

PLANNING COMMITTEE

AGENDA



17 July 2024

at 5.00pm

in the Council Chamber,
Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Darby, Feeney, Jorgeson, Little, Martin-Wells, Oliver, Scarborough, Sharp, 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 19 June 2024

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Neighbourhood Services)*

1. H/2023/0181 Land to the East of electricity substation, Worset Lane (page 1)
2. H/2023/0401 12 Eldon Grove (page 50)
3. H/2024/0087 125 Raby Road (page 75)

5. ITEMS FOR INFORMATION

5.1 Update on Enforcement Actions - *Assistant Director (Neighbourhood Services)*

5.2 Appeal at the Old Mill, Trunk Road, A19, Hartlepool – *Assistant Director (Neighbourhood Services)*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

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

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

- 5.3 Appeal at land adjacent to car park, Wiltshire Way / grass verge, Hart Lane -
Assistant Director (Neighbourhood Services)

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. FOR INFORMATION

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 14 August 2024



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

19 JUNE 2024

The meeting commenced at 10.40 am in the Civic Centre, Hartlepool.

Present:

Councillor Tom Feeney (In the Chair)

Councillors: Moss Boddy (Vice-Chair), Michael Jorgeson, Sue Little, Karen Oliver, Martin Scarborough, Carole Thompson and Mike Young.

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Stephanie Bell, Senior Planning Officer
Kieran Campbell, Senior Planning Officer
Jade Harbottle, Senior Planning Officer
Graham Megson, Ecologist
Umi Filby, Legal Advisor
David Cosgrove, Democratic Services Team

1. Apologies for Absence

Councillors Rob Darby, Andrew Martin-Wells and Cameron Sharp.

2. Declarations of interest by members

None.

The Chair informed the meeting that a member of the public was recording the proceedings of the Committee.

3. Confirmation of the minutes of the meeting held on 17 April 2024

Confirmed.

4. **Planning Application - H/2022/0470 - Land Adjacent to Hartmoor Substation** *(Assistant Director, Neighbourhood Services)*

Number: H/2022/0470

Applicant: MS KIRSTY MCGUIGAN TI PROJECT CO 3 LIMITED
88WOOD STREET LONDON

Agent: PLAN A CONSULT MR JAMES WHEATER

Date received: 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

Members had attended a site visit before the meeting.

Additional representations had been received and the officer confirmed that these did not change the recommendation as they did not raise any points that had not already been considered in the report.

Members questioned the specific height of the proposed development as there appeared to be conflicting heights in the documentation. The Senior Planning Officer stated that the height of the buildings was approximately 9.6 metres. There were questions around some of the diagrams associated with the application including specifically the land heights of the area to be developed. The concerns raised by the Environment Agency were also questioned and the Senior Planning Officer stated that the EA had raised issues around contaminated land and drainage but these had now been addressed by the applicant.

Members also referred to some of the indicative pictures of the site with the screening planting shown in 15 years' time; did officers anticipate it would take that long for the planting to adequately screen the development. The Senior Planning Officer stated these were 'standard' photo montages of the anticipated visual screening after set periods of time. Members also questioned the archaeological investigations. The Senior Planning Officer stated these would be provided for through conditions.

Members also noted the provision of bat boxes and the longer term monitoring of the site's sustainability. The Planning and Development Manager stated that the BNG area would typically be maintained for 30 years

secured through planning obligations, HBC Ecologist advised the bat box would also be anticipated to last 30 years.

There was some debate around the demolition of the Whelley Hill Farm House which was thought to be Georgian in origin. The Vice-Chair questioned if the building had been listed or considered for listing and was concerned that no comment had been raised on its demolition. The Senior Planning Officer stated that the building wasn't formally listed or included on the local list and the Coast, Countryside and Heritage Manager had been consulted and had raised no concerns in relation to the demolition of the property.

The applicant's representatives Marc Browne and James Wheeler were present at the meeting and addressed the committee. They stated that the application was part of a pathfinder approach to stabilisation of power generation from renewable resources. The applicants understood the concerns around the visual impact of the development and were happy to comply with the conditions around screening the site with planting but there was an over-riding need to be close to an existing electricity substation. There would be no reduction in arable farm land resulting from the development and no impact on local residents with very few properties being within a direct line of site of the proposed buildings. They also explained the benefits of scheme and the strategic importance to enable decarbonisation.

There were objectors to the proposals present at the meeting and Andrew Elliott, a trustee of Hart Village Hall addressed the Committee. Mr Elliot disputed the case that this was the only location for the development and that there were other substations available. The applicants had also not consulted well with the local community and while they had attended a Parish Council meeting, there were still responses to questions raised at that meeting outstanding. The site would be clearly seen from Elwick village and was more likely to be the 11 metres high that had been mentioned earlier in the meeting. Residents' comments were not being heard; this was not the only site available, it was not a national infrastructure project, so not critical to build, and there would be risks from failure and be issue with traffic during the construction phase.

Members questioned the applicant on the proposed height of the development. The applicant's representatives stated that the buildings would be 9.6 metres high and that levels on the site were being changed before construction but it would be about the same height as the current farm house.

In general debate there was further discussion around the height of the buildings and the concrete slab on to which they were to be built. Members acknowledged that much of the arguments did centre on an intrusive building and energy security. In relation to the buildings, the applicant's representatives stated that they were very constrained with the site and they had reduced the proposed height of the buildings down from 15 metres. The applicant had gone quite some way to accommodate the screening planting that was now proposed. In relation to the consultation with the parish

councils, the applicant's did apologise for this being rushed but that they had been awaiting decisions from National Grid.

The recommendations set out in the report were moved by Councillor Thompson and seconded by Councillor Feeney.

In accordance with procedure rules, a recorded vote was taken.

Those for – Councillors Moss Boddy, Tom Feeney, Michael Jorgeson, Sue Little, Karen Oliver, Martin Scarborough and Carole Thompson.

Those against – Councillor Mike Young.

Those abstaining – None.

The application was, thereby, approved.

Decision

Minded to approve subject to signing 106 Agreement to secure the delivery of the provision, maintenance and management 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 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-5011 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 both the installation and thereafter removal of the temporary construction compound (such removal shall be within 6 months of 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. Unless otherwise agreed in writing by the Local Planning Authority in consultation with National Highways, construction of the development hereby approved shall not commence unless and until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter unless otherwise approved in writing, the development shall be constructed in accordance with the approved Construction Phase Traffic Management Plan.
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. 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 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.
 3. The results of the site investigation and the detailed risk assessment referred to above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 Thereafter the scheme shall be implemented as approved. Any changes to these components shall require the written consent of the Local Planning Authority.
 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.
9. Prior to any part of the permitted development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
 Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the agreed verification report.
 To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

10. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the agreed monitoring and maintenance plan.
To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 189 of the National Planning Policy Framework.
11. Notwithstanding the requirements of condition 7, no drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems shall be supported by an assessment of the risks to controlled waters. Thereafter the development shall be carried out in accordance with the approved details.
To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the National Planning Policy Framework.
12. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority, where a scheme has been submitted to demonstrate that there is no resultant unacceptable risk to groundwater.
The scheme shall include a) a written piling and penetrative foundation design statement and foundation risk assessment approved prior to the commencement of this element of the works and b) following the completion of the works, a validation report including as built information and a residual foundation risk assessment submitted and approved to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
To ensure that the proposed piling does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework.
13. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes, in addition to pre-existing boreholes, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development for monitoring purposes, will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation or first use of any part of the permitted development.
To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 180 of the National Planning Policy Framework.

14. In the event that contamination (not previously identified is found to be present at the site) 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 the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 189 of the National Planning Policy Framework.
15. 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). The scheme shall provide 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 or as otherwise updated and agreed as part of the scheme) and include for 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).
16. 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.
17. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. 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).

18. 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.
19. 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.
20. 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.

21. 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.

22. 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.
23. 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.

24. 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.

25. 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.

26. 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.

27. 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).

28. 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).

29. 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.

Members considered representations in respect to this matter.

5. **Planning Application - H/2023/0315 - Land and Garages Off Dumfries Road** *(Assistant Director, Neighbourhood Services)*

Number: H/2023/0315

Applicant: MR JOSHUA CHAPMAN LORIMERS CONSULTANCY LTD LORIMERS CLOSE PETERLEE

Agent: LORIMERS CONSULTANCY LTD MR JOSHUA CHAPMAN 2 LORIMERS CLOSE PETERLEE

Date received: 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

Members had attended a site visit before the meeting and noted there had been substantial amounts of fly-tipping on the site. The Chair commented that the site was in his ward and had been noted as an issue several times. The Vice-Chair commented on the very narrow access to the site and whether emergency vehicles would be able to access the proposed bungalows and if the established trees on the site were to be retained. The Senior Planning Officer stated that there had been no objections from highways officers. Nearby residents had also expressed similar concerns and following consultation with the Fire Brigade, the third (furthest) bungalow is to have a fire suppression system installed, this matter would be dealt with through the building regulations. There were a number of self-seeded trees

on the site that would be removed but other established trees as shown on the plans would be protected.

Concerns were raised at the potential of bats on the site. The Ecologist commented that the garages on the site didn't provide suitable roosting sites for bats. The proposed bungalows would include universal nest bricks in each building which could home bats, birds or insects. A Member asked if any of the existing hedge between the site and the allotments was to be retained. The Senior Planning Officer stated there it would be replaced by a fence but that a condition was included requiring replacement hedge planting.

A Member noted that there had been comments from residents in relation to crime and safety. The Senior Planning Officer stated that the recommendations of Cleveland Police that the development was "secured by design" had been passed on to the applicant, and while the communal garden could be a point of congregation the cul-de-sac nature of the development would provide some natural surveillance from the proposed dwellings.

The applicant's agent, Joshua Chapman, was present at the meeting and addressed the committee. He stated that the land had been purchased from the Council for the express purpose of redeveloping it for residential properties. The pre-planning process had been very positive and following those negotiations, the number of properties had been reduced from 4 to 3. Most of the objections did not appear to be on material planning grounds and there had been no objections raised from the emergency services.

In questions to the applicant's agent, Members clarified that the properties would be designed for use by people with disabilities. The applicant stated that at this time he had not decided if the properties would be for sale or rent. Members commented on the fly-tipping at the site. The applicant stated that they had to clear the site twice since it had been in their ownership and it would need clearing again. The applicant also responded to comments around the ownership of the land stating that the site was owned by them and all appropriate documentation was in place. It was clarified from the Chair that this was not a material planning consideration.

The recommendations as set out in the report were moved by Councillor Boddy and seconded by Councillor Jorgeson.

In accordance with procedure rules, a recorded vote was taken.

Those for – Councillors Moss Boddy, Tom Feeney, Michael Jorgeson, Karen Oliver, Martin Scarborough, Carole Thompson and Mike Young.

Those against – Councillor Sue Little.

Those abstaining – None.

The application was, thereby, approved.

Decision

Minded to approve subject to signing a Section 106 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); the provision, long term maintenance and management in respect to any open spaces and landscaping within the site (out with the residential curtilages); and the provision, long term maintenance and management of surface water drainage infrastructure for the site, 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:
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.

Members considered representations in respect to this matter.

Councillor Young left the meeting at this point in proceedings.

6. Update on Enforcement Actions (*Assistant Director, Neighbourhood Services*)

The Assistant Director, Neighbourhood Services provided an update for the Committee with regard to enforcement actions that had been taken by officers.

Decision

That the report be noted.

7. Planning Appeal at 91 Elwick Road (*Assistant Director, Neighbourhood Services*)

The Assistant Director, Neighbourhood Services reported that a planning appeal had been submitted against the Council's decision to refuse a planning application for the change of use from a vacant beauty salon (E Use Class) to hot food takeaway (Sui Generis Use Class), reference H/2023/0314. The planning application had been refused at the planning committee meeting of 13th March 2024.

Decision

That the report be noted.

8. Appeal at Land on South Side of Stockton Road, Greatham (*Assistant Director, Neighbourhood Services*)

The Assistant Director, Neighbourhood Services reported on the outcome of a planning appeal that had been determined in respect of an application for planning permission for advertisement consent for the installation of 1 no. digital advertising screen (D-Poster) at Land on South Side of Stockton Road, Hartlepool (H/2023/0336). The appeal had been dismissed. A copy of the Inspector's decision was submitted with the report.

Decision

That the report be noted.

9. Appeal at 38 Clifton Avenue (*Assistant Director, Neighbourhood Services*)

The Assistant Director, Neighbourhood Services reported on the outcome of a planning appeal that had been determined in respect of the Retrospective planning application for the replacement of single glazed sliding sash timber windows to the front elevation and the bay window to side/east elevation with uPVC double glazed mock sash casement windows and replacement of 3 no. velux windows to the front elevation at 38 Clifton Avenue. The appeal had been dismissed. A copy of the Inspector's decision was submitted with the report.

Decision

That the report be noted.

10. Appeal at 77 Wharton Terrace (*Assistant Director, Neighbourhood Services*)

The Assistant Director, Neighbourhood Services reported on the outcome of a planning appeal that has been determined in respect of a proposed garage extension to the side of existing dwelling at 77 Wharton Terrace. The appeal had been dismissed. A copy of the Inspector's decision was submitted with the report.

Decision

That the report be noted.

11. Any Other Items which the Chairman Considers are Urgent

None.

The meeting concluded at 12.20 pm.

CHAIR

No: 1.
Number: H/2023/0181
Applicant: FORSA ENERGY GAS HOLDING LTD LONDON W14 0C
Agent: CLIVE FAGG PLANNING CLIVE FAGG 9 DAIRY LANE
 HOSE LE14 4JW
Date valid: 19/07/2023
Development: Construction and operation of a gas powered standby
 electricity generator and related infrastructure
Location: LAND TO THE EAST OF ELECTRICITY SUBSTATION
 WORSET LANE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

Determined planning applications on the land surrounding and immediately adjacent to the current application site to the north and north west (south of the A179):

1.3 H/2017/0287 – planning permission for a gas-powered electricity generator and related infrastructure, approved December 2017. The approval was subject to a completed s106 legal agreement to secure a landscape buffer to the north of the site (adjacent to/south of the A179).

1.4 H/2018/0330 – planning permission for a Section 73 amendment for the variation of condition no.2 (approved plans) of Planning Permission Ref: H/2017/0287 to amend the approved layout including amendment to size and position of main building, amendment to position of dump radiators, reorientation of transformer, relocation of oil bulk tanks, shortening of access road, omission of 2no. parking bays and additional access details, approved November 2018.

1.5 H/2020/0008 – A section 73 application for the variation of conditions 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13 of planning permission H/2018/0330 (gas powered electricity generator and related infrastructure) to amend the approved details was approved in October 2020. A subsequent deed of variation to the original s106 legal agreement (in respect to the landscape buffer approved as part of H/2017/0287) was also secured/signed to secure further landscaping.

1.6 This built development is immediately to the north west of the current application proposal (H/2023/0181) which will take access through this approved and built site.

1.7 H/2019/0208 – planning permission for the erection of a gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works was granted in November 2019. This constitutes an eastward extension to the approved site at H/2018/0330 and abounds the current application site to the north.

Determined planning applications on the land surrounding and adjacent to the current application site to east, west and south (all south of the A179):

1.8 H/2020/0175 – planning permission was granted in August 2021 for a solar farm and associated development on 63ha of arable land to the east and south east of the current application site (east of Worset Lane). This permission is subject to a non-material amendment application, reference H/2024/0134 that is currently pending consideration.

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

1.10 H/2022/0459 – Proposed Construction, Operation and Maintenance of a Battery Energy Storage System (BESS) Facility and Associated Infrastructure was approved in December 2023. This site is located to the west of the application site and that of Worset Lane.

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

1.11 H/2022/0302 - Erection of a Synchronous Condenser with ancillary infrastructure, and associated works including access and landscaping. Refused by the LPA in April 2023. The application was allowed at appeal, decision date 12/02/2024.

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

1.12 H/2021/0311, H/2021/0312 & H/2021/0312 – planning permission was refused for three applications for the erection of a substation and cables to the approved solar farm at Hulam and the refused solar farm at Sheraton (both within the DCC boundary), to the north and north west of the application site on the opposite side of the A179. All three appeals were allowed, decision date 06/12/2023.

Current pending applications (all to the south of the A179 and beyond the highway of Worset Lane to the west of the current application site):

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

1.14 H/2022/0470 - Installation and operation of a Grid Stability Facility consisting of Synchronous Compensators and associated Electrical Infrastructure, underground cabling, access tracks, drainage, temporary construction compounds, ancillary

infrastructure and demolition of existing buildings. The application was 'minded to approve' at the planning committee meeting of 19/05/2024, subject to the completion of a S106 legal agreement.

PROPOSAL

1.15 This application seeks full planning permission for the proposed construction, and operation of a gas powered standby electricity generator, on land to the east of Worset Lane and south of the A179, in Hartlepool. The proposal consists of a number of elements which are set out below. The overall site area measures approximately 0.54ha.

1.16 In detail, the proposed gas powered standby electricity generator would comprise 11no. 4.5MW gas fired electricity generators within an 'engine hall' enclosure measuring approximately 64.52m in length by approximately 19.3m in width, with a pitched roof design with a height of approximately 7.5m dropping to approximately 7m. The proposed engine hall building would feature two grouped sets of exhausts at a height of approximately 10m. The submitted photomontage indicates that the main building and exhausts would be finished in a dark green colour.

1.17 The proposals also include a proposed gas kiosk that would measure approximately 5.75m in length by approximately 2.65m in width, with a flat roof height of approximately 2.975m.

1.18 The scheme also includes a proposed transformer compound that would comprise transformers covering a length of approximately 22.5m and a width of approximately 6.8m. The transformers would have an overall height of approximately 5.5m. The proposed transformer compound would be enclosed by a palisade boundary fence, with an approximate height of 2.4m, which would be finished in a 'matt fern' green colour.

1.19 The proposed 11no. clean / waste oil tanks would comprise buildings topped with radiators, measuring approximately approximately 4.455m in length by approximately 3.74m in width, with an overall height of approximately 2.18m.

1.20 The proposal includes the erection of a welfare building measuring approximately 6.2m in length by approximately 2.6m in width, with a flat roof height design with an approximate height of 2.615m. The proposed welfare building would feature 1no. door and 1no. window in the front (south east facing) elevation.

1.21 The proposal includes the installation of 4no. security columns. These would comprise circular steel columns each measure approximately 6m in height and would feature a light and a directional static CCTV camera.

1.22 The proposals include the construction of an access track which would adjoin the existing access track / service road linking to Worset Lane, and car parking located to the southern section of the application site.

1.23 The proposals include the installation of a section of landscaping to the eastern and southern boundaries.

1.24 The applicant indicates in the submitted Planning Statement that the purpose of the generating station is to provide back-up electricity generating capacity to meet peaks in demand on the National Grid and used in response to calls for extra supply. Consequently, the equipment is not in continuous use and may be called upon for a few minutes at a time, to several hours. It is envisaged that usage would be limited to 2,250 hours per year. The submitted Planning Statement further notes that “this development would contribute to National Grid’s Balancing Services Programme. The Balancing Services Programme aim is to ensure security of electricity supply by providing a system for reliable sources of electrical capacity, which ensure cost effective delivery of energy when needed”.

1.25 The submitted Construction Traffic Management Plan indicates that a temporary construction compound would be created at the northern boundary of the site.

1.26 The submitted Construction Traffic Management Plan indicates that construction is expected to last for approximately 9 months and there would be 5-10 HGV deliveries per day, and up to 25 construction staff on site. The submitted Planning Statement indicates that once operational, the anticipated vehicle movements would be limited to engineer visits periodically.

1.27 The Local Planning Authority has adopted a screening opinion (H/2023/0126, decision date 02/06/2023) that the development is not development requiring an Environmental Impact Assessment, in accordance with the EIA Regulations 2017.

1.28 The application has been referred to the Planning Committee as more than three objections have been received, in line with the Council’s Scheme of Delegation.

SITE CONTEXT

1.29 The application site is an area of agricultural field measuring approximately 0.54 hectares, situated immediately adjacent to the south and south east of the previously approved gas powered electricity generation facilities (approved by virtue of section 73 approvals H/2018/0330 and H/2020/0008) to the south of the A179 trunk road, and to the east of the North Hartmoor National Grid substation. The adjacent land to the east and south benefits from a site for an approved BESS facility (H/2022/0263), and an approved solar farm (H/2020/0175) respectively. The case officer noted during the site visit that construction was underway in respect to the approved solar farm.

1.30 Approximately 750m to the west are a number of buildings and features (including Whelly Hill Farm, Whelly Hill House), and Whelly Hill House Limestone Quarry Local Wildlife Site (LWS). Hart Moor House is approximately 1.2km to the north west (beyond the A179 trunk road), Tilery Farm is sited approximately 560m to the south. The village of Hart is situated approximately 980m to the north east, with Nine Acres approximately 600m to the north east. The village of Elwick is located

approximately 1.7km to the south west. The topography of the application site is such that it is gently undulating, sloping from south to north and from west to east.

PUBLICITY

1.31 The application was advertised by way of notification letters to 35 individual neighbouring properties and local ward councillors, site notice and press advert. To date, 9 objections have been received. The concerns and objections raised can be summarised as follows:

- No local pre-planning consultation;
- Industrial character of the proposal not suitable within a village or rural area
- Pollution
- Property devaluation
- Destroying the habitat of local wildlife
- Application falls outside development limits
- Emissions report states emissions will be outside Nine Acres but changes in wind could see these properties being affected
- No guarantees the plant will only run for 2260 hours per year
- Impacts on residential amenity
- Traffic
- Over developed village

1.32 During the course of consideration of the proposals, the applicant submitted additional site levels details and a photomontage at the request of officers. A re-consultation with neighbours and technical consultees was considered not to be necessary given the nature of the information, and a bespoke re-consultation was undertaken with the Council's Landscape Architect and Arboricultural Officer, Hart Parish Council, and the Rural Plan Working Group. This is reflected in the consultation responses below.

1.33 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=158211>

1.34 The period for publicity has expired.

CONSULTATIONS

1.35 The following consultation replies have been received:

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

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. Deliveries and collections to the site during construction shall be between these hours as well.

Adequate dust suppression shall be available on site during construction.

No open burning at all on site.

Additional comments received 03/07/2024 in respect to the submitted supporting reports/information:

I've no comments to make about the reports submitted and am happy with the information and the various mitigation listed.

HBC Engineering Consultancy: In response to your consultation on the above application we have no objection in principle to proposals in respect of surface water management or contaminated land. Please include our standard unexpected contamination and basic surface water conditions on any permission issued for proposals.

For information in respect of surface water management, I note the applicant's intention to maintain surface water runoff rates at greenfield runoff rate and provide in the region of 500m³ of attenuation and utilise surface water management via infiltration which is satisfactory. However I see that it is proposed that overflow pipework to a highways drain is incorporated in the design to prevent flooding in the event of system surcharge. Please note that an alternative outfall other than to highway drain will be required in the event of surcharge as highway drainage is designed to accommodate flows from the 1 in 5 year rainfall event or less and as such during a surcharge event the highway drainage network will be at / over capacity.

HBC Ecology: The applicant has submitted an Ecological Assessment report (TEP, May 2023) [which is an Ecological Impact Assessment], a Biodiversity Metric 4.0 (TEP, 19/07/2023) and a Biodiversity Net Gain Design Stage Report (TEP, September 2021). The submitted Ecology documents and landscaping plans are satisfactory and I agree with their findings.

The Biodiversity Net Gain for this scheme is calculated as 74.37% for Habitat Units and 0.4 Hedgerow Units. This satisfied 'no net loss' and NPPF biodiversity enhancement requirements.

Section 6.2 of the Biodiversity Net Gain Design Stage Report states that a 30-year Biodiversity Gain Plan is to be prepared. This should be conditioned.

Two species have been scoped in as likely to be impacted by the scheme (brown hare and hedgehog) and I am satisfied that the habitat creation provides adequate mitigation regarding these species.

I have no further requirements.

HBC Arboricultural Officer: The proposed access road to the north of the site will impact a tree belt that runs along the A179 yet no arboricultural information has been provided. The applicant would need to provide the following documentation for the LPA to be able to assess the impact to these trees:

- Tree survey
- Tree retention/removal plan
- Arboricultural impact assessment
- Tree protection plan

Paragraph 82 of the Planning statement states how the existing tree belt will shelter views of the proposal but no information on the impact or protection of these trees means they may not survive any development and therefore would not provide this screening.

Update 15/11/2023 following receipt of updated Arboricultural Impact Assessment:

I am pleased to note that the concerns I initially raised have been effectively addressed in the revised document, now titled "Arboricultural Method Statement & Impacts Assessment" from Apical Arboriculture, dated November 2023.

Regarding ground protection, the measures proposed in the report are deemed satisfactory in mitigating compaction effects on G2 to the north. I recommend that these ground protection measures and other tree protection methods outlined in the Arboricultural Method Statement & Impacts Assessment from Apical Arboriculture, dated November 2023, be incorporated as a pre-commencement condition. It is essential to emphasise that full compliance with the Arboricultural Method Statement & Impacts Assessment from Apical Arboriculture, dated November 2023, throughout the development would be necessary and should also be conditioned.

Update 15/05/2024 following receipt of site levels and visualisations:

No additional comments to make from an arboricultural point of view.

Natural England: The key ecological impact pathway to consider for this development proposal would appear to be potential air quality impacts (aerial emissions from the proposed generators).

Natural England has reviewed the applicant's submitted air quality assessment report and we need some more information to understand the air quality consultant's conclusions. In order to allow us to advise the Council in relation to the air quality theme please can you ask the applicant/their consultant to consider and clarify the following:

1. Which Habitats Sites designations are being referred to at Table 4.2? Please could the consultant label each designated site (SAC, SPA, SSSI) in order to be clear.
2. Which Habitats Site feature has been chosen in relation to the quoted critical levels and loads in Tables 6.5 and 6.6?
3. In respect of the in combination assessment:
 - a. Concentrations (levels) – Table 7.4 does not state a figure for the predicted environmental concentration (PEC) but refers to the PEC being less than 100% (qualifying para below the table). Please can the consultant clarify the background level and/or the PEC figures in question.
 - b. Critical loads (deposition) – Table 7.6 – Similar to above no figures are stated regarding the background loads or the PEC. Please could the consultant clarify the relevant figures.

Update 22/05/2024 following clarification on the Air Quality Assessment:

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

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

HBC Landscape Architect: An LVIA has been provided. A cumulative assessment in relation to other proposed infrastructure developments along the A179 has not been provided. Given the concentration of proposed energy infrastructure on the A179 corridor, this would be informative.

Update 18/12/2023 following internal discussion regarding the proposals and landscape and visual assessment details:

Full photomontage required from VP 1, with any proposed mitigation at year 1, 5 and 15. It would be informative if a montage was provided for the current mitigation plan and then another following any design iterations (increase landscape buffer, combination of dropping levels, mounding and planting so that roof vents don't break the sky line) that are considered to be required.

Just an iterative approach to single VP which I don't think is too onerous.

Update 10/05/2024 following site levels and photomontages provided:

Photomontages have been provided which are informative with regard to visual impacts at key receptors.

Update 25/06/2024 following discussions with case officer:

Any residual impacts (as demonstrated on the photomontages provided) would be local, reduce over time (year 1-15) and be considered acceptable given the site context.

HBC Traffic and Transport: There are no Highway or Traffic objections to this scheme. The impact on the surrounding highway networks is minimal.

During the construction phase of the works there will be a substantial amount of traffic visiting the site. A construction management plan has been provided to mitigate the impact of the construction. As well as the measures indicated in the CMP the following measures should be introduced.

Vehicles should be encouraged not to turn right into Worset Lane, there has been several shunt type accidents at this junction and increasing the volume of traffic

using the junction may exacerbate this problem. Vehicles should U turn at the Hart Roundabout and then access turn left to access Worset Lane.

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

National Highways: National Highways note that as part of construction and operation of a gas powered standby electricity generator that this application has provided information that states that limited traffic will be generated by the facility in operation, but that some traffic will be generated during the construction period. The development is served by access off of Worset Lane which is accessed via the A179 and that traffic accessing the site from the west will travel via the A179 / A19 Sheraton Interchange.

We accept that traffic will be negligible during operation. We also note that the traffic during the construction period though higher will be managed via a Construction Transport Management Plan (CTMP) which sets out a management regime for both construction traffic and the related journey to work traffic during the construction period. This appears acceptable.

Please therefore find attached our formal response of no objection.

Rural Plan Working Group: Another electricity generating gas power station. Is there no end to the number of which applications which piece meal are transforming the rural environment?

The number of applications along the A179 apparently attracted to the long established Hartmoor Substation are a source of extreme concern for the Rural Neighbourhood Plan Group. There seems to be an insatiable demand for these developments that the rural area of Hartlepool is paying a heavy price for. There is a cumulative effect of a staggering 255 hectares of energy and associated infrastructure proposals transforming the rural area between Hart and the A19 into an industrial landscape. The Group are strongly opposed to further developments of this nature and therefore strongly object to this latest application based on the following policies.

POLICY GEN1 – DEVELOPMENT LIMITS

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

It is clear that the presence of the High Volts Substation is acting as a magnet for new electric plant. This development does not accord with site allocations, designations or other development plan policies. The alarming cumulative effect of this proposal with other applications in addition to the existing wind turbine and major High

Volts Sub-station are: -

a Grid Stability Facility, land adj. Hartmoor Substation, Whelley Hill Farm (H/2022/0470)

a Synchronous Condenser, Hart Moor Farm (H/2022/0302)

a Battery Energy Storage, N.E. corner Whelley Hill Farm (H/2022/0459)

a Substation Hart Moor Farm (H/2022/0311)

a Battery Energy Storage System facility (H/2022/0263)

a 63-hectare solar farm (H/2020/0175),

a gas power generation plant (H/2017/0287)

plus additional facilities H/2017/0540, H/2019/0208

Hulam Farm solar farm (just over the boundary in Durham County)

Sheraton Hall solar farm (just over the boundary in Durham County)

Battery Energy Storage, N.E. corner Whelley Hill Farm, Hart H/2022/0459

Solar Forecourt and Solar Farm, Whelley Hill Farm, Hart H/2022/0423

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 location of this proposed development is in open countryside outside development limits. The application is not essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. The application does not support the rural economy, agricultural diversification, rural tourism and leisure developments. The application is therefore considered contrary to policy GEN1 and cannot be supported.

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 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 rural area is being transformed out of all recognition.

Unfortunately planning proposals are all too frequently considered 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.

The potential light pollution is a concern. 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. Efforts to reduce this should be guaranteed as part of a planning conditions.

POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY

The development of the rural economy will be supported through:

1. the retention or expansion of existing agricultural and other businesses;
2. the re-use or replacement of suitable land/buildings for employment generating uses in villages and the countryside;
3. the provision of live-work units and small scale business units within the development limits of the villages;
4. the construction of well-designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
5. appropriate tourism related initiatives;
6. recreation uses appropriate to a countryside location.

The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure. Improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area. All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The application does nothing to contribute to the rural economy or have any immediate benefit for the rural communities. The application is not compliant with policy EC1 and therefore cannot be supported.

POLICY NE1 - NATURAL ENVIRONMENT

2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation.
3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan.
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.

As with other application of this nature in this area only a narrow band of screening is proposed. Given the cumulative impact of all the applications one would expect a more substantial scheme of environmental improvements that would offer some compensation for the transformational nature of the applications. 10m wide is suggested for the urban fringe. All planting to be of native species suitable for the local ecology.

A condition would be expected requiring for the removal of the Solar Farm and associated facilities and the restoration of the site to countryside. These conditions to be enforced in the event the site is inoperative for a period of 6 months or longer, the development to be removed and the site restored within 18 months.

POLICY NE2 - RENEWABLE AND LOW CARBON ENERGY

Renewable and low carbon energy developments assist in meeting the Rural Plan area's commitment to reducing CO2. Any medium/large wind turbine proposals should be directed to High Volts or Red Gap.

1/ The development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure, will be supported and considered in the context of the wider environmental, economic and social benefits arising from the scheme whilst considering any adverse impacts, individually and cumulatively upon:

a/ The surrounding landscape including natural, built, heritage (including archaeological) and cultural assets and townscape; including buildings, features, habitats and species of international, national and local importance;

b/ The flows of groundwater to any water- dependent features within the area, including rivers, ponds, springs and abstraction points.

c/ Residential amenity including visual intrusion, air, dust, noise, odour, shadow flicker, traffic generation, recreation and access;

d/ The operation of air traffic operations, radar and air navigational installations and
e/ Highway safety.

2. Appropriate mitigation measures to address any effects identified and considered will be required prior to any development proceeding.

3. Given the nature of some forms of renewable and low carbon energy schemes and their supporting infrastructure and ancillary buildings, it will be necessary and appropriate in certain instances to secure removal of the scheme and its supporting infrastructure and ancillary buildings and restore the land to an appropriate use once a scheme is ready for decommissioning, through the imposition of planning conditions.

All proposals should accord with all other necessary policies contained within this plan, particularly in relation to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The proposals for this area are considered to create a cumulatively adverse impact so significant as to outweigh the benefit.

Conclusion

The proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan and Policy RUR1 and QP4 of the Hartlepool Local Plan.

Hartlepool Rural Neighbourhood Plan Group strongly oppose this application and recommend Hartlepool Borough Council refuse this application.

Updated comments received 22/05/2024 following details of site levels and photomontages:

Thank you for consulting the Rural Neighbourhood Plan Group. The additional information does not alter our grave concerns regarding this application. There are far too many applications resulting in a complete transformation of the rural environment along the A179 between Hart and the A19. We can only repeat our earlier submission.

The number of applications along the A179 apparently attracted to the long established Hartmoor Substation are a source of extreme concern for the Rural Neighbourhood Plan Group. There seems to be an insatiable demand for these developments that the rural area of Hartlepool is paying a heavy price for. There is a cumulative effect of a staggering 255 hectares of energy and associated infrastructure proposals transforming the rural area between Hart and the A19 into an industrial landscape. The Group are strongly opposed to further developments of this nature and therefore strongly object to this latest application based on the following policies.

POLICY GEN1 – DEVELOPMENT LIMITS

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It is clear that the presence of the High Volts Substation is acting as a magnet for new electric plant. This development does not accord with site allocations, designations or other development plan policies. The alarming cumulative effect of this proposal with other applications in addition to the existing wind turbine and major High Volts Sub-station are: -

- a Grid Stability Facility, land adj. Hartmoor Substation, Whelley Hill Farm (H/2022/0470)
- a Synchronous Condenser, Hart Moor Farm (H/2022/0302)
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 Solar Forecourt and Solar Farm, Whelly Hill Farm, Hart H/2022/0423

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 location of this proposed development is in open countryside outside development limits. The application is not essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. The application does not support the rural economy, agricultural diversification, rural tourism and leisure developments. The application is therefore considered contrary to policy GEN1 and cannot be supported.

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 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 rural area is being transformed out of all recognition.

Unfortunately planning proposals are all too frequently considered 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.

The potential light pollution is a concern. 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. Efforts to reduce this should be guaranteed as part of a planning conditions.

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The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure. Improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area. All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The application does nothing to contribute to the rural economy or have any immediate benefit for the rural communities. The application is not compliant with policy EC1 and therefore cannot be supported.

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2. Enhancement of wildlife corridors, watercourses (including improving water quality) other habitats and potential sites identified by the local biodiversity partnership or similar body must be created in order to develop an integrated network of natural habitats which may include wildlife compensatory habitats and/or wetland creation.

3. Where possible, new development should conserve, create and enhance habitats to meet the objectives of the Tees Valley Biodiversity Action Plan.

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.

As with other application of this nature in this area only a narrow band of screening is proposed. Given the cumulative impact of all the applications one would expect a more substantial scheme of environmental improvements that would offer some compensation for the transformational nature of the applications. 10m wide is suggested for the urban fringe. All planting to be of native species suitable for the local ecology.

A condition would be expected requiring for the removal of the Gas Powered Standby Generator & Associated Infrastructure and the restoration of the site to countryside/agricultural use. These conditions to be enforced in the event the site is inoperative for a period of 6 months or longer, the development to be removed and the site restored within 18 months.

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- 1/ The development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure, will be supported and considered in the context of the wider environmental, economic and social benefits arising from the scheme whilst considering any adverse impacts, individually and cumulatively upon:
 - a/ The surrounding landscape including natural, built, heritage (including archaeological) and cultural assets and townscape; including buildings, features, habitats and species of international, national and local importance;
 - b/ The flows of groundwater to any water- dependent features within the area, including rivers, ponds, springs and abstraction points.
 - c/ Residential amenity including visual intrusion, air, dust, noise, odour, shadow flicker, traffic generation, recreation and access;
 - d/ The operation of air traffic operations, radar and air navigational installations and
 - e/ Highway safety.
2. Appropriate mitigation measures to address any effects identified and considered will be required prior to any development proceeding.
3. Given the nature of some forms of renewable and low carbon energy schemes and their supporting infrastructure and ancillary buildings, it will be necessary and appropriate in certain instances to secure removal of the scheme and its supporting infrastructure and ancillary buildings and restore the land to an appropriate use once a scheme is ready for decommissioning, through the imposition of planning conditions.

All proposals should accord with all other necessary policies contained within this plan, particularly in relation to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The proposals for this area are considered to create a cumulatively adverse impact so significant as to outweigh the benefit.

Conclusion

The proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan and Policy RUR1 and QP4 of the Hartlepool Local Plan.

Hartlepool Rural Neighbourhood Plan Group strongly oppose this application and recommend Hartlepool Borough Council refuse this application.

Hart Parish Council: 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 done ahead of the planning application being submitted. This is in sharp contrast to other proposals from other energy companies who consulted the PC and held public events ahead of submitting a planning application. How does it follow best practice as set out in HBC's statement of Community involvement?

Therefore, the communities' views have been given no consideration in the design of this industrial facility.

The site is adjacent to an existing gas powered facility that was granted against the strong opposition of the community, the Parish council, the policies of the adopted Local Plan and Rural Plan and the recommendations of HBC planning officers. This fact along with the fact that no pre application consultation has been done with the community has really upset the residents of Hart Village.

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 255 ha of energy development in the rural area.

While some of these have already been granted, other are live planning applications and some are at concept/pre planning stage:

a Grid Stability Facility, land adj. Hartmoor Substation, Whelley Hill Farm (H/2022/0470)

a Synchronous Condenser, Hart Moor Farm (H/2022/0302)

a Battery Energy Storage, N.E. corner Whelley Hill Farm (H/2022/0459)

a Substation Hart Moor Farm (H/2022/0311)

a Battery Energy Storage System facility (H/2022/0263)

a 63-hectare solar farm (H/2020/0175),

a gas power generation plant (H/2017/0287)

plus additional facilities H/2017/0540, H/2019/0208

Hulam Farm solar farm (just over the boundary in Durham County)

Sheraton Hall solar farm (just over the boundary in Durham County)

Battery Energy Storage, N.E. corner Whelley Hill Farm, Hart H/2022/0459

Solar Forecourt and Solar Farm, Whelley Hill Farm, Hart H/2022/0423

a Battery energy storage facility (H/2022/0470)

All the above to include associated works including security fencing.

This application will add another 0.54ha of industrial development to the size and scale of an already large and growing industrial complex located in a rural area. The existing road network here is already an accident blackspot and suffers from serious congestion at peak times. This will be a polluting site and not a renewable energy

facility. This is causing genuine stress to the people of Hart Village and the wider rural parish as they feel that no one is listening to our concerns.

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 development would be enclosed within a concrete wall with two grouped sets of exhausts at a height of 10m (from ground level). Fencing would be located around the perimeter and would comprise 2.4m high palisade fence. This application will be particularly visible from the A179. No screening is proposed other than a thin planting strip to the eastern boundary and, unless a substantial belt of tree planting on top of bunding is included on the eastern boundary, it is doubtful screening would be successful.

The applicant has not provided any proposals other than the thin planting strip to mitigate this visual impact and actually quotes in the Design, Materials and Appearance statement “There is little scope for design iteration but wherever possible design has sought to minimise visual impacts through the use of sympathetic colours”.

Unfortunately planning proposals are all too frequently considered 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.

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 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 (local Plan)

IND5 Industrial Areas - Oakesway, Brenda Road East, South Works, Tofts Farm/Hunter House, Brenda Road west and Graythorpe (local Plan)

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. Despite asking these question of HBC and the developers we have never had any response on why the brownfield land that is allocated for development not considered for these industrial developments.

4) Many of the residents of Hart and the Parish Council are concerned with the potential impacts of pollution from this development as if this is permitted there will be two gas power stations in operation so close to the village and particularly Nine Acres which is in close proximity to the proposal.

The environmental assessment concerns us as the landing area for emissions is primarily in the fields to the West of Nine Acres. Variations in wind would lead to those emissions falling directly on Nine Acres.

The site is supposedly only going to be operating for around 94 days, roughly a quarter of a year, per annum. We have seen this is not the case on the previously constructed plant on the adjacent plot. Therefore the application will effect residential areas in terms of pollution and be contrary to policy:

Q6: Technical Matters.

Summary

Overall, the biggest issue for the people of parish of Hart is the 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.

In the case of this proposal there is also serious concerns that another gas power station which is not a renewable energy source and produces pollution is being built so close to residential properties.

This has not been planned for in a strategic way through the Local Plan and Rural Plan both of which are only 5 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 communities own Rural Plan we strongly oppose this application and recommend Hartlepool Borough Council refuse this application.

Environment Agency: Whilst we have no objections to this application, we would like to draw the applicant's attention to the following informative comments:
 Environmental Permit - Advice to Applicant This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2016. Based on the information submitted with the planning application, we have not identified any major permitting concerns. Further guidance can be found at:
<https://www.gov.uk/government/collections/risk-assessments-for-specific-activities-environmental-permits>

The operations of the facility will fall under the regulatory scope of the Environment Agency. It is therefore recommended that the applicant ensures the facility is constructed to comply with the requirements of the Medium Combustion Plant Directive (MCPD) and the Environmental Permitting (England and Wales) (Amendment) Regulations 2018. Receiving pre-application advice will help the Applicant submit a good quality application that can be processed (determined) efficiently and quickly. If the Applicant wishes to request either basic (free), or enhanced (chargeable) pre-application advice, they should complete the pre-application advice form: <https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit>
 Air Quality Modelling - Advice to Applicant The proposed site is near an existing specified generator. The applicant must consider modelling the proposed specified generator operating both on its own and operating concurrently as part of the permit application process.
 Site Design - Advice to Applicant We would encourage a review of the facility with consideration towards the overall pollution prevention systems and storage/containment of liquids including potential fire water/foam. Examples include:

- Materials and chemicals that are likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers
- Secondary containment that is impermeable to all potentially polluting liquids with measures to protect groundwater and any drainage system to surface water and/or local networks
- A minimum volume of secondary containment at least equivalent to the capacity of any tank plus 10% or, if there is more than one tank in the secondary containment, at least equivalent to the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest
- All fill points, vents, gauges, and sight gauge located within the secondary containment
- Associated above ground pipework protected from accidental damage
- Below ground pipework having no mechanical joints, except at inspection hatches and have either leak detection equipment installed or regular leak checks

- Appropriate procedures, training, and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations

It is recommended that the applicant implements the following features within their site design:

- Use of low-carbon concrete to significantly reduce the carbon footprint of your project and use of natural resources
- Solar panels on externals of buildings to off-set energy use on site and reduce the parasitic load of the carbon capture plant
- The use of natural light and LED directional lighting, to reduce energy use
- Low solvent paints to prevent polluting emissions to air
- Ground-source heating to heat/cool buildings and reduce parasitic load on the main plant
- Encourage the use of Electric Vehicles or similar alternatives by employees and contractors during the construction and operational phases of the site, to reduce climate change

Furthermore, it is recommended that the following Climate Mitigation plans are considered for the development:

- Flood risk
- Extreme weather events
- Wind/Storms
- Droughts
- Pandemics

Tees Archaeology: We note the inclusion of a desk-based assessment, which concludes that there is a low potential for heritage assets with archaeological significance to survive within the proposed development site. We agree with this; no further work is necessary.

HBC Head of Service for Heritage and Open Space: The proposal will not impact on any listed or locally listed buildings, nor any conservation areas. No objections.

Northumbrian Water: No comments received.

Durham County Council: In response to H/2023/0181 we have the following comments:

Landscape - The proposal is likely to have some negative landscape and visual impacts, however from within County Durham these effects are unlikely to be significant, however cumulative issues with other consented and proposed energy infrastructure development in the area including sites within Hartlepool, and within Co. Durham should be fully considered.

Highways - Given the distance from roads within the DCC Local Highway Authority area of control, and the proposed end use, it is not considered that this proposal would have a material impact on DCC roads. Therefore, I would offer up no objections to the proposal.

No other issues have been raised.

HBC Estates: No comments received.

Northern Gas Networks: we object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out. There are specific building proximity distances for individual pipelines, which are dependent on pre-defined risk levels and the type of development. If your proposal includes the construction of buildings, it is essential you contact [Northern Gas Networks].

Update 30/08/2023 following receipt discussion with applicant:

Following our objection on to the proposed planning application in the area of Worset Lane, Hartlepool, N/A. we are now willing to rely on our statutory powers and so withdraw our objection.

Should the authority be minded to approve the proposed development scheme to which this formal response relates, the company respectfully requests the complete text, as set out below, be added to the planning decision notice as an 'Informative Note'. This demonstrates due diligence on part of the both the authority and company in safeguarding both the land user and wider public from the implications of damage to gas pipelines resulting from the decision to approve the development by the authority. "The high pressure gas pipeline(s) in the vicinity of the proposed development is / are registered as a "Major Accident Hazard Pipeline (s)" and as such are subject to the HSE's Land Use Planning advice methodology, along with the Pipelines Safety Regulations 1996.

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

HBC Economic Development: No objections from Economic Growth

Health and Safety Executive: Your development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

HBC Building Control: No comments received.

Rambles Association: No comments received.

CPRE: No comments received.

RSPB: No comments received.

Tees Valley Wildlife Trust: No comments received.

DEFRA: No comments received.

Teesmouth Bird Club: No comments received.

Northern Power Grid: Plan provided, no objections raised.

HBC Emergency Planning Officer: No comments received.

PLANNING POLICY

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

Local Policy

1.37 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
LS1: Locational Strategy
NE1: Natural Environment
NE2: Green Infrastructure
NE4: Ecological Networks
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
QP7: Energy Efficiency
RUR1: Development in the Rural Area
SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (2018)

1.38 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

1.39 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)

1.40 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 081: Building a strong, competitive economy

PARA 083: Building a strong, competitive economy

PARA 084: Supporting a prosperous rural economy

PARA 110: Considering development proposals

PARA 111: Considering development proposals

PARA 126: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 152: Meeting the challenge of climate change, flooding and coastal change

PARA 155: Meeting the challenge of climate change, flooding and coastal change

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

PARA 174: Conserving and enhancing the natural environment
PARA 179: Habitats and biodiversity
PARA 183: Habitats and biodiversity
PARA 185: Habitats and biodiversity
PARA 189: Conserving and enhancing the historic environment
PARA 194: Conserving and enhancing the historic environment
PARA 195: Conserving and enhancing the historic environment
PARA 197: Conserving and enhancing the historic environment
PARA 199: Considering potential impacts
PARA 200: Considering potential impacts

National Policy Statements for Energy

1.41 The NPPF (2023) notes that National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications. In respect to the current application, the following NPS are relevant to this application;

EN-1: Overarching National Policy Statement for Energy (last updated January 2024)

EN-2: National Policy Statement for Natural Gas Electricity Generating Infrastructure (last Updated November 2023)

EN-3: National Policy Statement for Renewable Energy Infrastructure (last updated January 2024)

1.42 **HBC Planning Policy comments:** It is noted that this proposal adjoins an existing gas powered electricity generator and transformer facility to the north and northwest, permitted through application references H/2017/0287, H/2018/0330, H/2020/0008 and H/2019/0208. In addition, adjoining the west is an existing substation compound, whilst adjoining the south and east is a permitted battery energy storage system facility (H/2022/0263) as associated with a permitted solar farm to its east (H/2020/0175). As such, this site is in effect surrounded by existing or permitted energy development (together with its associated landscaping requirements).

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

1.44 The site is located within the Borough's rural area, as defined by the HLP and Hartlepool Rural Neighbourhood Plan (HRNP). HLP Policy RUR1 seeks to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. Accordingly, development outside the development limits (i.e. within the rural area) will be strictly controlled. Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a

scale and nature that is suitable to a rural location. RUR1 also notes in the pre-ambles that other appropriate uses include those relating to public infrastructure or to meet the social needs of the local community. The policy sets a number of criteria that any development should meet, where relevant:

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

1.45 Similarly, HRNP Policy GEN1 provides that in the countryside outside the Development Limits and outside the Green Gaps (as is the case with the application site), development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network. This policy, as well as a number of other policies within the HRNP, namely GEN2, NE1 and NE2 require careful consideration be given to a number of other material planning considerations (similar to the above Local Plan requirements).

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

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

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

1.48 The site is classified as Grade 3 (good to moderate) on Natural England's Agricultural Land Classification Map – North East Region 1: 250 000. On the basis that the site is not identifiable as best and most versatile agricultural land (Grades 1-3a), its development would not conflict with HLP Policy NE1(9), which seeks to preserve this resource.

1.49 It is understood that the purpose of the proposal would be to provide standby generation for National Grid in times of high electricity demand or when renewable energy infrastructure is unable to fulfil demand. Its role is therefore to facilitate the transition to net zero carbon as associated with the move away from centralised large fossil fuel powered power stations, by addressing the intermittency associated with renewable/low carbon local generation.

1.50 Given therefore the nature of the proposed development as supporting land-based energy (public) infrastructure and its benefits as detailed in the supporting documentation in relation to continuing to ensure a secure and reliable supply of electricity as the UK transitions to a net zero carbon economy, Planning Policy do not object to the application in principle. Planning Policy note that this site is surrounded by existing or permitted energy infrastructure development (and its associated landscape planting), and so the visual and landscape impact of the proposal is to be considered within this context. HBC Landscape Architect's view on the proposal will be of particular importance when assessing and balancing the degree of visual and landscape impact in this area of development restraint against the scheme's benefits.

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

Update 13/10/2023 following clarification from applicant:

1.52 The NPPF definition of Renewable and low carbon energy is as follows: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

1.53 Natural gas is a fossil fuel, therefore it is not a renewable or low carbon energy source. I also do not see how this proposal could be fairly described as a 'low carbon technology'.

1.54 Nevertheless, I accept the argument that the proposal can be regarded as supporting infrastructure for the UK's essential transition towards renewable/low carbon energy generation (whilst at the same time ensuring stable and sufficient supply of electricity) and therefore the UK's wider commitment to net zero by 2050 (see my previous comments). This argument and the rationale behind the proposal is set out at length in the supporting Planning Statement sections 5.1 and 5.2, and I have no reason to dispute this. I also note this was accepted a Planning Inspector in the referenced appeal.

PLANNING CONSIDERATIONS

1.55 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) and Hartlepool Rural Neighbourhood Plan (2018) (HRNP), the NPPF (2023) and National Policy Statements, and in particular the principle of development, the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, highway and pedestrian safety and public rights of way (PRoW), ecology and nature conservation, flood risk and drainage and archaeology. These and any other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

1.56 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).

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

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

1.59 Policy RUR1 lists a number of criteria which development should comply with, namely to:

- Be in accordance with the Hartlepool Rural Neighbourhood Plan and any other neighbourhood plan;
- Where possible be located in or near to the villages;
- Where possible re-use existing buildings and/or materials;
- Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion;
- Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes, taking into account relevant design guides and statements;

- Be in keeping with other buildings in terms of siting, size, materials and colour;
- Ensure access is appropriate and there is not a detrimental impact on the highway safety;
- Where possible create and improve sustainable connectivity;
- Not have a detrimental impact on the landscape character or heritage assets; and
- Avoid areas of best and most versatile agricultural land, those areas classed as grades 1, 2 and 3a in the Agricultural Land Classification.

1.60 When considering the criteria of HLP Policy RUR1, it is acknowledged that the proposal would be in general conformity with the requirements of the HRNP (2018) (subject to the consideration in terms of visual amenity); it is not possible to be located within or nearer to a village; it is not possible to re-use existing buildings or materials; impacts on neighbour amenity are mitigated as detailed in the section below; it is acknowledged as detailed in the section below that the design of the scheme is such that it would limit any 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 is not identifiable as ‘best and most versatile’ agricultural land (Grades 1-3a).

1.61 In terms of whether the proposal constitutes ‘public infrastructure’ (referenced in the preamble to HLP Policy RUR1, as noted above) as well within the policy wording of HRNP Policy GEN1 (discussed below), Planning Inspectors have taken a view on ‘supporting’ infrastructure proposals for synchronous condensers (recent allowed appeal decisions relating to permissions H/2021/0311 and H/2022/0302, cited in the Background section of this report) that such development would not constitute ‘public infrastructure’. In this context, it is not clear if the current proposal would constitute ‘public infrastructure’ but it is accepted by officers that it would perform a function that would support the existing electricity network (feeding into the National Grid) and could be seen as a form of associated infrastructure to support the increased use of renewable and low carbon energy (this is discussed in further detail below).

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

1.63 Given that the proposed development for a gas powered standby electricity generator, it is considered to fall within “other development” for the purposes of this policy, and therefore the scheme will only be considered acceptable if “it respects the character of the local countryside and does not have a significant impact on visual

amenity”. The visual impacts of the proposed gas powered standby electricity generator will be considered in greater detail in the sections of this report below.

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

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

1.66 Local and national planning policy give significant support to the development of renewable and low carbon energy infrastructure. Policy CC1 of the HLP (2018) seeks to minimise, mitigate and adapt to climate change. 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.

1.67 At a national level, Paragraph 152 of the NPPF (2023) states that the planning system “should support the transition to a low carbon future”, offering general support to renewable and low carbon energy and associated infrastructure. Paragraphs 155 and 158 of the NPPF (2023) recognise that the planning system should support the transition to a low carbon economy and, in particular, support renewable and low carbon energy infrastructure.

1.68 The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The target for carbon emissions was initially set at 80% of the 1990 baseline figure by 2050. This was amended to 100% ‘net zero’ by section 2 of the Climate Change Act 2008 (2050 Target Amendment) Order SI 1056 in July 2019. This constitutes a legally binding commitment to end the UK’s contribution to climate change. In March 2023, the government published its policy paper ‘Powering Up Britain’, which sets out how the government will enhance the country’s energy security, seize the economic opportunities of the transition, and deliver on the net zero commitments.

1.69 The purpose of the current proposal would be to provide standby generation for National Grid in times of high electricity demand or when renewable energy infrastructure is unable to fulfil demand. Consequently, the equipment would not be in continuous use and may be called upon for a few minutes at a time, to several hours. The submitted supporting information indicates that it is envisaged that usage would be limited to 2,250 hours per year.

1.70 It is considered that whilst the proposed development, when viewed in isolation, would not in itself constitute a proposal for the generation of energy from renewable and low carbon sources, its role is understood to facilitate the transition to net zero carbon as associated with the move away from centralised large fossil fuel

powered power stations, by addressing the intermittency associated with renewable/low carbon local generation.

1.71 Consideration is given to the wider context of the mitigating and adapting to climate change (Policy CC1 of the HLP), and in the context of the National Policy Statements for Energy (EN-1 and EN-2), which indicate that an increased reliance on renewables will result in a need for more total electricity capacity, with a larger proportion being built to perform back-up functions. It is therefore acknowledged by officers that the proposed gas generator would support the development of renewable energy infrastructure by providing standby generation for National Grid in times of high electricity demand or when renewable energy projects are unable to fulfil demand.

1.72 This view is supported by recent allowed planning appeals (nationally) for similar proposals. In a planning appeal in Gloucestershire (appeal ref APP/P0119/W/20/3261646, decision date 25/03/2021), as referred to in the applicant's supporting Planning Statement, the Inspector concluded "the appellant explains that the system flexibility will allow more reliance on intermittent low carbon renewable generation sources. As such, I would regard the proposed development as being a form of associated infrastructure to support the increased use of renewable and low carbon energy. The proposed development could be considered as development required for the exploitation of renewable energy, even though it would itself use natural gas".

1.73 Similarly in another allowed planning appeal in Somerset (appeal ref APP/V3310/W/20/3263845, decision date 18/06/2021) the Inspector states "the development would, therefore, contribute to the reliability of the electricity supply at times of peak demand, thus supporting a national move away from fossil fuel generation to a supply based increasingly on renewable energy. So, although it would itself use natural gas, it would constitute associated infrastructure that would support a nationwide shift towards renewable and low carbon energy. Consequently, the proposal would accord with the Framework's aims of supporting the transition to a low carbon future in a changing climate."

1.74 In view of the above consideration, including the National Policy Statements and the government's strategy for Net Zero, and the appeal decisions detailed above, it is acknowledged that the proposed gas powered standby electricity generator would contribute to the supporting infrastructure for the UK's essential transition towards renewable/low carbon energy generation (whilst at the same time ensuring stable and sufficient supply of electricity). It is accepted by officers that its role would therefore be to facilitate the transition to net zero carbon, by addressing the intermittency associated with renewable/low carbon local generation.

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

1.76 The NPPF (2023) as a whole also seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable. Any identified visual impacts of the scheme are considered further below.

1.77 In view of the above, the proposal is considered to broadly comply with the provisions of the relevant policies of the HLP (RUR1) and HRNP (GEN1 and NE2) where any impacts arising from the proposal are considered to be acceptable as set out in detail in the sections below.

1.78 In weighing up the significant weight of the policies (both locally and nationally) in favour of low carbon and renewable energy (including supporting infrastructure) against the main policies of restraint (RUR1 of the HLP and GEN1 of the HRNP), it is considered that the benefits (of ensuring stable and sufficient supply of electricity) would significantly and demonstrably outweigh any identifiable harm to the visual amenity of area (which is discussed in further detail below and to which the proposal is, on balance, considered to be acceptable in such respects), and therefore the principle of development would be acceptable in this instance.

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

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

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

1.81 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 gas generator facilities but does support the achievement of wider environmental and economic benefits from low carbon energy infrastructure). Policy NE2 of the HRNP (2018) recognises the benefits of renewable and low carbon energy schemes (including ancillary buildings

and infrastructure), and lends support to such schemes provided that any impacts on the surrounding landscape, built, heritage and cultural assets and townscapes, be considered.

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

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

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

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

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

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

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

1.85 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 Hart.

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

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

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

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

1.90 The applicant's submitted Landscape and Visual Appraisal concludes that the proposed development would result in 'some localised moderate adverse effects' and 'localised moderate adverse visual effects' which would reduce as mature planting establishes, however that such impacts would reduce very quickly with distance from the site. The proposals are not therefore considered to have significant, wide ranging impacts on the locality more broadly.

1.91 The Council's Landscape Architect has been consulted on the application and has noted the conclusions from the submitted Landscape and Visual Appraisal, advising that that any residual impacts (as demonstrated on the submitted photomontages) would be local, reduce over time (year 1-15) and be considered acceptable given the site context.

1.92 Landscaping mitigation in the form of the eastern landscape buffer to the site (with hedge planting proposed along the southern boundary) has been proposed to address some of these impacts and the residual visual impacts are considered to be limited to the immediate surrounding area. A planning condition is necessary to secure the implementation of this soft landscaping mitigation.

1.93 It is acknowledged that the submitted Landscape and Visual Assessment indicates that the compound would be enclosed within a concrete wall and boundary fencing would be finished in matt fern green. The submitted photomontage indicates that the main building (engine hall) and exhausts would be finished in a dark green colour. It is anticipated that the proposed development including the engine hall, ancillary buildings and fencing, would be finished in a dark green colour which would match similar structures approved by virtue of H/2020/0008, and a planning condition can secure final finishing details of the structures, and is considered necessary accordingly.

1.94 It is acknowledged that owing to the topography of the land, the site is slightly higher than the A179 trunk road to the north. The case officer requested a plan detailing existing and proposed site levels, which was duly submitted by the applicant. The submitted plan demonstrates that the proposed development would be relatively level with limited changes to the existing ground levels. Whilst this is considered acceptable in principle, final details of the proposed site levels can be secured by planning condition, which is recommended accordingly.

1.95 Concerns have been raised in respect of the cumulative impact of existing, approved and current applications within the jurisdictions of both Hartlepool Borough Council and Durham County Council. These concerns are fully acknowledged by officers. Nonetheless and in this instance, it is considered that the current application would, in effect, read as an extension to the adjacent previous permissions and it is noted that the proposed development would be relatively contained to an area of land off Worset Lane and within close proximity to the adjacent developments. Consideration is also given to the proposed partial screening to the eastern and southern boundaries which would further serve to delineate and define the site boundaries.

1.96 Overall, it is considered that the proposed development, in combination with other existing energy/utility related development in the vicinity (particularly on the south side of the A179), would both in isolation and cumulatively have a limited adverse impact on the visual amenity of the area, the character of the open countryside and the approach into and out of Hartlepool. It is also considered that the proposed development would be read in the overall context (and in part, backdrop) of the above mentioned existing adjacent developments which would further assist in reducing any unacceptable visual impacts.

1.97 The Hartlepool Rural Neighbourhood Plan Group have raised concerns in respect to the installation of any lighting would add to light pollution in the 'darker' area between the lights of the A19 and the urban area of Hartlepool. The application has confirmed in the submitted Planning Statement that permanent external lighting is required to facilitate the proposals. In response, no objections or requirements have been received from the HBC Landscape Architect or HBC Public Protection. The final details of the lighting can be controlled by a planning condition, which is recommended accordingly.

1.98 In conclusion, whilst it is acknowledged that there would be partial views to the proposed development from surrounding vantage points, it is considered that the design of the proposals together with the landscaping mitigation proposed, would both in isolation and when taken cumulatively be such that there would not be an unacceptable adverse visual impact on the character and appearance of the open countryside and surrounding area as to warrant a reason to refuse the application in this instance.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.99 The application site is to the south of the A179 trunk road and east of Worset Lane. As such, there are limited sensitive neighbouring land users, such as residential properties, around the vicinity of the application site. A separation

distance of approximately 750m would remain to Whelly Hill Farm to the west. Hart Moor House is approximately 1.2km to the north west (beyond the A179 trunk road), and Tilery Farm is sited approximately 560m to the south.

1.100 The village of Hart is situated approximately 980m to the north east, with Nine Acres (the nearest residential properties) located approximately 600m to the north east. The village of Elwick is located approximately 1.7km to the south west.

1.101 It is considered that the substantial separation distances outlined above, in combination with the existing tree belt to the north of the site (adjacent to the A179) are such that the proposal would not result in any impacts on the amenity of any neighbouring land user in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

1.102 In terms of noise, dust and odour, an Environmental Noise Assessment and an Air Quality Assessment have been submitted in support of the planning application.

1.103 The Council's Public Protection section has been consulted and has raised no objections or requirements to the submission (including the supporting documents) subject to planning conditions controlling hours of construction and dust suppression facilities. These can be secured by appropriate planning conditions. Matters of open burning, as requested by HBC Public Protection, can be controlled through separate environmental legislation and this can be relayed to the applicant via an informative.

1.104 It is understood that the operations of the facility will fall under the regulatory scope of the Environment Agency. The Environment Agency have advised that a permitting regime, which includes air quality requirements, will ensure the facility is constructed to comply with the requirements of the Medium Combustion Plant Directive (MCPD) and the Environmental Permitting (England and Wales) (Amendment) Regulations 2018.

1.105 In view of this and given the significant separation distances to neighbouring properties, and in the context of the existing, proposed and approved infrastructure in this location, it is considered that the proposal would not result in any undue noise, odour, light pollution or other disturbance to neighbouring land users. In the event such issues were to arise, this would fall within the statutory remit of the Environment Agency permitting and any environment legislation available to the Council's Public Protection team.

1.106 Overall and on balance, it is considered that the proposal would not have a significant detrimental impact on the living or working conditions, amenity or privacy of neighbouring land users and the application is therefore considered to be acceptable in this respect.

HIGHWAY & PEDESTRIAN SAFETY & PUBLIC RIGHTS OF WAY

1.107 The application has been supported by a Construction Traffic Management Plan (CTMP). The Council's Highways, Traffic & Transport section and National Highways have been consulted on the application and have confirmed that they have

no objections to the application. HBC Traffic and Transport have advised that in addition to the measures indicated in the submitted CTMP, vehicles should be encouraged not to turn right into Worset Lane from the A179, but instead should continue to the roundabout to make a U-turn to enable access to Worset Lane to be taken from the left from the A179. Overall, it is acknowledged by both technical consultees that limited traffic will be generated by the facility in operation, but that some traffic will be generated during the construction period.

1.108 A planning condition securing that construction is undertaken in line with an updated version of the submitted CTMP is recommended accordingly. This will need to capture the above referenced requirements of HBC Traffic and Transport and including dust protection measures as detailed in the comments from the Council's Public Protection team.

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

1.110 Subject to the identified planning condition (CTMP), the proposal is considered to be acceptable in respect to highway and pedestrian safety matters.

ECOLOGY & NATURE CONSERVATION

Biodiversity Net Gain

1.111 The NPPF (2023) requires development to provide net gains for biodiversity. In particular, paragraph 180 (d) states that planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Net gain should be appropriate to the scale of the development and should be conditioned.

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

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

1.113 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) as a minimum, it has to achieve a requirement for 'no net loss'.

1.114 The Council's Ecologist has had regard to the supporting Ecological Impact Assessment, Biodiversity Net Gain Design Stage Report and 'Biodiversity Metric 4.0' and has confirmed that the intended increase of 74.37% for the habitat units on site

(which is made up of 1.04 Habitat Units and 0.40 Hedgerow Units of habitat retention, creation and enhancement) is acceptable.

1.115 In order to secure the BNG, 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, managed and monitoring for a minimum period of 30 years. All proposed management requirements will need to be detailed and presented in the Biodiversity Net Gain Plan. A planning condition is necessary in this respect. Subject to this, the proposal is considered to be acceptable in terms of biodiversity net gain.

Ecological Enhancement

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

1.117 Policy NE1 of the Hartlepool Local Plan (2018) requires that the natural environment be protected, managed and enhanced, whilst Policy NE4 states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough. Paragraph 186 of the NPPF (2023) requires that planning permission be refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated or compensated for, whilst development on land near a SSSI should only be permitted where the benefits outweigh its likely impact.

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

1.119 The application includes a supporting Landscape Visual Appraisal and a supporting Landscape Mitigation Plan, which indicates the planting of native tree and shrub planting to the eastern boundary, hedge planting along the southern boundary to the application site and areas of wildflower seeding to provide some grassland habitat within the site. The submitted Ecological Assessment indicates that the landscaping mitigation scheme as proposed would “provide a resource for birds and small mammals, including as cover for brown hare, as well as foraging opportunities for bats”.

1.120 The Council’s Ecologist has confirmed this is acceptable from an ecological perspective. The Council’s Arboricultural Officer and Landscape Architect have also confirmed that these details are acceptable. It is considered prudent that a planning condition can secure the planting and the application is considered to be acceptable in this respect, subject to this requisite planning condition.

Ecological Mitigation

1.121 The submitted Ecological Impact Assessment in support of the proposals concludes that pre-construction survey work and mitigation is required, in the form of

a walkover of the site to determine if badger setts have established, and a precautionary works method statement (PWMS) being implemented and adhered to minimise the risks to brown hare and hedgehog. These can be secured by way of a planning condition securing a Construction Ecological Management Plan (CEMP). No objections have been received from the Council's Ecologist in this respect who accepts the survey findings.

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

1.123 Natural England has been consulted on the application and although initially sought clarification on the submitted Air Quality Assessment, following discussions with the applicant, have confirmed no objections to the proposed development. It is considered that the proposal would not result in significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Ecology Conclusion

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

FLOOD RISK & DRAINAGE

1.125 The application site is designated by the Environment Agency's Flood Map for Planning as being in Flood Zone 1 at low risk of flooding. Notwithstanding this, a Drainage Strategy has been submitted in respect of the proposed development.

1.126 The Council's Engineering Consultancy has been consulted on the application and has had regard to the submitted Drainage Strategy and has confirmed no objections in respect of surface water management subject to the inclusion of the Council's 'basic' surface water planning condition to ensure that a satisfactory scheme for surface water management is produced and agreed with the LPA. The Council's Engineering Consultancy have provided further advice in respect to the applicant fully exploring a number of drainage matters including means of infiltration as part of the anticipated detailed design. Ultimately, HBC Engineering Consultancy is satisfied that a scheme can come forward subject to the final details being agreed by way of a pre-commencement planning condition and his advice has been relayed to the applicant for further consideration (which is also secured as an informative). Subject to this, the proposal is considered to be acceptable in this respect.

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

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

ARCHAEOLOGY & OTHER HERITAGE ASSETS

1.129 Policy HE2 'Archaeology' of the HLP requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology has considered the proposals including the submitted Historic Environment Desk-Based Assessment which shows that there is a low potential for archaeological remains within the application site. As such Tees Archaeology have confirmed no objections to the proposal and no further requirements, and the proposal is considered to be acceptable in this respect.

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

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

OTHER PLANNING MATTERS

Fire Safety

1.132 Cleveland Fire Brigade have been consulted by the LPA on the proposals (from the outset of the original consultation) and have provided standard comments in respect of the proposed development which can be relayed back to the applicant by way of an informative.

Agricultural Land Classification

1.133 The site is classified as predominantly 3 (good to moderate) on Natural England's Agricultural Land Classification Map – North East Region 1: 250 000. The Council's Planning Policy section have confirmed that the land is not identifiable as best and most versatile agricultural land (Grades 1-3a), it is considered that its development would not conflict with Policy NE1 (criterion 9) of the Hartlepool Local Plan (2018) or provisions of the NPPF (2023), which seeks to preserve this resource.

1.134 The Rural Plan Working Plan Group have requested a condition securing the decommissioning and restoration of the site when the development is no longer required. A suitable planning condition (as is standard on such proposals) is recommended to secure the removal of the development and the suitable restoration of the site when no longer operational.

Contaminated land

1.135 The Council's Engineering Consultancy has confirmed no objections in respect of contaminated land, subject to a planning condition in respect to unexpected contamination. A planning condition is duly recommended in this respect, and the application is considered to be acceptable in this respect.

Deed of Variation

1.136 As noted in the Background section to the report, the approved gas-powered electricity generator development (approval H/2017/0287, and subsequent s73 approval H/2020/0008) to the north west of the current application site was subject to a s106 legal agreement (and associated Deed of Variation) to secure a landscape buffer between the site and existing tree buffer along the A179.

1.137 The current proposal would take access from Worset Lane, via an extension to the access road that runs through this existing site (H/2020/0008) to connect into the current application site. Whilst it is understood that this would not affect the landscape buffer (secured by the legal agreement), it would as a consequence, result in a change to the previously agreed layout that was secured through the Deed of Variation to the s106 for H/2020/0008. A further Deed of Variation to the s106 legal agreement (associated with H/2017/0287 & H/2020/0008) is therefore required. The applicant has been made aware of this and has agreed to complete a Deed of Variation. This is reflected in the officer Recommendation below.

Other Matters

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

1.139 The Environment Agency has not provided any objections in respect of this application, however they have provided advice in respect the requirements of the Medium Combustion Plant Directive (MCPD) and Environmental Permitting Regulations 2018, which can be relayed to the applicant via an informative.

1.140 The Health and Safety Executive has been consulted via its web advice app in the usual way, the advice received is that the site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore they do not need to be consulted further.

RESIDUAL MATTERS

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

1.142 The Council's Estates team have been consulted on the application and no comments or objections have been received.

1.143 Property devaluation is not a material planning consideration.

CONCLUSION

1.144 In conclusion and for the reasons set out in the report, it is considered, on balance, that the proposal is acceptable in principle when assessed against the requirements of Policy RUR1 of the Hartlepool Local Plan (2018), Policies GEN1 and NE2 of the Hartlepool Rural Neighbourhood Plan (2018) and the relevant paragraphs

of the NPPF (2023). It is acknowledged that there would be a visual impact, however this is considered to be localised and is considered to be acceptable in the context of the adjacent development and proposed mitigation. Officers therefore recommend that the application be recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.145 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.146 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.

1.147 There are no Section 17 implications.

REASON FOR DECISION

1.148 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 Deed of Variation to the previous Deed of Variation to the section 106 legal agreement (associated with permissions H/2017/0287 & H/2020/0008) to secure an updated layout plan to reflect the current application layout and access, 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. FE/017/517 (Site Location Plan, at a scale of 1:5000),
Dwg. No. FE/017/518 (Site Layout),
Dwg. No. FE/017/518 (Site Elevations),
Dwg. No. FE/017/520a (Engine Hall Elevations),
Dwg. No. FE/017/520d (Elevations Welfare Building),
Dwg. No. FE/017/520f (Elevations Security Column),
Dwg. No. FE/017/520g (Elevations Palisade Fence),
Dwg. No. D9825.001 (Landscape Mitigation Plan) received by the Local Planning Authority on 24th May 2023;

Dwg. No. FE/017/520b (Elevations – Transformer Compound),
Dwg. No. Dwg. No. FE/017/520c (Elevations – Gas Kiosk) received by the Local Planning Authority on 16th June 2023; and

Dwg. No. AA TPP 02 (Tree Protection Plan) received by the Local Planning Authority on 13th November 2023;

For the avoidance of doubt.

3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping, 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. D9825.001 (Landscape Mitigation Plan, received by the Local Planning Authority on 24th May 2023) and shall ensure that the proposed hedge planting along the southern boundary is positioned in front/south of the proposed fencing. 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. 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 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.
5. Notwithstanding the submitted information, the development hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.

6. 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).
7. 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 Biodiversity Net Gain Design Stage Report prepared by TEP – Warrington, document reference 9825.004, dated September 2022, received by the Local Planning Authority on 19th July 2023). The scheme shall provide a minimum of 1.04 Habitat Units and 0.40 Hedgerow Units of habitat retention, creation and enhancement (as detailed in '5.0 BNG Metric' section of 'Biodiversity Net Gain Design Stage Report', received by the Local Planning Authority on 19/07/2023 or as otherwise updated and agreed as part of the scheme) and include for 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 19/07/2023).
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 paragraphs 8, 180 and 186 of the NPPF (2023) and Policy NE1 of the Hartlepool Local Plan (2018).
8. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CTMP shall include:
 - a) the routing of all HGVs movements associated with the construction phase;
 - b) parking for use during construction;
 - c) Details of measures to prevent mud from vehicles leaving the site including on site wheel-washing facilities;

- d) Measures to control the emission of dust and dirt during construction, demolition/remediation and offsite dust/odour monitoring;
- e) Details of any site construction office, compound, and ancillary facility buildings; and
- f) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number.

Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CTMP during the construction phase of the development hereby approved. In the interests of the amenities of the area and highway safety.

9. 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 shown on Dwg. No. AA TPP 02 (Tree Protection Plan, received by the Local Planning Authority on 13th November 2023, and as identified in the 'Arboricultural Method Statement & Impacts Assessment' by Apical Arbiculture, dated November 2023, received by the Local Planning Authority on 13th November 2023) 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.
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 5.0 (Recommendations), of the Ecological Assessment by TEP - Gateshead, document reference 9825.003 dated May 2023 and received by the Local Planning Authority on 24th May 2023. 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,
 - A Precautionary Works Method Statement (PWMS) shall be implemented and adhered to during the works to minimise risks to brown hare or hedgehog,

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. 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 the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 189 of the National Planning Policy Framework.
12. 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.
13. Notwithstanding the submitted details and prior to the installation of any boundary fences, details (including finishing colours) and final positioning of such enclosures (with the requirement for any southern boundary fence to be set behind the proposed hedge/planting as required by condition 3) 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.
14. Prior to the installation of any fixed or permanent external lighting to serve the development hereby approved, full details and specification of the method of

fixed or external lighting, including siting, angle of alignment, shrouding, light colour, control mechanism, 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.

15. Prior to above ground construction of the development hereby approved, final details of the external materials (and finishing colours) to the 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. The main building 'engine hall' (and associated exhausts) and where appropriate other ancillary buildings and structures hereby approved shall be finished in a dark green colour to match that of the adjacent site (as approved under permission H/2020/0008) unless an alternative similar colour is otherwise agreed in writing with the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the approved scheme shall be implemented and retained in accordance with the agreed details. In the interests of visual amenity and to ensure a satisfactory form of development.
16. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 8.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
17. When the land ceases to be used as a gas powered electricity generator or, at the end of the period of 20 years from the date of grid connection (such date to have been given to the Local Planning Authority in writing within one month of grid connection), whichever shall first occur, the use hereby permitted shall cease and all materials, equipment, buildings, fencing, hardstanding and structures erected, laid or brought onto the land in connection with the use shall be removed and the land restored, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Such details shall include the time table for decommissioning and restoration. In order to protect the visual amenity and character of the surrounding countryside.
18. The export capacity of the development shall not exceed 49.9MW (AC). To appropriately control the development.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=158211>

1.150 Copies of the applications are available on-line:

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

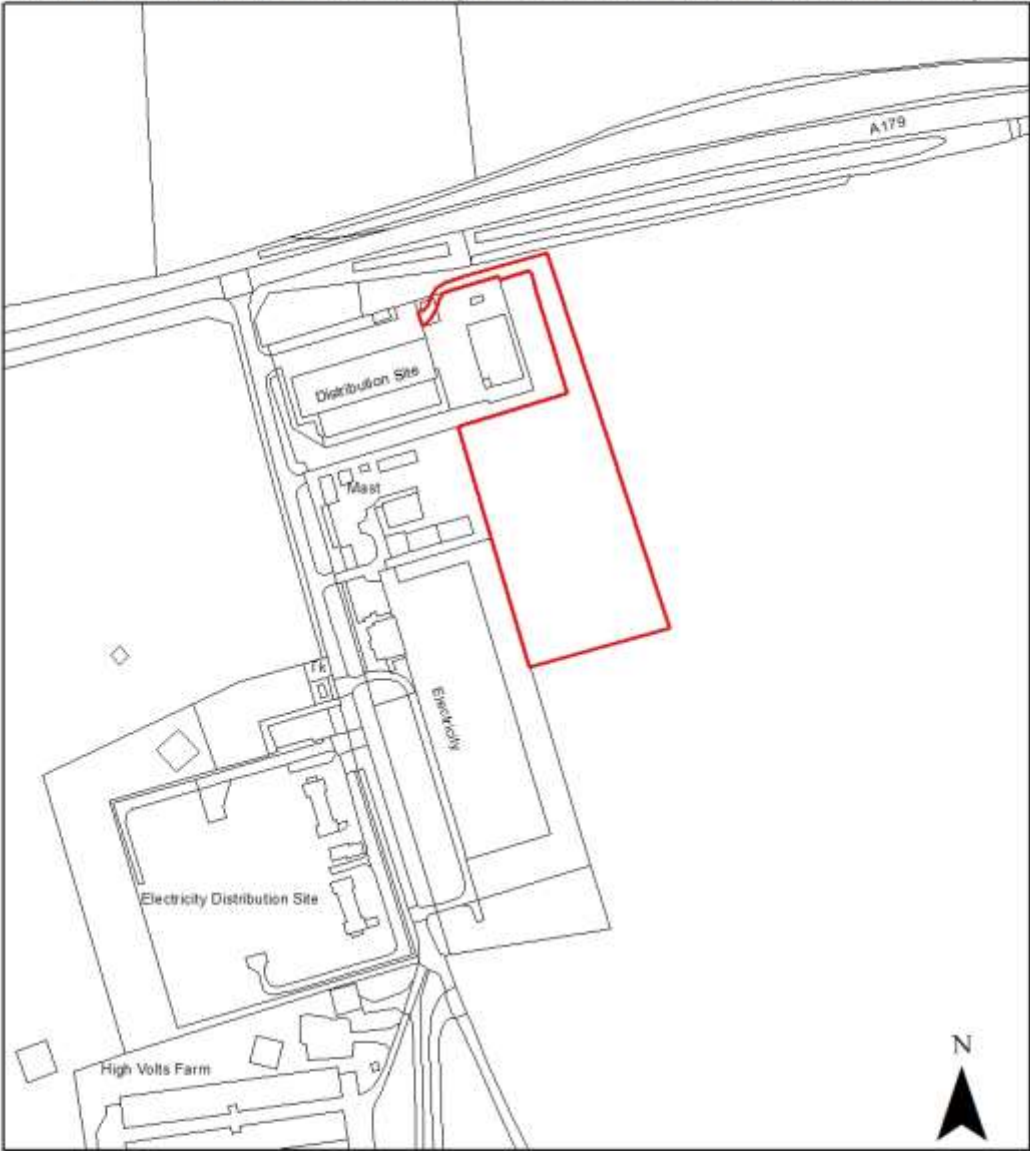
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Land to The East of Electricity Substation Worset Lane, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 24.06.2024
	SCALE 1:2,500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2023/0181	REV

No: 2
Number: H/2023/0401
Applicant: KINGFIELD DEVELOPMENT LTD SERPENTINE ROAD
HARTLEPOOL TS26 0LZ
Agent: KINGFIELD DEVELOPMENT LTD MR M DICKINSON 6
SERPENTINE ROAD HARTLEPOOL TS26 0LZ
Date valid: 04/12/2023
Development: Erection of a new bungalow with swimming pool annex
Location: 12 ELDON GROVE 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 applications are considered relevant to the current application:

2.3 P/2023/0009 – Prior notification for the demolition of bungalow, outbuildings and boundary walls. Approved 25/07/2023.

PROPOSAL

2.4 This application seeks planning permission for the erection of a detached dormer bungalow with associated access and a parking area, and the erection of an annex containing a swimming pool (and 'link' extension).

2.5 The proposed dormer bungalow would measure approximately 15.28m in width by approximately 9.845m in depth. It would feature a pitched roof design (north-south) with a total height of approximately 7.9m, dropping to approximately 2.8m at eaves level in both the front and rear elevations (facing east and west respectively). A chimney would be accommodated to the southern side, measuring approximately 0.6m in width by approximately 1.3m in depth, with a flat height of approximately 8.2m.

2.6 The proposed dormer bungalow would feature 2no. dormer windows to the front (east) facing roof slope, each measuring approximately 3.2m in width by approximately 2.8m in maximum projection, which would therefore be set in from the principal elevation of the dormer bungalow by approximately 0.75m. Each dormer would feature a pitched roof design with a total height of approximately 2.9m, dropping to approximately 1.30m. The proposed dormer windows would accommodate each feature 4no. window panes.

2.7 The proposed dormer bungalow would feature 1no. access door flanked by a full length window and 2no. 4-pane windows at ground floor and 2no. roof windows in addition to the 2no. dormer windows in the principal (east facing) elevation and roof slope, 2no. full length windows and 1no. window in the south facing gable elevation, 1no. window in the north facing gable elevation, and 2no. sets of 4-pane patio doors with glazing above at

ground floor and 6no. roof windows at first floor in the rear (west) facing elevation and roof slope.

2.8 The proposed 'link' extension would measure approximately 5.801m in width by approximately 2.292m in depth. The proposed link element would feature a flat roof design with a height of approximately 2.8m. It would accommodate a double access door in the northern elevation and a glazed door flanked by a full length window in the southern elevation.

2.9 The proposed swimming pool annex would be some 5.801m in width by some 12.683m in depth. It would feature a pitched roof design (east-west) with a total height of approximately 4.5m, dropping to approximately 2.8m at eaves level. The proposed annex element would feature solar panels on the roof of the south facing roof slope, 3no. sets of 3-pane patio doors in the south facing elevation and a full length glazed window in the northern facing elevation.

2.10 The proposed dormer bungalow, annex and link extension would feature a red/orange brick finish with red/orange roof tiles, cream coloured render and dark oak details to the proposed dormers, and timber coloured windows to the front and charcoal coloured aluminum window frames to the rear elevations.

2.11 The proposed dormer bungalow would accommodate a lounge, family room, kitchen and dining room, 2no. bedrooms (1no. featuring an en-suite bathroom), utility room, larder, W.C. lobby and hallway at ground floor and 3no. bedrooms (2no. featuring en-suite bathrooms), family bathroom, study and landing in the first floor.

2.12 The proposed link extension would feature a lobby, plant room and changing room, with access doors from each room to the annex containing the proposed swimming pool, and an access from the kitchen and dining room in the dormer bungalow to the lobby area of the proposed link extension.

2.13 The proposals include two vehicular accesses to the site from Eldon Grove to the front (east) and a gravel driveway. The submitted Design and Access Statement indicates that this would be an 'in and out' arrangement, with access to the northern east corner of the plot and egress to the southern east corner.

2.14 The proposed boundary treatment to the front would comprise a low level brick wall topped with a hedge with a total height of approximately 1.2m, whilst the rear boundary treatment would be a close boarded timber fence with a height of approximately 1.8m. The submitted plans indicate that the boundary wall along the northern elevation (of the rear garden of the application site) would be replaced with a close boarded timber fence.

2.15 The application has been amended during its course of consideration. The height of the proposed annex has been reduced by approximately 1.1m). Following this, the application was amended following concerns raised by the Council's Arboricultural Officer in respect of the entrance to the site impacting upon existing trees.

2.16 The application has been referred to Planning Committee due to the number of objections received in accordance with the Council's scheme of delegation.

SITE CONTEXT

2.17 The application site consists of a parcel of land following previously occupied by 12 Eldon Grove, which comprised a detached bungalow, with a garage and outbuildings to the rear. The former property took its principal aspect from Eldon Grove.

2.18 The application site is primarily flat and the case officer noted during the site visit that following the demolition of the former bungalow, the site is secured by temporary heras-style fencing. The surrounding area is predominately residential and comprises two storey detached, semi-detached and terraced dwellings with a design including red brick with cream coloured render to some frontages, with the streets Eldon Grove being sited to the east and Park Road running east-west to the north. To the front (east) of the application site is the highway of Eldon Grove, to the side (south) is the neighbouring residential property of 14 Eldon Grove, to the side (north) are the neighbouring residential properties of 213, 215 and 217 Park Road, and to the rear (west) is the neighbouring residential property of 219 Park Road.

2.19 Existing boundary treatments include fences with an approximate height of 1.8m to the rear boundaries (north, south and west), with some mature landscaping, particularly along the southern boundary. To the northern boundary there is a boundary wall (which is to be removed). To the front there is a low level wall (which is to be retained) topped with a hedge.

PUBLICITY

2.20 The application has been advertised by way of letters to 46 individual neighbouring properties, site notice and a press notice. Following the application being amended (as set out above), re-consultation letters were issued to all neighbours and technical consultees.

2.21 To date, three objections have been received from neighbouring land users.

2.22 The objections received can be summarised as follows:

- Annex has a pitched roof which would block views and light – flat roof would be preferred;
- Height of annex, which would look like a “large shed”;
- Location of annex, it would be better on opposite side of plot (southern side);
- Construction noise;
- Noise from pump for swimming pool;
- Party wall and proposed boundary treatment;

2.23 In addition, one response of ‘do not object’ has been received.

2.24 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=160049>

2.25 The period for publicity has expired.

2.26 CONSULTATIONS

2.27 The following consultation replies have been received:

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

Update 30/01/2024 following amended roof height of annex:

There are no highway concerns with amended plans.

Update 04/03/2024 following amended location of access to the site:

No further comments to make.

HBC Public Protection – No comments.

Update 19/12/2023 following amended roof height of annex:

1. Object/Support/Neither

- I have no objections to this application.

2. Comments and background to any licensing position

- None

3. Suggested Planning 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 or collections during construction shall be kept between these hours as well.

4. Informative (advice to applicant re any other requirements such as licensing)

- No open burning at all on site

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

HBC Head of Service for Heritage and Open Space – The site is not in a conservation area, nor does it impact on any listed or locally listed buildings, therefore no objections to the proposal.

HBC Landscape Architect – No landscape and visual issues, subject to Arb. Officer comments, and the retention of the boundary wall and hedge to Eldon Grove.

Tees Archaeology – I have checked the HER and there are no archaeological concerns for the proposed development.

Cleveland Police – There is a great opportunity to ‘build in’ security at this early stage. I would recommend that the developer incorporates the principles of the Police ‘Secured by Design’ standard.

I’ve included the link to the relevant documentation HOMES_GUIDE_2023_web.pdf

I can work with the applicant to achieve the award, which is available free of charge.

Update 06/02/2024 following amended roof height of annex:

No further comments from us in relation to this proposal.

Update 06/03/2024 following amended location of access to the site:

No further comments from us in relation to this amended proposal.

HBC Ecology - Ecology

This is a new build on a cleared plot.

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/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_equipment.lvl1%5d%5b0%5d=Bird%20Boxes&qview=195281

HRA

I have undertaken a Habitats Regulations Assessment (HRA) stage 1 screening for this proposal (submitted as a separate document). The applicant provided the following result of

the Nutrient Neutrality nutrient budget calculator: $(0 - 0.35 + 0.35) = 0 \times 1.2 = 0$ TN/year (TH = Total Nutrients). The HRA assesses 'likely significant effect' from nutrient pollution on European Sites and finds that there will be none. No further HRA assessment is required.

Update 27/06/2023 following re-consultation on amended plans:

Ecology

The Ecology recommendations in version 1A are still valid.

Habitats Regulations Assessment

The project has been HRA assessed and is compliant with the legislation.

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.

Natural England: I have reviewed the Habitats Regulations Assessment (Appropriate Assessment) and am in agreement with its conclusions. We note your authority's strategic approach to mitigating increased recreational disturbance and that this proposal is below the threshold required to contribute to the scheme but is mitigated by major schemes in the borough. As such, Natural England has No Objections to this proposal.

HBC Waste Management - Provision of Waste and Recycling Collection and Storage Facilities to new properties Developers are expected provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time. Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handling equipment. Please see our 'Developer Guidance Waste and Recycling for new properties' document which can be found at www.hartlepool.gov.uk/usingyourbins for further information.

HBC Arboricultural Officer: It has now been shown that trees T4 - T7 are being retained however tree protection plan for this has not been correctly provided. An excerpt from the Tree Survey & Arboricultural Impact Assessment from WeCareTreeCare which was part of the Prior Notification application for this site however this provides no relevant information for this site, only pictures taken out BS5837:2012. A new existing site plan has been provided which shows some form of tree protection supposedly in accordance with Appendix 4 of the AIA however as stated previously no Appendix 4 of the AIA has been provided with this

application and it does not comply with Appendix 4 of the proposed notification AIA either as it is different. This has also not been shown on the new proposed site plan, this should be updated to show the trees accurately plotted with RPAs visible to inform any impact that the development may have.

The submitted tree survey and AIA is for the prior notification application and not for the new development. An updated suite of arboricultural documentation including tree survey, AIA and tree protection plan from the projects arboriculturalist should be provided. It also appears that works are taking place within the RPA of the retained trees and therefore an Arboricultural Method Statement compliant with BS5837:2012 should also be provided. Trees are a key material consideration yet are not being given the appropriate consideration as part of the supporting information of this application.

The Landscape Officer has stated that he has no landscape and visual issues subject to the Arb Officers comments, and the retention of the boundary wall and hedge to Eldon Grove but he has not commented on the partial loss of the hedge to create a new access way to the road. I have no arboricultural concern for the hedge but the access way raises concerns to the retained trees as mentioned above.

Update 08/02/2024 following updated AIA:

Having reviewed the updated arboricultural documentation concerning the proposed development and its associated risks. While the documentation adequately addresses most concerns and mitigation strategies, there is a notable oversight regarding the long-term implications for Tree T5's Root Protection Area (RPA).

Specifically, the proposed landscaping for the new driveway raises concerns about potential soil compaction from vehicle traffic entering the driveway and using the driveway, particularly near the northern side of Tree T5's canopy.

This compaction poses a significant risk to the tree's health and stability over time. To mitigate this risk, I recommend either relocating the entrance slightly to the north to avoid the RPA altogether or implementing a geocell membrane solution to prevent compaction.

By relocating the entrance, we can eliminate the need for any works within Tree T5's RPA, thereby minimizing risks and ensuring the tree's long-term well-being. Additionally, I have noted discrepancies between the Arboricultural method statement and the Tree Protection Plan (TPP) regarding underground service connections and the accurate plotting of trees within the site. Specifically, the presence of a Comb Drain within Tree T5's RPA, as indicated in the TPP, necessitates further evaluation as currently the AMS states there is no underground services.

Moreover, upon careful examination, it appears that the trees in question may be incorrectly positioned on the TPP, with the trees plotted within the garden 14 Eldon Grove on the TPP however the provided photograph within the AIA clearly shows the trees within the garden of 12 and therefore this would suggest that the trees are not plotted in the right place on the TPP and hence more RPA may be affected than currently proposed. This discrepancy underscores the need for precise mapping and documentation to accurately assess the extent of RPAs and potential impacts on surrounding vegetation.

In summary, addressing these concerns is crucial to safeguarding the health and longevity of Tree T5 and other affected vegetation. I recommend revisiting the proposed plans to address these discrepancies and ensure comprehensive protection measures are in place before proceeding with the development.

Update 28/02/2024 following amended access to the site:

Most of the previous points and concerns raised have been addressed through the submission of an updated Arboricultural Method Statement and Site Plan - As Proposed. On the updated site plan the new entrance, drainage and grassed area has been moved north as suggested which puts it outside the RPA of T5. The only outstanding arboricultural issue that remains is the Tree Protection Plan, Drawing No. TLP_TCP_TPP03 needs to be amended to reflect these changes and align with the Site Plan - As Proposed, Drawing No. 200 - 05, this is required so that it can then be conditioned for its compliance during the scheme.

Update 18/03/2024 following query from case officer:

I have no longer have any arboricultural concerns now, a compliance condition for the submitted documentation should be applied.

HBC Estates – no comments received.

Civic Society – no comments received.

HBC Waste Management – no comments received.

HBC Community Safety – no comments received.

PLANNING POLICY

2.28 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

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

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)

2.30 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

PARA128: Achieving appropriate densities

PARA131: Achieving well-designed places

PARA135: Achieving well-designed places

PARA139: Achieving well-designed places Implementation

2.31 HBC Planning Policy comments: The principle of a residential development is acceptable in this location. However all relevant policies and consultees must be satisfied that the proposal is acceptable, of particular importance to Planning Policy is that there should be no issues with regards to the amenity of new and future residents in association with noise, disturbance and privacy and overlooking.

PLANNING CONSIDERATIONS

2.32 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the area, impact on trees, the impact on the amenity of neighbouring land users, the impact on highway safety and parking, and ecology. These, and any other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

2.33 The application site is within the development limits, as identified in the Hartlepool Local Plan (2018). As such, a new dwelling in this location is acceptable in principle in terms of Policy LS1 of the Hartlepool Local Plan (2018), subject to other relevant material planning considerations being found to be acceptable.

2.34 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 Council's Residential Design SPD also seeks to ensure that residential development provides adequate amenity and privacy for occupants. It is considered that the proposed dwelling would provide an

adequate amount of amenity space (including outdoor space and car parking) that would be in accordance with this SPD and relevant Policies of the Hartlepool Local Plan (2018), namely QP4 and QP5.

2.35 Policies CC1 and QP7 of the Hartlepool Local Plan (2018) seek to ensure the provision of renewables and energy efficiency measures. Nevertheless, it is of note that Building Regulations were updated on 15th June 2022, and any forthcoming Building Regulation application will now be assessed under the new Regulations. The application confirms in their supporting Design and Access Statement that the construction would use an efficient method using a panelled system to reduce the operational and embodied energy. The proposed pool combines a highly insulated skin, use of solar gain and high thermal mass. The supporting Design and Access Statement indicates that the proposed dormer bungalow will be fitted with a 10 kWatt air source heat pump, as well as 28no. solar panels to the south facing roof slope (of the proposed annexe), and an electric vehicle charging point.

2.36 In light of the above (and the approach taken by the Council's Planning Policy team), a planning condition is still required to ensure the development will generate 10% of the predicted CO2 emissions from on-site renewable energy in accordance with Local Plan Policy CC1, however given that the implementation and requirements of the new Building Regulations, a planning condition is not required in respect of any energy efficiency improvement and such matters will need to be addressed through the new Building Regulations requirements. The applicant has confirmed their acceptance of the renewable energy condition and the application is considered to be acceptable in this respect.

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

IMPACT ON THE CHARACTER AND APPEARANCE OF AREA

2.38 Policy QP4 (Layout and Design of Development) requires, amongst other provisions, that proposals should be of an appropriate size, design and appearance sympathetic to the host property and the character of the surrounding area.

2.39 The application site comprises the existing plot of the former bungalow at 12 Eldon Grove (which was demolished by virtue of P/2023/0009). The plot is relatively wide and it is noted that ancillary outbuildings were formerly located within the plot, however they have since been removed from the site. Based on the size of the site, it is reasonable to conclude that the proposed modest dormer bungalow which is not appreciably larger than the former bungalow at the site, can be accommodated within the site without appearing unduly cramped and still allowing for amenity space for the occupants of the proposed dwelling.

2.40 It is noted that this section of Eldon Grove in addition to the adjacent street scene of Park Road are characterised by relatively modern rows of detached and semi-detached two storey dwellings. In terms of the proposed design, the dormer bungalow replaces a former bungalow which previously occupied the site. Whilst it is of note that the dormer bungalow design of the proposed dwelling would not match the design of the immediate adjacent neighbouring two storey semi-detached dwellings to the south or beyond the highway to the east which do not primarily feature dormer windows, consideration is given to the above mentioned wider street context whereby some dwellings feature gable features to their frontages with render and timber detailing and accents. Further consideration is given to the height of the proposed dormer bungalow which would be relatively in line with the gable

feature to the front of No. 14 Eldon Grove (adjacent to the south), and the eaves height which would be relatively in line with the first floor render element of this neighbouring property (No. 14).

2.41 The proposed annexe would extend along the northern extent of the site, being attached to the main dormer bungalow by a 'link' extension. As such it would be partially visible from the street scene of Eldon Grove, particularly when entering the street from the junction with Park Road, to the north. However, consideration is given to the substantial boundary treatments to the front, the off-shoot extension of No. 213 Park Road which extends up to the boundary between these two neighbouring properties, and the set in from the boundary, which would assist in reducing the visibility from the street scene. Further consideration is given to the former site context of 12 Eldon Grove which featured a number of detached garage buildings within the rear areas of the host plot.

2.42 Whilst it is acknowledged that a number of neighbour concerns have been received in this respect, it is of note that the proposed design has seen a reduction in ridge height by approximately 1.2m, from a height of approximately 5.618m to approximately 4.443m, and a reduction in eaves height by approximately 0.3m from approximately 2.7m to approximately 2.4m.

2.43 It is considered that the proposed 'link' extension would be partially visible from the street scene, however given the flat roof design, it is of consideration that this would assist in separating the proposed main dormer bungalow and the proposed annexe building.

2.44 In terms of finishing materials, it is noted that the application proposes a red brick finish to the elevations of the proposed dormer bungalow, whilst the dormers would be finished in a cream render with wood detailing. A condition can be appended to ensure that the overall design of the materials would be acceptable and a planning condition is necessary in respect of this.

2.45 In terms of hard and soft landscaping, the application includes the retention of the existing boundary wall to the front (east), and the retention of trees and hedges as well as the provision of additional trees and planted areas. The Council's Landscape Architect has been consulted on the proposals and has confirmed no objections to the proposed landscaping, subject to the inclusion of planning conditions in respect of the retention of the existing boundary wall and hedge. These conditions are recommended accordingly.

2.46 The Council's Arboricultural Officer has also confirmed no objections to the proposals, having regard to the amended site access layout. Full consideration of trees and landscaping are covered in the section below.

2.47 The proposed hardstanding to provide car parking for the occupants of the proposed dwelling would be sited to the front of the application site, beyond the existing (and retained) boundary wall, in common with other properties along this section of the street scene. It is considered that the proposed hardstanding would not substantially differ from existing hardstanding throughout the application site and street scenes (Eldon Grove and Park Road) and as such it is considered that this element would not significantly impact upon the character and appearance of the surrounding area.

2.48 Overall, and on balance, it is considered that the design and scale of the proposed dormer bungalow is acceptable in its context and would not adversely affect the character and appearance of the application site, street scene or the visual amenity of the wider area so significantly as to warrant a reason to refuse the application.

TREES

2.49 As indicated above, the scheme at the access has been amended to address concerns raised by the Council's Arboricultural Officer in respect of trees. The scheme is now considered acceptable in this respect, and a condition is proposed to ensure the protection of retained trees.

AMENITY OF NEIGHBOURING LAND USERS

2.50 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.

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

Impact on 213 Park Road (north)

2.52 No. 213 Park Road is a detached dwelling located toward the eastern end of the northern boundary with the application site. The dwelling features an L-shaped off-shoot extension to the side and rear, such that it projects up to the boundary and along the much of its boundary with the application site. An additional side/rear garden area of No. 213 faces Eldon Grove, and as such borders the application site with a brick wall with a height of approximately 1.2m between. A separation distance of approximately 2.9m would remain between the single storey off-shoot extension to the rear and side of this neighbouring property and the northern elevation of the proposed dormer bungalow. It was noted by the case officer during the site visit that the rear elevation of this off-shoot serving No. 213 Park Road does not feature windows. A separation distance of approximately 11m to the boundary and approximately 13.9m would remain between the main rear elevation of this neighbour and the proposed dormer bungalow beyond the intervening extension.

Dormer bungalow

2.53 It was further noted during the site visit that the side (west) elevation of this neighbour features 3no. windows at ground floor although these are obscured from view from the application site (and proposed dormer bungalow) by the projection of the L shaped extension serving this neighbour. The main rear elevation of this neighbor features windows at ground and first floor levels which again will in part be screened from the site by the neighbours own L- Shaped extension . The case officer was unable to establish definitively what rooms windows featured in this neighbouring property at No. 213 Park Road serve.

2.54 It is noted that the proposed dormer bungalow would project approximately 2.8m beyond the western extent of the neighbour at No. 213 Park Road. The proposed dormer bungalow would be a notable height with a total height of approximately 7.9m, although the pitched roof (with dormers to the front) are such that the eaves height would be approximately 2.8m. Given the established relationship between the two properties and the modest scale overall of the proposed dormer bungalow, and satisfactory separation distance

between the neighbour at No. 213 Park Road and the proposed dormer bungalow at the application site, it is considered that there would be no adverse impact on any windows in the western side, eastern side, or rear in terms of overbearing impression, overshadowing or loss of outlook as a result of the proposed dormer bungalow.

2.55 In terms of privacy, it is noted that the proposed dormer bungalow features 1no. window in the northern side elevation (serving a ground floor open plan kitchen and dining room). Given the established relationship between the application site and No. 213 Park Road, it is considered necessary to safeguard the privacy of this neighbour with obscurely glazed non-opening windows, and a planning condition is necessary in this respect. Subject to this planning condition and in view of the identified relationship, it is considered that there would be no direct views achievable from windows proposed in the side, front (including dormers) and rear elevations towards any windows in the front, rear or side elevations of No. 213 Park Road. It is therefore considered that the proposed dwelling would not result in any adverse impact on the privacy of this neighbour in terms of overlooking.

Annex and 'link' extension

2.56 An oblique separation distance of approximately 4.7m would remain from the proposed 'link' extension to the neighbour at No. 213 Park Road, and approximately 5.5m (oblique) would remain from the proposed annex to this neighbour. As noted above, the rear and western side elevation of the wraparound extension of this neighbour (forming a boundary) does not feature windows. Given the orientation between the two properties, it is considered that these elements would not result in any adverse impact on the amenity or privacy of this neighbour, in terms of loss of outlook, any overbearing impact, overshadowing, or overlooking.

Access

2.57 It is acknowledged that the proposed dwelling would be served by access from the front (east), in common with the former bungalow at the application site. The proposed access would be sited adjacent to the access serving No. 213 Park Road, with a boundary wall between (with a height of approximately 1.3m). Consideration is given to the orientation and established relationship between the neighbouring properties as well as the boundary treatment and scale of the proposals (i.e. serving 1no. dormer bungalow). Furthermore, the Council's Public Protection team have been consulted on the proposal and have confirmed no objections overall, subject to conditions which are considered in further detail below. Overall, it is considered that the proposed access and car parking to front of the proposed dormer bungalow would not result in any adverse impacts on the amenity and privacy of this neighbour in terms of overbearing, loss of outlook, overshadowing or overlooking or noise disturbance.

Impact on Nos. 215 and 217 Park Road (north)

2.58 Nos. 215 and 217 are a pair of semi-detached dwellings to the immediate north, which both feature a single storey off-shoot extension to the rear, being approximately 7.1m from the boundary and approximately 10m from the side of the proposed dormer bungalow, annexe and 'link' extension. A separation distance of approximately 13.9m would remain between the proposed dormer bungalow and the main rear elevations of these neighbours.

2.59 As noted above, it was noted by the case officer during the site visit that both Nos. 215 and 217 Park Road feature rear off-shoots (handed away from one another) which feature windows in the south facing rear elevations. It was verbally confirmed by the occupant of No. 217 Park Road to the case officer that the ground floor window in the rear of

the off-shoot serves a kitchen, whilst in the main rear elevation the ground floor window serves a dining room and at first floor windows serve a bathroom and bedroom. The case officer was unable to establish definitively what rooms windows featured in this neighbouring property at No. 215 Park Road serve.

Dormer bungalow

2.60 It is noted that the western extent of the proposed dormer bungalow would project roughly in line with the eastern side elevation of the neighbour at No. 215 Park Road. The proposed dormer bungalow would be a notable height with a total height of approximately 7.9m, although the pitched roof (with dormers to the front) design is such that the eaves height would be approximately 2.8m. Given the established relationship between the two properties and the modest scale overall of the proposed dormer bungalow, and satisfactory separation distance and oblique relationships between the neighbours at Nos. 215 and 217 Park Road and the proposed dormer bungalow at the application site, it is considered that there would be no significant adverse impact on any windows in the rear elevations (or other elevations) of these neighbouring properties in terms of overbearing impression, overshadowing or loss of outlook as a result of the proposed dormer bungalow.

2.61 In terms of privacy, it is noted that the proposed dormer bungalow features 1no. window in the northern side elevation (serving an open plan kitchen and dining room). In the rear elevation the proposed dormer bungalow features glazed sliding doors at ground floor and 8no. roof windows in the rear roof slope. Given the oblique relationship between the application site and Nos. 215 and 217 Park Road, with the annex between, it is considered that there would be only limited views achievable from windows proposed in the side, front (including dormers) and rear elevations of the proposed dormer bungalow towards any windows in the front, rear or side elevations of Nos. 215 and 217 Park Road. It is therefore considered that the proposed dwelling would not result in any adverse impact on the privacy of this neighbour in terms of overlooking.

Annex and 'link' extension

2.62 The proposed annex and 'link' extension would be sited approximately 2.9m from the boundary and approximately 10m from the rear off-shoots serving Nos. 215 and 217 Park Road. It is acknowledged that the notable scale and massing of the proposed annex and 'link' extension is such that it would project across much of the total depth of the host plot whilst the total height would be approximately 4.5m. In view of this, it is acknowledged that there would be a degree of loss of light and overbearing impression to the windows to the rear of the neighbouring properties at Nos. 215 and 217 Park Road (particularly the ground floor windows in the off-shoots serving the rear of these neighbouring properties), as a result of this element of the proposals. Notwithstanding this, consideration is given to the satisfactory separation distances and that light would still be achieved towards these identified windows from the east and west. Overall, and on balance, it is considered that this impact would not be so significant to warrant a refusal of the application. In terms of privacy it is noted a ground floor window in the annex will face the northern boundary, whilst some screening is currently afforded by the existing boundary treatments, it is considered prudent to condition this window to be obscurely glazed, given the proximity to the boundary.

2.63 Given the established relationship between the neighbouring properties of 215 and 217 Park Road and the host plot which includes a hedge running along the length of the boundaries between the application site and these neighbours, satisfactory separation distances that meet the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019), it is considered that these elements would not result in any adverse impact on the amenity or privacy of this neighbour, in terms of loss of

outlook, any overbearing impact, overshadowing, or overlooking, so significant as to warrant a reason to refuse the application.

Impact on No. 219 Park Road (north west)

2.64 No. 219 is a semi-detached dwelling abounding the site to the north west corner. This property features a two storey off-shoot on the western section of the rear elevation, with an oblique distance of approximately 8.8m remaining to the boundary, and an oblique distance of approximately 12.5m remaining to the proposed annexe to serve the proposed dormer bungalow at the host property.

Dormer bungalow

2.65 A separation distance of approximately 17m to the boundary and approximately 23m to the side of the two storey off-shoot extension to the rear of No. 219 Park Road would remain between the proposed dormer bungalow and this neighbour. The proposed dormer bungalow would be a notable height with a total height of approximately 7.9m, although the pitched roof (with dormers to the front) design is such that the eaves height would be approximately 2.8m. Given the satisfactory separation distance and oblique relationship between the two properties and the modest scale overall of the proposed dormer bungalow, with the proposed annex and 'link' extension between the proposed dormer element and the neighbour at No. 219 Park Road, it is considered that there would be no significant adverse impact on any windows in the rear elevations (or other elevations) of these neighbouring properties in terms of overbearing impression, overshadowing or loss of outlook as a result of the proposed dormer bungalow.

2.66 In terms of privacy, it is noted that the proposed dormer bungalow accommodates glazed sliding doors at ground floor of the rear elevation and 8no. roof windows in the rear roof slope. However given the oblique relationship between the application site and No. 219 Park Road, with the annex and 'link' extension and boundary treatments between, it is considered that there would be only limited views readily achievable from windows proposed in the side, front (including dormers) and rear elevations of the proposed dormer bungalow towards any windows in the front, rear or side elevations of No. 219 Park Road. It is therefore considered that the proposed dwelling would not result in any adverse impact on the privacy of this neighbour in terms of overlooking.

Annex and 'link' extension

2.67 The proposed annex and 'link' extension would be sited approximately 8.8m from the boundary and approximately 12.5m from the east facing side elevation of the rear off-shoot serving No. 219 Park Road. It is acknowledged that the notable scale and massing of the proposed annex and 'link' extension is such that it would project across much of the total depth of the host plot whilst the total height would be approximately 4.5m. In view of this, it is acknowledged that there would be a degree of loss of light and overbearing impression to the windows to the east facing side elevation of the off-shoot to the rear of No. 219 Park Road, as a result of this element of the proposals. Notwithstanding this, consideration is given to the satisfactory separation distances and that light would still be achieved towards these identified windows from the southern extent. Overall, and on balance, it is considered that this impact would not be so significant to warrant a refusal of the application.

2.68 Given the established relationship between the neighbouring properties of 219 Park Road and the host plot and the proposed boundary fence running along the length of the boundaries between the application site and these neighbours, satisfactory separation distances that meet the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and

the Residential Design Guide SPD (2019), it is considered that the proposal elements would not result in any adverse impact on the amenity or privacy of this neighbour, in terms of loss of outlook, any overbearing impact, overshadowing, or overlooking, so significant as to warrant a reason to refuse the application.

Impact on No. 14 Eldon Grove (south)

2.69 No. 14 Eldon Grove is a two storey dwelling which bounds the application site to the southern side, with a separation distance of approximately 4.7m remaining to the boundary and approximately 6.2m to the side elevation of this neighbour from the proposed dormer bungalow. A separation distance of approximately 14.7m to the boundary and an oblique separation distance of approximately 16.2m would remain to the side/rear corner of No. 14 from the proposed annex.

Dormer bungalow

2.70 It was noted by the case officer during the site visit that the northern part of the neighbouring property at No. 14 is set back in relation to the main principal elevation of this property (east facing), being such that it would be approximately 1.2m in from the principal elevation of the proposed dormer bungalow at the application site. A boundary fence (with a height of approximately 1.8m as well as substantial landscaping (with a height of approximately 3m) is in place between these two neighbours. It was further noted during the site visit that the side (north) elevation of this neighbour features 4no. windows at ground floor and 2no. roof lights in the northern facing roof slope. The rear of this neighbour features an off-shoot extension and 2no. conservatories at ground floor and habitable room windows at first floor. The case officer was unable to establish definitively what rooms windows in this neighbouring property at No. 14 serve.

2.71 It is noted that the proposed dormer bungalow would be lower in height than the neighbour at No. 14, and would not project as far to the rear (west) as the single storey off-shoot serving this neighbour. Given the oblique relationship between the two properties, it is considered that the windows in the rear of this neighbour would still receive light from the south and west elevations, whilst windows in the side elevation would receive a degree of indirect light and light from the west. Taking into account the orientation, established relationship, satisfactory separation distance and boundary treatments of the neighbour at No. 14, it is considered that there would be no significant adverse impact on any windows in the northern side, front or rear in terms of overbearing impression, overshadowing or loss of outlook as a result of the proposed dormer bungalow.

2.72 In terms of privacy, it is noted that the proposed dormer bungalow features 2no. full length glazed windows (serving a lounge) and 1no. additional window (serving an en-suite bathroom) in the southern side elevation. Given the established relationship between the application site and No. 14 and taking into account the windows featured in the northern side of No. 14, it is considered necessary to safeguard the privacy of this neighbour with obscurely glazed non-opening windows, and a planning condition is necessary in this respect. Subject to this planning condition and in view of the identified relationship, it is considered that there would be no significant views achievable from windows proposed in the side, front (including dormers) and rear elevations of the proposed dormer bungalow towards any windows in the front, rear or northern side elevation of No. 14. It is therefore considered that the proposed dwelling would not result in any adverse impact on the privacy of this neighbour in terms of overlooking.

Annex and link extension

2.73 Given the satisfactory separation distances, orientation between the two properties and boundary treatment, it is considered that these elements would not result in any adverse impact on the amenity of this neighbour, in terms of loss of outlook, any overbearing impact or overshadowing.

2.74 In terms of privacy, it is noted that the proposed annex features 3no. full length sets of sliding doors, whilst the proposed link extension features 1no. full length window and 1no. glazed door in the southern side elevation. Given the satisfactory separation distance between this element of the proposal and No. 14, it is considered that there would be no unacceptable overlooking from these windows proposed in the annex and link extension towards any windows in the front, rear or northern side elevation of No. 14. It is therefore considered that this element of the proposals would not result in any adverse impact on the privacy of this neighbour in terms of overlooking.

Access

2.75 It is acknowledged that the proposed dwelling would be served by access from the front (east), in common with the former bungalow at the application site. A separation distance of approximately 4.45m from the boundary and approximately 6m from the northern side elevation of No. 14 (at the closest point) would remain between the proposed access and this neighbour. Consideration is given to the orientation and remaining separation distance between the neighbouring properties as well as the boundary treatment (hedges and landscaping) and scale of the proposals (i.e. serving 1no. dormer bungalow). Furthermore, the Council's Public Protection team have been consulted on the proposal and have confirmed no objections overall, subject to conditions which are considered in further detail below. Overall, it is considered that the proposed access and car parking to front of the proposed dormer bungalow would not result in any adverse impacts on the amenity and privacy of this neighbour in terms of overbearing, loss of outlook, overshadowing or overlooking or noise disturbance.

Impact on Nos. 11 and 13 Eldon Grove (east)

2.76 A separation distance of approximately 25.7m would remain between the proposed dormer bungalow and the closest neighbours of Nos. 11 and 13 Eldon Grove to the front (east), with the main highway of Eldon Grove in between. Given that these separation distances would meet the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019), and taking into account the intervening highway, it is considered that the proposed dormer bungalow (and associated annex, link extension and access) would not significantly adversely impact upon the amenity and privacy of neighbouring occupiers to the front (east, including Nos. 11 and 13 Eldon Grove) in terms of loss of outlook, overbearing appearance, overshadowing or overlooking as to warrant a refusal of the application.

Other amenity considerations

2.77 In addition to the above, it is acknowledged that concerns have been raised from the occupants of neighbouring properties in respect of the potential for noise from the operation of the proposed swimming pool. The swimming pool is for private use by the occupants of the proposed dormer bungalow at the application site, to which no objections have been received from HBC Public Protection subject to the inclusion of a planning condition in respect of hours of construction, which is secured accordingly. HBC Public Protection have also requested an informative in respect of open burning.

2.78 Overall it is considered that the proposed single dormer bungalow (including annexe and 'link' extension) would achieve satisfactory amenity and privacy levels for both existing and future occupiers of neighbouring properties and the proposed dwelling, and the application is considered to be acceptable in this respect.

HIGHWAY + PEDESTRIAN SAFETY & PARKING

2.79 The Council's Traffic and Transport team have raised no objections to the proposals in terms of the proposed parking arrangements to serve the proposed dwelling. The proposals are considered to be acceptable in this respect.

2.80 There have been no objections raised by the Council's Countryside Access Officer with respect to public rights of way, as such the proposals are considered acceptable in that respect.

ECOLOGY

2.81 The Council's Ecologist has confirmed that the site is close to greenspace which supports declining bats and birds such as swift, house sparrow, tree sparrow and starling, and that the development should provide an ecological enhancement in the form of 2no. universal nest bricks to be constructed integral to the proposed dormer bungalow. This can be secured by an appropriate planning condition. The proposal is therefore considered to be acceptable in this respect.

Habitat Regulation Assessments (HRA)

a) Nitrate pollution of the Teesmouth & Cleveland Coast SPA & Ramsar site

2.82 Natural England have recently advised that the Teesmouth & Cleveland Coast SPA & Ramsar site is now considered to be in an unfavourable condition due to nitrate enrichment and that development (including new housing) that has potential to add to this problem needs to be appropriately assessed and where necessary any required mitigation secured. Given that this application is for the proposed erection of a dwelling, the application is considered to be in scope for further assessment.

2.83 The nitrate impacts of the proposal have been considered. The Council's Ecologist has prepared a Habitats Regulations Assessment (HRA) Stage 1 screening assessment, which concludes that the proposal would not have a likely significant effect primarily as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works. There is no requirement for Natural England to be consulted for this element given that this reflects the agreed approach with Natural England. Therefore, the application is considered to be acceptable in this respect.

b) Recreational impacts on designated sites

2.84 The Council's Ecologist has undertaken a HRA Stage 1 and Appropriate Assessment (stage 2) to take account of the potential for recreational disturbance and has concluded this would be mitigated by the Hartlepool Coastal Mitigation Scheme and there would be no Adverse Effect on the Integrity of any European Site and therefore the Council can lawfully permit the development. Natural England have been consulted on the Appropriate Assessment and have confirmed it is acceptable.

2.85 In view of the above, the application is considered acceptable in respect of Ecology.

OTHER PLANNING MATTERS

2.86 Concerns have been raised by the occupants of neighbouring properties regarding construction noise. As noted above, a planning condition is recommended in respect of hours of construction, however given the domestic scale and nature of the works it would not be considered reasonable or appropriate to control these matters further in this instance.

2.87 Following consultation with Tees Archaeology no objections have been raised to the principle of development. The site is not identified to be of historic interest and therefore there are no archaeological requirements. The proposal is considered to be acceptable in this respect.

2.88 The Council's Flood Risk Officer has confirmed no objection in respect of surface water management or contaminated land. The application is considered acceptable in these respects.

RESIDUAL MATTERS

2.89 Concerns have been raised by neighbouring occupiers in relation to the party wall between neighbouring plots. This is a private matter and beyond the remit of planning control and as such cannot be given any weight in the consideration of the application.

CONCLUSION

2.90 Overall, and on balance, it is considered that the proposed dormer bungalow (including annex, 'link' extension and access) would not result in an adverse impact on the visual amenity of the site and wider street scene, any significant impact on neighbour amenity and privacy or highway and pedestrian safety. The proposal is also considered to be acceptable in respect of all other material planning considerations and to comply with relevant policies of the Hartlepool Local Plan (2018) and paragraphs of the NPPF (2023) for the reasons detailed in the report. Subject to the identified conditions, the proposal is considered to be acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.91 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.92 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.

2.93 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and details: Dwg. No. 200-01 Rev 1 (Site Location Plan – As Existing) received by the Local Planning Authority on 17th November 2023; Dwg. No. 200-03 Rev 2 (Site Block Plan – As Proposed), Dwg. No. 210-03 Rev 2 (South and West Elevations – As Proposed), Dwg. No. 210-02 Rev 3 (North and East Elevations – As Proposed), Section A-A, Dwg. No. 110-03 Rev 2 (Roof Plan – As Proposed), Dwg. No. 110-01 Rev 2 (Ground Floor Plan – As Proposed), Dwg. No. 110-02 Rev 2 (Upper Floor Plan – As Proposed) received by the Local Planning Authority on 12th January 2024; Dwg. No. 200-05 Rev 5 (Site Plan – As Proposed), Dwg. No. 110-01 Rev 3 (Ground Floor Plan – As Proposed), Dwg. No. 210-04 Rev 4 (Street (East) Elevation – As Proposed) and Dwg. No. TLP_TCP_TPP04 (Tree Location, Constraints and Protection Plan) received by the Local Planning Authority on 9th February 2024.
For the avoidance of doubt.
3. Notwithstanding the submitted information and prior to the commencement of development (including any demolition works), details of the existing and proposed levels (both within and outwith the site) including the finished floor levels of the dwelling 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. In the interest of visual amenity, the amenity of neighbouring land users and for the avoidance of doubt.
4. Notwithstanding the submitted information and prior to the commencement of development, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority. The scheme shall include the retention of the existing brick wall to the front (east) (as required by condition 5). Thereafter the development shall be carried out in accordance with the approved details prior to the occupation or completion of the development (whichever is the sooner).
In the interests of visual amenity and the amenity of the occupiers of the site.
5. Notwithstanding the submitted details and the requirements of condition 4, and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, a scheme for protection of the existing brick boundary wall to the east of the site (as annotated on Dwg. No. 200-05 Rev 5 (Site Plan – As Proposed, received by the Local Planning Authority on 9th February 2024) from accidental damage during development shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the

development, the agreed scheme for protection measures of the brick wall shall be implemented and retained at all times during the construction of the dwelling hereby approved. Thereafter and following the completion of the development, the wall shall be retained for the lifetime of the development.

In order to ensure that the archaeological interest of this feature is retained and in the interest of the visual amenity of the area.

6. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, a scheme for the protection during construction works of all trees/hedges/landscaping to be retained on the site (as shown on Dwg. No. TLP_TCP_TPP04 (Tree Location, Constraints and Protection Plan, received by the Local Planning Authority on 9th February 2024), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the existing tree and the visual amenity of the area.
7. Notwithstanding the submitted details, prior to the commencement of development, 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 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. Thereafter, and following written agreement with the Local Planning Authority, the scheme shall be implemented in accordance with the approved details and programme of works. 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 in the interests of adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.
8. The development hereby approved shall be constructed/installed in line with the approved scheme to generate 10% of the predicted CO2 emissions from on-site renewable energy (as annotated on Dwg. No. 100-03 Rev 2 (Roof Plan – As Proposed, received by the Local Planning Authority on 12th January 2024) prior to the occupation of the development. On completion of the development and prior to the occupation of the development hereby approved, a final compliance report (to demonstrate the requisite 10%) shall be submitted to and agreed in writing with the Local Planning Authority. In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

9. Prior to the commencement of the development above ground level, details of a minimum of 2no. integral universal nest brick to be installed in the proposed dormer bungalow, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The 2no. universal nest bricks shall be installed prior to the occupation or completion of the development (whichever is the sooner). The 2no. universal nest bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development.
To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.
10. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to the completion or occupation (whichever is the sooner) of the development.
In the interests of visual amenity and to prevent an increase in surface water runoff.
11. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
12. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
13. The 1no. window in the ground floor north facing elevation (serving an open plan kitchen and dining room) (facing 213 Park Road), the glazed door/window in the north facing elevation of the 'link' extension and the 1no. window in the north facing elevation of the annex (facing Nos. 215 and 217 Park Road) as annotated on Dwg. No. 210-02 Rev 3 (North and East Elevations – As Proposed, received by the Local Planning Authority on 12th January 2024), and the 3no. windows in the ground floor south facing elevation (serving a lounge and en-suite bathroom) (facing 14 Eldon Grove) as annotated on Dwg. No. 210-03 Rev 2 (South and West Elevations – As Proposed, received by the Local Planning Authority on 12th January 2024) shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent prior to the occupation or completion (whichever is the sooner) of the development hereby approved, and shall thereafter be retained at all times while the window exists. The application of translucent film to the window would not satisfy the requirements of this condition.
In the interests of the amenities of the occupants of neighbouring properties.
14. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

To avoid excessive noise and disturbance to the occupants of nearby properties.

15. The development hereby approved shall be used as a C3 dwellinghouse 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.

16. 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), the dwelling hereby approved shall not be extended or externally altered in any way nor shall any detached structures be erected without the prior written consent of the Local Planning Authority.

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

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, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road (to the front and to the rear), without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown on Dwg. No. 200-05 Rev 5 (Site Plan – As Proposed, received by the Local Planning Authority on 9th February 2024).

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

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=160049>

2.96 Copies of the applications are available on-line:

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

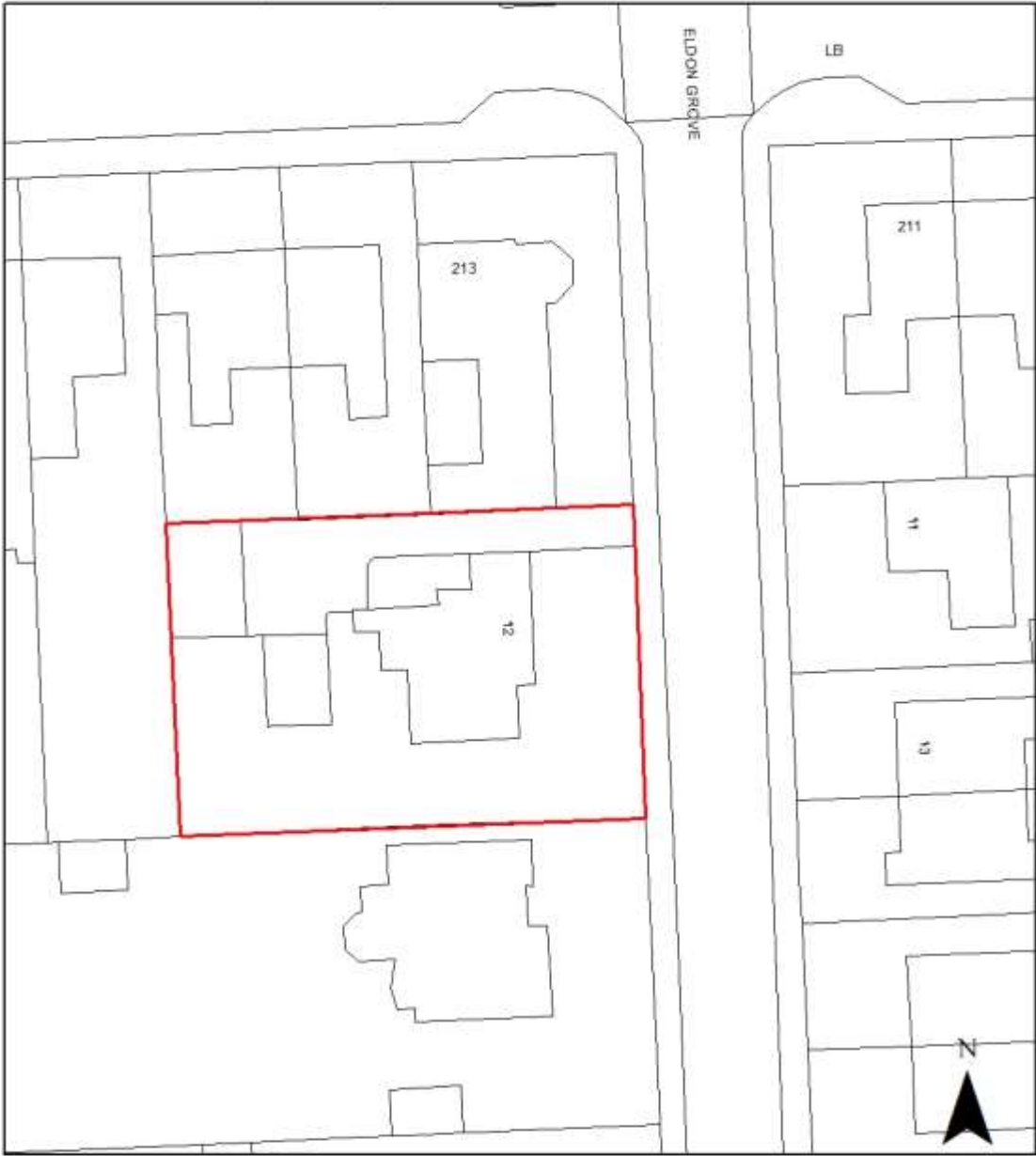
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 24.06.2024
	SCALE 1:500	
	DRG.NO H/2023/0401	REV

No: 3.
Number: H/2024/0087
Applicant: MR BHUPINDER SINGH RABY ROAD HARTLEPOOL TS24 8DT
Agent: ASP Service Ltd MR JONATHAN LOUGHREY OFFICE 206 BOVIS HOUSE 7 to 9 VICTORIA ROAD HARTLEPOOL TS24 7SE
Date valid: 26/04/2024
Development: Change of use from vacant hairdressers (Class E) to Hot Food Takeaway (Sui-Generis) and erection of a single storey rear extension to provide kitchen facilities to the premises including the installation of an external flue
Location: 125 RABY ROAD 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 The following applications are considered to be relevant to the current application site;

HFUL/1990/0435 – 125 and 127 Raby Road – Alterations, installation of new shop front and formation of new entrance to shop – Approved 21/08/1990.

PROPOSAL

3.3 Planning permission is sought for the change of use from vacant hairdressers (Class E) to Hot Food Takeaway (Sui-Generis). The proposed works to accommodate the change of use include the erection of a single storey rear extension to provide kitchen facilities, the installation of an external flue and alterations to the shopfront.

3.4 The submitted supporting information indicates that the use would intend to operate as a pizzeria providing customers with cuisine such as pizzas, parmesans, kebabs, burgers and additional sides and soft drinks. The proposed hot food takeaway would operate between the hours of 16:30-11:30pm on Monday to Friday, Sunday and Bank Holidays and between the hours of 16:30-12:00pm on Saturday.

3.5 The proposal includes the erection of an extension to the rear. The proposed extension would have a cumulative projection of approximately 4.75m from the main rear elevation. The proposed extension would project approximately 1.5m for a width of approximately 2.1m and then project a further 3.25m for a width of approximately 4m. The proposed extension would feature an access door to the rear/west in a

similar position to the existing door and the existing access steps to the rear will be relocated 1.5m forward of their original position to provide access to the extension.

3.6 The proposed extension would have a flat roof with a maximum height of approximately 3.9m when measured from within the application site. The proposed roof would feature an extraction flue. During the course of the application amended plans were received, after comments were raised by HBC Public Protection regarding the height of the flue in relation to the eaves of the main building. The proposed flue would now project approximately 1.35m from the flat roof of the proposed extension (approximately 1m of which would project above the eaves of the main building). Due to the nature of this change, which is not considered to prejudice neighbours, no additional consultation was undertaken.

3.7 The application initially proposed the replacement of the existing shopfront (which was comprised of an off centre door, and three windows with stall risers) with the installation two full length windows without stall risers either side of a central access door, all with small windows above. However, it was noted by the case officer that works to the shopfront had been carried out during the application period which did not accurately reflect the proposed plans. As such amended proposed elevations were received showing the shopfront as altered. Due to the nature of these changes, following the receipt of these amended plans, to reflect the retrospective works no additional consultation was undertaken.

3.8 The proposed shopfront now comprises of one wide full length window without a stall riser either side of a central door with small windows above.

3.9 The application has been referred to Planning Committee in line with the Council's scheme of delegation due to the number of objections received (3 or more).

SITE CONTEXT

3.10 The application site relates to 125 Raby Road, a vacant, east facing, terraced commercial property, last understood to operate as a hairdressers that would fall under Use Class 'E' (under the Town and Country Planning (Use Classes) Order 1987 (as amended)). The property is within the area designated as the 'Raby Road/Hart Lane Corner' Local Centre as defined by Policy RC16 of the Hartlepool Local Plan (2018). The surrounding area is a mixture of commercial and residential uses.

3.11 The host property is adjoined to the side/north by 127 Raby Road, to the side/south by 119 - 123 York Road, to the rear/east by an access road with Ridley Court beyond and to the front/west by the highway of Raby Road.

3.12 The rear yard of the site is set approximately 1m lower than the existing main building and therefore includes a stepped access.

3.13 The rear yard is enclosed to the side/north by a brick wall approximately 1.9m high (when measured from the application site), side/south by the brick wall approximately 2.4m high (when measured from the application site) and to the rear/west by a brick wall with an access gate approximately 2.3m high.

PUBLICITY

3.14 The application has been advertised by way of neighbour letters (13) and a site notice. To date, there have been 3 objections received, and 7 letters of 'support.

3.15 The letters of support can be summarised below:

- Bringing a Vacant property into use;
- Support local businesses and economy.

3.16 The concerns and objections raised can be summarised below:

- Noise close to residents homes;
- Rubbish/litter to tackle;
- Too many takeaways in the area (a two minute walk away is another 4 takeaways - 3 pizza, 1 Chinese);
- Concerns for public health in Hartlepool;
- Limited vehicle access for collections and deliveries.

3.17 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/2024/0087

3.18 The period for publicity has expired.

CONSULTATIONS

3.19 The following consultation replies have been received:

HBC Public Health: I wish to OBJECT to the planning application for the Hot Food Takeaway 125 Raby Road, Hartlepool TS24 8DT. The reasons for this are outlined below:

Paragraph 96 of the National Planning Policy frameworkⁱ states that
"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."*

Previous Planning Practice Guidanceⁱⁱ stated that, *“Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.”* The updated Planning Practice Guidance, Healthy and Safe Communitiesⁱⁱⁱ highlights the many and various links between planning and health and defines a healthy place *“is one which supports and promotes healthy behaviours and environments and a reduction in health inequalities for people of all ages.”* The local planning policy highlights the need to restrict the number of hot food takeaways in Hartlepool.

The Hartlepool Council Plan 2021/22 to 2023/24 vision outlines that Hartlepool will place where:

“..people are enabled to live healthy, independent and prosperous lives.”

and that

“The appropriate conditions are in place to enable people to make healthier lifestyle choices including reducing obesity levels.”

Therefore, at a policy level, Hartlepool Council is committed to the reduction of obesity in the population of the borough.

Hartlepool has a high number of takeaway and fast food outlets. Government data^{iv} 2018 indicates Hartlepool has 149 fast food outlets which equates to 160.5 per 100,000 population, which was significantly higher than the national average of 96.1 per 100,000 population^v. This information is supported by current data from Food Environment Assessment Tool^{vi} which indicates, as of May 2024 that, in the ward of the proposed premises, there are 33 takeaways: this is the highest number of takeaways in any of the Hartlepool wards.

Although there are a wide range of factors contributing to the levels of obesity in Hartlepool, there is longstanding evidence which demonstrates the consumption of take-away and fast-foods are key determinants of excess weight gain: UK government Foresight report, ‘Tackling obesities: future choices’ 2007^{vii}. Information from Public Health England 2020^{viii}, *using the planning system to promote healthy weight environments*, highlights evidence which shows that regular consumption of takeaway food over time has been linked to weight gain and also refers to an *“increasing number of academic studies that identify the role of physical access to takeaway food outlets in promoting unhealthy diet and obesity”*.^{ix} This can be seen as contributing significantly to the increasing numbers of people within the borough that are obese and very overweight. Currently the proportion of adults that are overweight or obese is estimated to be 71%.^x

The most recent data for children living with overweight and/or obesity from the National Child Measurement Programme, shows that overall in Hartlepool 25.9% of children in Reception are overweight (including obesity) and 42.1% of children in Year 6 are overweight (including obesity)^{xi}. These are some of the highest figures in the North East and for England. The proposed hot food takeaway is in the Victoria ward and the 3 years combined, 2020/21 - 22/23, data shows Year 6 prevalence of overweight (including obesity) is higher at 47.8% in that ward^{xii}.

Public Health England 2020^{xiii} also refers to NICE Public Health Guidelines on Cardiovascular disease prevention, which recommends action to encourage local planning authorities to restrict planning permission for takeaways and other food retail outlets in specific areas, for example, within walking distance of schools. There are 3 local schools within a 9 minute walking distance of the proposed premises.

Public Health England (2020)^{xiv} also highlights that “*research has shown associations between exposure to takeaway outlets, takeaway consumption and body weight in adults*”. Obesity is a driver of health inequalities as it leads to significant health impacts. Increased rates of obesity will contribute to premature deaths due to an increased risk of stroke, cancer and heart disease. The increasing consumption of out-of-home meals – that are often cheap and readily available at all times of the day – has been identified as an important factor contributing to rising levels of obesity^{xv}.

Further information from Health matters: obesity and the food environment^{xvi} which is still in current use states *‘once appropriate planning policies are in place, supported by local evidence, local councils can refuse planning permission for a new food outlet if they can demonstrate that:*

- *it will have an adverse impact on the health and wellbeing of the local population*
- *will undermine the local authority’s strategy to tackle obesity*

I therefore object to this application on the grounds that it is likely to have a detrimental effect on the local population and will contribute to poor health and health inequalities through the increase in the availability of high fat and sugar foods.

i Promoting healthy and safe communities Revised National Planning Policy Framework 20 July 2021:
<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-and-safe-communities>

ii Planning Practice Guidance:
<https://webarchive.nationalarchives.gov.uk/ukgwa/20190608115850/https://www.gov.uk/guidance/healthand-wellbeing>

iii Planning Practice Guidance: Healthy and safe communities 2022:
<https://www.gov.uk/guidance/health-and-wellbeing#supporting-safe-communities>

iv Research and analysis - Fast food outlets: density by local authority in England Published 29 June 2018:
<https://www.gov.uk/government/publications/fast-food-outlets-density-by-local-authority-in-england>

v Obesity and the environment Density of fast food outlets at 31/12/2017
https://assets.publishing.service.gov.uk/media/5ba11e77ed915d2bb50f9eb0/Fast_Food_map.pdf

vi Food Environment Assessment Tool (FEAT) – accessed May 2024:
<https://www.feat-tool.org.uk/feat2/>

vii Tackling obesities: future choices Published 17 October 2007:
<https://www.gov.uk/government/collections/tackling-obesities-future-choices>

viii Public Health England Using the planning system to promote healthy weight environments. Guidance and supplementary planning document template for local authority public health and planning team 2020:

https://assets.publishing.service.gov.uk/media/5e3ae46240f0b60915732cc3/PHE_Planning_healthy_weight_environments_guidance_1.pdf

ix Public Health England Using the planning system to promote healthy weight environments. Guidance and supplementary planning document template for local authority public health and planning team 2020:

https://assets.publishing.service.gov.uk/media/5e3ae46240f0b60915732cc3/PHE_Planning_healthy_weight_environments_guidance_1.pdf

x Fingertips Public health data – accessed May 2024:

<https://fingertips.phe.org.uk/profile/physicalactivity/data#page/1/gid/1938133001/pat/6/par/E12000001/ati/501/are/E06000001/iid/93088/age/168/sex/4/cat/-1/ctp/-1/yr/1/cid/4/tbm/1/page-options/car-do-0>

xi Fingertips Public health Profiles:

<https://fingertips.phe.org.uk/search/children%20obesity#page/1/gid/1/pat/15/ati/502/are/E06000001/iid/93105/age/200/sex/4/cat/-1/ctp/-1/yr/3/cid/4/tbm/1>

xii Fingertips Public health Profiles:

<https://fingertips.phe.org.uk/search/children%20obesity#page/1/gid/1/pat/401/ati/8/are/E05013049/iid/93105/age/200/sex/4/cat/-1/ctp/-1/yr/3/cid/4/tbm/1>

xiii Public Health England Using the planning system to promote healthy weight environments. Guidance and supplementary planning document template for local authority public health and planning team 2020:

https://assets.publishing.service.gov.uk/media/5e3ae46240f0b60915732cc3/PHE_Planning_healthy_weight_environments_guidance_1.pdf

xiv Public Health England Using the planning system to promote healthy weight environments. Guidance and supplementary planning document template for local authority public health and planning team 2020:

https://assets.publishing.service.gov.uk/media/5e3ae46240f0b60915732cc3/PHE_Planning_healthy_weight_environments_guidance_1.pdf

xv Health matters: obesity and the food environment Published 31 March 2017:

<https://www.gov.uk/government/publications/health-matters-obesity-and-the-food-environment/healthmatters-obesity-and-the-food-environment--2>

xvi Health matters: obesity and the food environment Published 31 March 2017:

<https://www.gov.uk/government/publications/health-matters-obesity-and-the-food-environment/healthmatters-obesity-and-the-food-environment--2#how-local-authorities-can-help-businesses-offer-healthierfood-and-drink>

HBC Public Protection: No objections subject to the conditions below

- The plans submitted show a flue coming from the single storey extension. The applicant must ensure the flue extends to at least 1m above the eaves of the main building.
- The delivery and despatch of goods to and from the premises shall be limited to the hours of 8am and 7pm on Mondays to Fridays, 9am and 6pm on Saturdays, and at no time on Sundays or Public Holidays.
- Prior to the installation of equipment for fume extraction, details that accord with appropriate guidance on the control of odour and noise from commercial kitchen exhaust systems shall be submitted to, and approved in writing by the Local Planning Authority. The development shall not be brought into end use until the approved extraction equipment has been installed in accordance with manufacturer's instructions and approved in writing by the Local Planning Authority.
All equipment installed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with that approval and shall be operated at all times when cooking is being carried out on the premises.

Informatives

- No open burning on site
- A premises License will be required applicant should contact Licensing@hartlepool.gov.uk
- Applicant may wish to get advice on food business from HBC.CommercialServicesTeam@hartlepool.gov.uk
- Suitable refuse storage systems must be implemented, and be of adequate design and size appropriate for the Council and / or normal methods of collection.

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

Cleveland Police: Thank you for the opportunity to comment on the above proposal.

I note the reference to Secured by Design within the Design and Access Statement and would encourage the developer to adopt the Commercial Guidance contained within the document COMMERCIAL_GUIDE_2023_v4.pdf (securedbydesign.com)

Consideration also should be given to providing good quality CCTV, which records in colour in all lighting conditions, and monitored intruder alarm.

Happy to discuss the application of the guidance and any security concerns the applicant might have.

HBC Building Control: A Building Regulation application will be required for 'change of use to take-away'

Northern Powergrid: (summarised with advice and plans appended as informative) Thank you for your enquiry dated 30/04/2024 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid Apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

HBC Waste Management – no comments received.

HBC Community Safety and Engagement - no comments received.

PLANNING POLICY

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

Local Policy

HARTLEPOOL LOCAL PLAN (2018)

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

LS1: Locational Strategy

CC1: Minimising and adapting to climate change
 SUS1: The Presumption in Favour of Sustainable Development
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 RC16: the Local Centres
 RC18: Hot Food Takeaway Policy

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)(2023)

3.22 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
 PARA047: Determining applications
 PARA096: Promoting healthy and safe communities
 PARA128: Achieving appropriate densities
 PARA131: Achieving well-designed places
 PARA135: Achieving well-designed places
 PARA139: Achieving well-designed places
 PARA224: Implementation

3.23 **HBC Planning Policy:** The proposals is for the change of use from a vacant hairdressers (Class E) to Hot Food Takeaway (Sui-Generis) at 125 Raby Road. Local Plan policy RC18: hot food takeaways provides strict control over the provision of new hot food takeaway uses in the borough. This is a policy response to a widely recognised obesity problem in the town (linked to the proliferation of hot food

takeaways) and is thereby a measure which is intended to promote healthier food choices and therefore healthier lifestyles for residents. Together with identifying appropriate locations for such uses (see following paragraph) the policy sets floor space thresholds in such locations in the additional interest of helping to protect the vitality and viability of retail and commercial areas (hot food takeaway typically operate mainly in the evening and therefore their proliferation with associated closed shutters serves to reduce day time economic activity and social interaction).

3.24 Policy RC18 sets % thresholds for the amount of hot food takeaway floor space in a range of designated retail or commercial locations. The application site is located within the Raby road/Hart Lane Corner and as such the amount of A5 (now hot food takeaway - Sui-Generis) floorspace should **not exceed 4%**.

3.25 In accordance with policy RC18 consideration needs to be given to the number of units which are permitted to operate as hot food takeaway's either in use or currently vacant. A retail assessment was undertaken of the Raby Road/Hart Lane Corner local centre on 30/05/2024. 105 Raby road is currently vacant but has an approved hot food takeaway use and 127 Raby Road is currently operating as a hot food takeaway therefore a total of 2.89% of the local centre is in A5 use. The proposed hot food takeaway would create an additional 2.23% bring a total of **5.12%** which is above that set out within Policy RC18 is considered contrary to Policy RC18.

3.26 The Council undertook a substantial amount of research in formulating policy RC18, which since adoption, has been supported by a number of appeal decisions. The supporting text to the policy states that an unhealthy diet is a proven causal link for many illnesses. As a consequence, one measure to tackle this issue is to control the number of hot-food take-away outlets in the borough. Whilst there are many other factors that lead to unhealthy lifestyles, the avoidance of a proliferation of hot food takeaways is an important tool in tackling the problem.

3.27 Paragraph 96 of the National Planning Policy Framework details that planning policies and decisions should aim to achieve healthy, inclusive and safe places, including by enabling and supporting healthy lifestyles, especially where this would address identified local health and well-being needs - for example through access to healthier food. Planning Practice Guidance (Paragraph: 004 Reference ID:53-004-20190722) states that the planning system can influence the built environment to improve health and reduce obesity and excess weight in local communities and confirms that local planning policies and supplementary planning documents can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate (and where such uses require planning permission). Planning Policy are of the view that the proposed COU is in conflict with this national policy and guidance.

3.28 The Council's Public Health team will be able provide additional commentary on this issue, including statistical evidence, if required.

3.29 It is appreciated that the building is currently vacant; however a currently vacant unit which can be permitted to operate as a hot food takeaway is located within close proximity at 105 Raby Road.

3.30 In conclusion, Planning Policy object to the application for the reasoning set out above.

PLANNING CONSIDERATIONS

3.31 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the proposed use, public health, the design of the proposals and impact on the character and appearance of the area and the impact of the proposals on the amenity of neighbouring land users.

PRINCIPLE OF DEVELOPMENT

3.32 The application site is situated within the designated local centre of Raby Road/Hart Lane Corner (RC16).

3.33 Policy RC18 aims to control the provision of hot food takeaways in the area to promote healthier lifestyles and protect the vitality and viability of retail and commercial areas. Policy RC18 identifies those locations deemed suitable for hot food takeaways and sets out percentage thresholds for the amount of hot food takeaway floor space per location.

3.34 The application site is located within the Raby Road/Hart Lane Corner and as such the amount of A5 (now hot food takeaway Sui-Generis) floor space should not exceed 4%.

3.35 In accordance with Policy RC18 consideration needs to be given to the number of units which are permitted to operate as hot food takeaway's either in use or currently vacant. A retail assessment was undertaken by the Planning Policy Team of the Raby Road/Hart Lane Corner local centre on 30/05/2024. It was found that 105 Raby Road is currently vacant but has an approved hot food takeaway use and 127 Raby Road is currently operating as a hot food takeaway therefore there is a total of 2.89% of the local centre permitted as hot food takeaway (now sui-generis, previously A5) use.

3.36 In relation to 127 Raby Road, it was brought to the case officer's attention that 127 Raby Road does not appear to currently be operational as a hot food takeaway. Notwithstanding this, given that RC18 takes into account both operational and vacant hot food takeaways it is considered that the recent retail assessment is still representative of the permitted hot food takeaways in this area.

3.37 The proposed hot food takeaway at 125 Raby Road would create an additional 2.23% and bring a total percentage of Hot Food Takeaways in Raby Road/Hart Lane Corner to 5.12% which would be above the threshold set out within Policy RC18. Therefore the proposed use would be considered contrary to Policy RC18.

3.38 Policy RC16 states that A5 uses (Hot Food Takeaway) will only be permitted in Local Centres where they do not adversely affect the character, appearance, function and amenity of the property and surrounding area. If the proposed change of use and extension at 125 Raby Road was to be permitted then there would be an over-concentration of Hot Food Takeaway's in the immediate area. The proposed change of use of the property from Class E retail to Sui-Generis Hot Food Takeaway is therefore in direct conflict with the policy requirements of the Local Plan with respect to Policies RC16 and RC18.

3.39 Whilst it is acknowledged that the proposal would bring a vacant unit back into use, no details of how long the property has been vacant or how the property has been marketed have been provided. In any event, an inappropriate use (as is considered to be the case with this application) would not be desirable over vacancy and there a number of acceptable alternative uses it could be put to. In addition, it considered there are other vacant/non-operational buildings nearby (105 Raby Road and 127 Raby Road), which are permitted to operate as a hot food takeaway and therefore could provide alternative options for the applicant.

3.40 Therefore whilst it is acknowledged that vacant units/closed shutters can have an adverse impact on the vitality and viability of an area, and that there are economic benefits as a result of the unit being operational, it is considered these benefits would not outweigh the harm the proposed over concentration of hot food takeaways at this location would have in relation to retail function, character, vitality and health.

3.41 This is a view that was supported by the Planning Inspector after an appeal for a hot food takeaway in a local centre (Unit 4, The Saxon, Easington Road) was refused by the LPA, was dismissed (ref: APP/H0724/W/19/3234665, decision date 24th October 2019). Whilst each application is considered on their own individual merits, it is important to note that the Inspector considered that the identified harm to the local centre as a result of breaching the A5 (now sui-generis Hot Food Takeaway) use policy threshold would outweigh the vacancy of the unit in the local centre, with the Inspector noting “I am not persuaded that the vacant status of the appeal site sufficiently justifies an excess of A5 floor space in this centre beyond the threshold established by Policy RC18... I conclude that the proposal would result in an unacceptable concentration of HFTs within a small local centre. This would be harmful to the vitality and viability of the centre's retail character and function overall”.

3.42 Given that the proposed floor space of the hot food takeaway would be over the locational threshold for this area, the proposal does not therefore comply with the requirements of the Local Plan. It is considered that there are no other material considerations of sufficient weight to indicate that a decision should be taken other than in accordance with the Local Plan. As a result, it is considered that the application site is not a suitable location for the development and would conflict with Policies RC18 and RC21 of the Local Plan.

3.43 The proposed change of use of the property to a hot food takeaway is in direct conflict with the policy requirements of the Hartlepool Local Plan (2018) and is therefore unacceptable as a matter of principle. This would therefore warrant a reason for refusal of the application.

PUBLIC HEALTH

3.44 The Council's Public Health Team have objected to the application (see full comments in the publicity section) and raised concerns about the impact of the proposals in relation to health and obesity. Data from Public Health England highlights that Hartlepool has significantly higher number of hot food takeaways per 100,000 population than the national average (160.5 hot food take-away outlets, compared to the national average of 96.1). The UK Government Foresight report (2007), 'Tackling obesities: future choices' demonstrates evidence that the consumption of take-away and fast-foods are key determinants of excess weight gain.

3.45 The site is within Victoria ward and the HBC Director of Public Health has provided figures relating to the levels of childhood obesity in the ward and the town as a whole. The Director of Public Health has commented that the data for Victoria ward is higher than wider Hartlepool in relation to the number of people who are obese or overweight in the Victoria ward. It was also noted that the Victoria Ward has the highest number of takeaways in any of the Hartlepool wards – 33 takeaways, as of May 2024.

3.46 The Director of Public Health also highlights there are an *“increasing number of academic studies that identify the role of physical access to takeaway food outlets in promoting unhealthy diet and obesity”*

3.47 Such concerns and evidence base formed part of the development of the Local Plan Hot Food Takeaway Policy (RC18) and efforts to limit the number and location of such uses, which links to paragraph 96 of the National Planning Policy Framework in seeking to create healthy places. The National Planning Policy Framework (NPPF) requires policies and decisions to achieve healthy places which themselves enable and support healthy lifestyles. The NPPF particularly supports this where it would address identified local health and well-being needs.

3.48 The health impacts considered have been supported in a number of dismissed planning appeals within the Borough including an application for a similar hot food takeaway proposal at 193 Raby Road, Hartlepool (application reference: H/2019/0008, appeal reference APP/H0724/W/3234392, decision date 04/03/2020). Within the appeal decision, the Inspectorate concluded “I consider that it is entirely consistent with national and local policy to seek to control the number of A5 uses in order to support healthy lifestyles. As such, I conclude that the proposal could be detrimental to the health of local residents. It is therefore contrary to Policy RC18 of the Local Plan, and guidance in the Framework.”,

3.49 Whilst it is appreciated that the applicant has indicated that the takeaway would intend to provide healthier options for customers. Ultimately such options could not be controlled by way of a condition of planning permission and in any event, such options would not compensate for the 'standard' menu offerings to which the policy seeks to restrict new supply of (and which would inevitably be most popular to customers).

3.50 In view of the above considerations including the comments from Planning Policy and the substantial comments from the Director of Public Health which highlights the statistics and parallels between the levels of hot food takeaways in Hartlepool and the health metrics of residents of Hartlepool and the Victoria ward, the proposed development is considered to conflict with Local Plan policy requirements with respect to the principle of such a use in this location and is therefore considered to undermine efforts to promote healthy lifestyles and would have a negative impact on public health (and the health of local residents) if approved.

3.51 It is therefore considered that the proposal is contrary to Policy RC18 of the Local Plan, and guidance in the Framework and that this would warrant a second reason for the refusal of the application.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING BUILDING & SURROUNDING AREA

3.52 The proposed change of use includes the erection of a single storey rear extension. Whilst views towards the proposed extension from the front and main street scene of Raby Road would be screened by the host property, it is considered that the flue would be visible from the access road off Murray Street and the rear of residential properties on Ridley Court. Whilst it is acknowledged that the proposed extension would take up a considerable area of the yard space, consideration is given to the commercial use, the presence of other extensions nearby which remove some (if not all) of the yard space and the remaining private yard space. Therefore the proposed extension is not considered to be overdevelopment of the application site, in this instance.

3.53 The proposal includes the erection of a flue which would project above the flat roof of the extension to the rear of the property. Whilst views towards the proposed flue from the front and main street scene of Raby Road would be screened by the host property, it is considered that the flue would be visible from the access road off Murray Street and the rear of residential properties on Ridley Court.

3.54 Consideration is given to the commercial nature of these terraces and the presence of other flues or external extraction equipment to the rear of these properties, including the neighbouring property 127 Raby Road. In this context, the proposal would not introduce an incongruous and inappropriate feature and is therefore considered not to have an adverse impact on the character and appearance of the host property and surrounding area.

3.55 The proposed changes of use also includes alterations to the shopfront including a change in the arrangement and size of the windows and doors. Given these alterations are to the shopfront, the alterations would be visible from the main street scene of Raby Road.

3.56 Hartlepool Borough Council's Shop Front and Commercial Frontages Design Guide SPD (2014) provides advice about appropriate shop front designs, as "shop fronts are key elements in town and local centres and their appearance can contribute significantly to visual interest and add vitality to the street scene." Additionally, the Hartlepool Local Plan (2018) under Policy QP4 states that all development is to be designed to a high quality and positively enhances their location and setting. This section of Raby Road is predominantly made up of single storey commercial and retail units.

3.57 Whilst it is acknowledged the wider street scene contains a variety of shopfront designs, the row of terraced single storey units (one of which is 125 Raby Road) predominantly feature stall risers and an off centre door. Whilst the proposed shopfront could be considered similar to the design of the Alice House Hospice Building and No.131 Raby Road, these units are not instantly comparable to the application site, due to the larger building types and therefore larger shopfronts.

3.58 During the application amendments to the proposed shopfront (namely the introduction of a stall riser and rearrangement of the proposed windows and door) were

sought, however it was discovered that the shopfront works had been carried during the application before a planning decision had been made and therefore the applicant decided not to amend the design.

3.59 Overall it is considered that the proposed shopfront would result in an adverse impact on the character and appearance of the existing building and surrounding area, contrary to the provisions of Local Plan Policies QP4 (and the aforementioned Shop Front Design Guide SPD) and RC16, which, amongst other things, seek to control the location of hot food takeaways and ensure that development is of an appropriate form, respects its surroundings, is aesthetically pleasing and well designed. It is considered that the identified harm would warrant a further reason for the refusal of the application.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.60 It is acknowledged that objections have been received in relation to the application and the impact of proposal in regards to increased litter and noise from an additional hot food takeaway in the area. These among other matters will be addressed below.

3.61 The application form has indicates the proposed hot food takeaway would operate between the hours of 16:30-11:30pm on Monday to Friday, Sunday and Bank Holidays and between the hours of 1630-12:00pm on Saturday. It is acknowledged that Raby Road/Hart Lane Corner is not a late night area and as such businesses are not be permitted to operate between the hours of 11.30pm and 7am. Therefore it is acknowledged that the opening hours would be contrary to the requirements of Policy RC16.

3.62 Notwithstanding the above, the Council's Public Protection section have confirmed that the additional 30mins on Saturday would be acceptable, given the location of the development. It is therefore considered that any impact on the amenity of neighbouring occupiers and surrounding properties is acceptable in respect of late night opening and noise disturbance.

3.63 In addition, any noise disturbance from deliveries could be minimised subject to restricted hours such as the delivery and despatch of goods to and from the premises shall be limited to the hours of 8am and 7pm on Mondays to Fridays, 9am and 6pm on Saturdays, and at no time on Sundays or Public Holidays.

3.64 These matters would need to have been secured by appropriate, separate planning conditions had the application been deemed acceptable in all respects.

3.65 In relation to the potential of littering, whilst the users of the premises could not be controlled by way of a condition of planning permission, based on the submitted a small, enclosed yard to the rear would remain (to which it appears that access is gained via the access road from Murray Street). The proposed plans indicate bin storage is to be located in this area. HBC Waste Management were consulted on the application and have raised no comments or objections. Had the application been deemed acceptable in all respects, a planning condition could have

secured to agree the provision of waste storage. Ultimately, the use will need to ensure that it satisfies relevant waste storage requirements and an informative directing them to seek advice from HBC Waste Management could have been secured by an informative.

3.66 In respect to the proposed extraction system and flue, during the application amended plans were received increasing the height of the proposed flue to allow for sufficient extraction. Whilst the presence of another flue in close proximity is acknowledged (namely 127 Raby Road), no comments or objections have been received from HBC Public Protection regarding concerns about an overconcentration of flues and the resulting fumes and noise. To ensure sufficient and adequate fume extraction, further details that accord with appropriate guidance on the control of odour and noise from commercial kitchen exhaust systems would need to have been secured by the appropriate planning condition had the application been deemed acceptable in all respects.

Proposed Rear Extension

Impact on No. 119 - 123 Raby Road (side/south)

3.67 No. 119-123 Raby Road is a commercial property which adjoins the application site. The proposed extension would project approximately 1.5m along the shared boundary for a width of approximately 2.1m and then project a further 3.25m for a width of approximately 4m. The proposed extension would have a flat roof with a maximum height of approximately 3.9m when measured from within the application site. The proposed extension would be located on the boundary.

3.68 With respect to overshadowing and overbearing considerations, whilst it is acknowledged there would be a degree of impact on the adjacent yard area, due to the aforementioned height and massing of the brick work on the boundary and presence of an existing extension to the rear of no119 and no.121, consideration is given to the windows and doors in the rear of no.123 which appear to have been bricked up and the commercial nature of the property. Consideration is also given to the existing relationship between these dwellings, whereby no windows or doors directly face towards the proposed extension in the side by side relationship and the proposed positioning of the replacement access, through which this relationship would remain.

3.69 In view of the above, it is considered that, on balance, the proposal would not result in an unacceptable impact on the amenity and privacy of this neighbouring property in terms of loss of outlook, overbearing, overshadowing and overlooking, noise disturbance and odours as to warrant a refusal of the application.

Impact on No. 127 Raby Road (side/north)

3.70 No. 127 Raby Road is a commercial property which adjoins the application site. The proposed extension would project approximately 4.75m along the shared boundary. The proposed extension would have a flat roof with a maximum height of

approximately 3.9m when measured from within the application site. The proposed extension would be located on the boundary.

3.71 With respect to overshadowing and overbearing considerations, whilst it is acknowledged there would be a degree of impact on the adjacent yard area, due to the aforementioned height and massing of the brick work on the boundary and presence of a two storey building adjacent no127, consideration is given to the lack of windows in the rear of no.123 and the commercial nature of the property.

3.72 In view of the above, it is considered that, on balance, the proposal would not result in an unacceptable impact on the amenity and privacy of this neighbouring property in terms of loss of outlook, overbearing, overshadowing and overlooking, noise disturbance and odours as to warrant a refusal of the application.

Impact on land user to the rear/west (including the residential properties in Ridley Court)

3.73 The proposal would be sited approximately 20m from the nearest sensitive user (no.12 Ridley Court) to the rear with the presence of an access road in between. Due to the satisfactory distances and intervening road, it is considered that there would be no significant adverse impact on amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook or overlooking for these properties in respect of the extension.

OTHER PLANNING MATTERS

3.74 The application site does not benefit from dedicated parking. HBC Traffic and Transport have raised no highway or traffic concerns. The application is considered to be acceptable in this respect.

3.75 In terms of waste storage, based on the submitted a small, enclosed yard to the rear would remain (to which it appears that access is gained via the access road from Murray Street). The proposed plans indicate bin storage is to be located in this area. HBC Waste Management were consulted on the application and have raised no comments or objections. Had the application been deemed acceptable in all respects, a planning condition could have secured to agree the provision of waste storage. Ultimately, the use will need to ensure that it satisfies relevant waste storage requirements and an informative directing them to seek advice from HBC Waste Management could have been secured by an informative.

3.76 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). No objections are raised in relation to the potential for anti-social behaviour from HBC Community Safety or Cleveland Police. Cleveland Police have not raised any objections to the proposal in principle, however they have offered advice in relation to security measures and CCTV. Had the proposal been found acceptable in other respects, this advice could be relayed to the applicant by a

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

OTHER MATTERS

3.77 Comments from the Councils Building Control team highlight that a Building Regulation application will be required. Had the proposal been found acceptable in other respects, this advice could be relayed to the applicant by a suitable informative.

3.78 Comments from Northern Powergrid provide safe dig guidance. Had the proposal been found acceptable in other respects, this advice could be relayed to the applicant by a suitable informative.

CONCLUSION

3.79 Whilst the application site is located within a in a designated local centre, the proposed use would exceed the threshold for hot food takeaways in the Raby Road/Hart Lane Corner. As such the proposal does not comply with the requirements of the Local Plan and the principle of development is therefore not acceptable. This would warrant reason a reason for the refusal of the application.

3.80 The proposed development is also considered to conflict with Local Plan policy requirements with respect to undermining efforts to promote healthy lifestyles and would have a negative impact on public health (and the health of local residents). This would warrant a second reason for the refusal of the application.

3.81 It is further considered that the proposal (primarily the shopfront) would result in an adverse impact on the character and appearance of the existing building and surrounding area and that this would warrant a third reason for the refusal of the application.

3.82 It is considered that there are no other material considerations of sufficient weight to indicate that a decision should be taken other than in accordance with the Local Plan. As a result, it is considered that the application site is not a suitable location for the development and would conflict with Policies QP4, RC16 and RC18 of the Local Plan, the Council's Shop Front Design Guide SPD (2014), and the provisions of the NPPF (2023).

3.83 The development is considered to be unacceptable and officer recommendation is to refuse for the reasons outlined below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.84 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.85 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.

3.86 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority the proposed development, by reason of the introduction of an additional hot food takeaway use, would result in an unacceptable concentration of hot food takeaway uses in a small Local Centre which would be harmful to the vitality and viability of the Local Centre contrary to Policy RC16 and Policy RC18 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority, the proposed hot food takeaway would be detrimental to the health of residents in an area identified as suffering higher than average rates of childhood obesity and undermine efforts to promote healthy lifestyles contrary to Policy RC18 (Hot Food Takeaway Policy) of the Hartlepool Local Plan (2018) and paragraph 96(c) of the National Planning Policy Framework (2023).
3. In the opinion of the Local Planning Authority, the proposed shopfront design would constitute an unsympathetic development, resulting in an unacceptable harm to the character and appearance of the host building and surrounding area, contrary to the requirements of Policies QP4 and RC16 of the Hartlepool Local Plan (2018) and Hartlepool Borough Council's Shop Front and Commercial Frontages Design Guide SPD (2014).

BACKGROUND PAPERS

3.88 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/2024/0087

3.89 Copies of the applications are available on-line:

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

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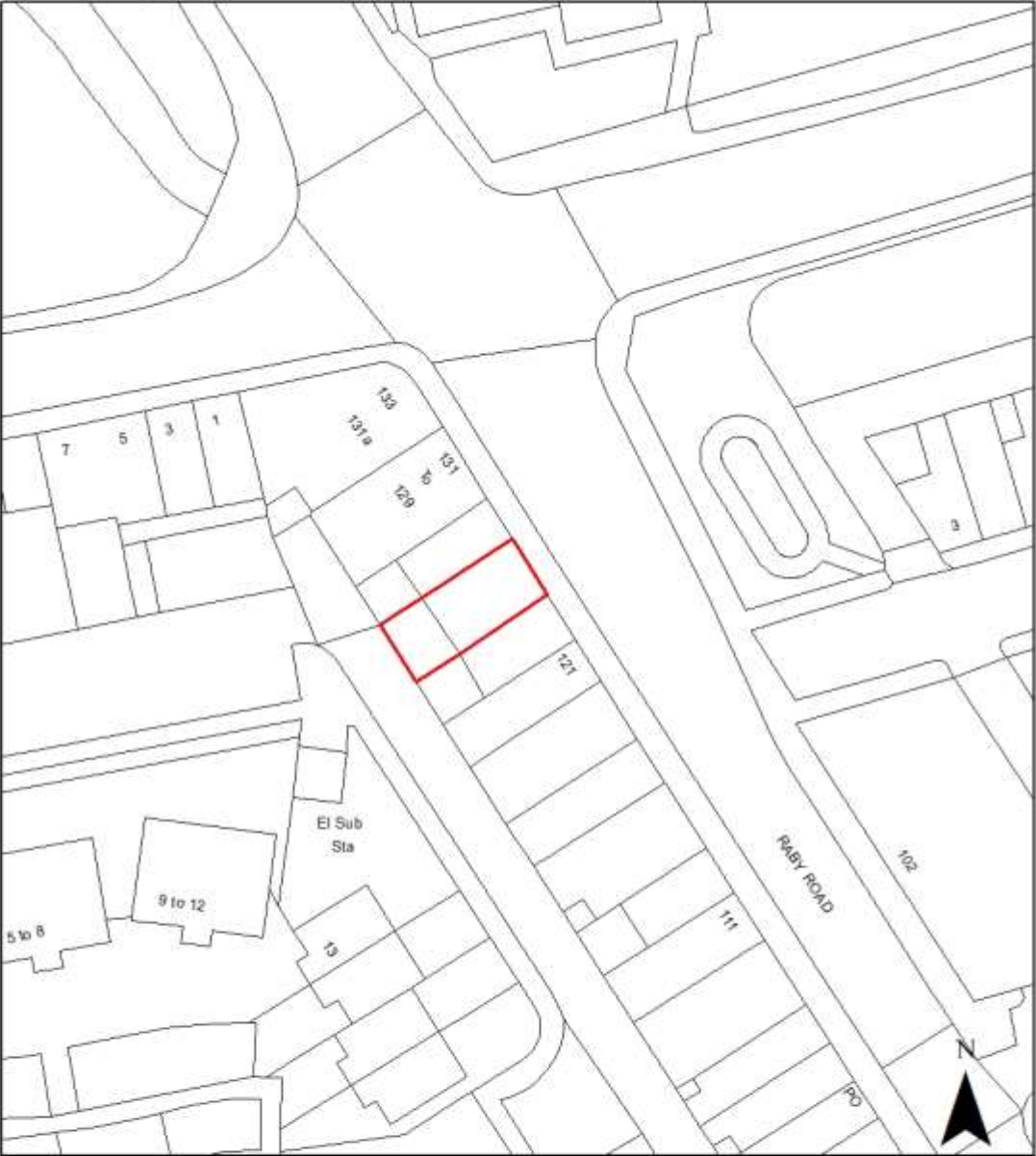
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 24.06.2024
	SCALE 1:500	
	DRG.NO H/2024/0087	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 July 2024



Report of: Assistant Director (Neighbourhood Services)

Subject: UPDATE ON ENFORCEMENT ACTIONS

1. PURPOSE OF REPORT

- 1.1 To update members with regard to enforcement actions that have been taken.
- 1.2 The following enforcement actions have been taken within this reporting period:
 - 1. An Enforcement Notice has been served in respect of a material change of use of a hotel car park for car sales at a former hotel at The Cliff.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

17th July 2024



Report of: Assistant Director (Neighbourhood Services)

Subject: APPEAL AT THE OLD MILL TRUNK ROAD A19
HARTLEPOOL TS27 3HF
APPEAL REF: APP/H0724/D/24/3340860
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 the outcome of a planning appeal that has been determined in respect of the erection of a first storey extension and two storey infill extension to rear at The Old Mill, Trunk Road A19, Hartlepool, TS27 3HF (H/2023/0069).
- 1.2 The appeal was dismissed. A copy of the Inspector's decision (dated 07/06/2024) is attached. (**Appendix 1**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1.



Appeal Decision

Site visit made on 8 May 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/H0724/D/24/3340860

The Old Mill Farm, A19 Trunk Road, Hartlepool TS27 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by MR Z Mahmood against the decision of Hartlepool Borough Council.
 - The application Ref is H/2023/0069.
 - The development proposed is described as: 'proposed first storey extension and two storey infill extension to rear'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the application form and proposed plans propose 'a first storey extension' to an existing annexe, the Council within its delegated report refers to the development as demolition of an existing single storey annexe and the erection of a two storey annex. The Council also refers to the proposal as comprising of five bedrooms (rather than four as shown on the proposed plans) in its reason for refusal. For the avoidance of any doubt, I have determined the appeal on the basis of the proposed plans and description of development.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed accommodation would serve an ancillary function to the main dwelling and whether it would be of a form that would increase the likelihood it would be occupied as a separate dwelling in the future.

Reasons

Character and Appearance

4. The appeal site comprises a group of two dwellings and an annexe accessed from the A19 dual carriageway via a single track road. The site is surrounded by open farmland in a rolling, agricultural landscape, with occasional farmsteads and dwellings, interspersed with hedgerows and trees.
5. The existing dwellings at the site comprise of a bungalow with dormer windows in the roof and a two storey dwelling (the farmhouse) positioned perpendicular

<https://www.gov.uk/planning-inspectorate>

to it. Both dwellings are faced with white painted render with pantile roofs. Unlike the attached farmhouse, the annexe has a single pitch roof sloping away from the front elevation lead to a high eaves line to the front elevation. Stables and storage buildings adjoin the opposing end of the annexe, creating a lengthy row of buildings, that are progressively lower in height, with a strong linear character. This is evident in views from the A19 dual carriageway where the site is visible through occasional gaps in the roadside hedgerow.

6. The proposed annexe extension would include a small two storey element to the rear of the annexe, whilst also providing an additional storey extending over its full length and adjoining the gable of the farmhouse. Its roof would be dual-pitched which would reflect that of the farmhouse. Whilst this roof would step down slightly from that of the farmhouse, the proposal would nonetheless represent a substantial increase in volume and massing, significantly enlarging the annexe to a size that would be comparable to the existing dwelling. The scale and height of the extension would become a dominant and imposing addition to the gable of the existing dwelling at odds with its character and appearance and that of the building group in general. The scale of the addition would significantly increase the prominence of the site in views experienced by those travelling along the A19. On this basis, the extension would not be of a size or design that would be sympathetic to the existing dwelling.
7. I therefore conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policy HSG11, HSG12 and RUR1 of the Hartlepool Local Plan (2018) (the LP) which together seek to ensure that domestic extensions, including residential annexes, are of a size and design that is sympathetic to the existing dwelling and preserves the character and appearance of the area.
8. There would also be conflict with Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) which seek to limit development in rural areas to that which is appropriate, respects local character and does not have a significant impact on visual amenity. In line with paragraph 139 of the National Planning Policy Framework (the Framework) the development would not be well designed and should therefore be refused.

Annexe

9. Policy HSG12 of the LP states that proposals for residential annexes will be permitted providing that they serve an ancillary function to the existing dwelling and can be incorporated into the accommodation serving the main dwelling when no longer required.
10. In its reasons for refusal, the Council states that the proposed layout and number of rooms created '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'. However, I am mindful that the proposal is for an extension to an existing annexe and not a proposal for a new annexe. The existing annexe is entirely self-contained with no access to the main dwelling and already comprises of all the facilities that would allow independent day-to-day living.
11. Nevertheless, a close relationship exists between the annexe and the main house which utilise the same access, parking and garden and are in the same ownership. This would continue following the implementation of the appeal

Appeal Decision APP/H0724/D/24/3340860

scheme. It is proposed to insert a ground floor link between the annexe and the farmhouse, thus providing greater physical linkages between the two than exists at present. Whilst the proposal would result in the annexe having an overall floor area comparable to that of the farmhouse, a large portion of the ground floor would be used as an office serving the family business which would be operated by occupiers of the annexe and the farmhouse. Through the ground floor link, the occupiers of the annexe and the farmhouse are likely to share various living activities as well as the office accommodation.

12. Having regard to the extent of the existing annexe accommodation and the close physical and functional relationship between the annexe and the dwelling described above, I am not convinced that the annexe would not continue to be occupied as ancillary accommodation to the farmhouse.
13. I therefore conclude that the proposed accommodation would serve an ancillary function to the main dwelling and would not be of a form that would increase the likelihood it would be occupied as a separate dwelling in the future. The proposal would therefore comply with the provisions of policy HSG12 of the LP insofar as it requires residential annexes to be ancillary to the main dwelling.

Other Matters

14. The appeal site falls within the catchment of the Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site (a European Designated Site).
15. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects on the integrity of the SPA. However, as I am dismissing the appeal because of my findings within my first main issue, there is no requirement for me to undertake this assessment.
16. The processing of the application and the time taken to determination relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I sympathise with the appellant with regard to the time taken to determine the application, I have nonetheless determined the appeal scheme on its planning merits.

Conclusion

17. The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

PLANNING COMMITTEE

17th July 2024



Report of: Assistant Director (Neighbourhood Services)

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

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the the prior notification for the installation of telecommunication equipment which includes: a 20m monopole with 6no. antennas, 3no. Remote Radio Units and 2no. 300mm dishes, and the installation of 2no. equipment cabinets adjacent to the proposed pole at Land Adjacent to Car Park Wiltshire Way / Grass Verge Hart Lane, Hartlepool (P/2023/0014).
- 1.2 The appeal was dismissed. A copy of the Inspector's decision (dated 19/06/2024) is attached. (**Appendix 1**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1.



Appeal Decision

Site visit made on 4 April 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal Ref: APP/H0724/W/24/3336578

Proposed Base Station Installation at CTIL: 30741000, Grass Verge of Hart Lane, Throston Grange, Hartlepool, England TS26 0XP, NGR E: 448772 N: 533456

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone against the decision of Hartlepool Borough Council.
 - The application Ref P/2023/0014.
 - The proposed development comprises the installation of a 20m high slim-line monopole supporting 6 no. antennas, 2 no. equipment cabinets, 2 no. 300mm dishes and ancillary development thereto including 3 no. Remote Radio Units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the development description and address from the submitted prior approval letter and have corrected the spelling of the road name.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking account of any representations received. My determination of the appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO, do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the Hartlepool Local Planning Framework: Hartlepool Local Plan 2018 (Local Plan) and the National Planning Policy Framework (the Framework), in so far as they are a material consideration relevant to matters of siting and appearance.
5. During the appeal, the Government published a revised Framework on 19 December 2023. The Council and the appellant have referred to the revised Framework in their appeal statements and I am satisfied that there is no requirement to seek further submissions on this matter. For correctness, I have used the 2023 Framework paragraph references where required.
6. New evidence was submitted with the appeal and included consideration of several additional alternative sites, a map showing all sites considered and the

search area and reference made to a number of previous appeals. This information responded to points raised by the Council in its reason for refusal and appeal statement. The Council and third parties have had the opportunity to comment on this information through the appeal process. Therefore, no party would be prejudiced by my taking this evidence into account.

Main Issue

7. The main issue in this appeal is the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons*Character and appearance*

8. The appeal site is located on a grass verge adjacent to Hart Lane, close to the signalised junction with Tarnston Road and next to a car park which serves several nearby retail/commercial units and a dental clinic/medical centre. The other surrounding areas consist of the road corridors with footpaths, wide grass verges and mature tree belts. The areas beyond these, although not highly visible, are typically residential. The area has a variety of existing street furniture and other vertical features including bins, commercial signage, lighting columns, road signage, traffic lights, bollards and pedestrian guardrails.
9. The proposal would consist of a 20 metres (m) high slim-line monopole supporting six antennas, two equipment cabinets, two 300 millimetres (mm) dishes and ancillary development.
10. Even though the appeal site would be next to a busy road corridor, near a signalised junction, and close to retail/commercial buildings, due to the reasonably flat and open expanses of the car park, roads and surrounding grass verges, it would be in an exposed and prominent location. It would not be well camouflaged, and would be highly visible in the surrounding close by and moderately distant views from public areas such as the roads, nearby footpaths, the car park and the retail/commercial units. Due to its height and antenna arrangement, the one and two-storey buildings, small trees to the verges and even the more distant tree belts would not screen or provide a sufficiently close backdrop to filter the proposal's appearance in these views.
11. The proposed monopole would be significantly greater in height than the existing nearby vertical structures and despite its slimline and tight antennas design, it would also be greater in thickness. As such it would not resemble existing features and would be the most dominant piece of street furniture in the locality. Even though telecommunication installations are reasonably common features in the area, in this location it would not successfully integrate into the street scene. The existing street furniture would provide some visual distraction to the proposal's cabinets, and, as their size and number are small and cabinets are reasonably common features in street views, they would not unacceptably add to the street clutter of the area.
12. The proposed design would be less harmful than alternative designs such as lattice towers or unshrouded pole designs with bulky headframes. However, this does not justify the visual harm it would cause. Nor would the proposed

colour of the monopole, or changing it, successfully mitigate its height and form impact.

13. While the mature tree belts would provide a backdrop which would assist in filtering out the proposal in some of the longer surrounding views, this would not remove the visual impact to the closer range views. Similarly, while views of the proposal from the surrounding housing would be quite distant and limited by some of the buildings and trees, this would not address the visual harm identified to the views from the nearby public areas.
14. Overall, the proposal would appear as a dominant and visually intrusive feature in the closer and moderately distant views. The siting and appearance of it would harm the character and appearance of the area. In so far as it is a material consideration, the proposal would conflict with Policies INF5, QP4 and QP6 of the Local Plan. Amongst other matters, these seek the design and siting techniques of telecommunications minimise the impact of equipment and that all developments are designed to a high quality and positively enhance their location and setting. It would also conflict with Paragraphs 119, 131 and 135 of the Framework which requires equipment to be sympathetically designed and camouflaged where appropriate and development be of a high quality and visually attractive.
15. It is contended that the proposal would meet the siting and design recommendations set out in the Code of Best Practice on Mobile Network Development in England (March 2022). However, due to the above site-specific conditions, this is not sufficient to mitigate the visual harm I have found.

Suitable Alternatives

16. As the proposal's siting and appearance would cause harm to the character and appearance of the area, it is important to consider if any less harmful alternative sites are available.
17. Eleven alternative sites, referenced in the appellant's final comments statement as D1 SSSI to D11 SSSI, were considered and discounted at the application stage. An extra six alternative sites, referenced as D1 and D5 to D9, and three of the application stage sites, referenced as D2 to D4, were considered in the appellant's appeal statements. This information included clarification on the reasons for discounting alternative sites D2 SSSI, D4 SSSI, D6 SSSI, D8 SSSI and D9 SSSI and the provision of a map plot showing all the alternative sites and the search area boundary.
18. While the number of alternative sites has been increased and the reasoning for discounting many has been explained in more detail than at the application stage, there are still a number of discrepancies in the information presented.
19. The information indicates that five sites (D3 SSSI, D5 SSSI and D7 SSSI to D9 SSSI) were outside the identified search area. Only two of these sites (D3 SSSI and D5 SSSI) are clearly noted at the application stage as being discounted due to being located too far to deliver the required level of coverage. The remaining sites are noted as being discounted due to being either closer to residential properties or near a Scheduled Monument with no mention of the sites being unsuitable due to a lack of coverage. At the planning application stage, these remaining sites were discounted on the basis that other alternative sites exist which would be more appropriate to deliver the

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required coverage to the target area. There is little explanation as to why alternative sites outside of the search area were considered and discounted for reasons other than a lack of coverage. It is therefore unclear if the search area shown is correct and whether all suitable alternative sites within the locality have been adequately considered.

20. Notwithstanding the above, it is also evident that sites D10 SSSI and D11 SSSI were in the search area, but a radio planner discounted them as not providing the optimum coverage compared to the appeal site. However, little substantive evidence has been presented to demonstrate that these sites could not provide sufficient coverage. Furthermore, no comparison of the effect of these sites on the character and appearance of the area compared to the proposal's effect has been provided. It is therefore not possible to assess if these would offer less harmful alternatives to the proposal.
21. I appreciate the operators' technical constraints including the specific height requirement, legal requirements and the essential need for the installation. However, clear and persuasive evidence has not been provided for the selection of the appeal site. It has not been sufficiently demonstrated that alternative sites are unsuitable and that a less harmful site than the appeal site would not exist. Consequently, it has not been sufficiently demonstrated that the need for the installation in the location proposed outweighs the harm to the character and appearance of the area.

Other Matters

22. In support of the proposal, reference is made to seven previous appeals¹. However, full details of these have not been provided and, from the information submitted there is a range of differences with the proposal before me that makes them not directly comparable. This includes a number of the examples having significantly shorter monopoles which, in all likelihood would have assisted in reducing their visual impact on the street views. From the site descriptions and photographic details there is little evidence to show the examples have similar site characteristics as the proposal's wide road corridors, large verges and distant tree-line vistas. Indeed, some of the examples are noted as having an existing monopole and tall pylons carrying electricity wires which are not evident at the appeal site before me.
23. In most of the examples, contrary to the appeal before me, it was found that the monopoles were acceptable/not harmful to character and appearance and there was no requirement to consider if less harmful alternative sites existed. In the example that found an adverse visual impact on the character and appearance in a conservation area, there was no dispute that there were no suitable alternative sites available. Overall, as noted, the examples are not directly comparable and do not change my findings regarding the proposal. In any event, I have considered the proposal on its own planning merits and found it to be unacceptable.
24. Further to the above, three examples of similar installations including Hyde Road Manchester (LPA Ref: 131373/TEL/2021) have also been highlighted in support of the proposal. However, the detail of these is limited with most being shown on localised photographs which provide little context of the surrounding

¹ APP/E5330/W/16/3159250, APP/J4423/W/17/3188962, APP/G4240/W/21/3268575, APP/P4605/W/21/3276432, APP/G5180/W/16/3151769, APP/H0724/A/05/1192357 and APP/J4423/W/20/3252355.

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area or planning circumstances. It is therefore not possible to directly compare these examples to the proposal before me. Accordingly, they do not change my view on the harm I have found.

25. The proposal would replace an existing installation that cannot be upgraded. It would provide improved 2G, 3G, 4G and new 5G coverage and capacity, ensure that the area has access to the latest technologies and provide a choice of mobile network suppliers for consumers. It would support the key Government, regional and local priorities of providing advanced, high quality and reliable communications infrastructure and provide social and economic benefits and social well-being. However, these are not factors considered in the matters of siting and appearance. Even if they were, it has not been sufficiently demonstrated that suitable less harmful alternative sites which would, in all probability provide the same benefits do not exist.
26. Paragraph 120 of the Framework states that local planning authorities should not impose a ban on new electronic communications development. The appellant contends that the Council's refusal indicates there is a ban on telecommunications development in low-rise areas. However, the Officer Report details the reasoning and planning judgement taken in refusing the application. No evidence is presented by the appellant to show a ban exists.
27. While I appreciate the appeal site would be in an accessible location for the proposal's infrequent maintenance requirements, there is little evidence presented to show that other suitable alternative sites could not provide this.
28. The appellant advises that a pre-application enquiry was submitted to the Council, but no response was provided. However, this was due to the appropriate fee for this service not being submitted.
29. I appreciate that the statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications and the Planning Practice Guidance (PPG) advises that prior approval is a light-touch process. However, it is still necessary to ensure a proposal meets the GDPO's conditions and limitations and sufficient evidence to support this is provided.
30. The appellant refers to Paragraphs 11, 38 and 85 of the Framework and Policies SUS1 and INF1 of the Local Plan related to achieving sustainable development and Paragraphs 118, 119 and 122 of the Framework which support high-quality communications. However, as detailed above I have only considered the Framework and Local Plan policies in so far as they are a material consideration relevant to matters of siting and appearance.

Conclusion

31. For the reasons given above I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR