. It is requested that the applicant prepares such an alternative layout option (to include parking and landscape details) so that a comparison of their respective merits can be made.

4.17 One problem with the exposure of western facing gables to plots 2 and 4 as associated with the proposed rotated (staggered) arrangement is that it gives rise to an inappropriate overlooking relationship between plots 1&3 front bedroom windows and plots 2&4 side lounge windows.

4.18 With respect to proposed boundary treatments as set out in the DAS, it will not be appropriate to extend 1.8m height close boarded fencing alongside the access (between front corner elevations of nos. 8 and 10 and the highway) both for visual amenity and pedestrian safety reasons.

4.19 With respect to the proposed communal sensory garden, can the applicant set out what the proposed ownership and management arrangements for this would be.

4.20 We trust the Council's highway officers will consider and comment on the appropriateness of the (constrained) access as would serve the proposal.

Further Comments received 21/02/2024

4.21 Planning Policy do not object in principle to residential development in this location. Planning Policy note that on the 5th January 2024 amended plans were submitted, and the amended plans show there will be three units in total and an area of open space to the east of the site. Planning Policy welcome the reduction in the number of units and consider that the development pattern would be more aligned with what the surrounding area.

4.22 Providing that all other consultees are satisfied then Planning Policy are satisfied that the scheme can be recommended for approval.

PLANNING CONSIDERATIONS

4.23 The main planning considerations with respect to this application relate to the principle of development, the impact on the character of the surrounding area and the impact on landscaping and trees, the impact on the amenity of the surrounding neighbouring residential properties and future occupiers, highway safety related matters, flood risk and drainage, contamination, ecology and any other material considerations arising through the course of the planning application. These matters are considered below.

PRINCIPLE OF DEVELOPMENT

4.24 The application site is a parcel of land to the north and north-east of Dumfries Road within the Rossmere area of Hartlepool. The site is the location of disused, redundant garages, which benefits from its own site access. There are no planning policy designations associated with the application site, although the area represents previously developed land, within Hartlepool's defined development limits.

4.25 In accordance with Hartlepool Local Plan policies LS1 and HSG1 (windfall housing within the existing urban area), the proposed redevelopment of the site would be for a residential use, within a residential area and the proposed scheme would provide the borough with three bungalow properties, which the Hartlepool Strategic Housing Market Assessment 2015 (SHMA) identifies the borough as having a shortfall of this type of form of residential accommodation. The Council's Planning Policy section have considered the application and have raised no concerns or objections in principle, although the Planning Policy section note that the application will be subject to further consideration of Local Plan Policy QP4, which is considered as part of other material considerations, as set out within the following sections.

4.26 As part of the proposed scheme, the proposed development would provide a communal garden area to serve the proposed bungalows, which would not raise any issues in principle and is considered further within the following report. Taking account of the above considerations, having regard to the site circumstances and given the scale and nature of the proposed development, the principle of development is considered acceptable in this instance.

Developer Obligations

4.27 Given the scale and nature of the proposed development, there is no requirement for developer obligations in this instance.

Energy Efficiency

4.28 Policy QP7 (Energy Efficiency) of the HLP seeks to ensure high levels of energy efficiency in all development, and the development is therefore expected to

be energy efficient. It is of note that Building Regulations were updated on 15th June 2022, and therefore the proposed development will now be assessed under the new Building Regulations in so far as energy efficiency matters are concerned (the updated Regs are understood to constitute approximately 30% betterment than the previous Building Regulations or the policy requirements of Policy QP7 which required 10% betterment to the previous Building Regulations).

4.29 In addition, it is noteworthy that the proposed bungalows are illustrated as providing PV panels on each respective roof slope. Whilst the proposed scheme is not a requirement, not being a major planning application, the provision of PV panels is welcomed and meets the aims of Policy CC1. Final details can be secured by a planning condition, which is recommended accordingly.

IMPACT ON VISUAL AMENITY/IMPACT ON CHARACTER AND APPEARANCE OF EXISTING DWELLING AND SURROUNDING AREA

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

4.31 The area surrounding the application site is residential in character and is made up from two storey terraced properties. Bounding the application site to the immediate south and south-west (front) are the residential properties located along Rossmere Way and Dumfries Road respectively.

4.32 The application site relates to a parcel of land to the rear of Dumfries Road, to the north and north-east of the surrounding residential properties and is the location of disused and redundant garages, which benefits from its own site access onto and from Dumfries Road. By their very scale and nature, the three proposed detached dwellings would differ from the immediate surrounding area. The nature of bungalow developments typically occupy a greater amount of land and often feature smaller garden areas than comparable two storey dwellings.

4.33 Through the course of the planning application, revisions were sought to the proposed scheme, where the number of dwellings were reduced from four to three. The orientation of the dwellings were also altered to provide a more linear, rather than a staggered development pattern, which is considered to read in a more similar fashion of development pattern to that of the two storey residential properties immediately to the west (side) of the application site. Notwithstanding this observation, it is fully acknowledged that the scale and nature of the proposed development would differ from the surrounding area.

4.34 With respect to the design of the proposed bungalow dwellings, it is acknowledged that the appearance would be less conventional than a standard house type, largely owing to the asymmetrical roof design, coupled with the window design proposed. The distinctive nature of the proposed bungalow dwellings can be characteristic of small, independent housebuilding schemes. Within the right context,

it is considered that such opportunities provide a varied offer and appearance to the borough more widely.

4.35 Whilst acknowledging the distinctive nature of the proposed scheme, it is considered that the application site represents a secluded pocket of space within the built up conurbation that would provide an attractive and spacious form of development to a currently redundant and unkempt area of land.

Landscaping/Trees

4.36 The submitted proposed site plan illustrates that the proposed development would incorporate significant soft landscaping in the form of open plan frontages made up from of grassed lawns, hedge planting, grassed landscaping strips and a communal garden area to the east of the site that would provide additional tree planting. The proposed development would require the loss of some vegetation with a number of trees to be removed, although the Council's Arboricultural Officer has had regard to the scale and nature of the respective trees and considers the loss not to be excessive and mainly involves overgrown, self-seeded scrub that is considered to offer little amenity value to the site and wider area. The Council's Arboricultural Officer has recommended a number of planning conditions that relate to the submitted impact assessment, Method Statement and Tree Protection measures and subject to the recommended conditions, the proposed development is considered to be acceptable in terms of impact on trees and vegetation.

4.37 With respect to the proposed communal garden, this space would be positioned at the most eastern part of the site, which would be beyond the location of the proposed bungalows. Whilst the communal garden would be open and accessible, the enclosed nature of the cul-de-sac, and its positioning within the site would create a secluded and verdant space, adding to the attraction of the scheme as a whole. The Council's Landscape Architect has considered the proposed scheme and subject to conditions in relation to soft landscaping, there are no objections to the proposed scheme. A legal agreement is necessary to secure the long term maintenance and management of this area, including habitat creation and drainage, as well as any other areas of landscaping and open spaces out with the residential curtilages of the proposed dwellings. Such controls would ensure long term benefit and attraction of the space.

Character Conclusion

4.38 Overall, the proposed development would repurpose a redundant and untidy parcel of land by providing a bespoke residential development that would provide a positive benefit to the area and would not lead to any unacceptable impacts on the character of the surroundings, subject to recommended conditions in relation to external finishing materials, hard and soft landscaping, trees, boundary treatments and the removal of permitted development rights. Such conditions are recommended accordingly. Furthermore, it is considered that the proposals respect the proportions of the application site and would not adversely affect the visual amenity of the area. The proposal is therefore considered to satisfy the general provisions of Policy QP4 and those of the NPPF (2023).

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

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

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

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

Properties to the south on Rossmere Way

4.41 To the south, beyond the proposed dwellings to the front would be the roadway serving the site and beyond is the rear garden areas and properties located on Rossmere Way, with 20 to 38 (evens) located to the south of the application site. The majority of the properties along Rossmere Way feature sizable rear garden areas that are enclosed by close boarded fences, which separates the respective neighbouring properties from the application site.

4.42 Given the presence of extensions located to the rear of a number of the neighbouring properties along Rossmere Way, the separation distances between the neighbouring properties to the south and the proposed development varies, although in all cases it would meet the required separation distance of 20 metres as is set out in Local Plan Policy QP4 and the Residential Design SPD (2019). In addition, consideration is also given to the single storey scale of the proposed bungalow properties, which would have a limited height of approximately 5.2 metres and would feature only ground floor accommodation. Further consideration is given to the existing boundary treatments along the southern boundary and the requirement for any additional means of enclosure can be secured by way of a planning condition.

4.43 Having regard to the scale and design of the proposed single storey bungalow dwellings and given the distances and relationships involved that comply with planning policy, the proposed development is considered not to lead to any significant loss of privacy and amenity in terms of overbearing, overshadowing, loss of light, significant loss of outlook or overlooking for the neighbouring residents located to the south or future occupiers of the proposed plots in question.

Properties to the south-west on Dumfries Road

4.44 To the south-west, beyond the proposed dwellings to the front would be the access serving the site and beyond are the properties and rear garden areas of 2 to 8 (evens) Dumfries Road, which are situated at an oblique orientation to the proposed dwellings. The side elevation of the nearest property of 8 Dumfries Road is

a two storey dwelling that features an attached single storey garage building that splays along the shared boundary with the site access to the application site. The separation distance between the two storey aspect of the nearest dwelling of 8 Dumfries Road and the front of the nearest proposed bungalow would be approximately 15 metres, which would meet the required separation distance of 10 metres for front to side relationships as is the planning policy requirement as set out within Local Plan Policy QP4 and the Residential Design SPD (2019).

4.45 With respect to the separation distance between the neighbouring attached single storey garage element and the nearest bungalow, there would be an approximate 7 metre separation distance between the respective single storey aspects of both buildings. The single storey garage does not feature any windows along the shared boundary with the application site. The relationship between the nearest proposed bungalow and the neighbouring garage would only exist for a limited extent of the front elevation of the proposed bungalow, at the entrance to the site, where the remaining aspect of the proposed bungalow adjacent to the proposed boundary enclosure.

4.46 Having regard to the single storey relationships between the proposed nearest bungalow ('Property 1') at the west of the site and the single storey garage to the side of the entrance, the proposed development is considered not to lead to any significant loss of privacy and amenity in terms of overbearing, overshadowing, loss of light, significant loss of outlook or overlooking for the neighbouring residents located to the south or occupiers of the proposed plot in question.

4.47 With respect to overlooking/privacy considerations, as detailed above, the properties of 2-8 (evens) Dumfries Road to the south-west of the application site would have an oblique relationship, although some splayed views between the neighbouring dwellings and the proposed bungalows would be achievable. The nearest property of 8 Dumfries Road features a first floor window within the side elevation gable, although this and the windows of the rear of this neighbouring property would be oblique to the nearest first bungalow labelled 'property 1', where no significant views could be achieved between the respective properties. Beyond this, whilst mutual views between the rear of the existing two storey dwellings along Dumfries Road and the proposed bungalows would be possible, they would be at separation distances in excess of 24 metres, which taking account of the planning policy requirement as set out within Local Plan Policy QP4 and the Residential Design SPD (2019) for direct relationships of 20 metres, and given the indirect relationships, the proposed development is therefore considered not to lead to any significant loss of privacy or overlooking impact.

4.48 Taking account of the relationships between the proposed bungalow properties and the existing neighbouring two storey dwellings to the south-west of the application site, the proposed development is considered not to lead to any significant loss of privacy and amenity in terms of overbearing, overshadowing, loss of light, significant loss of outlook or overlooking for the neighbouring residents along Dumfries Road or for the proposed plots in question.

10 Dumfries Road and Properties to the West

4.49 The nearest property to the west of the application site, located on Dumfries Road is that of the end terrace dwelling of 10 Dumfries Road. The neighbouring property benefits from space between the side of the property and the shared boundary to the side and also features a spacious rear garden area. The nearest proposed bungalow of 'Property 1' would be set further to the rear than the building line of 10 Dumfries Road by approximately 5.5 metres, although the proposed bungalow would be set approximately 5.4 metres away from the shared boundary (east), with the associated parking between the respective dwellings. Other proposed bungalows would be at greater distances where the impacts are considered to be reduced further.

4.50 Consideration is also given to the single storey height of the proposed bungalow, with a maximum height of approximately 5.2 metres. Taking account of the proposed distances involved, the scale of the proposed development and the orientation, the proposed relationship is considered not to lead to a significant loss of amenity in terms of overbearing, overshadowing, loss of light or significant loss of outlook and no significant concerns are raised in this respect.

4.51 With respect to loss of privacy considerations, the neighbouring dwelling features a first floor window within the side gable elevation. Given the set-back location of the proposed bungalows compared to the neighbouring property of 10 Dumfries Road, the first floor window is considered not to lead to any significant loss of privacy between the neighbouring dwelling and the application site from this window.

4.52 With respect to any possible views achievable between the rear aspect of 10 Dumfries Road and front of 'property 1' of the proposed bungalows, the proposed relationship is considered to be oblique, where no significant overlooking and mutual overlooking is considered to be achievable. It is noted that the proposed bungalows feature an elongated window within the western, side elevation and the relationship with 'property 1' and 10 Dumfries Road would result in a secondary window serving the proposed lounge benefiting from some views towards the extended rear garden area of 10 Dumfries Road. With respect to this specific relationship, it is considered appropriate to condition this window to be obscurely glazed and non-opening in order to remove any perception of overlooking. A planning condition is recommended accordingly. There are no concerns with respect to other proposed plots and the property to the west. Consequently, having regard to the above mentioned considerations, the proposed development is considered to be acceptable in terms of impact on privacy/ overlooking, subject to the recommended condition in relation to obscure and fixed glazing.

4.53 Taking account of the relationships between the proposed bungalow properties and the existing neighbouring two storey dwellings to the west of the application site, the proposed development is considered not to lead to any significant loss of privacy and amenity in terms of overbearing, overshadowing, loss of light, significant loss of outlook or overlooking for the neighbouring residents to the side, located on Dumfries Road or for the proposed plots in question, subject to the recommended planning condition.

Impact from the Use of Access

4.54 It is recognised that the proposed dwellings would generate a degree of activity from associated comings and goings, with vehicles utilising the existing vehicular access between the respective properties of 8 and 10 Dumfries Road, where the existing access is bounded either side by a low boundary wall. Opposite the site access are the properties of 3 and 5 Dumfries Road.

4.55 Whilst it is acknowledged that the properties either side and to the front would have views onto vehicles and their headlights entering and existing the site and would experience a degree of noise and light from vehicular movements, it is considered that given the limited number of dwellings that the site would serve, the associated activity is considered to be limited and infrequent. In addition, the former use of the site was for a garaged area for vehicular parking, where similar levels of activity could take place. Finally, it is of note that no objections have been received from HBC Public Protection in this respect. Having regard to these considerations, the proposed development is considered not to lead to any significant issues in terms of loss of residential amenity for the surrounding neighbouring residents to warrant the refusal of the planning application on such grounds.

Impact on land users to rear (allotments)

4.56 Whilst the proposed dwellings would be in close proximity to the allotments located to the north of the application site, the dwellings would be set off from the boundary. In addition, given the scale and nature of the proposed bungalows, the relationship with the allotments is considered not be an unusual one. The Council's Allotment's officer was consulted, although no comments were received. Overall, the relationship between the proposed development and the allotments is considered not to lead to any significant adverse impacts and the proposed development is considered to be acceptable.

Impact on Future Occupiers

4.57 The proposed dwellings would provide three adequately sized bedrooms with a large kitchen dining room. The properties would each benefit from proportionately sized private rear garden areas and would also benefit from the use of a communal garden area located to the east of 'property 3'.

4.58 All properties would benefit from separation distances in excess of 20 metres to the front (south), which meets the planning policy requirements as set out in Policy QP4 of the Hartlepool Local Plan and to the rear (north), there are no immediate residential properties with the allotments located adjacent to the application site, which is considered not to lead to any significant loss of amenity as a result of the proposed relationship. The end two properties (P01 and P03) would feature a secondary lounge window within the respective side (west) elevation. Aside from Property 1 (P01), as detailed within the above section, the impacts from the side windows would face onto the blank neighbouring side wall of the proposed dwellings and this relationship is considered not to give rise to any significant loss of privacy for any of the future occupiers.

4.59 Having regard to the above considerations, it is considered that the proposed development would provide sufficient and acceptable levels of amenity for

the future occupiers and the proposed development is considered acceptable in this respect.

Other Amenity Considerations

Communal Garden

4.60 Consideration is given to the proposed use of the space to the east of the respective dwellings for use as a communal garden and any potential adverse impacts that may arise. Residential properties bound this aspect of the application site, where the residential gardens and properties of 20 to 26 Rossmere Way (evens) bound the proposed communal garden area. Potential impacts from the proposed communal garden include the nature of how a use of the space could/would function and also with respect to the impact from any buildings, structures and land formations that may be developed/built over time.

4.61 Whilst it is acknowledged that the communal garden area could be used for occasional outdoor use by groups of people, particularly during the warmer and lighter months of the year, which could give rise to a degree of noise and disturbance, it is considered that any activity within this space is likely to be restricted to what would be expected within a domestic scale residential setting that would be utilised in the main by the occupiers of the respective proposed bungalow properties.

4.62 Through the course of the planning application, the Council's Public Protection section have considered the application and have raised no concerns or objections to the proposed development. Having regard to these considerations, it is considered that the proposed communal garden use would not in itself result in any significant concerns in respect to significant noise and disturbance issues. Notwithstanding these considerations, in the event of the occurrence of any noise and disturbance related matters were to arise in this respect, the Council's Public Protection section can investigate such neighbourly relationships, which can be managed outside of the planning regime. In addition, both Cleveland Police and the Council's Community Safety section were consulted and no objections or concerns have been received with respect to the proposed communal garden area.

4.63 With respect to relationships between the physical aspects of the communal garden area with the neighbouring properties to the south, the communal garden area would act as a buffer separation between the respective neighbouring dwellings bounding the application site and the proposed bungalow dwellings. No final details of the landscaping have been submitted with the scheme at the time of writing, and as detailed within the above section, these details would have to be firstly submitted and approved by the Local planning Authority. Between the existing properties bounding the application site and the proposed communal garden area, an approximately 1.8 metre high fence enclosure would be expected, which, with the associated landscaping, provides adequate separation between the existing properties and the application site. No details have been provided of any additional boundary enclosures, although a condition is recommended to control and agree boundary treatment details accordingly.

4.64 A condition is also recommended to remove permitted development rights for any potential buildings within the communal garden area, without first obtaining planning permission, in order to exercise necessary controls over the space in the interest of the amenity of the nearby surrounding residential properties. A condition is also recommended to control any use of external lighting, which as a result would be require any details to be first submitted and approved by the Local Planning Authority.

4.65 On balance, taking account of the nature of the proposed space, subject to recommended conditions, it is considered that the proposed communal garden would not raise any significant issues in terms of loss of privacy and amenity to warrant the refusal of the planning application.

Existing and Proposed Levels

4.66 From the case officer's site visit, the application site appeared relatively level. Notwithstanding this, a condition is recommended to secure the levels details and a condition is recommended to secure these details accordingly.

The Construction Phase

4.67 Comments have been received through the consultation exercise that the proposed development would cause disruption and noise during the construction phase and the need for deliveries and materials to be deposited at the site.

4.68 It is acknowledged that a degree of disruption is an inevitable reality of the construction phase of any development. Consideration of the impacts of the proposed development, including the construction phase have been considered by the Council's Public Protection section. The Council's Public Protection section have raised no objections or concerns to the proposed development, although a number of planning conditions are recommended. Conditions are recommended in respect to the times and days of construction activity and deliveries to the site. A condition is recommended in respect to capture requirements to address both dust suppression and for wheel washing at the entrance/exit of the proposed site. The control of matters such as dust suppression and wheel washing, as well as the management of associated construction activity and the storage of materials can be controlled through an all-encompassing Construction Management Plan condition, which is recommended accordingly.

4.69 The Council's Public Protection Officer recommends no open burning should take place on the site and an informative is recommended accordingly, explaining that such activity should not take place during the construction phase of the proposed development.

4.70 Subject to the recommended conditions and informative, the construction phase of the proposed development is considered not to raise any significant issues in terms of impacts on the amenity of the surrounding neighbouring residential occupiers.

Amenity Conclusion

4.71 In view of the above considerations, taking account of the scale, design and layout of the proposed development, having regard to the relationships with the surrounding neighbouring properties and plots, subject to the recommended conditions, the proposed development is considered not to lead to any significant loss of privacy and amenity for neighbouring properties and future occupiers, and would be in accordance with Policy QP4 of the adopted Hartlepool Local Plan and paragraph 135 of the NPPF and the proposed development is considered acceptable in this respect.

HIGHWAY SAFETY AND CAR PARKING

4.72 The proposed development would provide three bungalow properties that would be accessed via a private access road from the site onto Dumfries Road. Comments have been received through the public consultation exercise, which raise concerns in respect of vehicular parking available to serve the site, highway safety issues and the ability for emergency services to suitably access the site. Comments also note the lack of pedestrian access entering the site. Neighbouring comments suggest that as a result of the limited parking, the proposal would lead to indiscriminate parking along Dumfries Road that would cause highway safety concerns within the area.

4.73 The proposed development dwellings would include associated vehicular parking with 'Property 1' providing two vehicular parking spaces and properties 2 and 3 would each provide a single vehicular space to the side of the respective properties. A visitor parking space would also be provided at the south of the site, opposite property 3.

4.74 The Council's Traffic & Transport section have considered the application and have raised no concerns or objections to the application in terms of vehicular parking and highway safety related matters. The Council's Traffic & Transport comments also note that the proposals would not impact upon the ability of emergency services being able to suitably service the site.

4.75 With reference to Cleveland Fire Brigade, through the course of the planning application, correspondence with the Fire Service established an acceptable solution, where a sprinkler system could be installed within the property at the greatest distance from where a fire truck could access ('Property 3') and the applicant has agreed to this solution. As a result, the proposal raises no issues in respect to access for such emergency vehicles that would impact on the determination of the planning application. This matter would be managed through the appropriate Building Regulations legislation, outside of the planning process.

4.76 With respect to the lack of a pedestrian access into the site, whilst this is noted, given the small scale nature of the access road, serving a limited number of properties, vehicles are not expected to be traveling at speeds that would result in significant conflict with pedestrians and the Council's Traffic and Transport section have raised no objections in this respect.

4.77 Having regard to these considerations, the proposed development is considered to be acceptable in terms of vehicular and pedestrian highway safety and vehicular parking provision.

FLOOD RISK & DRAINAGE

4.78 The application site is located within Flood Zone 1 and there are no known current drainage or flood risk issues at the site. The application form indicates that drainage would be connected to the existing main sewers and the application has also been accompanied by a Drainage Strategy and an associated Drainage Plan. Through the public consultation exercise, a neighbouring resident has queried the details of the proposed storm chamber and raised concerns that its installation may damage the neighbouring garden walls.

4.79 The Council's Flood Risk Officer has reviewed the proposals and has raised no objections, although recommends a planning condition requesting a detailed design for surface water drainage and maintenance. It is also considered appropriate for the aforementioned legal agreement (to secure the provision and long term maintenance of the communal garden area) to include measures to address management of drainage of the communal garden area.

4.80 The Council's Flood Risk Officer also advises that the applicant should explore the need for an interceptor asset as part of the detailed drainage solution, which can be relayed to the applicant as part of an informative.

4.81 The Council's Building Control section have confirmed that Building Regulations would be required, which would manage the disposal of foul water. Northumbrian Water have been consulted and have confirmed that the site is capable of connecting into a nearby sewer and no objections are raised. Having regard to these comments and considerations, subject to the recommended planning condition and informative, the proposed development raises no significant issues in respect to flood risk and drainage related matters and the proposed development is considered to be acceptable in this respect.

4.82 With respect to matters relating to potential damage, as a result of the proposed storm chamber, the infrastructure appears to be located at a distance from the neighbouring walls, although should an incident arise, this would be a civil consideration to be managed between the applicant and the affected party and would not be a reason to warrant the refusal of the planning application on such grounds.

4.83 It is therefore considered that subject to the recommended planning condition the proposed development is therefore considered acceptable in terms of flood risk and drainage related matters.

CONTAMINATION

4.84 The Council's Flood Risk & Contaminated Land Officer has reviewed the submitted information and is satisfied that subject to the appropriate unexpected contaminated land condition being imposed, the proposed development raises no

significant concerns in respect to contamination related matters. A condition is therefore recommended accordingly.

4.85 A comment received through the public consultation exercise has raised concerns that the demolition of the proposed garages would lead to disturbance of the asbestos roofs and would lead to dangerous contamination of the air and surrounding area. Work involving asbestos materials (including removal and demolition) requires a licence issued by the Health and Safety Executive (HSE). An informative is recommended to advise the applicant of this responsibility.

4.86 Furthermore, with respect of the demolition of the existing garage buildings, the Council's Flood Risk & Contaminated Land Officer has drawn attention to section 80 of The Building Act 1984 and the requirement for the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition. An informative is therefore recommended in this respect.

4.87 Subject to the recommended condition and informative, the proposed development raises no significant issues in respect to contamination matters.

ECOLOGY

4.88 The Council's Ecologist has provided a response to the planning application having regard a number of potential impacts from the proposed development including the bio-diversity value of the site and loss of habitat considerations; the consideration of the potential bio-diversity enhancement; the potential for increased nitrogen pollution, as a result of increased overnight accommodation being provided; and the assessment of recreational disturbance, as a result of increased populations utilising public amenity areas, where protected birds and vegetation communities co-habit these spaces. These matters are duly considered below.

1) Bio-diversity Value and Loss of Habitat

4.89 As a result of the public consultation exercise, neighbouring residents have raised concerns that bats were present at the application site, within the redundant garage buildings. In addition, a number of videos were submitted to the Local Planning Authority showing the presence of bats flying within neighbouring garden areas.

4.90 The application was submitted with a 'Preliminary Ecological Appraisal Low Impact Ecological Impact Assessment' report, a Biodiversity Net Gain Statement and the Small Sites Biodiversity Metric. The submitted Ecological Appraisal found the site to have little potential for impact upon biodiversity value and no important habitats were found to be present within the area of the application site, which is considered to have limited potential to support protected species.

4.91 With respect to the concerns received regarding the presence of bats, this information was shared with the Council's Ecologist, who is satisfied with the findings of the Preliminary Ecological Assessment, where it determined that the garages on site only have a negligible potential of supporting roosting bats on site and the site is situated within an area with limited potential to support foraging or commuting bats. The Council's Ecologist has stated that *'I assess it likely that these (bats) would have*

roosted elsewhere and be foraging or commuting over the site, rather than them having emerged from the garages on site.'

4.92 The Council's Ecologist is satisfied with the findings and has commented that no further survey works are required. The Council's Ecologist notes however that should bats be discovered on-site, the applicant is lawfully required to stop work immediately and seek professional ecological advice. An informative is recommended accordingly to relay this information to the applicant with respect to these legal requirements. In addition, to provide enhancement of the presence of bats, a condition to provide a bat box within each of the residential properties can be secured. A condition is recommended accordingly. The Council's Ecologist has also confirmed that the proposed development would not impact on any Local Wildlife Sites.

4.93 The Council's Ecologist considers that the loss of any habitat would be compensated by the communal garden area, which is proposed at the eastern part of the site. Consequently, the proposed development is considered not to lead to any significant impacts on loss of bio-diversity value and loss of habitat within the area, subject to a condition in relation to the details of the landscaping for the communal garden area being secured.

4.94 In addition, given the location of the application site in proximity to other greenspaces, where declining bird populations exist, the proposed scheme is an opportunity to provide habitat for such declining bird populations and a condition is recommended that each dwelling should provide a universal nest brick within the highest point within either the south or eastern elevation of the respective dwellings. A condition is recommended accordingly.

4.95 Subject to the recommended conditions, it is considered that there would be no significant loss of bio-diversity value and loss of habitat at the site and the proposed development would provide opportunities through the communal garden area and through the incorporation of nest bricks to provide bio-diversity enhancement.

2) Nitrate Pollution

4.96 On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities within the catchment of the river Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area. Given the application would involve residential development, it is considered the proposals are 'in scope' for further assessment.

4.97 A Nutrient Neutrality Statement has been submitted, which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works. The discharge location has also been confirmed by the utility operator, Northumbrian Water. A HRA Stage 1 Screening Assessment was duly completed by the Council's Ecologist, which confirms there would not be a Likely Significant Effect on the

designated sites in terms of nitrate pollution in this respect. The proposed development therefore raises no concerns in respect to this matter.

3) Recreational impacts on designated sites

4.98 Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent Authority, Hartlepool Borough Council has a legal duty to safeguard European Sites. Increased recreational disturbance (including dog walking) is linked to an increase in new residents, which is a consequence of new and increased forms of residential development.

4.99 The Hartlepool Coastal Mitigation Scheme was designed so that additional recreational visits to the coast created by developments could be suitably mitigated. Those developments below 10 dwellings would be captured and covered by the wider mitigation scheme, which has factored such minor developments into the overall consideration.

4.100 As the number of new residential units to be created by this scheme would be limited to the below threshold amount of 9 units, the Council's Ecologist has appropriately assessed the application and considers that in this instance the increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site. Natural England have been consulted and are satisfied with the Local Planning Authority's strategic solution is reliable and effective in preventing adverse harmful effects from increased recreational pressure on the protected sites.

4.101 Consequently, the proposed development is considered to be acceptable in this respect. Natural England have provided additional advice for the applicant and this has been relayed to the applicant by way of informative accordingly.

Ecology Conclusion

4.102 The proposed development is considered not to result in any significant loss of bio-diversity value or habitat and provides opportunity to enhance value and habitat through the use of the communal garden and bird nest bricks and bat boxes within the construction of the proposed dwellings, and can be controlled by way of planning conditions.

4.103 Owing to the drainage solution proposed, there are no considered Likely Significant Effects on the designated sites in terms of nitrogen pollution and given the number of dwellings proposed would be below 10, any increased recreational disturbance is mitigated by the wider Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site. This view is confirmed by Natural England.

4.104 Having regard to these considerations, the proposed development is considered acceptable in terms of ecology matters, subject to the recommended planning conditions.

OTHER PLANNING MATTERS

Waste Management

4.105 The Council's Waste Management section were consulted and no comments were received in this respect (nor were any such objections received from HBC Traffic and Transport). Notwithstanding this, a condition is recommended requesting details of the storage of refuse, which shall be submitted to and agreed with the Local Planning Authority. Subject to the recommended condition, the proposed development raises no concerns or issues in relation to waste management related issues.

Crime and Safety

4.106 A comment received during the consultation exercise has raised concerns that the proposed development would attract anti-social behaviour.

4.107 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour. Comments have been received from Cleveland Police who have advised that the applicant should consider integrating secure by design principles into the proposed development and a link has been provided to the Secured by Design Homes Guidance Document (2023), which can be relayed to the applicant in the event of a planning approval.

4.108 In addition, the Council's Community Safety & Engagement team were also consulted, who acknowledge the comments of Cleveland Police and add no further comments.

4.109 It is noteworthy that the application includes the provision of a communal garden area. Given the location of the communal garden area at the end of the cul-de-sac, the use of the site would benefit from natural surveillance, where any individual accessing the space would have to pass each of the proposed bungalow properties. It is also noteworthy that the communal garden area would be enclosed, requiring individuals using it to pass back through the site to the west. These site circumstances of natural surveillance and the enclosure of the space are considered to assist the security of the arrangement.

4.110 Having regard to these considerations, including the comments and considerations of both Cleveland Police and the Council's Community Safety & Engagement team, the proposed development is considered to be acceptable in respect to crime and safety related matters.

Archaeology

4.111 Tees Archaeology have been consulted and have advised that upon checking the HER, there are no known archaeological artefacts within this area and it is considered that there is a low potential to encounter archaeological remains on site and no objections and no requirement for any associated conditions to be recommended in respect to Archaeological works. Having regard to the comments

and considerations of Tees Archaeology, the proposed development is considered acceptable in this respect.

Public Rights of Way

4.112 The Council's Countryside Access officer has confirmed that no public rights of way would be affected by the proposed development and the application is therefore considered acceptable in this respect.

Building Regulations

4.113 The Council's Building Control section have advised that the appropriate Building Regulations process would be required, should planning permission be granted. An informative is recommended accordingly.

Utilities

4.114 Northern Powergrid has been consulted and has not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the applicant's information and has provided advice in respect of any works in proximity to Northern Powergrid apparatus. An informative note is recommended accordingly.

4.115 Northern Gas Networks have been consulted and whilst they offer no objections to the proposals, they have advised that there may be apparatus in the area that may be at risk during construction works and therefore they require the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail. An informative note is recommended accordingly.

4.116 National Grid have also confirmed that they have no assets or any infrastructure within the location of the application site and there are no objections to the proposed development.

4.117 Having regard to the consultation responses in relation to the abovementioned utilities, no associated infrastructure would be affected that would impact on the proposed development. In the event of a planning approval, the respective informatives would be passed on to the applicant accordingly.

OTHER MATTERS

4.118 As a result of the public consultation exercise, a number of neighbouring residents backing onto the application site have disputed the land ownership of parts of the site. Comments have suggested that the proposed development should not be determined until the land dispute is resolved. In response, the applicant has confirmed that at the time of the application submission, the correct ownership certificates were signed and that the site is wholly within their ownership the applicant. The applicant has more recently confirmed that this remains the case (that the land is within their ownership and the ownership certificates remain correct). Any dispute beyond this is considered to represent a civil matter, to be dealt with outside of the planning regime that would not impact on the determination of the planning application. A further comment received has stated that a resident has a legal right of

access from the rear of their respective garden area, through the application site. Again, this is considered to be a civil issue that would not impact on the determination of the planning application.

4.119 Comments received during the public consultation exercise have stated that residents' were not consulted as part of any pre-application consultation carried out by the applicant, which the application suggests has taken place. These comments are noted, although this matter is outside the gift of the Local Planning Authority given the scale of development where this is no formal requirement. Furthermore, the case officer is satisfied that as part of the Planning Application process, all necessary publicity has been undertaken by the LPA.

4.120 A comment received has suggested that the increased use of the site access would increase the likelihood of damage to the neighbouring property, adjacent to the site access. Whilst noting the comments, the site access is existing, where the movement of vehicles has historically utilised the site access. There is no evidence to suggest that the proposed development would result in damage to the neighbouring property and as detailed within the highways section, the Traffic and Transport section raise no issues in respect to the use of the access. In the event that an accident did occur, this would be a civil matter between the vehicle operator and the respective resident and would not form a reason to warrant the refusal of the planning application on such grounds.

CONCLUSION

4.121 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in general accordance with the relevant policies of the adopted Hartlepool Local Plan 2018. The application is recommended for approval subject to the planning conditions and Section 106 or other appropriate legal agreement (with respect to the provision, long term maintenance and management of the communal garden area and associated landscaping and habitat creation) as set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.122 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.123 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.

4.124 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the completion of a Legal Agreement securing the an obligation for the provision, long term maintenance and management of the communal garden area including its landscaping, habitat creation and drainage and in respect to any open spaces and landscaping within the site (out with the residential curtilages), and 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:
S4125-BDN-XX-XX-PL-A-0001 Rev P2 (Location Plan) received 28.09.2023 by the Local Planning Authority;

S4125-BDN-02-XX-DR-A-0001 Rev P1 (HT2 Plans and Elevs), S4125-BDN-XX-XX-PL-A-0003 Rev P3 (Proposed Site Layout - Floor Plans) and S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan) all received 05.01.2024 by the Local Planning Authority.
To define planning permission and for the avoidance of doubt.
3. Notwithstanding the submitted information, no development shall take place (including any demolition) until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control).
The 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 approved drainage system shall be implemented in accordance with the approved detailed design prior to completion or first occupation (whichever is sooner) of the development.
To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
4. 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 (including for any demolition), the submitted scheme for the protection and retention of the trees, as identified in the 'Arboricultural Impact Assessment, Arboricultural Method Statement - Revision A and Arboricultural Impact Assessment Tree Protection Plan (TPP Rev A), all dated 24.01.2024, received by the Local Planning Authority on 24

January 2024) 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. Should any trees be found to be dead, dying, severely damaged or diseased as a result of site works, it shall be replaced with a tree 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 tree to be retained and the visual amenity of the area and surrounding area.

5. Notwithstanding the proposals detailed in the submitted plans and prior to the above ground construction of development hereby approved, a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree and hedge planting within the site, including the communal garden area (as shown on plan S4125-BDN-02-XX-DR-A-0001 Rev P1 (HT2 Plans and Elevs), S4125-BDN-XX-XX-PL-A-0003 Rev P3 (Proposed Site Layout - Floor Plans) and S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan) all date received 05.01.2024 by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works and timetable to be undertaken. The scheme shall include a minimum of

- 270m² of vegetated gardens;
- 31m² lawns;
- 270m² sensory garden;
- Six standard trees;
- 48m length of hedge

in accordance with the recommendations of the submitted details as set out within the 'Biodiversity Net Gain Statement by All About Trees' dated October 2023, received by the Local Planning Authority on 05 October 2023.

Thereafter 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 dwellinghouses hereby approved and shall be maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of the visual amenity, biodiversity, habitat value of the area.

6. Notwithstanding the submitted plans, prior to their implementation on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, steps, 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 be in general conformity with submitted and approved plans S4125-BDN-XX-XX-PL-A-0003 Rev P3 (Proposed Site

Layout - Floor Plans) and S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan), and shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. Thereafter and following the written agreement of the Local Planning Authority, the scheme shall be completed in accordance with the agreed details prior to the occupation or completion (whichever is the sooner) of the dwellinghouses hereby approved.

In the interests of visual amenity of the surrounding area.

7. Notwithstanding the submitted plans, prior to above ground construction, precise details of the materials to be used in the construction of the external walls, windows and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character and appearance of the area.

8. Prior to above ground construction of the dwellings hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details (including the provision of hedgehog openings where achievable) prior to first occupation or completion of the dwellinghouses (whichever is the sooner).

In the interests of visual amenity and to enhance biodiversity.

9. Prior to the commencement of development above ground level, details of universal bird nesting bricks (3no. in total) to be installed integral to each of the completed dwellings (1 per dwelling) and details of integral bat roost boxes (3no in total) to be installed integral to each of the completed dwellings (1 per dwelling) including the exact location within either the east or south elevation of the dwellings and shall include the specification, design and height and shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird nesting bricks and bat roost boxes shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner, and shall be maintained for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with paragraphs 185 and 186 of the NPPF.

10. Prior to the above ground construction of the development hereby approved, details the proposed solar/photovoltaic panels proposed to be installed on the roof of the proposed dwellings, as illustrated on submitted and approved plans S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan and S4125-BDN-02-XX-DR-A-0001 Rev P1 (HT2 Plans and Elevs), both received 05.01.2024 by the Local Planning Authority, 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 installed in accordance

with approved details prior to the first occupation or completion of the dwellings (whichever is the sooner).

To ensure a satisfactory form of development, In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.

11. Prior to the commencement of development (including any demolition), details of the existing and proposed levels of the site including the finished floor levels of the proposed building to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details. To take into account the position of the building and impact on adjacent properties and their associated gardens and in the interests of visual amenity in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan.
12. Prior to the commencement of development, a Construction Management Plan (CMP) shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall agree the routing of all HGVs movements associated with the construction phase, effectively control dust emissions from the site demolition/remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CMP during the construction phase of the development hereby approved.
In the interests of the amenities of the area and highway safety.
13. 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.

14. No construction/building works or deliveries shall be carried out except between the hours of 08:00 and 18:00 on Mondays to Fridays and between 09:00 and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Public/Bank Holidays.
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties during the construction period.
15. Prior to above ground construction of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be carried out in accordance with the approved details prior to occupation or completion of the dwellings hereby approved (whichever is sooner).
To ensure a satisfactory form of development.
16. Notwithstanding the provisions of Classes A to F of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellinghouses hereby approved shall not be extended or altered in any manner (including the installation or re-configuration of windows) or detached outbuildings or other buildings erected or additional areas of hard standing/surfacing created (other than those approved) within the curtilage of the dwellings (or the communal garden area as shown on plans S4125-BDN-XX-XX-PL-A-0003 Rev P3 (Proposed Site Layout - Floor Plans) and S4125-BDN-XX-XX-PL-A-0004 Rev P3 (Proposed Site Layout - Roof Plan) both received 05.01.2024 by the Local Planning Authority) without the written approval of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area and the amenities of future occupiers and in the interests of managing ground gas within the area.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure (other than those approved), shall be erected on site without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.
18. Prior to the installation of any external lighting 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. 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.

19. The development hereby approved shall be used as a C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

To allow the Local Planning Authority to retain control of the development.

20. Notwithstanding the submitted information, the 1no. window to be installed within the ground floor side (west) elevation of proposed dwelling P01 (serving a lounge) of the bungalows hereby approved, as detailed on drawing number 2099-23-101, Revision D (Proposed Details, received by the Planning Authority 31/01/2024), shall be fixed and shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent at the time of installation and shall remain as such for lifetime of the development hereby approved. The application of translucent film to the window would not satisfy the requirements of this planning condition.

In the interests of the privacy of neighbouring occupiers.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159228>

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

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

CONTACT OFFICER

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

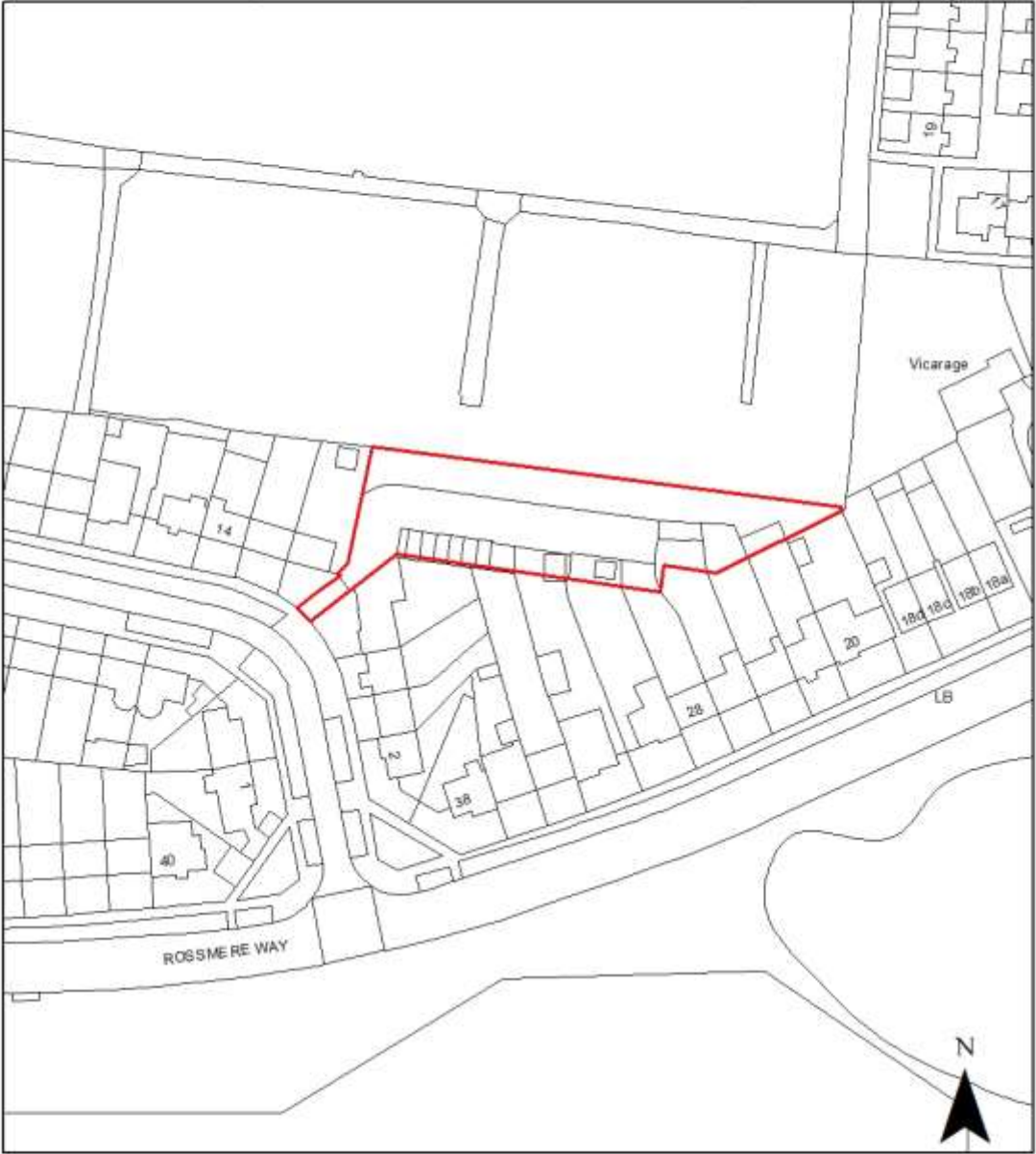
AUTHOR

- 4.129 Kieran Campbell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 242908

E-mail: kieran.campbell@hartlepool.gov.uk

Land and Garages off Dumfries Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 21.02.2024
	SCALE 1:1000	
	DRG.NO H/2023/0315	REV

No: 5
Number: H/2022/0382
Applicant: WYNYARD HOMES
Agent: LICHFIELDS MR JOSH WOOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
Date valid: 07/12/2022
Development: Erection of 51no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping
Location: LAND WEST OF WYNYARD VILLAGE AND SOUTH OF THE A689 WYNYARD BILLINGHAM

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following applications represent the relevant planning history:

H/2022/0299 – (Land South of Wynyard Village & South of A689 (Robertson Homes) Full planning permission for the erection of 143no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping
Approved 14/09/23

H/2022/0181 - Outline planning application for the erection of up to 1200no. dwellings with associated parking, landscaping and infrastructure with all matters reserved except access. (Amended Description 02.02.23)
Minded to grant subject to a S106 legal agreement.

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

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

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

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

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

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

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

PROPOSAL

1.3 Full planning permission for the erection of 51no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping.

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

SITE CONTEXT

1.5 The application site measures approximately 5.93 hectares in area and is located northwest of an existing residential development and south of an existing tree belt beyond which is the A689.

1.6 The site is immediately adjacent to another application H/2022/0299 for 143 dwellings by Robertson Homes, which bounds the site to the south and west and currently being built.

1.7 To the east is Willow Drive, which is a new housing estate.

1.8 The majority of the application site is within the development limits of Wynyard set by policy LS1 and Rur2. The northern most extent of the site adjacent to the A689 is within a Green Wedge and natural and semi-natural green space which is designated by policies NE3 and NE2(j).

PUBLICITY

1.9 The application has been advertised by way of a site and press notice. To date, there have been 25 objections.

1.10 The concerns raised are:

- Overdevelopment of valuable open space, in contravention of the Wynyard Master Plan.

- Concerns about the proposed separation between bungalows and Willow Drive properties, questioning whether the existing bank will remain or if a wider division will be added.
- Significant problem with increased surface water due to destruction of existing field, potential for flooding, especially affecting Willow Drive properties.
- Anticipated increase in traffic flow along Stoney Wood Drive and Coppice Lane, posing an unacceptable risk to families.
- Lack of additional amenities (GPs, Dentist, Schools, Post Office) to support the growing population.
- Violation of the promised plan for Low-Density dwellings; request for the Council to reject the proposal.
- Cumulative impact of 51 properties along with other developments, adding almost 200 homes, with no public spaces or playgrounds planned.
- Concerns about loss of privacy, light, and noise pollution during and after development.
- Strong objection to the removal of footpath access to Castle Eden Walkway, emphasizing its value to Wynyard residents.
- Insistence on maintaining the public footpath alongside the A689 as an essential amenity.
- Disturbance about the suggested removal of the footpath, especially the part beyond the perimeter of the application, and concerns about countryside access management.
- Various adverse impacts highlighted, including highway safety, wildlife, noise and dust during construction, outlook, mental health, and loss of green space.

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

https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0382

1.12 The period for publicity has expired.

CONSULTATIONS

1.13 The following consultation replies have been received:

HBC Traffic and Transport - This development is closely linked to a proposed Robertson Homes application (H/2022/0299) for 143 properties and access to the proposed site will be provided via the spine road which is part of the Robertson Homes Development. Both these developments do not form part of the National highways Mini Infrastructure study. The developer has indicated that the development H/2014/0176 has been identified in the Mini- infrastructure study and has been allocated 134 Houses which can come forward prior to the identified Mitigation Measures on the A19 / Wolviston junction being completed. This application has since been superseded by H/2015/0386 which is for 64 dwellings leaving a surplus 70 properties which can be constructed prior to the mitigation scheme being delivered.

This development should contribute to identified improvements to the A689 / The Meadows roundabout. The cost of these improvements is £250K and we would be looking at a £24,965 contribution.

Drive crossings which are located within the grass verge should be splayed to help prevent vehicles over running onto the verge and causing damage.

HBC Public Protection - No objection, subject to conditions.

4-metre high earth bund to the northern edge for noise protection.

Installation of glazing and ventilation as per the Noise Report.

Construction working hours limited to 08:00-18:00 Mon-Fri, 09:00-13:00 Sat, no work on Sun or holidays.

No open burning allowed; dust suppression facilities required.

Wheel washing facility needed at the site entrance/exit.

HBC Public Health - Emphasis on the importance of healthy communities and NPPF support for healthy lifestyles.

Concerns about residents' access to the Castle Eden Walkway and suggestions for link paths.

Importance of green spaces, trees, and physical activity for residents' health.

Recommendations for closer access to the Castle Eden Walkway, rest places along pathways, accessible and affordable homes, and consideration of energy efficiency.

HBC Engineering Consultancy - No objection in principle to surface water management or contaminated land proposals.

Request for inclusion of standard contamination condition and additional condition on surface water drainage design.

Detailed design, management, and maintenance plan for surface water drainage needed before development.

The drainage design should comply with sustainable drainage principles and Tees Valley SuDS Design Guide.

HBC Ecology - I have reviewed the Biodiversity Metric and the Biodiversity Net Gain Assessment report. The reports are acceptable.

The Biodiversity Net Gain Assessment report states that the current proposals will result in a net gain in habitat biodiversity units with a net gain of 2.65 units. The proposals will also result in a net gain in hedgerow units with a net gain of 1.13 units. Although this represents a gain from a zero-unit baseline. Overall, this represents a gain of more than 10%.

I support the recommendations stated in the Biodiversity Net Gain Assessment report. Landscape planting should seek to create semi-natural habitats where possible, such as native scrub, species rich grassland and/or ponds; these habitats are of moderate or high distinctiveness and should deliver a greater number of biodiversity units per unit area. The report states that approximately 10.39 units could be achieved through the creation of 1.6ha of semi-natural habitat such as species rich grassland or native scrub planting, with additional units gained through features such as vegetated gardens.

A Management and Monitoring Plan is required to implement the recommendations in the Biodiversity Net Gain Assessment report. This MMP shall be submitted to the LPA for approval.

HBC Arboricultural Officer - Draft Ecological Appraisal deemed unfit; recommends an Ecological Impact Assessment (EclA) Report for the development site.
Calls for a Biodiversity Metric 3.1 assessment and report.
Requires a Biodiversity Gain report demonstrating Biodiversity Net Gain (BNG) for 30 years (minimum 10% for Habitat Units and Hedgerow Units).
Conditions for 2 universal nest bricks per dwelling.
Planting scheme trees considered biodiverse; a condition for tree replacement within five years.

HBC Countryside Access Officer - Please amend my comments to support my now satisfied position.
All is well from my point of view.

HBC Landscape Architect - Accepts detailed landscape proposals.

Tees Archaeology - No further archaeological work deemed necessary; site has low archaeological potential.

National Highways - Undertook a mini-infrastructure study for A19/A689 junction. Identified a "trigger year" for mitigation at A19/A689 junction after 2,088 dwellings. Currently reviewing the situation in consultation with Hartlepool Borough Council and Stockton-on-Tees Borough Council.
The site is within a consented outline planning application for 134 dwellings.
Recommends off-site highway improvements completion condition prior to the occupation of the proposed development.
Offers conditional response to pending planning application H/2022/0299, aligning with the previously agreed approach.
- Forecasts 27 two-way vehicle trips in peak periods; suggests a consistent approach with Travel Planning.

Recommended Conditions:

Off-site highway improvement works completion condition.

Standing advice to the local planning authority:

Acknowledges Climate Change Committee's 2022 Report, emphasising modal shift away from car travel.

NPPF supports a genuine choice of transport modes and promotes opportunities for walking, cycling, and public transport.

PAS2080 criteria encourage low carbon materials and construction methods for net-zero carbon transition.

Natural England - Natural England considers that the proposed development will not have significant adverse impacts on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. This is because the foul and surface water will go to the Billingham Waste Water Treatment Works which discharges outside of the nutrient neutrality catchment.

North East and North Cumbria Integrated Care Board - Specifies required healthcare contribution for the approved scheme.

Notes local surgeries' plans for GP access improvement.

Warns of inability to guarantee sustainable health services without upheld contributions.

Utilises Premises Maxima guidance for developer contribution calculation.

Stresses the right to review contribution if circumstances change before final application approval.

Cleveland Fire Brigade - No representations regarding the proposed development.

Cleveland Police - Encouraged by the development's commitment to meet Secured by Design standards.

Wynyard Parish Council - Objects to the application, deeming the bungalow description misleading.

Concerns about living around a construction site due to A19 improvements and previous restrictions on adjacent site.

Highlights ecological concerns, including destruction of footpaths and habitat for wildlife.

Raises road safety and health concerns, urging the developer to support safety improvements.

Reiterates sustainability concerns, emphasising the lack of amenities for Wynyard residents.

Rural Plan Working Group - Expresses concern about negative impacts of Wynyard development on the rural area between Wynyard and Hartlepool.

Urges improvements to the highway network, considering the impact on villages and seeking contributions from development proposals.

Emphasises the need for measures promoting good driver behaviour and improvements in public transport to reduce carbon emissions.

Advocates improvements to be in keeping with the rural setting.

PLANNING POLICY

HARTLEPOOL LOCAL PLAN (ADOPTED MAY 2018)

1.14 The following policies are relevant to this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development

QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG6	Wynyard Housing Developments
HSG9	Affordable Housing
NE1	Natural Environment
NE2	Green Infrastructure
NE3	Green wedges

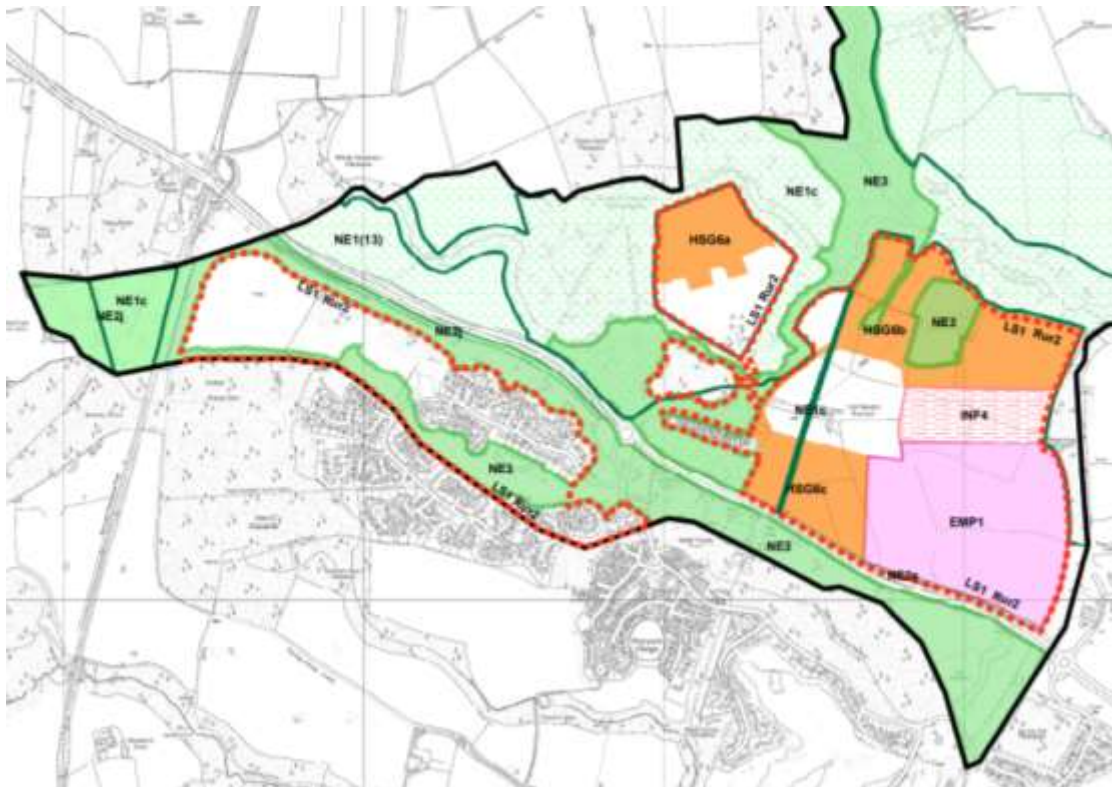


Figure 1: Extract from Local Plan Policies Map

1.15 The application site mainly comprises of 'white land', within the defined development limits (LS1 and Rur2). However, it also includes land within a designated Green Wedge (NE3), which runs between the A689 to the north and development limits boundary to the south. This northern part of the site as within the Green Wedge / beyond the development limit does not however appear to include any built development.

WYNYARD MASTERPLAN (ADOPTED NOVEMBER 2019)

1.16 Local Plan policy HSG6 requires that development at Wynyard should be in accordance with an endorsed masterplan. Wynyard Masterplan was produced by Hartlepool and Stockton Borough Councils in consultation with Wynyard Park in order to guide development to a high standard in pursuit of the vision for a sustainable settlement at Wynyard. The Masterplan was endorsed by Members as a

commitment to residents for the future direction of the community, was adopted in November 2019 and is a material planning consideration.

1.17 The Masterplan contains a number of principles in support of its vision; these principles are categorised under the headings of Land Use, Place Making, Movement and Green Infrastructure element. The Masterplan's Strategic Framework gives a spatial context to these elements and includes the mapping of residential parcels, pedestrian/cycle routes and public open/green space.



Figure 2: Extract from Wynyard Masterplan Strategic Framework

1.18 The Masterplan defines the application site (together with adjoining land to its south and west subject of application H/2022/0299) as Character Zone WV-E, with development anticipated to respond to the following constraints and opportunities:

- Development should be designed to respond positively to the adjacent Castle Eden Walkway
- Low density development of executive dwellings.

RELEVANT SPDs AND OTHER DOCUMENTS

Green Infrastructure SPD and Action Plan 2020

1.19 Green Infrastructure (GI) is important for the people who live, work in and visit the borough, and is also critical for a multitude of species which are present and are at risk of displacement due to development.

1.20 The council's Green Infrastructure Supplementary Planning Document (SPD) is split into two documents; the SPD itself and the accompanying Action Plan. This document provides information regarding the importance of GI within the borough and details the council's GI vision and what GI can be found within the borough, highlighting where there are any gaps which need to be addressed. The Action Plan

builds upon this, setting out specifically where improvements are needed to enhance the GI network within the borough.

1.21 The SPD links to the Wynyard Masterplan and advises that the Wynyard Masterplan sets out a green network within the area which will be delivered by developments as they come forward; this green network includes Green Wedges.

Residential Design SPD (2019)

1.22 The Residential Design (SPD) sets out the Council's design aspirations for new residential development. The SPD contains guidance and best practice relating to several aspects of design including space standards, density, local distinctiveness, accessibility, safety and energy efficiency.

1.23 The SPD was created to act as a tool for developers, offices and decision makers in a bid to drive up design standards and move away from creating generic "anywhere estates" that can lack identity. The SPD is a material consideration when determining planning applications and Planning Policy will have regard to the SPD while assessing the design of the proposal.

Planning Obligations SPD (2015)

1.24 The SPD provides parties with information and guidance concerning the local authority's approach towards securing planning obligations associated with development within the borough. New development often puts pressure on already over-stretched infrastructure and it is generally expected that developers will mitigate or compensate for the impact of their proposals by way of 'Planning Obligations' which will be used to address community and infrastructure needs associated with development.

1.25 Planning Policy have set out below what planning obligations should be secured towards local infrastructure in the interests of mitigating the impacts of the proposal and contributing towards sustainable development.

HARTLEPOOL RURAL AREA NEIGHBOURHOOD PLAN

1.26 The proposal is not within the Hartlepool Rural Plan area.

WYNYARD NEIGHBOURHOOD PLAN

1.27 The Wynyard Neighbourhood Plan was drafted prior to 2020 and to date has not been amended and publically consulted upon. The Wynyard Neighbourhood Plan, holds no weight with regard to decision making for this proposal.

ADOPTED TEES VALLEY MINERALS AND WASTE DPD

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

1.29 The following policies in the TVMW are relevant to this application:

Policy	Subject
MWP1	Waste Audits

Summary of local policy framework

1.30 Planning Policy are of the view that the Hartlepool Local Plan, the Wynyard Masterplan, the aforementioned SPDs and the Tees Valley Minerals and Waste DPD should be considered when determining this application.

NATIONAL PLANNING POLICY FRAMEWORK (2023)

1.31 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:

Para	Subject
002	Determination in accordance with the development plan
003	The NPPF should be read as a whole
007	Achieving sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	The presumption in favour of sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)
038	Decision making
047	Determining applications
055	Use of conditions or planning obligations
056	Planning conditions should be kept to a minimum
057	Planning obligations tests
058	Contributions and viability
060	Significantly boost the supply of homes
065	Major development and affordable housing
073	Planning for larger scale development

076	Five year supply of deliverable housing sites
082	Housing in rural areas
096	Achieve healthy, inclusive and safe places
093	Social, recreational and cultural facilities to meet needs
097	Sufficient choice of school places should be available to meet the needs of existing and new communities
102	Access to a network of high quality open spaces and opportunities for sport and physical activity
104	Protect and enhance public rights of way and access
108	Considering transport issues from an early stage
114	Considering development proposals
115	Development only refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts would be severe.
116	Promoting sustainable transport
117	Travel Plans and Transport Assessments
123	Making effective use of land
129	Area-based character assessments, design guides and codes and masterplans
131	Achieving well-designed and beautiful places
136	Tree-lined streets
137	Design quality through evolution of proposals
139	Permission should be refused for development of poor design
157	Planning system contribution to low carbon future
159	New development addressing climate change
162	Decentralised energy and energy efficiency
165	Ensuring flood risk does not occur elsewhere
175	Major development should incorporate SUDS
180	Biodiversity principles
189	Ground conditions
191	Impacts of pollution on health, living conditions and the natural environment, and the potential sensitivity of the site or the wider area
224	Implementation of NPPF

CONSIDERATION OF PROPOSAL

Principle of development

1.32 The application site comprises part of a larger application site (H/2014/0176 - Outline application for erection of up to 134 dwellings, provision of landscaping bund, access and other associated works) which was recommended for approval but never granted planning permission, due to the required section 106 agreement not being agreed.

1.33 Notwithstanding that this permission was not issued, this recommendation resulted in the majority of the H/2014/0176 site being included within the development limits of the Hartlepool Local Plan as defined on the Local Plan Policies Map (policies LS1 and Rur2 – see Figure 1). The parts of the site not included were at its periphery and designated as Green Wedge (policy NE3). The majority of the site as within the development limits is classified as ‘white land’; where the principle

of residential development is established as acceptable on the basis of the quantum of development subject of H/2014/0176.

1.34 H/2014/0176 included an indicative phasing and density plan which showed the eastern part of the site being developed first, followed by the southwestern and then potentially finally the north-western. A low density of approximately 10 dph across the eastern and southwestern phases produced the figure of 134 dwellings; the north-western area was shown as a 'potential future phase of development' within which none of the 134 dwellings were indicatively shown at the time. The application site is wholly within this 'future phase' area.

1.35 Full permission was granted in April 2016 for the eastern part of the H/2014/0176 site (H/2015/0386 - Erection of 64 dwellings, access and associated works). This permission was later varied by H/2016/0501 and H/2019/0061 and is nearing completion as Wynyard Rise (Dere Street Homes).

1.36 The proposal broadly complies with the limits of the development parcel WV-E as set by the Wynyard Masterplan Strategic Framework (see Figure 2). A buffer between this development site and the adjacent Dere St Homes development has been retained, albeit this is narrower than shown on the Masterplan. The NE3 Green Wedge land to the northeast of the dwellings will comprise of the construction of a 4-5 metre height acoustic bund, and beyond this, existing tree cover and an informal footpath will remain unaffected. It is noted that a SUDS pond is proposed at the entrance to the site adjacent to Stoney Wood Drive; whilst this would be constructed on land earmarked in the Masterplan as forming part of the extensive east-west Green Wedge to the south of the site (see Figure 2), it is not considered that this work in itself as a landscape feature would compromise the successful completion of this Green Wedge as envisioned. On this basis, Planning Policy are satisfied that the proposal complies with both the Local Plan and Masterplan in land use terms.

Layout and Density

1.37 Wynyard Masterplan sets out a Placemaking Framework which defines Character Zones, for which approximate numbers of dwellings are given (Figure 22). The application site comprises part of Zone WV-E, as referred to above, for which 134 dwellings are assigned as a committed development. This quantity of dwellings is however an error; it has been transferred from H/2014/0176, yet H/2015/0386 reduced this to 70 (134 minus 64). The proposal is for 51 dwellings across only a relatively small part of WV-E, whereas the whole of WV-E has been classed as a commitment for no more than 70 dwellings since the outset of highway modelling work (thereby in consistency with the amount of units originally set by H/2014/0176).

1.38 Preceding this application, in August 2022 a full application was received for the remaining, larger part of WV-E: H/2022/0299 erection of 143no. dwellinghouses (Use Class C3) with associated infrastructure, access and landscaping. As a result, taking H/2022/0382 and H/2022/0299 together, a total of 194 dwellings are proposed across WV-E. This amounts to 124 more dwellings than the quantum of development set by H/2014/0176 as a commitment.

1.39 When taken together with H/2022/0299, the number of dwellings proposed in this application is therefore significantly in excess of that which has been set by previous applications and transport modelling to date.

1.40 The scheme comprises of a mixture of 3 types of bungalow and chalet bungalow and is of a spacious, low density which appears similar to that of the adjacent Dere Stree Homes development, whilst lower than the concurrent adjoining Robertson Homes proposed development of two storey dwellings (H/2022/0299). As set out in the Planning Statement, the site forms part of the wider development parcel which is also subject of H/2022/0299, with the two sites stated to have been designed as a single development to ensure the development site comes forward in a comprehensive manner. Access to both sites is to be taken off Stoney Wood Drive, leading to a central open space at the heart of the development parcel.

1.41 Planning Policy have no concerns with the detailed layout or density of the proposal, which is considered to be of a good quality and an appropriate response to the character of the area. Whilst it is acknowledged that, when taken in combination with H/2022/0299, the number of units would be considerably above that previously anticipated, Planning Policy do not have an in principle objection to increasing the quantum of development, in the interests of developing parcel WV-E in a sensitive yet more efficient manner than originally foreseen by H/2014/0176.

Play provision

1.42 It is not necessary to secure formal play facilities on this development site; facilities have been secured in short walking distance to the east (adjoining Wynyard Woods) and south (adjoining Stoney Wood Drive – within Stockton borough).

1.43 The additional population will however place more demand on these facilities. Given that HBC do not own these facilities, or other land in the locality where play equipment could be provided, it would be most appropriate for the development to directly provide for a betterment of the existing nearby facility adjoining Wynyard Woods - see Planning Obligations section below.

Highways

1.44 As referenced above, the A19/A689 mini-infrastructure study accounted for 70 dwellings for this site together with that subject of application H/2022/0299, on the basis that this was the remaining figure once H/2015/0386 (64) is subtracted from H/2014/0176 (134), meaning on the basis of this work, 70 dwellings from this total development parcel could be occupied from this prior to the delivery of identified highway improvement works at the A19 / A689. As set out above, applications H/2022/0299 and H/2022/0382 however propose a total of 184 dwellings for the parcel.

1.45 Planning Policy trust that all highway matters will be addressed to both National Highways and the local highway authority's satisfaction prior to a permission being issued in respect of any application at development parcel WV-E for in excess of the existing commitment of 70 units.

Connectivity

1.46 The latest layout for adjoining application H/2022/0299 now provides for links from within the wider development parcel (within which H/2022/0382 sits) onto a footpath (which is to be upgraded to a hard surface) to its south.

1.47 It has been agreed by all parties that this application H/2022/0382 will secure, through a s106 obligation, construction of a further entirely new short link path between the western suds pond within H/2022/0299 and the Castle Eden Walkway (CEW). This will provide a much more direct route to accessing the CEW for future residents of this proposal and together with it being a route which will be used by wider residents within H/2022/0299 and beyond.

1.48 A scheme to deliver this short link path would satisfy as a Green Infrastructure improvement, meaning a financial contribution would not be sought - see Planning Obligations section below.

Housing Mix and Affordable Housing

1.49 The scheme provides for detached 3 and 4 bedroom dwellings in spacious plots, the majority of which are single storey. The provision of bungalows is particularly welcomed as diversifying the range of house types at Wynyard. Taken together with the mix of 4, 5 and 6 bedroom two storey dwellings proposed in application H/2022/0299, the overall mix for the development parcel is, on balance, considered acceptable with reference to Local Plan policy HSG2.

1.50 Policy HSG9 of the Local Plan requires on-site affordable housing at 18% in respect of proposals of 15 dwellings or more. The applicant however seeks to meet the affordable housing requirement in the form of a financial contribution for off-site provision, in lieu of on-site provision.

1.51 Taking into account the character of the development parcel and the locality, the scale of the proposed dwellings and low density nature of the scheme, Planning Policy are satisfied that a contribution towards the delivery of affordable housing off-site in the borough is the most appropriate approach in this instance.

Energy

1.52 Local Plan policy CC1 requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. No details have been provided in respect of how the development will satisfy this requirement.

1.53 CC1 also requires that major developments include opportunities for electric vehicle charging.

Planning obligations

1.54 Within the wider Wynyard site, and identified throughout the Wynyard Masterplan, there is a variety of infrastructure which is required in order to make the development sustainable and provide facilities to the local residents. Appendix 1 (Infrastructure Delivery Plan) and Appendix 2 (Infrastructure Delivery Schedule) of the Wynyard Masterplan set out what infrastructure is required across the Wynyard area to make Wynyard into a sustainable community. This will be secured through

developer contributions and delivery of the infrastructure through the developers/landowners.

1.55 It is noted that some requirements relate to land which may not be in the applicant's ownership or control, however these are required to be secured and the relevant landowner will need to be party to any relevant part of the legal agreement. The associated legal agreement will need to include suitable clauses that are likely to be based upon timescales and require occupation restrictions/triggers relating to various stages in the procurement process (e.g. reservation of land, marketing, submission of planning application to agreed spec, commencement/completion of development and opening of the facility).

1.56 In the interests of sustainable development in accordance with Local Plan policy QP1 Planning Obligations and the Planning Obligations SPD methodology, the following developer contributions would be required based on 51 units:

Affordable housing = £491,691.45 towards the provision of off-site affordable housing within the borough

Primary education = £150,892.35 towards primary school place provision within the borough

Secondary education = £98,572.98 towards secondary school place provision within the borough

Health = £24,633 as requested by NHS North East & North Cumbria towards the provision of future services in vicinity

Built sports facilities £250 per dwelling - secured towards new facilities and/or maintenance of existing facilities in the locality or within the borough as a whole = £12,750

Tennis courts £57.02 per dwelling - secured towards new tennis courts and/or maintenance of existing courts in the locality or within the borough as a whole = £2,908.02

Playing pitches £233.29 per dwelling - secured towards new pitches and/or maintenance of existing pitches in the locality or within the borough as a whole = £11,897.79

Bowling greens £4.97 per dwelling - secured towards new bowling greens and/or maintenance of existing greens in the borough as a whole = £253.47

Recreational disturbance to European Sites mitigation = £7,650

1.57 In addition, a section 106 agreement should include:

1) **Green infrastructure** Requirements for approval, construction and maintenance of short link path between CEW and the western SUDS pond path within adjoining site H/2022/0299 (see connectivity section above). See Lichfield's email to case officer 19/7/23: *"I have spoken with the client and we would be agreeable to a S106 obligation to deliver the CEW link from the Robertson's western SuDS pond. Please could you confirm that this can be dealt with in the same manner as application H/2022/0299, i.e. in place of a financial contribution towards Green Infrastructure?"*

Planning Policy confirm that a financial contribution would not be required.

2) **Play** Requirements for approval, construction and maintenance of off-site physical works commensurate with a £12,750 contribution (£250 per dwelling) such to improve the existing nearby play facility adjacent to Wynyard Woods. This could include more natural play equipment located

near to the fence enclosed play facility within the Green Wedge e.g. wooden balance beams, stepping stones etc. If this requires a further party to be a signatory to the agreement given the separate land ownership of the play area land, then this must be investigated, actioned and agreed as necessary so as to ensure delivery.

- 3) Submission of an **incidental open space plan** in order to secure appropriate arrangements for the maintenance and long term management for those landscaped open spaces within the site which do not form part of a dwelling.
- 4) Submission of **Local Employment and Training Agreement** to give opportunities within the development for local workers as well as training and apprentice opportunities. The economic development team will give further information on this element.

Planning Policy accept that a **phased/triggered** approach to the payment of contributions is often appropriate for large-scale development, and have advised that this would be acceptable in respect of adjoining and associated application H/2022/0299. A bespoke payment schedule is to be agreed for each category of contribution, with the starting point for such discussions being that the development has an impact upon existing infrastructure from the occupation of its first completed unit.

PLANNING CONSIDERATIONS

1.58 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, character and appearance, residential amenity, highway safety and parking, ecology, trees and landscaping, flood risk and drainage, archaeology, planning obligations and other matters.

PRINCIPLE OF DEVELOPMENT

1.59 Local Plan Policy LS1 identifies sites at Wynyard for approximately 732 new dwellings in accordance with policy HSG6. This site is not included as one of the sites identified by policy HSG6. Policy HSG6 (5) states that a multifunctional strategic green wedge is defined on the policies map. Planning permission will only be given for developments which relate to the use of land within the green wedge as parkland or other amenity, recreational or landscaped open space, or for allotments or wildlife purposes. Policy HSG (6) states that a landscape buffer, including a corridor along the A689 will be created. No built incursion into the landscape buffer will be permitted other than for uses intrinsically linked to its use as a landscape buffer.

1.60 The Wynyard Masterplan (WMP) was adopted by the Council in 2019 following the adoption of the Local Plan in 2018. However, it is not a Development Plan Document (DPD) and cannot be given full weight in the same way as the Local Plan. Although it is a material consideration to be taken into account in the determination of this application. Furthermore, the WMP acknowledge itself that it should not be seen as a rigid blueprint for development and design, but rather a document that sets out the context and development principles within which individual projects come forward.

1.61 Planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Here the development plan is the Hartlepool Borough Local Plan 2018. The NE3 Green Wedge land to the northeast of the dwellings will comprise of the construction of a 4-metre height acoustic bund, and beyond this, existing tree cover and an informal footpath will remain unaffected, which will also accord with policy NE2(j).

1.62 The majority of the site is not designated for any particular purpose (white land) in the Local Plan and is within the development limits. Although not specifically allocated for housing in the Local Plan, it is identified as such within the Wynyard Masterplan. The Local Plan and the Wynyard Masterplan both identify a green wedge to the northern and extent of the site, which would be retained albeit with a noise bund which is accepted by policy NE3. It is considered that the principle of residential development on this site is acceptable.

5-YEAR HOUSING LAND SUPPLY

1.63 Paragraph 74 of NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.

1.64 The Council has published a Housing Delivery Report 2020, which concludes that the Council is able to demonstrate a five year housing land supply.

1.65 The requirement to provide a five year housing land supply is a minimum rather than a maximum. Providing additional housing above and beyond this is acceptable subject to it be sustainable. All this does is increase the range of choice of housing.

1.66 The proposal would provide a welcome and valuable boost to the Council's housing land supply position, although it is not allocated as such in the Local Plan.

CHARACTER AND APPEARANCE

1.67 Paragraph 139 of NPPF makes it clear that development that is not well-designed especially where it fails to reflect local design policies and government guidance on design should be refused.

1.68 The application site is within Zone WV-E of the Wynyard Masterplan, which states that development should be designed to respond positively to the adjacent Castle Eden Walkway and expects a low density development of executive dwellings.

1.69 The scheme comprises three types of bungalow and chalet bungalow and is of a spacious, low density, which appears similar to that adjacent Dere Street Homes development to the east. The density of this proposal would be approximately 9 dwellings per hectare, which is a very low.

1.70 Planning Policy have no concerns with the detailed layout, or density of the proposal which is considered to be of good quality and an appropriate response to the character of the area.

1.71 There would be a Sustainable Urban Drainage Pond located toward the south eastern boundary of the site adjacent to the site entrance. This would make a pleasant entry feature. Three dwellings would front onto this area and therefore this would appropriately address both the pond and main road of Stoney Wood Drive. The majority of the dwellings would face onto this main estate road, with smaller cul-de-sacs leading from it.

1.72 The new homes would also be set away from and back onto the A689 to the north, which is considered appropriate given then need for a noise bund to ensure that future residents are provided with an acceptable living environment.

1.73 In terms of the houses they would range from three to four bedroom detached, single and 1.5 storeys. Their character would be traditional in terms of style with some contemporary elements such as small flat roofed dormers.

1.74 Overall, it is considered that the proposal will not adversely affect the character and appearance of the site, or its surroundings and would accord with policies QP4, QP5, QP6, HSG2, HSG6 and the advice in NPPF.

RESIDENTIAL AMENITY

1.75 When assessing the scheme against the main characteristics highlighted within the Residential Design SPD, it must be ensured that each house benefits from sufficient daylight, sunlight and privacy alongside appropriate parking and in curtilage amenity space.

1.76 Policy QP4 of the Local Plan sets out separation distances between windows. These require a separation distance of at least 20m between habitable room windows and a separation distance of at least 10m between habitable room and non-habitable room windows and/or gable end.

1.77 The occupiers most likely to be directly affected by the proposal are those living at Willow Close, which is a new estate of large two storey properties to the east. Plots 22 and 23 would have their side flanks facing towards No. 7 and No. 6 Willow Drive. In addition to this there would be a narrow landscape belt between the properties so it is not the case that they would share a common boundary between gardens. Plots 1, 6 and 7 also have neighbouring properties to the north and would also be set so their gables face the neighbours to avoid having an adverse impact.

1.78 HBC Public Protection have been consulted and do not object subject to conditions.

1.79 Subject to conditions, it is considered that the proposal would provide a satisfactory living environment for future occupiers in accordance with policy QP4.

HIGHWAY SAFETY AND PARKING

1.80 Paragraph 115 of NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

1.81 The Council's Traffic and Transportation Team has been consulted and states this development does not form part of the National highways Mini-Infrastructure study. The developer has indicated that the development H/2014/0176 has been identified in the Mini-Infrastructure study and has been allocated 134 houses which can come forward prior to the identified mitigation measures on the A19/Wolviston junction being completed. This application has since been superseded by H/2015/0386, which is for 64 dwellings leaving a surplus of 70 dwellings, which can be constructed prior to the mitigation being delivered. This available capacity has been used up by application H/2022/0299 on the adjoining site to the south. Therefore the improvement works are required prior to first occupation of any of the dwellings associated with this planning permission and this can be controlled by a planning condition.

1.82 The Countryside Access Officer states that the proposal would provide and improve access to the Castle Eden Walkway. A new link would be located next to the western SUDs pond on the adjacent site and would be secured as part of the S106 legal agreement.

1.83 Drive crossings which are to be located within the grass verge will be splayed to help prevent vehicles over running onto the verge and causing damage, as per the advice from HBC Traffic and Transport.

1.84 Subject to conditions/planning obligations it is considered that the proposal would not have an unacceptable impact on highway safety or have a residual cumulative impact on the road network that would be severe.

ECOLOGY

1.85 Policy NE1 seeks to ensure that Hartlepool's natural environment is protected, managed and enhanced.

1.86 Policies NE2 and NE3 seek to safeguard, protect and enhance green infrastructure such as green wedges.

1.87 Natural England considers that the proposed development will not have significant adverse impacts on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. This is because the foul and surface water from this development will go to the Billingham Waste Water Treatment Works which discharges outside of the Special Protection Area.

1.88 The applicant's Biodiversity Net Gain Assessment states that the proposal will result in a Biodiversity Net Gain of approximately 19%, which is a material consideration that weighs in favour of the proposal. The Council's Ecologist supports the proposals and says that a Biodiversity Management and Monitoring Plan will be required and this can be controlled by a condition.

1.89 The northern part of the site adjacent to the A689 is part of a green wedge and the proposal seeks a set back from this and also to accommodate a noise bund to protect the new residents from traffic noise.

1.90 The green wedge therefore would be retained and it is considered that subject to conditions the proposal would comply with policies NE1, NE2, NE3 and that advice in NPPF.

TREES AND LANDSCAPING

1.91 Paragraph 136 of NPPF states, 'Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change' It goes on to state that decisions should ensure that new streets are tree-lined (unless in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). Opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

1.92 Policy NE1 seeks amongst other matters to increase the tree cover.

1.93 The main access is set back from Stoney Wood Drive with tree planting proposed around the northern area if the pond near the entrance to the site. The main estate road through the development would be tree lined in accordance with the advice paragraph 136 of NPPF.

1.94 There are small areas of incidental landscaping throughout the scheme, which will help to create a pleasant landscape setting for the new homes.

1.95 Neither the Council's Arboriculturalist or Landscape Architect object. Details of landscaping can be secured by a condition.

FLOOD RISK AND DRAINAGE

1.96 Policy CC1 seeks to minimise and adapt to climate change. Policy CC2 requires all new development proposals to demonstrate how they will minimise flood risk to people, property and infrastructure.

1.97 A Flood Risk Assessment (FRA) has been submitted. This concludes that the site is within Flood Zone 1 and therefore at low risk of flooding.

1.98 Surface water will be released at a maximum controlled rate 54 litres per second.

1.99 The proposal includes a Sustainable Urban Drainage pond towards the main entrance to assist with the development's drainage.

1.100 HBC's Engineering Consultancy has no objection. Northumbrian Water have no objection subject to a condition.

1.101 Subject to conditions the proposal would accord with policies CC1 and CC2.

ARCHAEOLOGY

1.102 The Tees Archaeologist has been consulted and states the site has already been evaluated and was found to be of low archaeological potential. Tees Archaeology have not objected to the proposed development and no further archaeological work is required.

DEVELOPER OBLIGATIONS

1.103 Where up to date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

1.104 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

1.105 The Local Plan identifies a number of elements of infrastructure to be delivered at Wynyard in order to develop a sustainable community including green space, community facilities such as school, playing pitches, local centre and play areas.

1.106 The WMP and associated Infrastructure Delivery Plan and Schedule give further information on the required infrastructure and delivery timescales which will be tied to development as schemes on sites come forward. In order to be in accordance with policy QP1 of the Local Plan, the proposal is expected to contribute towards the required facilities in the area.

1.107 Policy QP1 seeks planning obligations where viable and deemed to be required to address the impacts arising from development.

1.108 Policy HSG9 seeks 18% affordable housing on sites where 15 or more new dwellings are proposed.

1.109 The Council's Planning Obligations Supplementary Planning Document (SPD) (2015) is a material consideration in determining of planning applications and if development proposed does not comply, the SPD may be used as a basis for the refusal of planning permission.

1.110 The Council is seeking the following contributions:

Affordable housing = £491,691.45 towards the provision of off-site affordable housing within the borough

Primary education = £150,892.35 towards primary school place provision within the borough.

Secondary education = £98,572.98 towards secondary school place provision within the borough.

Health = £24,633 as requested by NHS North East & North Cumbria towards the provision of future services in vicinity.

Built sports facilities £250 per dwelling - secured towards new facilities and/or maintenance of existing facilities in the locality or within the borough as a whole = £12,750.

Tennis courts £57.02 per dwelling - secured towards new tennis courts and/or maintenance of existing courts in the locality or within the borough as a whole = £2,908.02

Playing pitches £233.29 per dwelling - secured towards new pitches and/or maintenance of existing pitches in the locality or within the borough as a whole = £11,897.79

Bowling greens £4.97 per dwelling - secured towards new bowling greens and/or maintenance of existing greens in the borough as a whole = £253.47

Recreational disturbance to European Sites mitigation = £7,650

1.111 In addition, a section 106 agreement should include:

3) **Green infrastructure** Requirements for approval, construction and maintenance of short link path between CEW and the western SUDS pond path within adjoining site H/2022/0299 (see connectivity section above). See Lichfield's email to case officer 19/7/23: *"I have spoken with the client and we would be agreeable to a S106 obligation to deliver the CEW link from the Robertson's western SuDS pond. Please could you confirm that this can be dealt with in the same manner as application H/2022/0299, i.e. in place of a financial contribution towards Green Infrastructure?"*

Planning Policy confirm that a financial contribution would not be required.

4) **Play** Requirements for approval, construction and maintenance of off-site physical works commensurate with a £12,750 contribution (£250 per dwelling) such to improve the existing nearby play facility adjacent to Wynyard Woods. This could include more natural play equipment located near to the fence enclosed play facility within the Green Wedge e.g. wooden balance beams, stepping stones etc. If this requires a further party to be a signatory to the agreement given the separate land ownership of the play area land, then this must be investigated, actioned and agreed as necessary so as to ensure delivery.

3) Submission of an **incidental open space plan** in order to secure appropriate arrangements for the maintenance and long term management for those landscaped open spaces within the site which do not form part of a dwelling.

4) Submission of **Local Employment and Training Agreement** to give opportunities within the development for local workers as well as training and apprentice opportunities.

1.112 These contributions are considered to meet the tests of paragraph 57 of NPPF and will help to make Wynyard sustainable in planning terms.

RENEWABLE ENERGY

1.113 Policy QP7 seeks to ensure high levels of energy efficiency in all development.

1.114 Policy CC1 requires that major development must secure, where feasible and viable a minimum of 10% of its energy from decentralised and renewable or low carbon sources.

1.115 Policy WMP1 of the Tees Valley Minerals and Waste DPD requires applications for major development to be accompanied by a Waste Audit. HBC Waste Services state that developers are expected to provide and ensure that at the point of first occupancy that all new development have the necessary waste bins/receptacles to enable the occupiers to comply with the waste presentation and collection requirements. This can be controlled by a condition requiring the necessary rubbish and recycling bins to be provided prior to first occupation. A condition is also recommended to ensure that 10% of the energy is secured from decentralised and renewable or low carbon sources in accordance with policy CC1.

PUBLIC COMMENTS

1.116 The objections from the public are noted. The proposal would not result in an over-development. The site would be built at approximately 9 dwellings per hectare, which is a very low density. Suburban housing tends to be built at 30 dwellings per hectare, Executive Housing between 10-15 dwellings per hectare. The proposal is lower than that and cannot reasonably be considered to be over development.

1.117 In terms of separation distances between the proposed new dwellings and the existing dwellings at Willow Drive, they are all in excess of the minimum privacy distances of policy QP4.

1.118 A Sustainable Urban Drainage System is proposed to deal with surface water and the site is at low risk of flooding. The Council's Engineering Consultancy has been consulted and consider the proposals to be acceptable.

1.119 In terms of traffic neither National Highways or the Council's Traffic and Transport Team object subject to off-site highway improvement works.

1.120 The Council's Countryside Access Officer is satisfied with the proposals and therefore this scheme would not adversely affect countryside access.

LOCAL FINANCIAL CONSIDERATIONS

1.121 Paragraph 11 of the National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could have been provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL). Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus is material in making this development acceptable in planning terms.

CONCLUSIONS AND PLANNING BALANCE

1.122 Planning law requires that applications for planning permission will be determined in accordance with the development plan unless material considerations indicate otherwise. Here the development plan is the Hartlepool Local Plan 2018.

1.123 The application site is not allocated for housing in the Local Plan, although it is within the development limits of Wynyard.

1.124 The proposal does not fully accord with the Wynyard Masterplan (2019). However, this is not a Development Plan Document (DPD) and cannot be afforded significant weight. The Wynyard Masterplan acknowledges that it should not be seen as a rigid blueprint for development.

1.125 Although the Council can demonstrate a 5-year supply of housing, this is a minimum and not a maximum. This proposal would add to the supply of housing. The fact that it would provide bungalows is welcome and provides further range and choice of housing at Wynyard.

1.126 The proposal would avoid having an adverse impact upon nutrient neutrality and would result in an above 10% biodiversity net gain, which weights in its favour. The proposal would subject to conditions avoid having an adverse impact upon neighbours and would not adversely affect the character and appearance of the site or its surroundings. Subject to conditions future occupiers would be provided with an acceptable residential living environment.

1.127 The proposal would avoid having an unacceptable impact upon highway safety, or result in residual cumulative impact that would be severe. Neither the local highway authority, nor National Highways object subject to conditions. The proposal would help to secure the necessary infrastructure to make Wynyard sustainable in planning terms and this is a material consideration of substantial weight. Overall and on balance, it is considered that the proposal represents sustainable development and it is recommended that planning permission should be granted subject to a S106 legal agreement and conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.128 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.129 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.

1.130 The final scheme will be designed with the reduction of crime and anti-social behaviour in mind.

REASON FOR DECISION

1.131 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 a S106 legal agreement securing the following; (£491,691.45) towards the provision of off-site affordable housing within the borough. (£150,892.35) towards primary school place provision within the borough. (£98,572.98) towards secondary school place provision within the borough. (£24,965) highways contribution towards A689/The Meadows Roundabout (£24,633) towards the provision of future NHS services in vicinity. (£12,750) secured towards new facilities and/or maintenance of existing built sports facilities in the locality or within the borough as a whole. (£2,908.02) secured towards new tennis courts and/or maintenance of existing courts in the locality or within the borough as a whole. (£11,897.79) secured towards new playing pitches and/or maintenance of existing playing pitches in the locality or within the borough as a whole. (£253.47) secured towards new bowling greens and/or maintenance of existing greens in the borough as a whole. (£7,650) towards mitigation to provide for recreational disturbance to European protected Sites. Castle Eden Walkway link with the Robertson's (H/2022/0299) western SUDs pond. Offsite enhancements to the value of (£12,750) to improve an existing nearby play facility. An Incidental Open Space Management Plan and a Local Employment and Training Plan and the following conditions;

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
 - a. 1656-WYN-SD-00.01A OS Location Plan_23.09.2022
 - b. 1656-WYN-SD-10.00A Existing Site Plan_23.09.2022
 - c. 1656-WYN-SD-10.01B Proposed Site Plan_06.04.2023
 - d. 1656-WYN-SD-10.02B Boundary Treatment Plan_06.04.2023
 - e. 1656-WYN-SD-10.03B Surface Treatment Plan_06.04.2023
 - f. 1656-WYN-SD-10.04B Adoption Plan_06.04.2023
 - g. 1656-WYN P40.02 Site-Sections_07.23
 - h. Detailed Planting Plan [Sheet 1 of 4] (ref: N1251-ONE-ZZ-XX-DR-L-0201-P03)
 - i. Detailed Planting Plan [Sheet 2 of 4] (ref: N1251-ONE-ZZ-XX-DR-L-0202-P03)
 - j. Detailed Planting Plan [Sheet 3 of 4] (ref: N1251-ONE-ZZ-XX-DR-L-0203-P03)
 - k. Detailed Planting Plan [Sheet 4 of 4] (ref: N1251-ONE-ZZ-XX-DR-L-0204-P03)
 - l. Plot 2 Land adjacent 53 The Stables Proposed Ground Floor Plan (ref: 1804.W.P2.01 E 151018)
 - m. Plot 2 Land adjacent 53 The Stables Proposed Front and Side Elevation (ref: 1804.W.P2.02 B 260918)
 - n. Plot 2 Land adjacent 53 The Stables Proposed Rear and Side Elevation (ref: 1804.W.P2.03 D 151018)
 - o. Dwelling Type A Proposed Ground Floor Plan (ref: 1808.A.W.01 G 180719)
 - p. Dwelling Type A Proposed First Floor Plan (ref: 1808.A.W.02 E 131118)
 - q. Dwelling Type A Proposed Front and Side Elevation (ref: 1808.A.W.03 D 180719)

- r. Dwelling Type A Proposed Rear and Side Elevation (ref: 1808.A.W.04 C 100618)
 - s. Dwelling Type B Proposed Ground Floor Plan (ref: 1808.B.W.01 H 030920)
 - t. Dwelling Type B Proposed Front and Side Elevation (ref: 1808.B.W.02 E 180719)
 - u. Dwelling Type B Proposed Rear and Side Elevation (ref: 1808.B.W.03 C 100618)
 - v. Brignal 2 Proposed Ground Floor Plan (ref: 2222.W.01 310522)
 - w. Brignal 2 Proposed First Floor Plan (ref: 2222.W.02 310522)
 - x. Brignal 2 Proposed Front and Side Elevation (ref: 2222.W.03 310522)
 - y. Brignal 2 Proposed Rear and Side Elevation (ref: 2222.W.04 310522)
 - z. ECL Arboricultural Impact Assessment Method Statement and Protection Plan- Wynyard - 31st May 2022
 - aa. Ecological Appraisal by OS Ecology dated August 2023.
 - bb. Breeding Bird Survey by OS Ecology dated August 2023.
 - cc. Flood Risk Assessment and Drainage Strategy by Coast Consulting Engineers dated April 2022.
 - dd. Travel Plan by Bryan G Hall dated August 2022
 - ee. Air Quality Assessment by NJD Environmental Associates dated July 2022
 - ff. Noise Assessment by NJD Environmental Associates dated July 2023.
 - gg. Biodiversity Net Gain Assessment by OS Ecology dated February 2024
- For the avoidance of doubt.
2. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
 3. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter, the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
 4. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8am and 6pm on Mondays to Fridays and between 9am and 1pm on Saturdays. There shall be no construction activity including demolition on Sundays, or Bank Holidays.
To ensure that development does not adversely affect neighbours living conditions.
 5. Notwithstanding the submitted information and the measures outlines within the submitted Flood Risk Assessment, no development in relation to surface water drainage shall take place until a scheme for surface water management system including the detailed drainage/SUDS design has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water: detailed proposals for the delivery of surface water management system including a timetable for its implementation; and details as to how the

surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify the parties responsible for carrying out other arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system through its lifetime. The scheme shall be fully implemented and subsequently management for the lifetime of the development in accordance with the agreed details.

This needs to be pre-commencement to prevent increased risk of flooding from any sources in accordance with the NPPF and to ensure future maintenance of the surface water drainage.

6. Prior to works pertaining to foul water drainage a detailed scheme for the disposal of foul water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter, the development shall take place in accordance with the approved details. This needs to be pre-commencement to ensure the site is appropriately constructed to prevent the increased risk of flooding in accordance with the advice in NPPF.
7. A Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of the development, to agree the routing of all HGVs movements associated with the construction phase, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control the treatment of stock piles, parking for the use during construction measures to protect existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on the highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The CEMP shall also set out as a minimum site specific measures to control and monitor impacts in relation to constructions traffic, noise, vibration, dust and air pollution, land contamination, disturbance to ecology and ground water. Thereafter, the development shall be carried out This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area.
8. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, programme of the works to be undertaken, and implementation in accordance with the approved details and programme of works.
In the interests of visual amenity and biodiversity enhancement.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved programme of works for implementation. Any trees plants or shrubs which within a period of 5 years from the completion of the development, die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species.
In the interests of visual amenity and biodiversity enhancement.

10. No part of the residential development shall be occupied until a vehicular and pedestrian access to the proposed development has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
11. Prior to first occupation of the dwellings hereby approved, a compliance report to confirm the energy demand of the development and its CO2 emissions (measured by the Dwelling Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.
In the interests of promoting sustainable development and in accordance with the provisions of the Local Plan Policies QP7 and CC1.
12. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and must be reported in writing immediately prior to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with the contamination on the site has been carried out in accordance with the 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 has 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 the site is suitable for its intended use.
13. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of breeding birds.
14. Notwithstanding the submitted details none of the dwellings shall be first occupied until details of the proposed street lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the street lighting shall be provided in accordance with the approved details.
In the interests of biodiversity.

15. Notwithstanding the submitted information, prior to first occupation of the development hereby approved, details of the boundary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter development shall be implemented in accordance with the approved details prior to the occupation of each dwellings.
In the interests of a satisfactory form of development and in the interests of the amenities of future occupiers.
16. No part of the development hereby approved shall take place until an Amphibian Method Statement (particularly focussing on Great Crested Newts) has been submitted to and approved in writing by the Local Planning Authority. The submitted details will include a timetable of when the vegetation shall be removed. Thereafter, the development shall take place in accordance with the approve details.
In the interests of Great Crested Newt.
17. Notwithstanding condition 1, (approved plans condition not these conditions) no part of the development hereby approved shall take place until full details presented in the Biodiversity Net Gain Plan including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
In the interests of biodiversity.
18. No dwelling hereby permitted shall be first occupied until two integral bird nest bricks for either sparrow or starlings to be more than 3m above ground level to be provided on the house or garage of that dwelling, or two integral bat roost bricks to be more than 3m above ground level on the house or garage of that dwelling. The bricks should be in sunlight for part of the day and therefore must be located on the east or south facing side of dwelling or garage.
In the interests of biodiversity.
19. None of the dwellings hereby permitted shall be first occupied unless and until the 4m high earth bund shown on Drawing No. 3 of page 10 of the Noise Assessment provided by NJD Environmental Associates dated June 2022 and Drawing No. WYL-ARC-011 A (Bund Sections) has been constructed in accordance with these details. Thereafter the bund shall be retained as such. To protect the dwellings from noise generated by traffic from the A689.
20. No dwelling hereby permitted shall be first occupied until the glazing and ventilation specification as identified in Section 8.5.1 of Noise Assessment by NJD Environmental Associates dated July 2023 has been provided.
Thereafter, it will be maintained and retained as such.
To ensure a satisfactory living environment.
21. There shall be no opening burning permitted on site at any time.
To protect neighbouring residential occupiers from smoke and fumes.

22. Prior to the first occupation of any of the dwellings hereby permitted a scheme to secure improved pedestrian access including its surfacing onto the Castle Eden Walkway (CEW), together with a timetable for its implementation, shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the details and timetable so approved.
To improve access to the countryside.
23. Prior to first occupation of any of the dwellings hereby approved, the off-site highway improvement works at the A19/A689 Wolviston junction, shown indicatively on Drawing No. 276864-ARP-ZZ-XX-DR-CH-0101 & Drawing No. 27684-ARP-ZZ-XX-DR-CH-0102 shall be completed as submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.
To ensure the safe and efficient operation of the strategic highway.
24. Notwithstanding the submitted details, none of the dwellings hereby permitted shall be first occupied until a detailed specification and schedule of photovoltaic arrays to be provided to ensure that 10% of the energy requirement for each dwelling is provided from renewable sources has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
In the interests of sustainability.
25. Notwithstanding the submitted details, none of the dwellings hereby permitted shall be first occupied until details of a vehicle charging point for each dwelling has been submitted to and approved in writing by the Local Planning Authority. The vehicle charging points shall be installed and available to use prior to first occupation.
In the interests of sustainability.
26. No dwelling hereby permitted shall be first occupied until details of refuse and recycling bins to be provided at each property has been submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be provided to each dwelling prior to first occupation.
To ensure satisfactory refuse and recycling bins are provided for residents.

INFORMATIVE 01 – STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the advice in NPPF.

BACKGROUND PAPERS

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

https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0382

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

CONTACT OFFICER

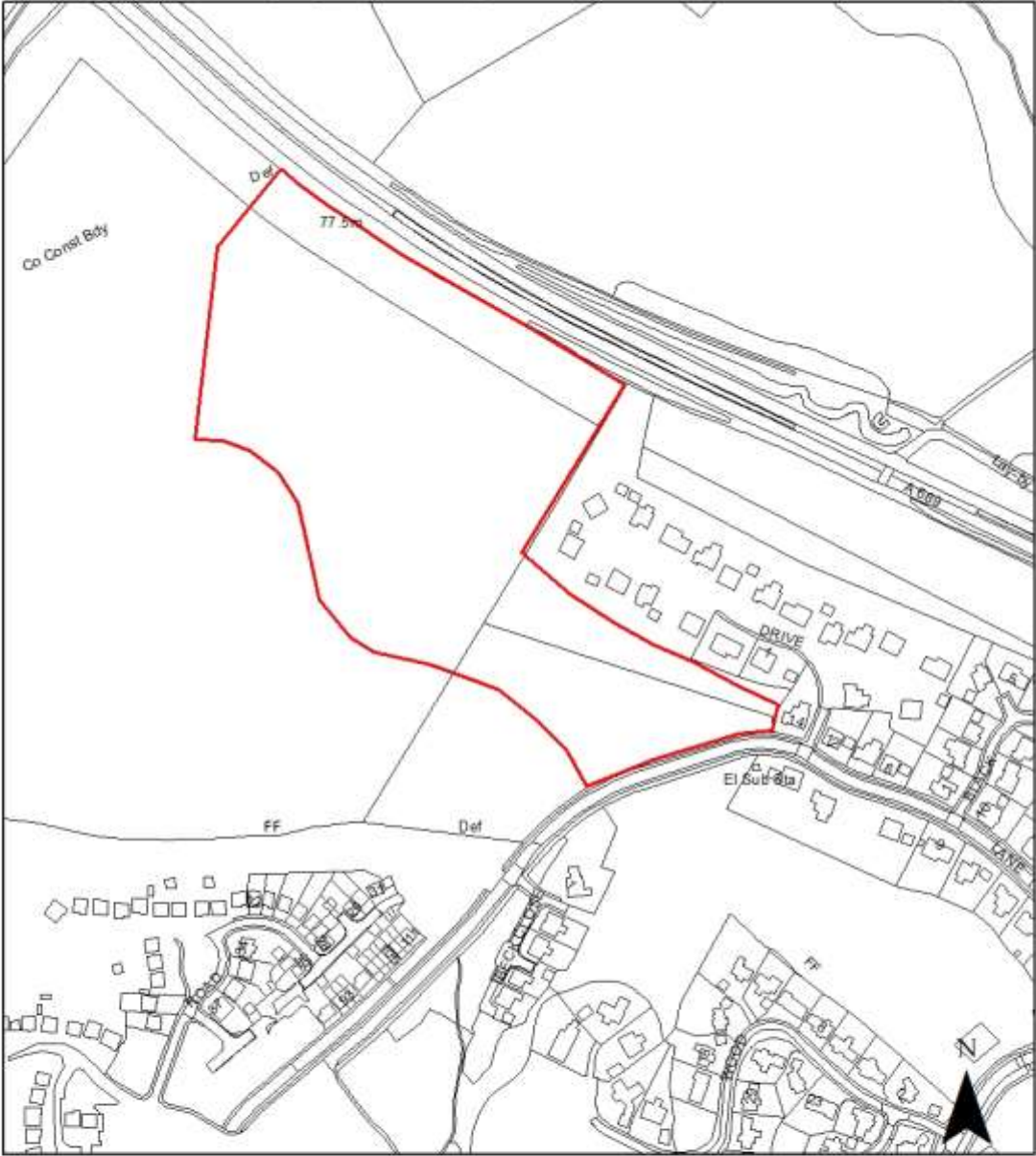
1.134 Kieran Bostock
Assistant Director – Place Management
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

1.135 Aidan Dobinson Booth
Principal Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523856
E-mail: aidan.dobinson-booth@hartlepool.gov.uk

Land West Of Wynyard Village And South Of The A689 Wynyard



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 04.04.2024
	SCALE 1:3,500	
	DRG.NO H/2022/0382	REV

No: 6.
Number: H/2024/0011
Applicant: WYNYARD PARK LTD
Agent: LICHFIELDS MR JOSH WOOLLARD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
Date valid: 08/01/2024
Development: Outline Planning Application for the erection of 3no. residential plots with associated access (all matters except access reserved)
Location: LAND NORTH DUCHY HOMES WYNYARD BILLINGHAM

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following applications represent the relevant planning history:

H/2019/0365 - Residential development of 67 dwellings
Permitted 18/03/2020

H/2021/0282 - Outline planning application with all matters reserved except for access for the erection of 25no. residential plots (use class C3) with associated access (Amended site location plan and reduction in the number of proposed dwellings from 29no. to 25no).
Permitted 18/01/2022.

H/2022/0137 – Outline planning application with some reserved matters for the erection of 3no. residential plots with associated access.
Refused 01/11/2022.

PROPOSAL

1.3 The application seeks outline planning permission with all matters reserved except for access for the erection of 3no. residential plots with associated access. A proposed site plan has been included with the application for illustrative purposes.

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

SITE CONTEXT

1.5 The site is located at Wynyard park, to the north of the A689 at an approximate central, grid reference NZ427280. The site comprises a single arable field bound by hedgerows and woodland. This is located to the north of the existing settlement of Wynyard, north of the A689.

PUBLICITY

1.6 The application has been advertised by way of a site notice. To date, there have been 4 letters of objection.

1.7 The concerns raised are:

This land is meant to be an archaeological exclusion zone and greenspace for residents. It is my understanding that the area has been damaged by those who seek permission to build on it.

This application should be refused and any future applications to build on this land beyond developing it into proper greenspace (playground etc) be auto-rejected.

The archaeology should be protected for future generations.

The land should be kept as open space as there is precious little greenspace and we cannot afford to lose any more.

No more housing should be built until there are facilities for the existing residents.

1.8 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/2024/0011

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

HBC Public Protection - No Objections

Suggested Planning Conditions

1. The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. All deliveries and collections during construction works to be kept between these hours as well.
2. All the mitigation methods listed in the Air Quality Report accompanying this application are to be in place prior to commencement of any work and used throughout the works.
3. All the measures listed in the Noise Report Accompanying this application are to be implemented accordingly on the identified properties.
4. A wheel wash is to be provided at the site and must be used at all times for any vehicle entering or exiting the site.
5. Informative (advice to applicant re any other requirements such as licensing)

HBC Engineering Consultancy – Objection

Based on the published Environment Agency surface water mapping there appears to be a minor overland flow route entering the site from the south. How is this proposed to be managed?

Section 7.10 of the FRA and Drainage Strategy identifies that infiltration has been discounted based on findings of nearby sites. However, the reasons for discounting on those site have not been included. Please provide an appropriate level of assessment.

A discharge rate of 3.5 l/s/ha to watercourse is proposed based on the legacy assessment. This is calculated to be 14.4 l/s discharging from the pond which appears reasonable subject to appropriate discounting of infiltration.

The FRA refers to the wider legacy agreement of Wynyard Park site wide drainage strategy. However, climate change allowances has since been updated, 45% climate change should be tested as the 30% currently used is too low. LPA to confirm the suitability of ant legacy agreements. We would recommend current climate change allowances are assessed. The FRA does identify climate change allowances, but these are now outdated.

How has the pond been designed for safety? Based on the provided Drainage Layout plan it appears deep with sides. It does not form an amenity feature or provide much biodiversity benefit currently. What is the freeboard including 45% climate change? What is the rationale for not integrating the pond into the development layout to form amenity benefit? There is an apparent surface water main running through the site. Are there any standoff requirements for the basin and have these been factored into the design?

Are there any third-party land ownership issues for the proposed drainage infrastructure outside of the red line boundary to watercourse? Note than an Environmental Permit will be required.

There is no discussion on maintenance of the proposed SuDS for the lifetime of development.

HBC Landscape Architect

Defer to Arb Officer comments regarding feasibility of development.

HBC Countryside Access Officer

I have no comments to add. All my main comments and concerns have been made through outline planning application process for the full site, planning application H/2021/0282. Please refer to those comments for further details.

Tees Archaeology - Objection

Thank you for the consultation on this application. As far as I am able to ascertain, this application is identical to previously refused application H/2022/0137, to which Tees Archaeology objected. We will reiterate and expand on our previous comments:

Background

The proposed development site is primarily situated within the western side of the Archaeological Exclusion Zone (AEZ), which was established a number of years ago and is included in the Wynyard Masterplan. Tees Archaeology had previously inquired about having the area encompassed by the AEZ scheduled; however, it was determined that although the site was at least of regional importance, our limited knowledge of its survival and potential meant that the site could not be designated as of national importance. The earthworks, in comparison with the nearby medieval farmstead at High Burntoft, were deemed to be relatively fragmentary in nature; however, the buried archaeological features were well preserved across the areas of evaluation and the archaeological potential of the site was deemed significant. The designation of an AEZ was to serve the same purpose of preserving the archaeology on site.

Part of the site is currently allocated as open space in policy HSG6: Wynyard Housing Developments, and is therefore protected by policy NE3: Green Wedge. This policy, seeks to 'protect, maintain, enhance and, where appropriate, increase the number of green wedges to provide a wide range of benefits for the town.' The site's allocation as open space was primarily due to the archaeological importance of the site, although this is not identified specifically in these policies. Other policies in the local plan which relate to the AEZ include HE1: Heritage Assets, which states that "The Borough Council will seek to preserve, protect and positively enhance all heritage assets" and HE2: Archaeology, which states, 'The Borough Council will seek to protect, enhance and promote Hartlepool's archaeological heritage and, where appropriate, encourage improved interpretation and presentation to the public.'

Two heritage documents have been submitted as part of this application, a heritage statement and a mitigation proposal. We will address each of these documents individually.

Heritage Statement

The heritage statement, recommends the removal of the AEZ entirely, stating that: "the coherence of the AEZ is massively compromised as a result of the loss of earthworks and subsurface archaeology in the main part of the AEZ. As a result, there is no longer any justification for retention of an exclusion zone designed to protect a largely complete and recognisable archaeological site – no such site exists anymore."

We cannot agree with this as a reason to remove the AEZ and it should be noted that the AEZ continues to protect the below ground archaeology, which was a primary reason for its establishment. NPPF para. 191 states: "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision." Protective fencing was required to be placed around the AEZ following its establishment to protect it from construction vehicle movements. While we accept that the demolition of the farm would have caused some impact upon the archaeological exclusion zone, this could have been minimised by the majority of associated vehicle movement occurring outside of the exclusion zone (either along

the western boundary or along the pre-existing road to the farm) – it was not necessary for the vehicles to travel through the southern part of the exclusion zone to reach the farm, as was the case. Additionally, it is evident that vehicle movement continued within the AEZ following the demolition of the farm, further damaging the archaeological remains. The AEZ has also been used to store spoil and various materials, for which there is no justification. It was observed during a site visit by Tees Archaeology in May 2021 that large areas of the required fencing were missing, allowing for easy access into the exclusion zone. Fencing was erected as part of the conditions for H/2021/0282, however aerial imagery on Google Earth dated 20 May 2023 (Figure 1) still shows construction vehicles within the AEZ and appears to indicate that the AEZ is being used as a through route to dump spoil on along its eastern boundary.



Figure 1: Google Earth Aerial Imagery of AEZ - 20 May 2023

Despite the damage to the AEZ, the area included within the proposed development site has (mostly) not been impacted, and the adjacent development, H/2021/0282, was amended to avoid this area, following our objection to the inclusion of houses within the AEZ, which are now the subject of this separate application. We note that the same aerial imagery shows that plot 28 (also noted as plot Y) has not been amended as previously approved (outline H/2021/0282 and reserved matters H/2022/0071) and extends into the AEZ, with construction traffic having driven through part of the AEZ.

It is clear that the developers and their contractors have not respected the intention or physical reality of the exclusion zone.

The heritage statement submitted is identical to that submitted as part of outline application H/2021/0282. We did not agree with the recommendations set out in the heritage statement when it was initially submitted, and we have seen no evidence that would change our position.

Mitigation Proposal

In December 2021, Lichfields submitted a briefing note to Tees Archaeology, detailing their opinion on the status of the AEZ. The comments made by Tees Archaeology on that briefing note have clearly been used in this proposed mitigation report, and should be properly referenced.

This document examines the exclusion zone and sets out proposed mitigation. Central to its argument is the assertion that individual archaeological features are only of local interest, though due to their inclusion within the AEZ they are currently considered to be of regional importance. Using this assertion, the document argues “that if the area containing the features was removed from the AEZ, the impact of development would be considered as Minor or Minor/Moderate, depending on the true character of the feature”.

It could be argued that on any archaeological site, individual features are only of local importance. However, it is when sites are considered as a whole, rather than as a collection of separate features, that their importance is truly determined. Consequently, we struggle to agree with this as reasoning to remove this area from the AEZ and see no reason to alter our objection to this development.

It should be noted that Tees Archaeology have since received a report on the archaeological monitoring of the SUDS pond and associated drainage for the site adjacent to the Archaeological Exclusion Zone (AEZ). The SUDS monitoring recorded a series of features; medieval pottery was recovered from many of the features, but the paleo-environmental evidence suggests that some of the features may be of later prehistoric/Romano British origin, later disturbed by medieval activity. A medieval pond feature at the northern end contained a probable articulated horse and an alignment of waterlogged posts and wattle remains within it. Tees Archaeology are currently awaiting a report on the archaeological work undertaken as part of H/2021/0282. However, on site interpretation indicates that features previously identified furrows during the trial trenching are ditches forming part of a system of field enclosures of medieval date. This work also identified medieval structures, a cobbled surface, and a short stretch of masonry wall. The report from this work will provide a more in depth understanding of the archaeology on site and is likely to further demonstrate the importance of the AEZ.

Conclusion

The heritage documents submitted as part of H/2024/0011 are identical to those submitted for H/2022/0137, and have not provided any new evidence to change our previous objection. We cannot accept the intrusion of the proposed development into the AEZ, and we object to this application. Not only is this area within the Archaeological Exclusion Zone, but it is also designated as public open space/a green wedge in the Wynyard Masterplan and the Hartlepool Local Plan. The current proposal, therefore, is contrary to local policy, and should be rejected.

The Coal Authority – no comments

We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority’s defined Development Low Risk Area. On this basis we

have no specific comments to make. However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant.

Hartlepool Civic Society – Objection

This application is contrary to Local Plan policies NE3, HE1 and HE2. The three houses had been removed in order to obtain approval for application H/2021/0282 and were refused in application H/2022/0137. Nothing has changed other than deliberate neglect/damage to the archaeology, and as stated in NPPF para.191, such disgraceful behaviour should not be taken into account. The Society therefore strongly objects to this application.

Wynyrd Parish Council – Objection

Objection 1. Loss of Green Wedge. This parcel of land is part of an Archaeological Exclusion Zone which has been designated as green space for the use of residence. The Parish Council are firmly in favour of this area being retained as green space for the health and wellbeing of the residents of Wynyrd Park. This is very important as an outline planning application has recently been approved for a further 1,200 houses on Wynyrd Park. There will be more than enough housing to meet demand but very little green recreational space left.

2. Loss of Protection of an Archaeological Exclusion Zone. The Parish Council are in agreement with Tees Archaeology who wish to retain and protect this area which contains historical remains. The retention will allow further archaeological investigation in the future. If houses are built here this opportunity will be lost forever. This parcel of land has historical importance to the heritage of the Hartlepool Borough and should therefore be preserved in-situ and protected.

3. The Damage to this Parcel of Land was Caused by the Negligence of the Developer. The developer failed to fence this land adequately during the demolition of Newton Hansard Farm. This negligence allowed large construction vehicles to cause damage to the land and this damage was further compounded by the area being used to dump construction waste. The Parish Council do not support the developer gaining and profiting from their past negligence. If this planning application is granted even more harm will be caused to the Archaeological Exclusion Zone. The Parish Council do not believe that two wrongs make a right and the planning application should be refused.

PLANNING POLICY

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

Local Policy

Hartlepool Local Plan

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

Policy SUS1 – Presumption in favour of sustainable development
 Policy LS1 – Locational Strategy
 Policy CC1 – Minimising and adapting to climate change
 Policy CC2 – Reducing and mitigating flood risk
 Policy INF1 – Sustainable Transport Network
 Policy INF2 – Improving connections in Hartlepool
 Policy QP1 – Planning Obligations
 Policy QP3 – Location, Accessibility, Highway Safety and Parking
 Policy QP4 – Layout and design of development
 Policy QP5 – Safety and Security
 Policy QP6 – Technical Matters
 Policy QP7 – Energy Efficiency
 Policy HSG1 – New Housing Provision
 Policy HSG1a – Ensuring Sufficient Supply of housing land
 Policy HSG2 – Overall Housing Mix

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:

Section 1 – Introduction
 Section 2 – Achieving sustainable development
 Section 4 – Decision Making
 Section 5 – Delivering a sufficient supply of homes
 Section 6 – Building a strong, competitive economy
 Section 9 – Promoting sustainable transport
 Section 11 – Making effective use of land
 Section 12 – Achieving well-designed and beautiful places
 Section 14 – Meeting the challenge of climate change, flooding and coastal change.
 Section 15 – Conserving and enhancing the natural environment
 Section 16 – Conserving and enhancing the historic environment

1.14 Comments: No comments received.

PLANNING CONSIDERATIONS

1.15 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 upon the character and appearance of the site and surroundings, the impact upon neighbours, ecology, archaeology, highways and planning obligations.

PRINCIPLE OF DEVELOPMENT

1.16 National Planning Policy Framework (NPPF) seeks to significantly boost the supply of homes. Local Plan Policy LS1 Locational Strategy identifies Wynyard as a location of new housing development. Within the Housing chapter of Local Plan policy HSG6 Wynyard Housing Development sets out the specific housing allocations at Wynyard, including “Wynyard Park North,” which is the location of the proposed development.

1.17 The Hartlepool Local Plan seeks to create a sustainable community at Wynyard with a mix of housing, employment and community facilities. The local plan includes allocations for this area, and there is a supporting Wynyard Masterplan SPD, which has limited weight.

1.18 The application site is within a Green Wedge (Policy NE3). The site is also within an Archaeology Exclusion Zone (AEZ) and is part of the green wedge according to the Wynyard Masterplan.

1.19 The proposal seeks housing within an area designated as a green wedge, this is contrary to policy NE3 and the Wynyard Masterplan.

CHARACTER AND APPEARANCE

1.20 General design matters are covered locally by Policy QP4, this seeks to ensure that all development are designed to a high quality and positively enhance their location and setting. The detailed design will be dealt with at reserve matters, however it is considered that the illustrative masterplan submitted with this application is acceptable and would be in keeping with its surroundings.

DRAINAGE AND FLOODING

1.21 Policy CC1 seeks to help minimise and adapt to climate change. Policy CC2 seeks to minimise flood risk to people and property. Policy QP6 expects any matters regarding flood risk both on and off-site throughout the design life of the site to be taken into account. Paragraph 173 of NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

1.22 The Council’s Engineering Consultancy object. In summary, they state that insufficient information has been submitted to demonstrate that acceptable drainage

would be provided and therefore the possibility of flooding cannot be discounted. Within the submitted Flood Risk Assessment a 30% allowance for climate change has been used, when it should have been 45%.

1.23 Insufficient information has been submitted to demonstrate that acceptable drainage would be provided and the development would not cause flooding. As such the proposal is contrary to policies CC1, CC2 and QP6 of the Hartlepool Local Plan 2018 and the advice in NPPF (December 2023).

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

1.24 NPPF Chapter 12 seeks well-designed and beautiful places.

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

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

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

1.27 The National Design Guide (NDG) (2021) is also relevant to this element of the report. In terms of the Ten Characteristics most relevant to amenity matter, these would be 'Built Form,' and Homes and Buildings' section of the NDG states that 'Well-designed homes and buildings: provide good quality internal and external environments for their uses, promoting health and well-being; relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion; and resolve the details of operation and servicing so that they are unobtrusive and well integrated into their neighbourhoods.'

1.28 The proposed density of the development would be in keeping with the locality, and due to the large plots, adequate separation distances would be retained to ensure no adverse impacts upon privacy. Insofar as this can be assessed in relation to an outline planning application.

1.29 On this basis the impact on amenity is considered acceptable and in accordance with the relevant elements of the Development Plan, the relevant sections of the NPPF and the relevant elements of the Development Plan, the relevant sections of the NPPF and the relevant policies from the development plan, where these can be given weight and in relation to amenity matters, insofar as this can be assessed in an outline planning application.

1.30 It is therefore considered that the proposal, subject to conditions, is compliant with the relevant policies in the Development Plan, relevant sections of the NPPF and other material considerations, where these can be given weight.

ECOLOGY

1.31 Paragraph 180 states that planning decisions should contribute to and enhance the natural and local environment by amongst other matters minimising impacts on and providing net gains for biodiversity.

1.32 Policies CC1 and NE1 of the Local Plan are relevant to this section, as well as the Residential Design SPD (2019) and the National Design Guide. HBC's Ecologist states that the submitted Biodiversity Net Gain Assessment shows no net gain, but in fact a loss. No mitigation is proposed to compensate for this loss.

1.32 The matter of nutrient neutrality has now arisen within the borough of Hartlepool. However, following completion of a nutrient budget calculator, HRA screening consultation between the HBC Ecologist and Natural England. It has been deemed that after the stage one HRA screening that this project is not causing likely significantly effects and an HRA stage 2 Appropriate Assessment is not required. The HRA process is therefore considered complete at Stage 1. Natural England have confirmed they have no objection on this aspect of the proposal as be HBC Ecology.

1.33 The proposal would result in a net loss of biodiversity with no mitigation proposed to compensate for this loss contrary to the advice in NPPF.

ARCHEAEOLOGY

1.34 Paragraph 203 of the NPPF states that in determining applications amongst other matters local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

1.35 Paragraph 207 states that where a proposed development will lead to substantial harm (or total loss of significance of) a designed heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

1.36 The proposal would involve development within an Archaeology Exclusion Zone (AEZ). The applicant considers that individual archaeological features are only of local interest, though due to their inclusion within the AEZ, they are considered to be of regional significance. The applicant argues that if the area containing the features was removed from the AEZ, the impact would be considered as Minor/Moderate depending on the true character of the feature. However, Tees Archaeology states that it could be argued that any archaeological site, individual features are only of local importance. However, it is when sites are considered as a whole, rather than a collection of separate features, that their importance is truly determined.

Consequently, we struggle to agree with this as reasoning to remove this area from AEZ and see no reason to alter our objection to this development.

1.37 Insufficient information has been submitted to demonstrate that the proposal would not have an adverse impact upon archaeology contrary to policies HE1, HE2 and the advice in NPPF.

ACCESS

1.38 Access is the only issue other than the principle of development that approval is sort as part of this application.

1.39 Paragraphs 114-117 of the NMPPF and policies QP3, QP4, QP5 and QP6, as well as the Residential Design SPD (2019) are relevant to this section as well as the National Design Guide (2021).

1.40 The development would be no less sustainable than the rest of Wynyard being in close proximity to application H/2021/0282 for 25 new self-build plots. The proposal will use roads and accesses that have already been approved as part of other planning permissions relating to Wynyard Park.

1.41 HBC Traffic and Transport have been consulted and do not object.

1.42 It is therefore considered that access is acceptable.

PLANNING OBLIGATIONS

1.43 Paragraph 57 of NPPF states that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development.

1.44 Policy QP1 seeks planning obligations where viable and deemed to be required to address the impacts arising from a development. This policy goes onto state that the sub-division of a site to avoid a planning obligations is not acceptable. Where it is considered sub-division has taken place to avoid reaching thresholds within Planning Obligations SPD the wider contiguous development will be viewed as a whole. The Hartlepool Planning Obligations SPD (2015) sets out thresholds above which planning contributions will be sought. In paragraph 8.3 It states that planning obligations will be sought on developments below these thresholds if the Local Planning Authority considers that the site is in question is part of a larger development site. Development sites incrementally or sub-dividing a site to avoid contributions will not be acceptable.

1.45 This sits is part of the wider Wynyard Park and specifically an addition to 25 homes approved as part of application H/2021/0282 and therefore it is considered reasonable that it should contribute planning obligations in order to help create a sustainable community at Wynyard.

1.46 The council would seek contributions for the following;

- Primary education;
- Secondary education;
- Playing pitches/sports hub
- Castle Eden Walkway
- East to West Footway/Cycleway; and
- Off-site affordable housing.

1.47 All of these contributions are considered necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind to the development.

1.48 Planning Policy states that the urban play park element of the green corridor has been secured by the Duchy application (H/2019/0365). Planning Policy states that there is a requirement of this scheme to deliver the northern part of the green wedge and this can be secured as part of the S106. The local employment and training plan can be secured this way.

1.49 Planning Policy were also seeking contributions to A19 widening. It is understood that the applicant does not consider this necessary, as the highway works are to be funded by the Department for Transport or by the Tees Valley Combined Authority in association with major storage and distribution planning application (20/2481/EIA), which was granted planning permission on 11th June 2021. In the event that the Department for Transport bid is unsuccessful, then Tees Valley Combined Authority has committed to meeting the costs of the works. This commitment can only be revoked by the unanimous decision of the Tees Valley Combined Authority Cabinet, which includes Leaders of both Hartlepool Borough Council and Stockton-On-Tees Borough Council.

1.50 The proposal would provide the necessary planning obligation to mitigate its impact and ensure that Wynyard is a sustainable community, subject to a suitable S106 agreement being agreed. It would not prejudice the ability for the remaining necessary infrastructure to be provided. The proposal would comply with policies SUS1 and QP1 of the Local Plan, The Hartlepool Planning Obligations SPD and the advice in NPPF. However as the application is recommended for refusal, the S106 has not been agreed and therefore it is another reason for refusal.

OTHER MATTERS

1.51 Appearance, landscaping, layout and scale are all reserve matters and not for detailed consideration as part of this application. An indicative site plan has been submitted that shows how the site could be comfortably sited with sufficient space for landscaping, to ensure an acceptable layout and residential living environment for future occupiers.

CONCLUSIONS AND PLANNING BALANCE

1.52 Planning law requires that planning applications permission be determined in accordance with the development plan unless material considerations indicate otherwise. Here the development plan is the Hartlepool Local Plan 2018.

1.53 This proposal would result in development within an archaeological exclusion zone and would be detrimental to archaeology contrary to policies HE2 of the Hartlepool Local Plan and the advice in NPPF.

1.54 The proposal would result in net loss of biodiversity contrary to the advice in NPPF.

1.55 No S106 legal agreement has been agreed to mitigate for the impacts of the development and to ensure that this development contributes towards making Wynyard sustainable in planning terms.

1.56 The proposal would make a small contribution towards the Council's 5-year housing land supply, however as the Council is already able to demonstrate a 5-year housing land supply this benefit does not outweigh the harm.

1.57 On balance, it is recommended that the application should be refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.58 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.59 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.

REASON FOR DECISION

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

RECOMMENDATION - REFUSE for the following reasons;

1. The site is within an area of Green Wedge where the siting of new dwelling is contrary to policy NE3 of the Hartlepool Local Plan 2018.
2. There is the potential for the development to impact a potential heritage asset with potential archaeological interest. It has not been demonstrated that there would be no unacceptable harm to the potential heritage asset, and as such the development is contrary to policies HE1, HE2 of the Hartlepool Local Plan 2018 and the advice in National Planning Policy Framework (NPPF) (December 2023).
3. A Section 106 Agreement has not been completed to secure primary education, secondary education, playing pitches/sports hub, Castle Eden walkway, east/west cycleway and off site affordable housing which are considered necessary to mitigate the impacts of the proposed development. This is contrary to policies QP1, INF1, INF2 and HSG6 of the Hartlepool Local Plan

2018 and the advice in National Planning Policy Framework (NPPF) (December 2023).

4. Insufficient information has been submitted to demonstrate that acceptable drainage would be provided and the development would not cause flooding. As such the proposal is contrary to policies CC1, CC2 and QP6 of the Hartlepool Local Plan 2018 and the advice in National Planning Policy Framework (December 2023).

BACKGROUND PAPERS

1.61 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/2024/0011

1.62 Copies of the applications are available on-line:

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

CONTACT OFFICER

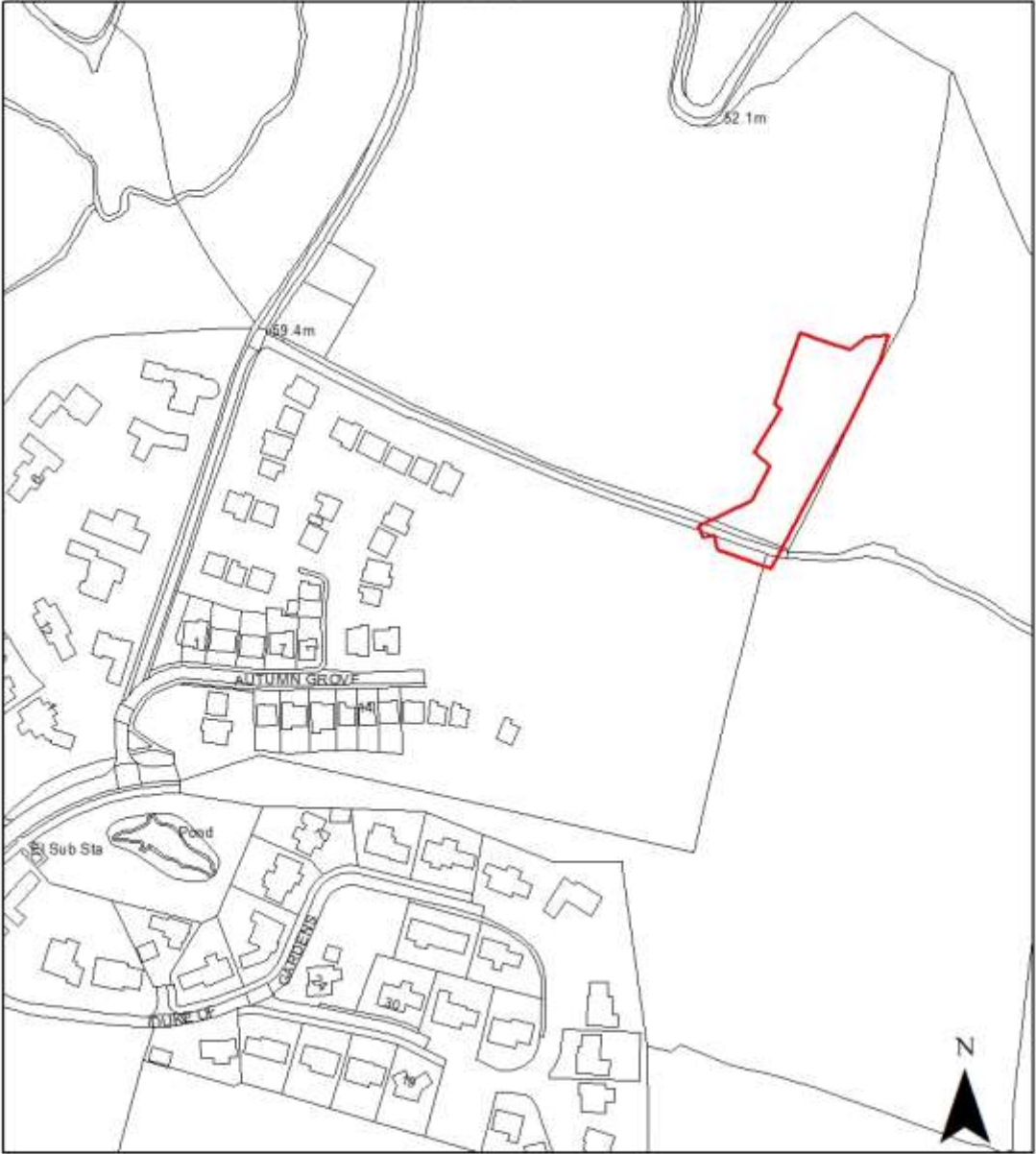
- 1.63 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

- 1.64 Aidan Dobinson Booth
Principal Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523856
E-mail: aidan.dobinson-booth@hartlepool.gov.uk

Land North Duchy Homes,Wynyard ,Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 04.04.2024
	SCALE 1:2,500	
	DRG.NO H/2024/0011	REV

No: 7.
Number: H/2023/0380
Applicant: SIGMA CAPITAL PROPERTY LIMITED ALVA STREET
EDINBURGH EH2 4QG
Agent: SIGMA CAPITAL PROPERTY LIMITED MISS CHLOE
JURY 18 ALVA STREET EDINBURGH EH2 4QG
Date valid: 29/01/2024
Development: Advertisement consent for the installation of 1no. monolith
sign and 2no. flags (retrospective)
Location: SISKIN PARK THE MEADOWS WYNYARD
BILLINGHAM

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following applications represent the relevant planning history:

H/2019/0473 - Residential development comprising erection of 186 dwellings and associated works including access and landscaping.
Permitted 03/02/2021.

PROPOSAL

1.3 The proposal seeks retrospective advertisement consent for the installation of 1no. monolith sign and 2no. flags.

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

SITE CONTEXT

1.5 The application site is situated on the eastern side of Rose Garden Lane, which is a new housing estates. The adverts are located on an area of grass verge near to an existing footpath and also in close proximity to 3 existing green equipment cabinets. One flagpole is situated in front of the monolith sign the other behind. The site slopes upwards from the entrance of the estate.

PUBLICITY

1.6 The application has been advertised by way of a site notice. To date, there have been 8 objections raising the following issues;

1.7 The concerns raised are:

- The signs are unnecessary, ugly and have been erected without consent.
- Unightly and not near the rental properties they are supposed to be advertising.
- Not in keeping with the estate.
- Detrimental impact on the landscape. They also pose a health and safety risk to nearby properties.
- The signs make a noise in the wind.
- The signs should not be relocated next to the rental properties either and should just be removed.

1.8 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/2023/0380

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

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

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.

Local Policy

Hartlepool Local Plan

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

1.14 Policy QP8: Advertisements

National Planning Policy Framework (NPPF)(2023)

1.15 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:

1.16 Section 12: Achieving well designed and beautiful places.

1.17 Comments: None.

PLANNING CONSIDERATIONS

1.18 Powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety taking into account (a) the provisions of the development plan, so far as they are material and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. The Council's policies are therefore not in themselves decisive.

1.19 The main issues are the effect of the proposed adverts on the visual amenity of the area and on public safety so as it relates to road users and pedestrians.

IMPACT ON VISUAL AMENITY

1.20 The adverts would be located within a prominent position highly visible from the surrounding area to both road users and pedestrians. There are already a range of existing adverts which include another monolith to the north west. There is an existing sales centre with associated signage which includes 3 flagpoles and the associated signage. There are also adverts displayed on the hoarding around a temporary car park to the north east of the site. The addition of the further monolith sign and two flagpoles results in visual clutter to the detriment of the site and its surroundings. The additional adverts therefore have an adverse impact upon the visual amenity of the area.

1.21 In accordance with the Regulations, the LPA has taken into account the provisions of the development plan so far as they are relevant. Policy QP8 seeks to ensure advertisements are appropriately located and amongst other matters, take into account the cumulative impact.

1.22 In conclusion, the proposal harms the visual amenity of the area and does not accord with policy QP8.

PUBLIC SAFETY

1.23 Both the Council's Public Protection and HBC Traffic and Transport have been consulted and neither object. Therefore it is not considered that the proposal would have an adverse impact on public safety.

OTHER MATTERS

1.24 The signs have been displayed without consent since May 2023 and they are proposed to be retained until May 2024. However, despite the short time left for the adverts to be retained, they result cumulatively with all of the existing signage in a visually cluttered appearance to the detriment of visual amenity.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.25 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.26 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.

1.27 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - REFUSE for the following reason:

1. The advertisements in combination with the existing advertisements result in a visually cluttered appearance, which harms the visual amenity of the area contrary to policy QP8 of the Hartlepool Local Plan (2018), the advice in National Planning Policy Framework (NPPF) (December 2023) and Planning Practice Guidance (PPG) (2024).

BACKGROUND PAPERS

1.29 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/2023/0380

1.30 Copies of the applications are available on-line:

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

CONTACT OFFICER

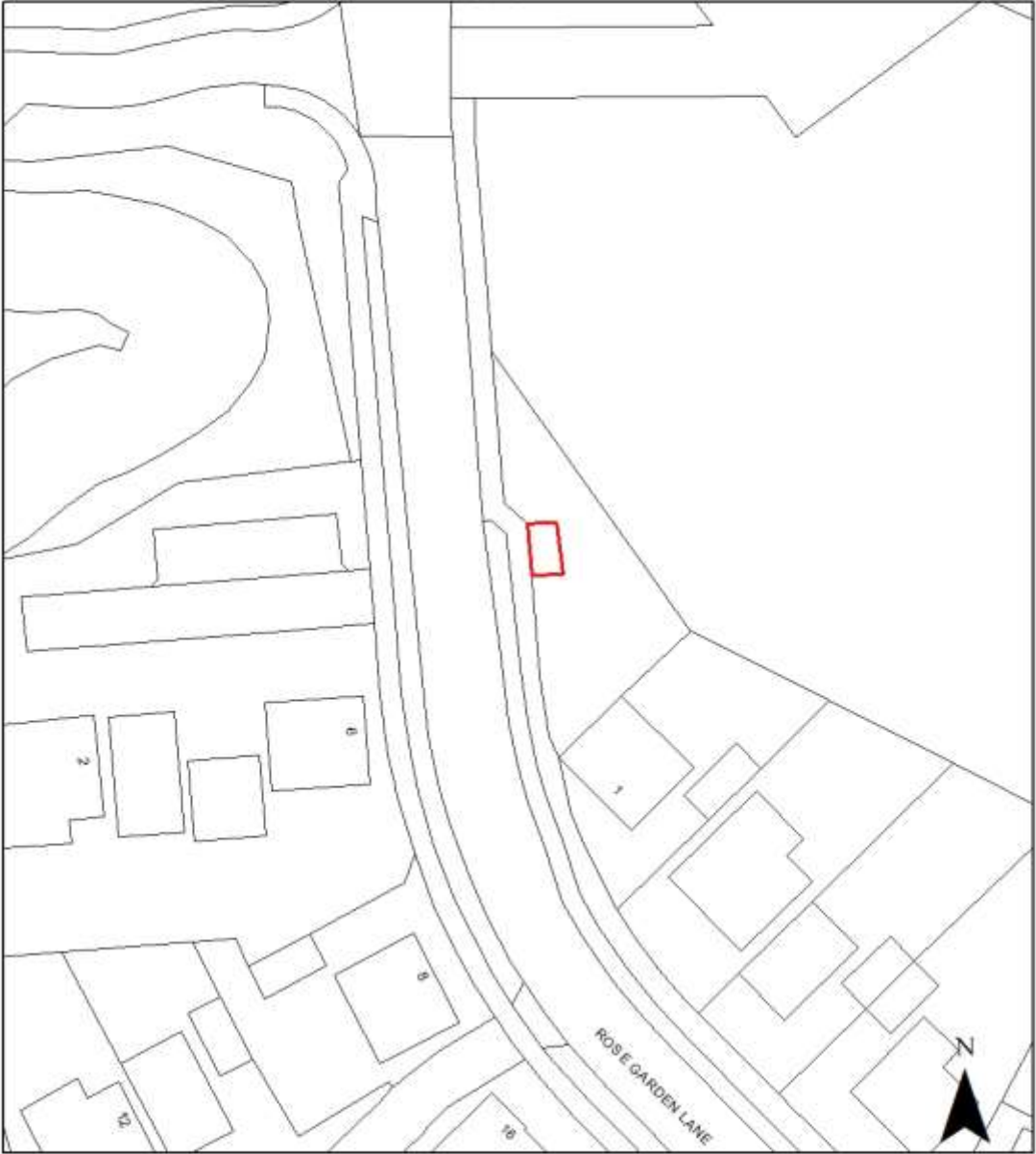
- 1.31 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

- 1.32 Aidan Dobinson Booth
Principal Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523856
E-mail: aidan.dobinson-booth@hartlepool.gov.uk

Siskin Park The Meadows Wynyard,Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 04.04.2024
	SCALE 1:500	
	DRG.NO H/2023/0380	REV

No: 8.
Number: H/2023/0344
Applicant: MISS SUZANNE YORKE CHURCH STREET SEATON
CAREW HARTLEPOOL TS25 1BY
Agent: ASP Service Ltd 26 BOVIS HOUSE 7 to 9 VICTORIA
ROAD HARTLEPOOL TS24 7SE
Date valid: 06/09/2023
Development: Change of use of an existing residential swimming pool to
a swimming pool for public use (F2 Use Class)
Location: 3 THE PADDOCK CHURCH STREET SEATON CAREW
HARTLEPOOL

PURPOSE OF REPORT

8.1 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

8.2 This application is a copy of H/2023/0300, owing to an issue with the previous application not presenting on the public access planning portal correctly.

8.3 The following planning applications are considered relevant to the application site:

HFUL/2002/0753 - Erection of boundary walls (retrospective application). Approved 23/01/2003.

H/2007/0869 - Erection of a conservatory. Approved 16/01/2008.

H/2015/0159 - Change of use of land to garden curtilage and erection of a single storey extension. Approved 07/09/2015.

PROPOSAL

8.4 The application seeks planning permission for the change of use of an existing private residential swimming pool to a swimming pool for public use (F2 Use Class).

8.5 The existing swimming pool is situated within a room to the rear of the garage serving the application property. The only external alterations would be the installation of a ramp access to the central access door to the host property. The proposed internal alterations would comprise the conversion of part of the garage to an accessible changing cubicle, secure storage area and shower facilities, and the conversion of an existing W.C. to an accessible W.C.

8.6 The submitted Design and Access and Planning Statement indicates that the proposed hours of use of the swimming pool would be between 07.30 and 20.30, seven days a week, and bookings would be via a smart/on-line access system. It is indicated that it is expected that a maximum of five people would use the facility at any one time. During operational hours the swimming pool would be staffed by qualified lifeguards (the applicant/occupants on the main dwelling) “during times of low occupancy.”

8.7 In terms of security, the submitted details indicate that a CCTV system would be incorporated throughout the application property.

8.8 In terms of parking, the submitted Design and Access and Planning Statement indicates that the applicant property’s private driveway provides 2no. visitor parking spaces in addition to the spaces required by the occupants of the main host property.

8.9 The submitted Design and Access and Planning Statement indicates that the main aim of the proposals are to provide fitness and leisure benefits which would include swimming classes or baby classes.

8.10 Additional and amended plans have been received during the course of the application to address an anomaly on the proposed floor plans (to accurately reflect the proposed ramp access), and a sectional drawing of the off-shoot to the rear to which the swimming pool is located.

8.11 At the request of the case officer, the applicant submitted an amended/updated Planning Statement to more comprehensively detail the proposal, particularly in respect to the access arrangements (including car parking), and the day to day operation of the swimming pool including the turnover of lifeguards proposed to serve the use.

8.12 The application has been referred to be determined in the Planning Committee at the request of a local ward councillor and that more than 3 letters of objection have been received, in line with the Council’s Scheme of Delegation.

SITE CONTEXT

8.13 The application site comprises a detached dwelling at 3 The Paddock, Church Street, in the Seaton Carew area of Hartlepool. The proposals would be set within the existing garage and off-shoot to the rear of the host property which houses a swimming pool (both extending across the northern extent).

8.14 The host property abounds No. 2 The Paddock to the north. To the south is the main highway of Crawford Street, with residential properties beyond. To the east is an access road providing access to properties along The Front (beyond to the east), with No. 16 Crawford Street being the closest residential property situated to the east. To the west the main highway of The Paddock separates the host property from the grounds of the Holy Trinity Church (north west) and a small area of open space (west).

8.15 The application site is adjacent to (but out with) the Seaton Carew Conservation Area, and access to the application property is taken from Church Street.

PUBLICITY

8.16 The application has been advertised by way of letters to 25 individual neighbouring properties, site notice and press advert. A re-consultation was undertaken following receipt of additional and amended plans (as detailed above). A further re-consultation was undertaken following receipt of the amended Planning Statement. To date, there have been objections received from 4 members of the public.

8.17 The concerns/objections raised can be summarised as follows;

- Unsuitable proposal for a residential area
- Impact upon neighbour amenity
- Increased traffic and car parking – residential parking permit area and parking restrictions (yellow lines), private car park in the church
- Increased air pollution and carbon footprint, damage to Listed Buildings (as a result of increased traffic)
- Primary school located nearby
- Effects on the local infrastructure in terms of access
- Potential for noise and disturbance
- Health and safety in regard to the changing facilities
- Effects on investment, e.g. new leisure centre
- Council's vision for The Front
- Applicant advises doors will be kept closed but this might not happen during warmer weather
- Seaton Carew Conservation Area at risk of loss from neglect, decay or inappropriate change or development, the Seaton Carew Management Plan identified issues affecting the quality of Seaton Carew, and this application would result in a detrimental impact on the character and appearance of the area
- Impact on the street environment – Church Street
- Impact on the church, including funerals
- Reference to an application in Buckinghamshire for a private swimming pool open to the public, application was refused as it would cause harm to the living conditions of the existing residents and character of the designated area

8.18 In addition, there have been representations offering support to the proposals received from 4 members of the public.

8.19 The comments can be summarised as follows:

- The proposal will be a valuable asset for the community and for users
- Opportunity for people to learn and develop a life-saving skill
- People with disabilities can have the experience of a qualified instructor in a private pool

- Opportunities for rehabilitation, return to fitness, sensory swimming, health and wellbeing
- Benefits to people that cannot access larger pools and leisure centres
- Traffic issues can be managed by the local authority
- Not every visitor will want to use a car
- Public parking available nearby
- Existing swimming pool has not caused issues
- Never experienced any noise or nuisance from pool users

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159488>

8.21 The period for publicity has expired.

CONSULTATIONS

8.22 The following consultation replies have been received:

HBC Traffic and Transport: The traffic impact from these proposals would not have a severe impact on the surrounding highway.

There is limited parking on site and it would be expected that the majority of customers would be local with a proportion walking or cycling to the site.

The surrounding highway either has parking restrictions or residents parking in place, therefore any vehicles that cannot be accommodated within the off street parking would have to park in the nearby public car parks.

There are therefore no highway objections to this proposal.

HBC Heritage and Open Spaces: The application site is located on the boundary of Seaton Carew Conservation Area which is recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

Policy HE3 of the Local Plan has regard for the setting of conservation areas. The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing

and agriculture in the 18th century and large villas dating from the 19th century. To the south of Station Lane is the commercial centre of the area.

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

The proposal is the change of use of an existing residential swimming pool to a swimming pool for public use (F2 Use Class).

It is considered the change of use will not impact on the setting of the conservation area, no objections.

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

Opening times to be as the planning statement details.

Any deliveries or collections to the site to be limited between 8am-6pm Mon-Fri and 9am-1pm Sat. None on Sunday or Bank Holiday.

HBC Commercial Services: Public Protection's Commercial Services team would not have any objections in principle to this application as there are no swimming pool specific health and safety laws. However, swimming pool operators must comply with their general duties under the Health and Safety at Work etc Act 1974 and the associated regulations. Operators must make a suitable and sufficient assessment of the health and safety risks to workers and users to help decide what they must do to make their pool safe. This is known as risk assessment.

We would recommend that if the application is granted that the operator contacts the Council's Commercial Services team for advice on effectively managing the pool, which will include signposting the operator to industry guidance.

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

Update 30/11/2023 following receipt of amended and additional plans:

There are no landscape and visual issues with the proposed amendments.

HBC Countryside Access Officer: There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Ecology: I have no Ecology concerns or requirements.

The HBC Validation flowchart used to assess Nutrient Neutrality (NN) includes the following footnote:

In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). It also includes agriculture and industrial development that has the potential to release additional nitrogen into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.

Despite the use of the building by additional people and the addition of one toilet and two shower units I have assessed this application as not being in-scope for NN.

Cleveland Police: I've viewed the proposals and planning statement for the development outlined above.

I note that a new CCTV systems is to be installed. The applicant should ensure that the proposed system complies with the guidance provided by The ICO (Information Commissioners Officer) Link Video surveillance (including guidance for organisations using CCTV) | ICO CCTV Checklist CCTV checklist | ICO

CCTV Cameras should be capable of recording in colour in all lighting conditions.

I note that there are two existing secure timber single gates to either side of the property which provide access to and from the rear garden of the site. I would be happy to visit the site to meet with the applicant consider these gates, access control and any additional site security measures.

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.

Update 30/11/2023 following receipt of additional and amended plans:

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

HBC Building Control: I can confirm a buildings regulations application will be required for Change of use of an existing residential swimming pool to a swimming pool for public use (F2 Use Class).

Update 30/11/2023 following receipt of additional and amended plans:

I can confirm a building regulations application will be required for Change of use of an existing residential swimming pool to a swimming pool for public use.

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

Civic Society: Hartlepool Civic Society have no comment to make on this application.

PLANNING POLICY

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

Local Policy

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

HE1: Heritage Assets
 HE3: Conservation Areas
 LS1: Locational Strategy
 LT1: Leisure and Tourism
 LT3: Development of Seaton Carew
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 RC20: Business Uses in the Home
 RC21: Commercial Uses in Residential Areas
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2023)

8.25 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: Planning conditions and obligations
 PARA057: Planning conditions and obligations
 PARA090: Ensuring viability of town centres
 PARA091: Applying sequential test
 PARA094: Applying impact assessment to applications for leisure developments outside town centres
 PARA108: Promoting sustainable transport
 PARA114: Promoting sustainable transport – considering development proposals
 PARA114: Promoting sustainable transport – considering development proposals
 PARA135: Achieving well-designed places
 PARA191: Ground conditions and pollution
 PARA196: Considering heritage assets
 PARA203: Considering heritage assets
 PARA224: Implementation

8.26 HBC Planning Policy comments:

Retail and commercial hierarchy

8.27 The proposed use is considered to be a main town centre use, as defined by the glossary in the National Planning Policy Framework (NPPF). Local plan policy RC1 (Retail and Commercial Centre Hierarchy) sets out that the defined hierarchy and sequential preference of the centres, for main town centre uses in the borough are identified in table 14 and on the policies map and are detailed below:

1. The Town Centre, then;
2. Edge of Town Centre Areas and Retail and Leisure Parks then;
3. Local Centres.

8.28 Proposals for main town centre uses, not located within a designated centre will be required to provide a robust sequential test. The test must consider all of the borough's designated centres and follow the sequential hierarchy. Where it is established that no suitable sites are available within the designated centres, an alternative acceptable location may be a location accessible by a choice of means of transport and/or which offers significant regeneration benefits.

8.29 The proposal is not located in a designated commercial area and therefore a sequential assessment should have been submitted with this application. Planning Policy note that an assessment was not requested at informal stage or in the early weeks of this application. Planning Policy note that this site is not within a leisure and tourism area and therefore policy RC1 should be considered.

8.30 Notwithstanding the above, an assessment has not been submitted and Planning Policy consider it unreasonable to request one at this late stage. Planning Policy have a good understanding with regard to the level of retail and commercial space across the borough, including Seaton Carew. Based on the statistics that Planning Policy hold and information available with regard to the commercial

properties to rent, Planning Policy are aware that no other such facilities such as this exist within any of the designated areas.

8.31 Based on the assessment that Planning Policy have undertaken it is accepted that if a sequential assessment was submitted, the information within a sequential assessment would be similar to the information that Planning Policy have obtained. Planning Policy are of the view that there are no other suitable units available for this use without a significant outgoing that is likely to render the scheme unviable. Although a sequential assessment has not been submitted, an assessment has been undertaken by Planning Policy.

8.32 The proposal is 93m² and is not subject to the requirements of an impact assessment as set out in Policy RC1.

Consideration of Proposal

Principle of development

8.33 The proposal sits within an existing residential area of The Paddock. The site is located outside of the allocated Leisure and Tourism area of policy LT1 and LT3. The proposed leisure use will therefore be considered against policy RC20 (Business Uses within the Home) and RC21 (Commercial uses within Residential Areas).

8.34 Policy RC20 seeks to ensure many flexible options for employment are delivered across the borough. RC20 sets out criteria which should be met when determining an application, the relevant criteria are set out below:

8.35 The council will support residents who wish to run businesses from home providing that:

1. The residential appearance of the property is not significantly altered.
2. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties.
3. There is no significant detrimental impact upon highway and car parking provision.
4. There is no significant detrimental effect on the character of the property or surrounding area.

8.36 Under policy RC20, to protect residential amenity, businesses will not be permitted to operate between the hours of 6pm and 8am.

8.37 The proposal is located outwith the defined leisure and tourism area of Seaton Carew and is therefore subject to Policy RC21 of the local plan which seeks to protect the vitality and viability of the designated retail and commercial centres within the borough and the amenity of residents.

8.38 Policy RC21 sets out criteria which should be met when determining applications, which are set out below:

Proposals for leisure development, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless:

1. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation, and
2. The design, scale and impact is compatible with the character and amenity of the site and the surrounding area, and
3. Appropriate servicing and parking provision can be made.

8.39 Under Policy RC21, to protect residential amenity, businesses will not be permitted to operate between the hours of 6pm and 8am.

8.40 The proposal will entail minimal external alterations to the existing residential property, primarily consisting of the construction of an accessibility ramp. Criterion 1 of policy RC20 is therefore satisfied.

8.41 The submitted planning statement (Rev A) indicates that access to the facility will be controlled through an app with a total of 5 users at any given time. Booking slots may be spaced at timed intervals for each 60-minute swimming session. The proposal will therefore enable up-to 65 users per day to the site. Taking into consideration that the operation will be bookable through an on-line system the facility will not be limited to users within a walkable distance a presumption can be made that up to 65 vehicles could access the residential cul-de-sac per day. Concerns are raised over the impacts the operation will have on the amenities to neighbouring properties, in particular, the general disturbance from the level of visitors to the leisure facility in terms of noise and traffic generation. Planning Policy therefore consider that the proposal is not in accordance with criterion 2 of policy RC20 and criterion 1 of policy RC21.

8.42 Parking on-site is limited to one space per booking slot with an additional drop off/pick up space therefore, up to three visitors per slot will be required to park off-site. It is acknowledge that public parking is available on the A178 and Seaview Car Park however, there are limited controls for inconsiderate parking within the vicinity of the property and the surrounding residential streets. Planning Policy therefore considered that the proposed level of usage of the facility could have a detrimental impact upon car parking provision and is not in-accordance with criterion 3 of policy RC20 and RC21.

8.43 The property is located on the junction of The Paddock and Crawford Street, the area has an established suburban residential character, consisting of detached family dwellings with landscaped front gardens and on plot parking. The neighbouring cemetery and incremental green space also provide a level of openness to the area. Although the property is within close proximity to the commercial area of Seaton Carew there is a distinct change in character to residential when entering Crawford Street and The Paddock.

8.44 The proposal to change the use of the swimming pool to a commercial operation is likely to have a detrimental impact on the residential character of the area through the intensification of visitors to area. Planning Policy therefore do not

consider the proposal to meet criterion 4 of policy RC20 and criterion 2 of policy RC21.

8.45 Policy LS1 of the local plan states that smaller scale proposals for leisure and tourism outside of the identified areas will only be approved where the developments benefit the local areas and there is no conflict with existing uses by way of use, amenity, noise or disturbance. As discussed above Planning Policy consider there to be a conflict with the existing residential uses of the area which would result in general disturbance to the existing residents from the increase in the number of visitors to the area.

8.46 The proposed open hours of 7.30am to 20.30pm are outside of the acceptable operating hours established in policy RC20 and RC21.

Seaton Carew Conservation Area

8.47 The site is located outside of the Seaton Carew Conservation Area, the minimal external alterations to enable the proposal would also have no impact on the setting of the Conservation Area.

8.48 As a whole Planning Policy are of the view that the proposal does not accord with local plan policy LS1, RC20 and RC21 and are therefore not in a position to support the application.

Planning Obligations

8.49 In the interests of achieving sustainable development and ensuring that the proposal is acceptable in planning terms, and in accordance with local plan policy QP1 (Planning Obligations) and the Planning Obligations SPD. Developer contributions will not be required based on the current submission.

PLANNING CONSIDERATIONS

8.50 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and the NPPF (2023) including the principle of development, the impact on the character and appearance of the site and surrounding area (including the impact on the adjacent designated heritage asset), the impact on the amenity and privacy of neighbouring properties, and the impact on traffic and transport. These and any other planning and non-planning matters are detailed below.

PRINCIPLE OF DEVELOPMENT & IMPACT UPON VISUAL AMENITY AND CHARACTER OF SURROUNDING AREA (INCLUDING ADJACENT CONSERVATION AREA)

8.51 As noted above, the application site is situated within an established residential area of The Paddock (with its southern boundary facing Crawford Street). The site is located outside of the allocated Leisure and Tourism area identified by Policies LT1 and LT3 of the Hartlepool Local Plan Policies Map (2018).

Planning Policy context

8.52 Policy RC1 of the Hartlepool Local Plan (2018) seeks to ensure that town centres remain at the heart of communities and therefore supports a town centre first approach to main town centre use development. Within Hartlepool there is a Retail and Commercial Centre Hierarchy, which sets out that the Town Centre, followed by edge of centres, retail and leisure parks and local centres are sequentially the most suitable locations for proposals deemed to be a town centre use, such as commercial premises. Given that the host property is not situated within any of the above centres, a Sequential Test would typically be required to support the application, whereby the applicant could justify that there was no other suitable premises in any of the above centres with which to locate the proposed commercial business. Notwithstanding this, the Council's Planning Policy section consider that sufficient information has been provided in this instance and based on the statistics that Planning Policy hold and information available with regard to the commercial properties to rent, HBC Planning Policy are aware that no other such facilities such as this exist within any of the designated areas and have therefore confirmed that a Sequential Test is not required in this instance.

8.53 The proposal will therefore be considered against Policies RC20 (Business Uses within the Home) and RC21 (Commercial uses within Residential Areas) of the Hartlepool Local Plan (2018).

8.54 The Council's Local Plan policy RC20 (Business Uses in the Home) is relevant in the determination of this application, to ensure that the design of proposals would not detrimentally affect the character and appearance of the area or result in adverse impacts on neighbour amenity and privacy.

8.55 Within the pre-ambles to Policy RC20, it notes that *"if the business proposal would alter the character of the area, possibly dominating an area or becoming intrusive, for example by increasing the traffic level due to customers visiting the property leading to an increase of activity and possible congestion and/or parking issues and no appropriate solution can be found such as increasing the level of in-curtilage car parking or limiting the operational hours then permission may be refused"*.

8.56 Policy RC20 states that proposals should ensure:

- 1) *the residential appearance of the property is not significantly altered.*
- 2) *There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties.*
- 3) *There is no significant detrimental impact upon highway and car parking provision.*
- 4) *There is no significant detrimental effect on the on the character of the property or surrounding area.*

8.57 It is acknowledged that objections have been received as a result of the public consultation, citing concerns that the proposal would result in a detrimental impact on the character of the area, an impact on the primary school nearby, impacts on investment and the surrounding commercial area, and an impact on the nearby church.

8.58 In respect to criterion 1 of the Policy RC20, it is acknowledged that the proposal is for the use of an existing private/domestic swimming pool for use by members of the public, and comprises minimal external alterations, save for the installation of a ramp access (and hand rails) to the front that are considered to be modest in scale and appearance. In view of the established footprint of the host dwelling (which accommodates the existing swimming pool) within a residential property that would not be significantly altered externally by the proposals, it is considered that the residential appearance of the host property would not be significantly altered.

8.59 Notwithstanding the above, in respect of criteria 2-4 of Policy RC20, the applicant's submitted updated Planning Statement indicates that access to the swimming pool would be controlled through an phone 'app' with a total of 5 users at any given time, with booking slots spaced at timed intervals for each 60-minute swimming session. It is considered that these arrangements would have the potential to enable up to 65 users per day to access the host property. Given that the application property comprises a dwelling situated within a quiet, residential cul-de-sac (relative to the nearby and main commercial area of Seaton Carew), the Council's Planning Policy team have raised concerns in respect of the potential impacts the proposed operation may have on the amenities to neighbouring properties, in particular, in respect of the general disturbance from the level of visitors to the proposed leisure facility in terms of both general disturbance and noise, and traffic generation. The Council's Planning Policy team therefore consider that the proposal is not in accordance with criterion 2 of Policy RC20.

8.60 In respect to criterion 3, and whilst further consideration of highway and pedestrian safety related matters is detailed further in the section below, it is of note that on-site parking is limited to one space per booking slot with an additional drop off/pick up space. Therefore it is of consideration that up to three visitors per slot would potentially be required to park off-site. Whilst it is acknowledged that public parking is available on the A178 and Seaview Car Park, there are limited controls to address any inconsiderate parking within the vicinity of the property and the surrounding residential streets. The Council's Planning Policy team therefore consider that the proposed level of usage of the facility could have a potential detrimental impact upon car parking provision and is not in-accordance with criterion 3 of policy RC20.

8.61 In respect of criterion 4, the application site is located on the junction of The Paddock and Crawford Street, an area with an established suburban residential character, consisting of detached family dwellings with landscaped front gardens and on plot parking. The neighbouring cemetery and incremental green space also provide a level of openness to the area. Although the property is within close proximity to the commercial area of Seaton Carew, it is considered that there is a distinct change in character to residential when entering Crawford Street and The Paddock. In view of this, it is considered that such a potentially intensive use (including up to 5 members of the public at any one time over an extended period of the day (from 7.30am to 8.30pm) along with associated car parking would have the potential to result in an adverse impact on the residential character of the area.

8.62 The proposal is located out with the defined leisure and tourism area of Seaton Carew and therefore Policy RC21 of the Hartlepool Local Plan (2018) is also relevant. This Policy seeks to protect the vitality and viability of the designated retail and commercial centres within the borough and the amenity of residents.

8.63 This Policy sets out criteria which should be met when determining applications, which are set out below:

Proposals for leisure development, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless:

1. *There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation, and*
2. *The design, scale and impact is compatible with the character and amenity of the site and the surrounding area, and*
3. *Appropriate servicing and parking provision can be made.*

8.64 In respect of criterion 1, and for the reasons outlined above, it is considered that the proposal to change the use of the swimming pool to a commercial operation is likely to have a detrimental impact on the amenities of the occupiers of adjoining or nearby premises by reason of noise and general disturbance through the potential intensification of visitors (and associated car parking/comings and goings) to the application property.

8.65 In respect of criterion 2, given the scale and extent of the proposals which would result in a limited built development (only the proposed ramp and hand rails) and the established relationship/separation distances to surrounding land uses (which is detailed in full below), it is considered that the proposed change of use of the swimming pool to allow public use (F2 Use Class) would not result in an unacceptable form and layout within the site context, and therefore the requirements of criterion 2 would be met in this instance.

8.66 Finally, in respect to criterion 3, and as noted above and detailed further in the highway and pedestrian safety section below, it is considered that insufficient justification has been made that there would be appropriate servicing and parking provision in respect of the potential intensification of visitors to the application property. Notwithstanding this, as noted in the report below, HBC Traffic and Transport do not object to the proposal on such grounds.

8.67 In addition to the above, the Council's Planning Policy team consider that the proposed hours of operation (7.30am to 20.30pm daily) are outside of the acceptable operating hours established in both Policies RC20 and RC21 of the Hartlepool Local Plan, which preclude the operation of businesses outside the hours of 8am and 6pm.

8.68 Policy LS1 of the Hartlepool Local Plan (2018) states that smaller scale proposals for leisure and tourism outside of the identified areas would only be approved where the developments benefit the local areas and there is no conflict with existing uses by way of use, amenity, noise or disturbance. As detailed in the consideration above, the Council's Planning Policy team consider there to be a conflict with the existing residential uses of the area which would result in general

disturbance to the existing residents from the increase in the number of visitors to the area as result of the proposed change of use of the private swimming pool to a public swimming pool.

8.69 Overall, it is considered that the proposal is in conflict with Policies LS1, RC20 and RC21 of the Hartlepool Local Plan (2018) and are therefore it is considered that the principle of development is not acceptable in this instance.

IMPACT ON VISUAL AMENITY (INCLUDING ADJACENT CONSERVATION AREA)

8.70 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

8.71 The application site comprises a residential property in the Seaton Carew area of Hartlepool. The application site is adjacent to, but outside of, the Seaton Carew Conservation Area, and therefore Policy HE3 (Conservation Areas) is of relevance in the consideration of the proposals. In addition, the application site is immediately outside the commercial and tourist area of Seaton Carew, and therefore Policy LT3 (Development of Seaton Carew) is relevant along with the relevant provisions of the NPPF (2023).

8.72 The Council's Head of Service for Heritage and Open Spaces has been consulted on the proposals and has confirmed that the proposed use by members of the public of the existing swimming pool would not give rise to any adverse impacts on the setting of the nearby conservation area, and has therefore confirmed no objections to the proposals. The proposal is therefore considered to be acceptable in this respect.

8.73 As per the requirement of criterion 4 of Policy RC20 and criterion 2 of RC21, it is appreciated that proposals can have an adverse impact on the character of the area. Whilst the proposed external alterations are considered to be acceptable in this instance, it is recognised however, that character is not something that is purely physical and the nature of how a use operates can impact on the character of a site and the wider surrounding area for example through an increase in activity/comings and goings. The application site is located within the corner of the cul de sac served by Church Street with the immediate properties being residential in nature.

8.74 In this context, it is considered that whilst the design and scale of the development is generally in keeping with the existing application property and street scene of The Paddock and Crawford Street, given the potential intensification of the use of the application property, the proposal has the potential to result in a detrimental impact on the character of the residential area, contrary to the aims of Policies RC20 and RC21 of the Hartlepool Local Plan.

IMPACT ON AMENITY OF NEIGHBOURING LAND USERS

8.75 Paragraph 130 of the NPPF (2023) requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

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

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

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

8.78 In addition and as noted above, criterion 2 of Policy RC20 of the Hartlepool Local Plan (2018) requires that proposals do not result in adverse impacts on neighbour amenity and privacy. The preamble to the policy notes that

"Residential areas should be areas where residents can expect peace and quiet especially during certain times of the day i.e. early evening through to morning. If the business proposals are likely to have a negative impact upon the amenity of adjoining residents and give rise to issues such as noise and disturbance along with dust, smell, vibration or fumes and if no solution can be found to rectifying such impacts, then permission may be refused."

8.79 Policy QP6 of the Hartlepool Local Plan (2018) requires that proposals must be satisfactory in terms of the effects on or impact of general disturbance including noise.

8.80 It is noted that the proposal would not involve any external alterations to the building in which the swimming pool is located, and that the only external alteration to facilitate the proposed development comprises the installation of a relatively modest scale access ramp and handrails to the front of the host property. A separation distance of approximately 2.8m to the boundary and approximately 4.3m to the side of No. 2 The Paddock would remain from the existing off-shoot in which the proposed swimming pool would be sited and this neighbour. A separation distance of approximately 9.1m to the boundary and approximately 18.2m to the side of No. 16 Crawford Street (the nearest property to the east), with an access road and several boundaries between would remain from the existing off-shoot in which the proposed swimming pool would be sited and this neighbour.

8.81 In terms of the proposed use of the existing swimming pool for public use, and the associated internal alterations to form a changing room area and W.C., consideration is given to the siting and scale of the existing building which remains of a single storey scale (with a total height under 4m), that is an established building

housing the swimming pool and garage at the application site, with established separation distances remaining to neighbouring properties. In view of this, it is considered that the proposal would not result in any adverse impacts on the amenity of any neighbouring property in terms of loss of outlook, overshadowing or overbearing impression.

8.82 In terms of privacy, the building to which the swimming pool and changing rooms would be located is accessed via a door to the front of the host property, and there are additional patio doors and full length glazed windows in the south facing side elevation (facing the private rear garden amenity area of the host property itself). It is considered that there would be the potential for overlooking to be achieved from the swimming pool toward the conservatory to the rear of the application property. Notwithstanding this, given the nature of the proposal and that the occupiers of the application property would operate the proposed swimming pool, it is considered that there would be no adverse impact on the privacy of the occupiers of the host property in this instance.

8.83 To the front, the proposed changing rooms would be separated from the remaining section of the existing garage, which is accessed via a roller shutter garage door to the principal elevation of the host property (west). No other windows are present in the garage/swimming pool off-shoot building. Had the application been considered acceptable in all respects, this could have been secured by planning condition to safeguard the privacy of the occupiers of the application property.

8.84 The boundaries within the site include a close boarded timber fence with a height of approximately 1.8m along the northern side boundary, chamfering across the north east section, and defining the curtilage of the host property to its eastern and southern sides. Additional landscaping is in place along the south east and southern boundaries. In view of the above (including no windows in the side elevation facing No. 2 The Paddock, and the screening to the southern boundary whereby Nos. 2-6 Crawford Street beyond the highway to the south), it is considered that the proposal would not result in any adverse impact on the privacy of any neighbouring property in terms of overlooking.

8.85 In terms of the proposed installation of the access ramp and handrails to the front, taking into account the modest design, scale and siting of the proposed ramp and handrails which would be to the front of the host property sited in between the existing garage element to the northern side and the main part of the application property to the southern section, and the established relationship between this element of the proposal and adjacent and nearby neighbouring properties (including No. 2 The Paddock to the north, Nos. 2-6 (inclusive) Crawford Street (beyond the main highway) to the south and No. 16 The Paddock to the east), it is considered that there would be no adverse impacts on the amenity or privacy of any neighbouring property in terms of loss of outlook, overbearing impression, overshadowing or overlooking as a result of the installation of this access ramp.

8.86 It is acknowledged that neighbour objections have been received raising concerns that the proposed use as a public swimming pool is not suitable for a residential area, and that it would impact on neighbour amenity, particularly in respect of noise and disturbance.

8.87 As noted above, it is considered that the proposed use of the swimming pool for members of the public is likely to result in a significant potential increase of comings and goings to the host property, which is considered to be in conflict with the provisions of Policies RC20 and RC21 of the Hartlepool Local Plan (2018).

8.88 In terms of hours of operation, the submitted Planning Statement indicates that the proposed swimming pool would be open between 07.30 and 20.30, seven days a week, and bookings would be via a smart access system. Council's Public Protection team have been consulted on the proposal and have confirmed no objections to the use of the swimming pool, subject to the inclusion of a planning condition regarding the hours of deliveries and collections to the site.

8.89 Notwithstanding the comments from the Council's Public Protection team, in view of the potential scale of the proposed use including comings and goings across times of the day when residents can be reasonably expected to enjoy the peace and quiet of their properties, it is considered that the proposed hours of operation (and scale of the proposal) is likely to have a negative impact upon the amenity of adjacent residents in terms of noise and disturbance, contrary to the requirements of Policies RC20(2) and RC21(1) of the Local Plan.

8.90 In view of the above, whilst it is considered that the proposal would not result in any significant adverse impacts on the amenity or privacy of any neighbouring property (or users of the adjacent footpaths and roads) in terms of loss of outlook, overbearing impression, overshadowing or overlooking, it is considered that there would be the potential for the proposal to result in an unacceptable adverse impact on the amenity of surrounding properties in terms of noise and disturbance. The proposal is therefore considered to be contrary to the requirements of Policies RC20 and RC21 of the Hartlepool Local Plan (2018) and paragraph 135(f) of the NPPF (2023) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...".

HIGHWAY & PEDESTRIAN SAFETY & TRAFFIC

8.91 It is acknowledged that a number of objections have been received raising concerns in relation to increased traffic and car parking (including the residential parking permit area and parking restrictions (yellow lines), and that people visiting the host property may seek to use the private car park in the church). As noted above, the Council's Planning Policy team have raised concerns in respect to traffic and car parking that may result from the proposed use.

8.92 The Council's Traffic and Transport section has been consulted on the proposal and whilst acknowledging that there is limited on-site car parking, with parking restrictions in nearby streets, has confirmed that additional vehicles would have to park in the nearby public car parks, and as such the traffic impact from the proposal would not have a severe impact on the surrounding highway. The Council's Traffic and Transport team have therefore confirmed no objections to this proposal.

8.93 Notwithstanding the above concerns regarding the impact of the proposal on the character and amenities of the area, it is considered that the proposal would not result in an adverse impact on highway safety and car parking.

8.94 The Council's Countryside Access Officer has been consulted in respect of the proposal and has confirmed that the proposal would not impact upon any PRoW. The application is considered to be acceptable in this respect.

FLOOD RISK, SURFACE WATER DRAINAGE & CONTAMINATED LAND

8.95 The Council's Flood Risk Officer has been consulted in respect of the application and have confirmed that there are no objections in respect of surface water management or contaminated land. The proposal is considered to be acceptable in these respects.

ECOLOGY

8.96 The Council's Ecologist has been consulted on the proposal and has confirmed that there are no ecological requirements and no objections to the proposal.

8.97 In terms of nutrient neutrality, the Council's Ecologist has assessed the application as not being in-scope, and therefore a Habitat Regulations Assessment is not required to be undertaken in this instance. The proposal is considered to be acceptable in this respect.

OTHER PLANNING MATTERS

8.98 It is acknowledged that an objection has been received citing that the proposed increase in visitors to the host property as a result of the proposal would result in an increased air pollution and carbon footprint, and the potential for damage to Listed Buildings. As noted above, both the Council's Head of Service for Heritage and Open Spaces and the Council's Public Protection team have confirmed no objections to the proposal.

8.99 Cleveland Police have been consulted on the proposal and has confirmed no objections, although have offered advice in respect to the installation of CCTV, access gates, access control and any additional site security measures, which could have been relayed to the applicant via an informative, had the application been considered acceptable in all respects.

OTHER MATTERS

8.100 It is acknowledged that an objection has been received in respect of health and safety matters. The Council's Commercial Services team have provided comments in respect to swimming pool operators and the Health and Safety at Work Act 1974. This is beyond the remit of planning control and could have been relayed to the applicant via an informative had the application been considered acceptable in all respects.

8.101 It is acknowledged that an objection has been received in reference to an application in Buckinghamshire for a private swimming pool open to the public. Given that planning applications are determined in accordance with the development plan for that area, and every application is considered on its own merits, this is not considered to be relevant to the determination of the current proposals.

CONCLUSION

8.102 On balance, having regard to the above planning considerations including the requirements set out in policies LS1, RC20 and RC21 of the Hartlepool Local Plan (2018) and paragraphs the relevant paragraphs of the NPPF (2023), it is considered that the principle of development is not acceptable in this instance, and that the proposed use would have the potential to result in an adverse impact on and the character of the area and neighbour amenity. It is therefore recommended that the application is refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

8.103 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

8.104 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.

8.105 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the reason below:

1. In the opinion of the Local Planning Authority, the application site is not considered to be an appropriate or compatible location for the proposed use (as a public swimming pool) as the proposal would have the potential to result in a significant detrimental impact on both the character of the surrounding area and neighbour amenity as a result of the increase in activity and associated noise disturbance, in conflict with Policies LS1, Policy RC20 (criteria 2 and 4) and Policy RC21 (criteria 1 and 2) of the Hartlepool Local Plan (2018) and paragraph 135(f) of the NPPF (2023) which states that new developments should achieve a high standard of amenity for existing and future users.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159488>

8.108 Copies of the applications are available on-line:

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

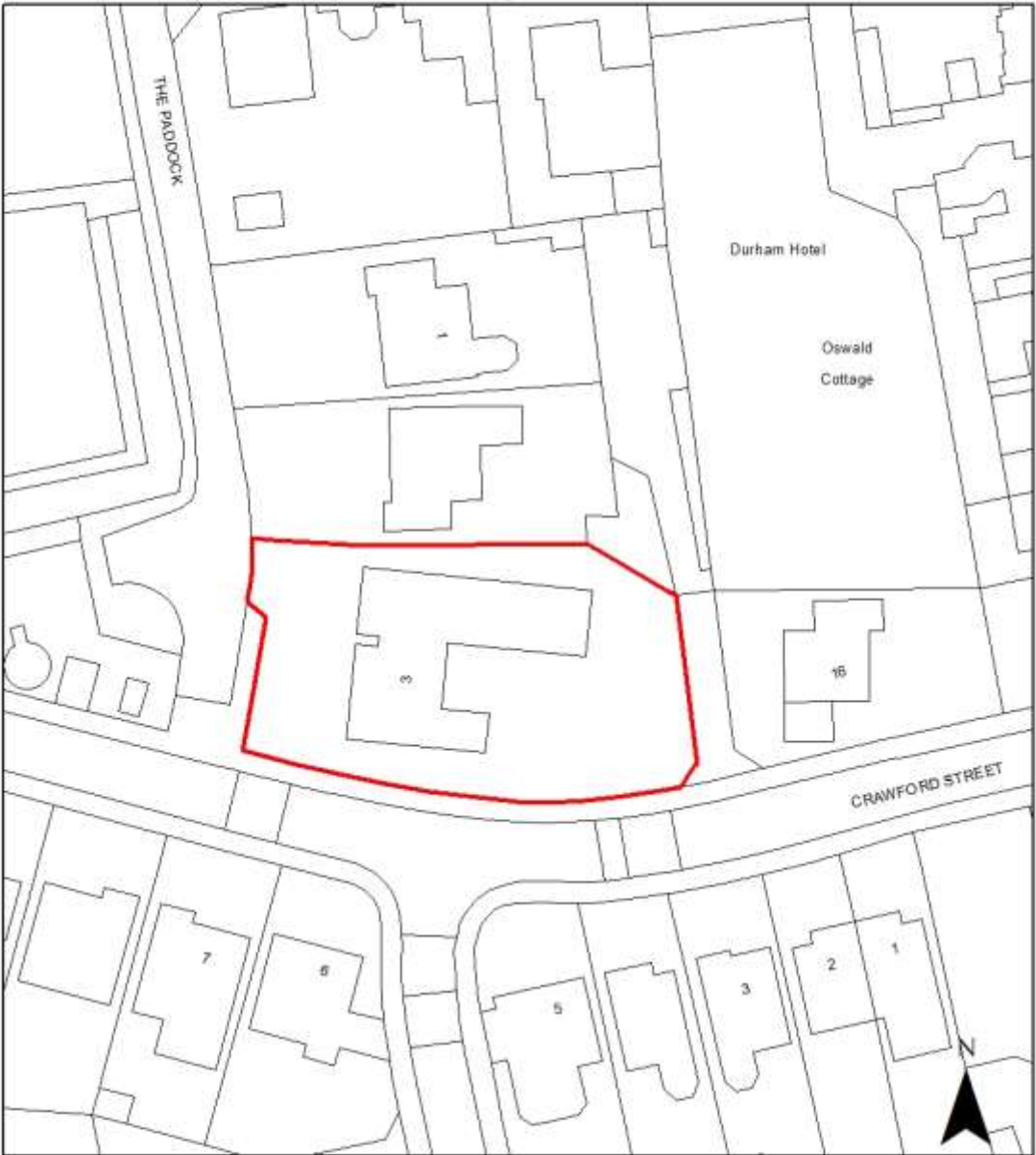
8.109 **CONTACT OFFICER**

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

8.110 **AUTHOR**

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

3 The Paddock, Seaton, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 14.11.2023
	SCALE 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2023/0344	REV

POLICY NOTE

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

HARTLEPOOL LOCAL PLAN POLICIES

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

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031 -
made version - december 2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

MINERALS & WASTE DPD 2011

[https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals
and waste development plan documents for the tees valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2023

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NP
PF_December_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

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

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

PLANNING COMMITTEE

17 April 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 construction of a road on agricultural land at North Farm, Elwick.
2. Running an ironing business and a beauty salon at a residential property in Honiton Way.
3. The change of use from a dwellinghouse to a bed and breakfast at a residential property in Carrick Street.
4. Non-compliance with the approved plans at a householder development in Cranwell Road.
5. Non-compliance with a condition relating to the installation of a non-opening window at a residential property in Watton Close.
6. The installation of an advertising sign on land at The Wynd, Wynyard.
7. The change of use of a dwellinghouse to a house in multiple occupation at a residential property in Thornton Street.
8. The erection of a building at an agricultural premises on Worset Lane.
9. The untidy condition of a former vehicle hire premises on Seaton Lane.

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

1. Non-compliance with the approved floor plans at a licensed premises on Warrior Drive. There is no breach of planning control in this instance.
 2. The display of an advertising sign and flags at land off Coppice Lane, Wynyard. The sign and flags have now been removed.
 3. The erection of a fence and enclosure of land into residential garden at a residential property in Wiltshire Way. A retrospective planning application seeking to regularise the development has since been approved.
 4. The excavation of foundations at a residential development site at land off Highgate Meadows. It was found that the works did not involve the excavation of foundations, and that no breach of planning control had occurred.
 5. The erection of an extension at the rear and a garage at the side of a residential property in Muir Grove. The rear extension has now been removed, and permitted development rights apply in the case of the garage.
 6. The erection of a high timber fence and gate at the front of a residential property in West View Road. The fence and gate have now been reduced in height.
- 1.3 The following enforcement actions have been taken within this reporting period:
1. An enforcement notice has been served in respect of the installation of uPVC windows to the front and side, and the installation of uPVC rooflights at the front of a residential property in Clifton Avenue.
 2. An enforcement notice has been served in respect of the application of a cream coloured render finish to the front elevation of a residential property at The Front.
 3. An enforcement notice has been served in respect of the installation of four uPVC windows in first floor flat (two at the front, one in the side and one to the rear) at a residential property in Beaconsfield Street.
 4. A breach of condition notice has been served in respect of non-compliance with a condition requiring the removal of rubble and building materials from the site of a former licensed premises on Eaglesfield Road.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 284291
E-mail kieran.bostock@hartlepool.gov.uk

AUTHOR

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

PLANNING COMMITTEE

17th April 2024



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL AT THE OLD MILL TRUNK ROAD A19 HARTLEPOOL TS27 3HF
APPEAL REF: APP/H0724/W/24/3336578.
Erection of a first storey extension and two storey infill extension to rear (H/2023/0069).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a planning application for the erection of a first storey extension and two storey infill extension to rear (H/2023/0069).
- 1.2 The planning application was refused under delegated powers on 24th January 2024 for the following reason:
 1. *In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the host dwelling and its rural location, resulting in a detrimental visual impact on the character and appearance of host building and the surrounding area, contrary to Policies QP4, HSG11, HSG12 and RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and GEN2 of the Hartlepool Rural Plan (2018) and paragraph 139 (NPPF 2023) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
 2. *In the opinion of the Local Planning Authority the proposed development, by virtue of its design, scale and proposed layout (including the provision of 5no. bedrooms (1no. of which would be en-suite), 1no. bathroom, 1no. W.C., 2no. living spaces, 1no. kitchen and other rooms), would result in a form of development that would not serve as an ancillary function to the existing dwelling and would be of a form that could encourage its occupation as a separate dwelling in the future. Therefore, the proposal would be contrary to Policy HSG12 (criterion 2) of the Hartlepool Local Plan (2018).*
- 1.3 A copy of the officer's delegated report is appended at **Appendix 1**.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director – Neighbourhood Services
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

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

Appendix 1

DELEGATED REPORT

Application No H/2023/0069

Proposal Erection of a first floor extension and two storey infill extension to rear

Location THE OLD MILL TRUNK ROAD A19 HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	10/08/2023
	Site notice:	21/06/2023
1) Publicity Expiry	Advert:	N/A
	Weekly list:	15/06/2023
	Expiry date:	05/07/2023
	Extended date:	24/01/2024
2) Publicity/Consultations PUBLICITY <p>The application was advertised by way of five neighbour letters, notification to local ward members, site notice and press advert. To date no responses have been received.</p> <p>During the course of consideration, the applicant submitted amended plans, and a Planning Statement and other details in an attempt to justify the proposals. A re-consultation with all neighbours and technical consultees was undertaken in respect of amended plans and then again solely with the Council's Planning Policy section on receipt of the further justification details provided.</p> <p>CONSULTATIONS</p> <p>The following consultation responses have been received:</p> <p>HBC Traffic and Transport: There are no traffic or highway concerns.</p> <p>HBC Landscape Architect: While there are no landscape and visual issues with the proposed development, a scheme of tree protection should be provided for the construction phase.</p> <p>HBC Flood Risk Officer: In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land.</p> <p>Tees Archaeology: I can confirm that no archaeological works are required for the proposed development.</p>		

Rural Plan Working Group: The following policies are most relevant to this application, comments are offered after each policy.

POLICY GEN1 – DEVELOPMENT LIMITS

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

The location of this application is outside development limits. The use is not indicated as being essential for any of the purposes identified in this policy. The scale of the proposed extensions has the potential to have an impact on visual amenity in the rural area.

POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate: 3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features; 5. how the design preserves and enhances significant views and vistas; 6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;

The design does seem to take the existing property and local character as a guide for the proposals. The existing line of buildings is already a very visible feature in the rural landscape. The scale of the development is significant and likely add to a prominent and visible range of buildings. Remaining as a single domestic dwelling there should be no significant increase in traffic.

POLICY H4 HOUSING IN THE COUNTRYSIDE

Proposals for new housing development and the reuse of existing buildings should pay particular attention to design and landscape character so as to preserve and enhance the character and distinctiveness of the countryside. Building conversions are required to avoid extensive alteration, rebuilding or extension.

The application uses the same footprint but increases the height by another storey. The result will have an appearance similar to a terrace of houses. The visual impact is a concern.

POLICY NE1 - NATURAL ENVIRONMENT

The rural plan will seek to protect, manage and enhance the areas natural environment. 3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan. 4. The planting of woodland and trees, and the restoration of hedgerows, using

appropriate species, will be encouraged, particularly in conjunction with new development, to enhance the landscape character of the plan area. New tree and hedgerow planting must where possible: a. Aim to reduce the impact of any new buildings or structures in the landscape setting. b. Provide screening around any non-agricultural uses; c. Use a mix of local native species appropriate to the landscape character area; d. Ensure that trees are planted at distances from buildings that provide sufficient space for the future growth of the tree to maturity.

A scheme of tree and hedge planting would be beneficial in reducing any undue visual impact the sizable extension may have and the added benefit of assisting the enhancement of the landscape and environment.

In summary the Group does have some concerns as to the size and visual impact of what is a significant enlargement of the existing property. There is the opportunity to mitigate this perceived impact by a planting scheme that might also enhance the environment of the location. A scheme for this development including hedging must be made a condition otherwise it is not acceptable to HRNP.

Cleveland Police: With regards to your recent planning application for an extension at The Old Mill I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

The National Planning Policy Framework 2021 paragraph 92(b); which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...

The National Planning Policy Framework 2021, paragraph 130(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Another material consideration is Section 17 of The Crime And Disorder Act 1998. Further information on the Secured By design initiative can be found on www.securedbydesign.com

Although not an SBD requirement, Cleveland along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

HBC Countryside Access Officer: There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or

permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Head of Service for Heritage and Open Spaces: The application site is on land adjacent to a grade two listed building which is considered to be a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, "great weight" to the asset's conservation (para 199, NPPF).

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

The proposal is the erection of a first storey extension and two storey infill extension to rear. It is considered that the works are a substantial distance away from the listed building and therefore will not impact on the setting on the heritage asset. No objections.

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

HBC Ecology: No Ecology surveys needed.

The site is close to greenspace which supports declining bats and birds such as swift, house sparrow, tree sparrow and starling, which could benefit from the provision of integral bird nest bricks. To meet current Ecology planning requirements, the following should be conditioned:

The building should include 2no integral 'universal' nest brick located in south or east facing walls (where possible) and at a minimum height of 3m above ground level.

This will satisfy NPPF (2018) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for

biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This net gain is appropriate to the scale of the development and should be conditioned.

See: <https://drive.google.com/file/d/1ljcJ7rlkNMrr4lxd41XcBU3YC6IFKM6z/view>

See: https://www.swift-conservation.org/swift_bricks.htm

NB: Bird nest bricks and boxes are available from several suppliers such as:
<https://www.nhbs.com/blog/universal-nest-bricks>.

HBC Arboricultural Officer: Upon visiting the site (25/05/2023) I can see there are no arboricultural concerns regarding this application.

HBC Building Control: A Building Regulation application will be required for 'first storey extension and 2 storey infill extension to rear'.

National Highways: We are content that this development can go ahead but in the interest of highway safety would wish to minimise the safety risk of the construction of the development.

A concern is that the property is served by a central reserve gap that does not have a sufficiently long deceleration lane to meet current standards. Construction could bring added movements through the access.

To protect from any further accident risk we would seek that construction traffic, including journey to work traffic is directed to the development via left in left out movements to the northbound carriageway only.

I therefore attach our formal response, with conditions enforcing this.
I trust this approach is acceptable, but please do not hesitate to get in touch if you need to discuss this further.

HBC Public Protection: No comments received.

HBC Waste Management: No comments received.

HBC Community Safety: No comments received.

HBC Parks and Countryside: No comments received.

HBC Economic Development: No comments received.

HBC Public Health: No comments received.

HBC Estates: No comments received.

Northumbrian Water: No comments received.

Dalton Piercy Parish Council: No comments received.

Elwick Parish Council: No comments received.

3) Neighbour letters needed	N
4) Parish letter needed	N
<p>5) Policy</p> <p><u>National Planning Policy Framework (NPPF)(2023)</u></p> <p>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:</p> <p>PARA 001: Role of NPPF PARA 002: Determination of applications in accordance with development plan PARA 003: Utilisation of NPPF PARA 007: Achieving sustainable development PARA 008: Achieving sustainable development PARA 009: Achieving sustainable development PARA 010: Achieving sustainable development PARA 011: The presumption in favour of sustainable development PARA 012: The presumption in favour of sustainable development PARA 013: The presumption in favour of sustainable development PARA 056: Planning conditions and obligations PARA 137: Achieving well-designed places PARA 138: Achieving well-designed places PARA 139: Achieving well-designed places PARA 224: Implementation</p> <p><u>Hartlepool Local Plan 2018</u></p> <p>CC1: Minimising and adapting to climate change HSG11: Extensions and alterations to existing dwellings HSG12: Residential Annexes LS1: Locational Strategy</p>	

QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RUR1: Development in the Rural Area
 SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Plan 2018

GEN1: Development Limits
 GEN2: Design Principles
 NE1: Natural Environment

HBC Planning Policy comments: Planning Policy has concerns with the application and are not in a position to look upon it favourably.

The matters of concern relate to:

- Creating additional living space within the rural area
- The visual amenity of the proposal
- The intensification of an access on the A19

In light of the above key issues Planning Policy consider that the proposal is not in full accordance with the Hartlepool Local Plan, the Hartlepool Rural Neighbourhood Plan and the National Planning Policy Framework.

The proposal is to extend an existing five bedroom property into a seven bedroom property. The applicants intention is that two families will live together, notwithstanding the applicant's intentions Planning Policy have considered the proposal with regards to any potential owners ability to either live as a large family or in deed two families.

The property is located beyond the limits to development and thus Policy RUR1 (Development in the rural area) is paramount in determining this application.

Policy RUR1 sets out that the council will seek to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost and that development outside the development limits will be strictly controlled.

Policy RUR1 sets out that development in the rural area should, where relevant:

- 1) Be in accordance with the Hartlepool Rural Neighbourhood Plan and any other neighbourhood plan;
- 2) Where possible be located in or near to the villages;
- 3) Where possible re-use existing buildings and/or materials;
- 4) Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion;

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

Criteria 1, 2, 3, 5, 7 and 8 are particularly pertinent to this application.

With regards to criterion 1 Planning Policy are of the view that the proposal does not strictly accord with Hartlepool Rural Neighbourhood Plan policies GEN1 (Development Limits) and GEN2 (Design Principles) and consider that the decision maker must be satisfied that, on balance, the proposal complies with the Rural Plan as a whole.

With regards to criterion 2, Planning Policy note that the dwelling is existing within an isolated location and not in or near to a village. Planning Policy do not see it necessary to consider this criterion further as by virtue of the existing dwelling and the desire to extend it Planning Policy accept that the proposal cannot be located in or new a village.

With regards to criterion 3, Planning Policy support the fact that an existing building will be utilised and extended and consider the proposal accords with this criterion.

With regards to criterion 5 Planning Policy are of the view that by virtue of the design, the extension to the unit has the potential to be quite imposing upon the landscape, it will be visible from the A19 and lead to the creation of a large building within the open rural area. Planning Policy are of the view that the proposal is unlikely to enhance the quality, character and distinctiveness of the immediate area or the surrounding landscape and consider that the decision maker must be satisfied that the design of the proposal is acceptable.

With regards to criterion 7 Planning Policy note that HBC highways have not objected to this proposal. Planning Policy still consider it prudent to set out their concerns. Planning Policy have no comments to make with regards to the appropriateness of the site access, but Planning Policy do have concerns with regards to highways safety. The creation of more living space in this isolated location will be likely to lead to an increase in car movements that will be accessing the A19, this intensification of the access with the A19 is a concern for Planning Policy.

With regards to criterion 8 Planning Policy note that the applicant has not put forward any schemes that will create or improve sustainable connectivity.

Planning Policy are of the view that due to the site location it is unlikely that walking, cycling and public transport links are not an option for this proposal and thus the applicant is unlikely to be able to suggest any sustainable transport options that would give residents an alternative to using the car. Given that there is no realistic prospect of creating or improving sustainable connectivity Planning Policy are of the view that the proposal does not accord with criterion 8.

Planning Policy RUR1 sets out that where developments are likely to have an impact upon existing infrastructure or require new infrastructure, the applicant will be required to provide such infrastructure in accordance. In many circumstances applicants are required to provide or pay for new infrastructure or provide a financial contribution to upgrade new infrastructure. In such instances an application that may be inappropriate can be made appropriate.

A seven bedroom dwelling has the potential to be home to a high number of residents and given the isolated location with no sustainable transport links to basic facilities it is likely that the only way the high number of residents can access such facilities is by car.

A significant amount of infrastructure would need to be provided to ensure that residents could access facilities by sustainable transport modes and given the isolated location and distance from basic services and facilities such infrastructure i.e. safe cycling and walking links would likely be costly and even if provided would like not be a real option for residents as travel times would be significant, and thus not an attractive option.

Planning Policy are of the view that it is not possible to make this proposal acceptable with regards to sustainable transport, the site is isolated that the only real option for residents is to travel by car. To support an application where the only real option to travel by car is contrary to the locational strategy of the local plan along with the climate change and transport chapters of the local plan and significant parts of the National Planning Policy Framework and as a whole the proposal does not constitute sustainable development.

Should this application be approved then in a bid to mitigate the negative climate impacts derived from car borne emissions, Planning Policy would seek to ensure that as a minimum 10% of the whole properties energy supply is derived from a renewable resource and that EV charging points are provided.

6) Planning Consideration

RELEVANT PLANNING HISTORY

H/1982/0301 – Renewal of use of building as dwelling house and alterations and extensions to form kitchen and additional bedroom. Approved 18/10/1982.

HOUT/1997/0279 – Outline application for the erection of a bungalow with detached garage. Refused 07/07/1997.

HFUL/1999/0531 – Erection of stable block, associated storage building and

boundary fencing. Approved 03/12/1999.

HOUT/2004/0844 – Erection of a detached dwelling and detached double garage. Refused 22/12/2004.

H/2005/5433 - Outline application for the erection of a detached dwelling and detached double garage (resubmitted application). Refused 02/08/2005.

H/2021/0567 - Proposed demolition of existing annex and erection of two storey annex and two storey gym, and proposed installation of solar panels on the existing stable/barn. Refused 23/11/2022 for the following reasons:

1. *In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the host dwelling and its rural location, resulting in a detrimental visual impact on the character and appearance of host building and the surrounding area, contrary to Policies QP4, HSG11, HSG12 and RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and GEN2 of the Hartlepool Rural Plan (2018) and paragraph 134 (NPPF 2021) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
2. *In the opinion of the Local Planning Authority the proposed development, by virtue of its design, scale and proposed layout (including the provision of 5no. bedrooms (1no. of which would be en-suite), 1no. bathroom, 1no. W.C., 2no. living spaces, 1no. kitchen and other rooms), would result in a form of development that would not serve as an ancillary function to the existing dwelling and would be of a form that could encourage its occupation as a separate dwelling in the future. Therefore, the proposal would be contrary to Policy HSG12 (criterion 2) of the Hartlepool Local Plan (2018).*
3. *In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposed development would not result in an adverse effect on the integrity of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) sites as a result of nitrate pollution.*
4. *In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposed development would be adequately served in terms of foul and surface water drainage.*

SITE AND SURROUNDINGS

The application site relates to an existing single storey annex to a farmhouse known as Old Mill Farm, within a wider application site that comprises an additional bungalow, an extensive garden, stables, a paddock, garage buildings and a barn. The application site is accessed via a shared access road directly from the A19 trunk road, which runs north-south to the east of the application site. The access road runs to the north of the application site. Beyond the access road to the north are farmhouses/residential dwellings of Mill House, Woodland House and Benknowle, whilst Elwick Windmill (a Grade II Listed Building) is sited to the north west of the application site. To the south and west the application site is bounded by agricultural fields. A large fish pond is located approximately 70 metres north east of the buildings.

The submitted supporting information indicates that the existing annex is in a state of disrepair and is showing signs of water damage.

PROPOSAL

This application seeks planning permission for the erection of a first floor extension and a two storey extension to the rear of the annex.

The proposed extension to the first floor and infill extension to the annex would measure a total of approximately 18.8m in length, comprising two sections, with the southernmost section measuring approximately 13.4m in length and the northernmost measuring approximately 6.4m in length, by approximately 7.2m in width. The proposed extension would feature a hipped roof design to both sections, with a total height of approximately 7.8m and an eaves height of approximately 5.3m at the northern part, dropping to approximately 6.6m at the ridge and approximately 5m at eaves level at the southern section.

The proposed annex would feature 2no. doors, and 4no. windows at ground floor and 4no. windows at first floor in the front elevation (facing east) and 5no. windows at ground floor and 6no. windows at first floor in the west facing rear elevation and.

The submitted application form indicates that the proposed annex (including the extended elements) would be finished in a white painted render, whilst windows would be white uPVC, and the roof would comprise terracotta pantiles, all to match the existing host farmhouse.

The annexe would comprise a living and dining area, office, hall, W.C., kitchen and utility room at ground floor and 4no. bedrooms (1no. of which would be en-suite), bathroom and storage room at first floor.

The proposal has been amended during the course of consideration, to introduce hipped elements to the roof at both the northern and southern sections of the proposed extension to the annex.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application are the principle of development, the impacts on the character and appearance of the surrounding area, trees and landscaping, the impacts on the amenity and privacy of neighbouring land users, ecology and nutrient neutrality, foul and surface water drainage and contamination. These and any other planning matters are detailed in full below.

PRINCIPLE OF DEVELOPMENT (INCLUDING IMPACT ON CHARACTER AND APPEARANCE OF EXISTING PROPERTY AND SURROUNDING RURAL AREA (INCLUDING ADJACENT HERITAGE ASSETS))

The application site relates to a farm house dwelling within an established curtilage that is located beyond the development limits of both the Hartlepool Local Plan and the Hartlepool Rural Plan.

Policy RUR1 of the Hartlepool Local Plan (HLP, 2018) and Policies GEN1 and GEN2 of the Rural Neighbourhood Plan (HRNP, 2018) seek to ensure that the rural area is protected and enhanced, and development outside the development limits will be strictly controlled. Through good design, development is expected to enhance the quality, character and distinctiveness of the immediate area and be in keeping with other buildings in terms of siting, size, materials and colour.

In the context of HLP Policy RUR1, the Council's Planning Policy team have advised that whilst it is acknowledged that the proposal is the extension of a building in its current location (criteria 2 and 3), the proposal does not strictly accord with Hartlepool Rural Neighbourhood Plan policies GEN1 (Development Limits) and GEN2 (Design Principles) (criterion 1), the extension to the unit has the potential to be quite imposing upon the landscape, it will be visible from the A19 and lead to the creation of a large building within the open rural area (criteria 5). These concerns are echoed in the comments received from the Hartlepool Rural Plan Working Group.

With regards to criteria 7 and 8, whilst it is acknowledged that HBC Traffic and Transport have confirmed no objections to the proposal, the Council's Planning Policy team have advised that the creation of more living space in this isolated location would be likely to lead to an intensification of the access with the A19, and that due to the site location it is unlikely that there could be any improvement to suitable connectivity.

In view of the above, the Council's Planning Policy team have objected to the application, advising that the proposal is contrary to the Locational Strategy of the Local Plan along with the climate change and transport chapters of the Hartlepool Local Plan (2018) and significant parts of the NPPF (2023) and as a whole, it is considered that the proposal does not constitute sustainable development.

Design, character and scale

Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) 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. The requirements of these policy are reflected in those of the HRNP Policy GEN2.

The Council's Residential Design Guide SPD (2019) emphasises the creation of sustainable communities by utilising appropriate design that ensures efficient, safe and secure buildings that complement the character and surroundings. The Residential Design SPD also seeks to ensure that residential development provides adequate amenity and privacy for occupants.

The application site comprises a rural farmhouse building with adjoining single storey annex and stables, set within an expansive plot immediately to the west of

the A19 trunk road. Although the existing farmhouse does not have an occupancy restriction on it or any defined associated residential curtilage through any associated planning history for the site (likely to be a result of the age of the property), as noted above, development at the site is outside the limits to development, in order to protect the rural character of the Borough and maintain the separate character of directly neighbouring rural settlements.

It is of note that concerns have been received from both the Council's Planning Policy team and the Rural Neighbourhood Plan Working Group, noting that the application site is outside development limits and that the erection of the increased height of the annex (to two storey) in this location would have the potential to result in a detrimental impact on the character and appearance of the application site and surrounding rural area.

Notwithstanding that the proposed two storey annex would be located predominantly on the footprint of the existing single storey annex (save for the infill element to the rear), it would feature a two storey height of approximately 7.3m, dropping to approximately 6.8m at the northern section. It is considered that the proposed annex would significantly increase the size and height of this section of the building. As a result, it is considered that its height and overall massing would be overly dominant in the overall site context and unsympathetic to the character and appearance of the existing dwelling and application site as a whole.

It is noted that there are limited dwellings within the immediate setting of the application site (including those along Benknowle Lane to the north), however these are of a relatively small scale and simple rural design, (primarily standalone dwellings).

The proposed annex would adjoin both the existing adjoining host farmhouse and the existing stable comprising the application site. Whilst it is acknowledged that the proposal would not be significantly larger in terms of its footprint and siting to the existing structure (which features a large proportion at two storey scale), the proposed annex would be partially visible from vantage points along the A19 and the surrounding open countryside to the south and west of the application site, as well as from adjacent residential properties to the north. As such, it is considered that the proposed change to the building height and scale including the existing farmhouse and the attached annex would be significant as a result of the proposed two storey annex, as it is considered that the proposal would not simply extend the property but dominate it, resulting in the essence of the application site in terms of character, form and layout being lost. It is considered that the resulting building would not reflect the character of the existing dwelling and annex in any substantial way, and would not represent a sympathetic addition to the existing farmhouse, instead being more akin to a new build replacement annex with an appearance of a terraced row of properties.

In terms of the final design and finishing materials of the proposed annex, it is acknowledged that the submitted information indicates these would comprise materials (including render, roof tiles and fenestration) to match that of the host farmhouse. However it is considered that this would not address or overcome the identified impacts or reason 1 for the refusal of the previous application at the

application site (H/2021/0567).

Therefore it is considered that the proposed two storey annex and gym would result in an unsympathetic form of development that would be out of keeping with the scale of the surrounding properties and the rural nature of the surrounding area and would be contrary to Policies RUR1, HSG11 and HSG12 of the Hartlepool Local Plan (2018) and Policy GEN2 of the Rural Plan (2018).

Compliance with Policy HSG12 (Annex)

The proposal includes the demolition of an existing single storey extension and the erection of a two storey annex and gym. The submitted floor plans indicate that the only internal link between the two properties would be a first floor access door from the proposed bedroom to a bedroom within the main farm house.

Policy HSG12 of the Hartlepool Local Plan (2018) states that annexes will be supported where development:

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

In respect of the requirements of criterion 2, it is noted that the submitted floor plans indicate that the proposed annex would feature 4no. bedrooms (1no. of which would be en-suite), as well as kitchen and bathroom facilities. In view of this, the Council's Planning Policy section have been consulted on the proposal and consider that the proposed extension which features all of the facilities needed to operate as a dwelling on its own, would not be designed so as to serve an ancillary function to the existing dwelling, as per the requirements of this Policy.

Whilst it is acknowledged that the existing annex is in a state of disrepair and that the applicant wishes to refurbish the existing building, the case officer expressed concerns to the applicant and requested that the applicant significantly reduce the scale of the proposals, namely to replace/retain the existing annex with a single storey height to enable the proposal to function more like a traditional annex. However, the applicant was unwilling to amend the proposals. As such, it is considered that the proposed annex would not serve as an ancillary function to the existing dwelling, contrary to the provisions of criterion 2 of Policy HSG12 of the Hartlepool Local Plan (2018), and this would warrant a reason to refuse the application. It is further considered that the proposals fail to address or overcome reason 2 for the refusal of the previous application at the application site (H/2021/0567).

Impact on adjacent heritage assets

The application site is approximately 140m from grade II listed structure of Elwick

Windmill. When considering applications within the vicinity of listed buildings, as set out in the comments from the Council's Heritage and Countryside Manager, Section 66 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council's Local Plan policies HE1, HE3 are relevant in the determination of this application, to ensure that the design of proposals and materials used in developments do not affect the historic significance of listed buildings or their setting. Paragraphs 193 and 194 of the NPPF (2023) looks for Local Planning Authorities to take account of the significance of a designated heritage asset and give 'great weight' to the asset's conservation.

The Council's Head of Service for Heritage and Open Spaces was consulted on the proposal and considers that the proposed annex would not significantly impact upon the character, appearance and any features of special architectural or historic interest of the listed building, or its setting.

Other policy/design considerations

Policies CC1 and QP7 of the Hartlepool Local Plan (2018) seek to ensure the provision of renewables and energy efficiency measures. The Council's Planning Policy section have confirmed that had the application been considered to be acceptable in principle, they have indicated that the scheme would need to comply with the provisions of these Policies.

The Rural Plan Working Group have cited Policy H4 (Housing in the Countryside) of the HRNP within their comments. Whilst noting their concerns, as the proposal technically does not relate to new dwellings, it is considered that Policy H4 is not directly relevant or applicable in this instance.

Principle of development summary

In view of the above, it is considered that the proposed annex would not result in a form of development that would be a high quality development which is well designed, or that would positively enhance the location and setting. It is further considered that the proposal would not serve as an ancillary function to the existing dwelling and would be of a form that could encourage its occupation as a separate dwelling in the future.

Therefore it is considered that the proposal would not meet the general requirements of Policies HSG11, HSG12, QP4 and RUR1 of the Hartlepool Local Plan (2018) and Policies GEN1 and GEN2 of the Rural Neighbourhood Plan (2018) and this would warrant two reasons to refuse the application in this instance.

TREES & LANDSCAPING

The Rural Working Plan Group have commented that a lack of any associated landscaping scheme which might reduce the impact of the proposed development has not been submitted in respect of the application. It is of consideration that had the proposals been considered acceptable in all respects, that an appropriate form

of landscaping could be implemented, and a planning condition could have secured this. Notwithstanding this, it is considered that the provision of the requested landscaping would not address the LPA's identified concerns regarding the scale and visual impact of the proposed development.

The Council's Arboricultural Officer has been consulted with respect to the proposal and has not offered any objections or comments in terms of the proposal detrimentally impacting upon any protected trees. The Council's Landscape Architect has been consulted on the proposal and has confirmed no objections in respect of landscape and visual amenity. The proposal is therefore considered acceptable in this respect.

AMENITY & PRIVACY OF NEIGHBOURING LAND USERS

It is considered that there are no sensitive users such as residents in the immediate vicinity of the application site, with the nearest neighbours along Benknowle Lane (including Mill House, Woodland House and Benknowle Bungalow) being a distance of approximately 145 metres (to the north/north east) from the proposed annex and gym at its closest point. Given the remaining separation distance, it is considered that there would not be any adverse impacts on the amenity of neighbouring properties in terms of overshadowing, loss of outlook or any overbearing impression created.

Whilst the proposal features windows in the annexe and gym, given the substantial separation distance (above) and landscaping present, it is considered there would not be any adverse overlooking toward the residents of neighbouring farm buildings or other land users from any part of the proposal.

The proposed annexe and gym would be a building adjoining the host dwelling. As such the occupants of the proposed annex would share the immediate garden area and access from the front driveway (east) and access from the A19 trunk road to the north of the site. Criterion 3 of HLP Policy HSG12 (referenced above) requires that a proposal *"Does not deny the existing and future occupiers adequate private amenity space for normal domestic needs within the curtilage."*

As the applicant has confirmed in the submitted Planning Statement that the proposal is intended to function as an annex with the occupant(s) sharing their private garden amenity space with the occupants of the main (host) property (albeit the proposed annex includes kitchen and bathroom facilities), it is anticipated that the occupants of the proposed annex would have a shared postal address and with no separate metered services, and as such and given the remaining amenity areas and relationship between the annex and the host dwelling, it is considered that this element would not result in any adverse impacts on the amenity or privacy of the occupants of the host dwelling in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

In terms of noise and disturbance, the Council's Public Protection section have been consulted in respect of the proposal and have not raised any objections or offered any comments.

The proposal is therefore considered acceptable in terms of neighbour amenity.

HIGHWAY & PEDESTRIAN SAFETY

The Council's Planning Policy team have commented that as the application site is isolated, the only real option for residents is to travel by car. To support an application where the only real option to travel by car is contrary to the locational strategy of the local plan along with the climate change and transport chapters of the local plan and significant parts of the National Planning Policy Framework and as a whole the proposal does not constitute sustainable development.

Notwithstanding these concerns, critically, the Council's Traffic and Transport section have been consulted in respect of the application and have advised that there are no issues with the application in terms of highway safety. National Highways have responded to confirm no objection overall, however have recommended the inclusion of planning conditions during the construction phase. Had the application been considered acceptable in all respects, these could have been appended to the decision notice.

The Council's Countryside Access Officer has been consulted with respect to the proposals and has confirmed that no part of the proposal would impact upon any public rights of way in the vicinity. The application is therefore considered acceptable in respect of highway and pedestrian safety

ECOLOGY & NUTRIENT NEUTRALITY

The Council's Ecologist has been consulted on the proposal and has confirmed no objections and that there are no ecological requirements, however, had the proposals been considered acceptable overall, the requisite mitigation measures of 2no. integral universal nest bricks would have been secured by a planning condition.

On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area. The Teesmouth & Cleveland Coast SPA & Ramsar sites encapsulates the coastal and estuarine areas to the east and south of the Borough. This is a protected area designated for its important ecological features (particularly Bird species and assemblages).

Accordingly, the LPA need to consider the nutrient impacts of any in-scope development on the SPA and whether those impacts may have an adverse effect on its integrity that requires mitigation. As part of the previously refused application (which included a separate 'annexe dwelling' element), the LPA considered that the application was 'in scope' and that the applicant had failed to demonstrate that the proposed development would not result in an adverse effect on the integrity of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) sites as a result of nitrate pollution. This formed reason 3 for the refusal of the application. Given that the current proposal is for a residential extension to an existing dwelling's

annex (as opposed to an application for the creation of a separate dwelling), it is deemed not to be 'in scope' in this instance. Therefore there is no requirement to consider nitrate pollution in this instance as part of this application.

FOUL & SURFACE WATER DRAINAGE & CONTAMINATED LAND

The Council's Flood Risk Officer has been consulted with respect to the proposal and has confirmed that there are no issues with regard to flood risk or contaminated land in the application site. Northumbrian Water (NW) have also been consulted on the proposal and have not offered any comments or objections to the current application.

Notwithstanding this, Northumbrian Water confirmed through consultation for H/2021/0567 that there are no NW surface water/foul assets in close proximity to the site. As the application site is not connected to a public sewer and the applicant failed to satisfactorily demonstrate how foul and surface water would be dealt with (including any resultant impacts of nitrate pollution), the lack of adequate drainage formed reason 4 for refusal of H/2021/0567.

In respect to the current application which is technically a householder/domestic application for a residential annexe, clarification on the proposed drainage has been requested by the case officer, and the applicant's agent has confirmed that the existing site and proposed annex would be served by an existing non-mains drainage connection (in this instance a package treatment plant).

Given the responses from consultees and the nature of the current application, the matter of foul and surface drainage would need to be considered through Building Regulations.

OTHER PLANNING MATTERS

Tees Archaeology has been consulted in respect of the proposal and has confirmed that no additional archaeological work would be necessary. Therefore the proposal is considered to be acceptable in respect of archaeological factors.

Cleveland Police have responded to confirm no objections, however have provided advice in respect of Secured By Design standards. Had the application been considered acceptable in all respects, an informative could have relayed this advice to the applicant.

CONCLUSION

Having regard for the above policies identified within the Hartlepool Local Plan (2018), Hartlepool Rural Plan (2018) and relevant paragraphs of the NPPF (2023), it is considered that the proposal is not acceptable in this instance, as it is considered that the proposed extension to the annex (to comprise a first floor extension and an infill extension to the rear) to include substantial living accommodation including kitchens and bathrooms within the annex would render the annex with the potential of being used as a separate dwelling and therefore not ancillary to the main dwelling, contrary to the requirements of Policy HSG12 of the Hartlepool Local Plan

<p>(2018).</p> <p>It is further considered the proposed development by virtue of its siting, scale and design would result in an unsympathetic design to the detriment of the visual amenity of the open countryside and surrounding area contrary to the identified policies of the Hartlepool Local Plan and Hartlepool Rural Neighbourhood Plan.</p> <p>For these reasons, the proposal is recommended for refusal.</p>
<p>7) EQUALITY AND DIVERSITY CONSIDERATIONS</p> <p>There are no equality or diversity implications.</p>
<p>8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS</p> <p>There are no Section 17 implications.</p>
<p>9) Alternative Options Considered Yes (as per report)</p>
<p>10) Any Declared Register of Interest No</p>
<p>11) Chair's Consultation Necessary Y</p>
<p>12) Recommendation REFUSE, for the reasons below:</p>
<p>REASONS</p> <ol style="list-style-type: none"> 1. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the host dwelling and its rural location, resulting in a detrimental visual impact on the character and appearance of host building and the surrounding area, contrary to Policies QP4, HSG11, HSG12 and RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and GEN2 of the Hartlepool Rural Plan (2018) and paragraph 139 (NPPF 2023) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. 2. In the opinion of the Local Planning Authority the proposed development, by virtue of its design, scale and proposed layout (including the provision of 5no. bedrooms (1no. of which would be en-suite), 1no. bathroom, 1no. W.C., 2no. living spaces, 1no. kitchen and other rooms), would result in a form of development that would not serve as an ancillary function to the existing dwelling and would be of a form that could encourage its occupation as a separate dwelling in the future. Therefore, the proposal would be contrary to Policy HSG12 (criterion 2) of the Hartlepool Local Plan (2018).

INFORMATIVE**1.0 Statement of Proactive Engagement**

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However in this instance it has not been possible to address or overcome these concerns.

Author of Report: Stephanie Bell

Signed: S. Bell

Dated: 17/01/2024

Signed: DJAMES
Planning Team Leader DC

Dated: 24/01/2024

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

Signed: Cllr Paddy Brown
Chair of the Planning Committee

Dated: 24/01/2024
