

# PLANNING COMMITTEE

## AGENDA



**Wednesday 5 February 2025**

**at 10.00am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy (VC), Darby, Feeney (C), 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**

To approve the minutes of the meeting held on 4 December 2024.

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

- 4.1 Planning Applications – *Assistant Director (Neighbourhood Services)*
  1. H/2022/0423 Land at Whelly Hill Farm, Worset Lane (page 1)
  2. H/2024/0210 Land adjacent to Manor Farm, Dene Garth, Dalton Piercy (page 95)
  3. H/2024/0377 Kingsley Primary School, Taybrooke Avenue (page 133)

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

- 5.1 Development Management Performance – First and Second Quarter 2024-25  
– *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.

5.2 Planning Appeal at 117 York Road - *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.

**FOR INFORMATION**

Date of next meeting – Wednesday 12 March at 10.00am in the Civic Centre, Hartlepool



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **4<sup>th</sup> December 2024**

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

**Present:**

Councillor Tom Feeney (In the Chair)

Councillors: Moss Boddy, Rob Darby, 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  
Sarah Scarr, Coast, Countryside and Heritage Manager  
Daniel James, Planning (DC) Team Leader  
Helen Smith, Planning Policy Team Leader  
Stephanie Bell, Senior Planning Officer  
Lee Kilcran, Planning Officer  
Peter Frost, Highways, Traffic and Transport Team Leader  
Umi Filby, Legal Advisor  
Jo Stubbs, Democratic Services Officer

#### **46. Apologies for Absence**

Apologies were submitted by Councillors Andrew Martin-Wells and Cameron Sharp.

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

None

#### **48. Confirmation of the minutes of the meetings held on 9 October 2024 and 6 November 2024**

Minutes confirmed.

With regards to planning application H/2024/0053 (6 November meeting) the Planning Team Leader advised that consideration as to whether enforcement action is expedient was progressing.

## **49. Planning Applications** *(Assistant Director, Neighbourhood Services)*

**Number:** H/2023/0355

**Applicant:** BORTHWICK PROPERTIES PROSPECT WAY  
HARTLEPOOL

**Agent:** ASP Service Ltd OFFICE 206 BOVIS HOUSE 7 to 9  
VICTORIA ROAD HARTLEPOOL

**Date received:** 06/11/2023

**Development:** Change of use from a Care Home (C2 Use Class) to  
14no. self-contained residential flats (C3 Use Class)

**Location:** HIGHNAM HALL PARK AVENUE HARTLEPOOL

This application was recommended for approval.

An update was provided in relation to the proposed wording of conditions 2, 9 and 10 and the amended wording which included references to updated drawings received was circulated for the members to consider.

Full consideration had been given as to the impact this change of use would have on the nature of the listed building. Whilst the property is located in a conservation area, the decision had been taken to utilise the powers of Tree Protection Orders for the trees at the property as this would give them even greater protection. There had been no response to the application from the adjacent property. A waste storage area had been identified on site but bins would need to be brought to the front of the property on collection day which would be collected by a private contractor. This had also taken place when the property was a care home and there had been no objections regarding this. There would be 15 parking spaces with a potential for 3 more roadside which would need to be secured under separate highway legislation. Highways had raised no objection. Whether the flats were for to be for sale or rent was a decision for Borthwick Properties.

The Agent, Jonathan Loughrey, was present and addressed the Committee. He highlighted the pains that had been taken to come up with a sympathetic design and noted that no external changes had been made to the building other than those involving repair and maintenance. The flats were of a high standard and would be highly sought after. This was the best use of a building of this type and nature and he urged members to support the application.

Members asked for reassurance from the agent that any future owner of the property or flats will not damage the property in terms of its listed status. Mr Loughrey confirmed the applicant would try their best but they had no

concerns that this might happen. He indicated that all flats would have separate services and there would be a management company and a maintenance charge payable for communal areas.

Councillor Moss Boddy moved that this application be approved as per the officer recommendation. This was seconded by Councillor Mike Young. A recorded vote was taken.

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

Those against – None

Those abstaining – None

This application was therefore approved unanimously.

<b>Decision:</b>	<b>Minded to APPROVE subject to a legal agreement subject to the completion of a legal agreement to secure financial contributions toward HRA mitigation (£1,400) for indirect adverse impacts on SPA (and Ramsar Site) through recreational disturbance; and subject to the planning conditions below (including updated conditions 2, 9 and 10);</b>
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### **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 permitted shall be carried out in accordance with the plans and details: Dwg. No. 1129/P/8 (Proposed Elevations) received by the Local Planning Authority on 10th October 2023; Dwg. No. 1129-SLP (Site Location Plan, at a scale of 1:1250) received by the Local Planning Authority on 12 January 2024; Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans), Dwg. No. 1129/P/7 Rev A (Proposed Second & Third Floor Plans & Roof Plans) received by the Local Planning Authority on 8th August 2024; Arboricultural Impact Assessment (AIA) Tree Protection Plan (TPP) Proposed Layout Rev A received by the Local Planning Authority on 18th September 2024; Dwg. No. 1129/P/10 Rev A (Proposed Block Plan), received by the Local Planning Authority on 21st November 2024; and Dwg. No. 1129/P/9 Rev A (Proposed Site Plan) received by the Local Planning Authority on 22nd November 2024.  
For the avoidance of doubt.
3. Notwithstanding the submitted details and prior to the commencement of development, a full detailed schedule of proposed works shall be first

submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

In the interests of visual amenity and to protect the character and setting of the Listed Building.

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, a scheme including an Arboricultural Method Statement for the protection and retention of the retained trees as shown on Arboricultural Impact Assessment (AIA) Tree Protection Plan (TPP) Proposed Layout Rev A (received by the Local Planning Authority on 18th September 2024) shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall outline the use of any geocell membrane or other suitable mitigation measures where required. Thereafter and following the written agreement of the Local Planning Authority, the agreed measures shall be implemented on site (and retained until the completion of the development) and the works carried out in accordance with the agreed details. No activity shall take place in any of the protected areas as identified in the Arboricultural Impact Assessment (AIA) Tree Protection Plan (TPP) Proposed Layout Rev A (received by the Local Planning Authority on 18th September 2024). 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 establishing the Method of Tree Protection during the Construction Phase of the development in the interests of the health of the mature trees within the immediate surrounding area.

5. Notwithstanding the submitted details and prior to the commencement of the development hereby approved, a scheme for the provision, long term maintenance and management of all soft landscaping within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a programme of the works to be undertaken. 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 of the development (whichever is sooner) 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, biodiversity enhancement and to ensure a satisfactory form of development.

6. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of the development hereby approved, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision and footpath connections, shall be completed (and laid out) in accordance with the agreed details prior to the first occupation or completion (whichever is sooner) of the development and thereafter retained for the lifetime of the development.  
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
7. The 1no. first floor window serving the proposed bathroom of Flat 8 (as identified on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 8th August 2024) shall be either fixed or feature a limited 30 degree opening and shall be obscurely glazed to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority prior to the first occupation or completion (whichever is sooner) of the development. Thereafter, the window as agreed shall be installed prior to the first occupation of Flat 8 (as identified on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 8th August 2024) 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.  
To prevent overlooking and in the interests of the character of the listed building.
8. Notwithstanding the submitted details and prior to the installation of the proposed ventilation and extraction equipment hereby approved, large scale details and provision of samples of the ventilation and extraction fans, as shown on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans) and Dwg. No. 1129/P/7 Rev A (Proposed Second & Third Floor Plans & Roof Plans) (both date received by the Local Planning Authority on 8th August 2024) shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed to the satisfaction of the Local Planning Authority prior to the first occupation or completion (whichever is sooner) of the development and retained for the lifetime of the development.  
In the interests of visual amenity and to protect the character of the Listed Building.
9. Prior to the first occupation or completion (whichever is sooner) of the development hereby approved, details of the secure bike storage as shown on Dwg. No. 1129/P/9 Rev A (Proposed Site Plan, received by

the Local Planning Authority on 22nd November 2024), shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure bike storage as approved shall be provided prior to the first occupation or completion (whichever is sooner) of the development hereby approved and retained thereafter for the lifetime of the development.

In the interests of visual amenity, the privacy of future occupiers and to protect the setting and significance of adjacent heritage assets.

10. The waste storage arrangements as shown on Dwg. No. 1129/P/9 Rev A (Proposed Site Plan, received by the Local Planning Authority on 22nd November 2024) shall be implemented and made available prior to first occupation of any of the residential flats hereby approved and retained thereafter for the lifetime of the development.  
In the interests of visual amenity and the amenities of the occupants of neighbouring properties.

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

12. Waste generated during the construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted Waste Audit (prepared by ASP Services, document dated December 2023), date received by the Local Planning Authority 09/01/2024.  
To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

Members considered representations on this matter.

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<b>Number:</b>	H/2023/0356
<b>Applicant:</b>	BORTHWICK PROPERTIES PROSPECT WAY HARTLEPOOL
<b>Agent:</b>	ASP Service Ltd OFFICE 206 BOVIS HOUSE 7 to 9 VICTORIA ROAD HARTLEPOOL
<b>Date received:</b>	06/11/2023
<b>Development:</b>	Listed Building Consent for the proposed change of use from a Care Home (C2 Use Class) to 14no. self-contained residential flats (C3 Use Class)



**Location:** HIGHNAM HALL PARK AVENUE HARTLEPOOL

This application was recommended for approval.

Councillor Mike Young moved that this application be approved as per the officer recommendation. This was seconded by Councillors Moss Boddy and Carole Thompson. A recorded vote was taken.

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

Those against – None

Those abstaining – None

This application was therefore approved unanimously.

**Decision:** **Listed Building Consent Approved subject to the following planning conditions (including updated condition 2);**

### **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 permitted shall be carried out in accordance with the plans and details: Dwg. No. 1129/P/8 (Proposed Elevations) received by the Local Planning Authority on 10th October 2023; Dwg. No. 1129-SLP (Site Location Plan, at a scale of 1:1250) received by the Local Planning Authority on 12 January 2024; Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans), Dwg. No. 1129/P/7 Rev A (Proposed Second & Third Floor Plans & Roof Plans) received by the Local Planning Authority on 8th August 2024; Arboricultural Impact Assessment (AIA) Tree Protection Plan (TPP) Proposed Layout Rev A received by the Local Planning Authority on 18th September 2024; Dwg. No. 1129/P/10 Rev A (Proposed Block Plan), received by the Local Planning Authority on 21st November 2024; and Dwg. No. 1129/P/9 Rev A (Proposed Site Plan) received by the Local Planning Authority on 22nd November 2024.  
For the avoidance of doubt.
3. Notwithstanding the submitted details and prior to the commencement of development, a full detailed schedule of proposed works shall be first submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

In the interests of visual amenity and to protect the character and setting of the Listed Building.

4. Notwithstanding the submitted details and prior to the installation of the proposed ventilation and extraction equipment hereby approved, large scale details and provision of samples of the ventilation and extraction fans, as shown on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans) and Dwg. No. 1129/P/7 Rev A (Proposed Second & Third Floor Plans & Roof Plans) (both date received by the Local Planning Authority on 8th August 2024) shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use, and retained for the lifetime of the development.  
In the interests of visual amenity and to protect the character of the Listed Building.
5. The 1no. first floor window serving the proposed bathroom of Flat 8 (as identified on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 8th August 2024) shall be either fixed or feature a limited 30 degree opening and shall be obscurely glazed to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority prior to the first occupation or completion (whichever is sooner) of the development. Thereafter, the window as agreed shall be installed prior to the first occupation of Flat 8 (as identified on Dwg. No. 1129/P/6 Rev A (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 8th August 2024) 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. To prevent overlooking and in the interests of the character of the listed building.

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<b>Number:</b>	H/2024/0116
<b>Applicant:</b>	MR JAVAID HUSSAIN STANHOPE AVENUE HARTLEPOOL
<b>Agent:</b>	ASP Service Ltd JONATHAN LOUGHREY OFFICE 206 BOVIS HOUSE 7 to 9 VICTORIA ROAD HARTLEPOOL
<b>Date received:</b>	21/06/2024
<b>Development:</b>	

Erection of a three storey side extension incorporating integral garage (demolition of existing garage to side/front) and external alterations to host dwelling including replacement of all existing windows to front elevation, installation of uPVC front door, and the installation of new windows to the rear.

**Location:** 12 STANHOPE AVENUE HARTLEPOOL

This application was recommended for refusal.

The Agent, Jonathan Loughray, was present and addressed the Committee. He acknowledged the concerns raised of the proposal but the applicant had tried to reduce and size and scale of the alterations to address these. The intent was not to create an HMO but rather a luxury family home. The property was an eyesore in a state of disrepair and these changes would bring it back into use. There would be no adverse effects on the property next door. Should this application be refused the owner would place the property back on the market which would lead to further disrepair and the potential of conversion to flats or an HMO.

The Planning Team Leader advised that the property was subject to a Section 215 notice regarding the untidy nature of the property. However officers did not feel that the proposed amendments were appropriate and the current state of the building was not a valid reason to support the alterations as per the National Planning Policy Framework.

A member noted that a number of neighbours and residents were exceptionally concerned about this application. An extension on the side would change the area completely and could lead to similar requests from other property owners.

Councillor Moss Boddy moved that this application be refused as per the officer recommendation. This was seconded by Councillor Carole Thompson. A recorded vote was taken.

Those for – Councillors Moss Boddy, Rob Darby, Tom Feeney, Michael Jorgeson, Karen Oliver, Martin Scarborough and Carole Thompson

Those against – Sue Little and Mike Young

Those abstaining – None

This application was therefore refused by a majority

**Decision:** Planning Permission Refused

## REASON FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed development, by virtue of its overall design, scale, siting, and use of materials, would constitute an unsympathetic form of development that would have an unacceptable impact on the character and appearance of the existing dwelling and surrounding area, resulting in less than substantial harm to the designated heritage asset (Grange Conservation Area). It is further considered that there is insufficient information to indicate that this harm to the heritage asset would be outweighed by any public benefits of the development. The proposal is therefore contrary to the provisions of Hartlepool Local Plan (2018) Policies HE1, HE3, HSG11 and QP4, and paragraphs 139, 203, 205, 208 and 212 of the National Planning Policy Framework (2023).

Members considered representations on this matter.

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### **50. Update on Enforcement Actions** (*Assistant Director (Neighbourhood Services)*)

Members were updated on 2 enforcement notices which had been served within the current reporting period.

#### **Decision**

That the report be noted

### **51. Planning Appeal at 6 Coniscliffe Road** (*Assistant Director (Neighbourhood Services)*)

Members were advised that an appeal in respect of the erection of a detached garage to the above property had been dismissed. A copy of the decision letter was appended to the report.

#### **Decision**

That the outcome of the appeal be noted.

The meeting concluded at 10:50am.

CHAIR

## **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/NPPF D  
ecember 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"> <li>Local and National planning policy</li> </ul>	<ul style="list-style-type: none"> <li>Political opinion or moral issues</li> </ul>
<ul style="list-style-type: none"> <li>Visual impact</li> </ul>	<ul style="list-style-type: none"> <li>Impact on property value</li> </ul>
<ul style="list-style-type: none"> <li>Loss of privacy</li> </ul>	<ul style="list-style-type: none"> <li>Hypothetical alternative proposals/sites</li> </ul>
<ul style="list-style-type: none"> <li>Loss of daylight / sunlight</li> </ul>	<ul style="list-style-type: none"> <li>Building Regs (fire safety, etc.)</li> </ul>
<ul style="list-style-type: none"> <li>Noise, dust, smells, vibrations</li> </ul>	<ul style="list-style-type: none"> <li>Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>Pollution and contaminated land</li> </ul>	<ul style="list-style-type: none"> <li>Private access disputes</li> </ul>
<ul style="list-style-type: none"> <li>Highway safety, access, traffic and parking</li> </ul>	<ul style="list-style-type: none"> <li>Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>Flood risk (coastal and fluvial)</li> </ul>	<ul style="list-style-type: none"> <li>Private issues between neighbours</li> </ul>
<ul style="list-style-type: none"> <li>Health and Safety</li> </ul>	<ul style="list-style-type: none"> <li>Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>Heritage and Archaeology</li> </ul>	<ul style="list-style-type: none"> <li>Loss of trade / business competition (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>Biodiversity and Geodiversity</li> </ul>	<ul style="list-style-type: none"> <li>Applicants personal circumstances (unless exceptional case)</li> </ul>
<ul style="list-style-type: none"> <li>Crime and the fear of crime</li> </ul>	
<ul style="list-style-type: none"> <li>Planning history or previous decisions made</li> </ul>	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

**No:** 1.  
**Number:** H/2022/0423  
**Applicant:** MS EMMA HARDING  
**Agent:** ARUP EMMELINE BROOKS 4 PIERHEAD STREET  
CARDIFF  
**Date valid:** 10/03/2023  
**Development:** 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.  
**Location:** LAND AT WHELLY HILL FARM WORSET LANE  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

HOUT/2001/0260 - Outline application for the erection of a petrol filling station with shop, hotel with public bar and restaurant. This application was not determined.

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

### Current 'pending' applications (to the south of the A179):

1.3 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 considered at the planning committee of June 2024 and Members were 'minded to approve' the application subject to the completion of a S106 legal agreement, which has not been completed at the time of writing.

### Determined applications (including screening opinions) on the land surrounding and adjacent to the application site, south of the A179:

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

1.5 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.

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

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

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

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

1.10 H/2021/0404 - Scoping opinion request in respect of electric vehicle charging facility (Solar Electric Forecourt), including erection of a 2-storey central hub; building to house ancillary facilities; and installation of an approx. 85ha solar farm and associated infrastructure, on a parcel of land beyond the A179 to the south of the application site. A scoping opinion (which provides advice on the scope of any Environmental Statement (for EIA development)) was issued in October 2021. This relates to current pending application H/2022/0423.

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

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

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



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

1.15 H/2024/0134 – Non-material amendment to planning permission H/2020/0175 for the installation of a solar farm. Approved 14/08/2024.

1.16 H/2023/0181 - Construction and operation of a gas powered standby electricity generator and related infrastructure. Approved 07/01/2025.

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

1.17 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, appeal decision date 12/02/2024.

1.18 H/2021/0311, H/2021/0312 & H/2021/0312 – planning permission was refused by the LPA 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 current application site on the opposite side of the A179. All three appeals were allowed, appeal decision date 06/12/2023.

## **PROPOSAL**

1.19 This application seeks full planning permission for the proposed 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.

1.20 The proposals have been amended during the course of the application, as set out below, mainly in respect of the removal of solar panels on Whelly Hill and the provision of additional landscaping, primarily to the northern and western boundaries.

1.21 The proposals, in detail, are set out below;

### *Solar Electric Forecourt*

1.22 In detail, the proposed solar electric forecourt would comprise an area situated toward the northern extent of the application site, containing a total of 42no. electric vehicle charging points for cars and 3no. electric vehicle charging points for HGVs, 15no. non-charging parking spaces of which 5no. are designated for staff, and 12no. cycle parking spaces; a canopy in the central section of the proposed solar electric forecourt, and a part two storey part single storey kiosk building toward the western extent.

1.23 The proposed kiosk building would measure approximately 25.5m in length by approximately 13.5m in width, with a flat roof height of approximately 4.2m. In the central section the proposed kiosk building would feature an additional storey measuring approximately 11.1m in length by approximately 7.6m in width, with a total height of approximately 5.7m. The building would comprise a copper and black panelling finish to the elevations at ground floor, with the two storey element of the building finishing in a 'moonstone' panelling to the elevations. The proposed building would feature a glass curtain wall to its east elevation and an area of 'living wall' on the southern elevation. The submitted Planning Statement indicates that the ground floor of the building would comprise a multi-functional commercial space (of approximately 241sqm) whilst the first floor section would be a plant room (of approximately 77sqm).

1.24 The proposed canopy would extend across a length of approximately 37.4m and a width of approximately 3.2m in the centre of the proposed solar electric forecourt. The proposed canopy would have a solar-panelled roof and would have a total height of approximately 5.3m, dropping to a height of approximately 4.5m. The proposed canopy would be set on 7no. steel posts.

1.25 The submitted information indicates that the proposed electric vehicle forecourt and kiosk would be open 24 hours a day.

1.26 The proposal includes the installation of a pedestrian footpath through the central section toward the proposed kiosk. At the eastern extent of the proposed solar forecourt is a proposed external seating area. The proposal includes the installation of lighting columns throughout the proposed solar electric forecourt.

1.27 To the rear of the proposed kiosk building, the proposals include the installation of a storage area, which comprises fenced off areas for storage (with no built structures), refuse storage, retail storage containers and cold storage.

1.28 The proposals include the installation of a close boarded timber fence with a height of approximately 3m between the proposed solar electric forecourt and infrastructure areas within the wider scheme, a metal railing fence with a height of approximately 2m between the proposed solar electric forecourt and the proposed solar farm, the installation of a knee rail with a height of approximately 0.6m within the canopy area of the site, and a timber post and rail fence around the remaining perimeter of the area. The proposals also include the installation of a section of retaining wall.

1.29 The proposals include the installation of a section of woodland planting to the northern boundary, and hedge planting to the eastern, southern and western boundaries. In the western extent the proposal includes a small pond and landscaped area.

### *Proposed Solar Farm*

1.30 In detail, the proposed solar farm would comprise ground mounted solar arrays, comprising up to 72,176 panels set on a metal framework, placed in rows across an area of approximately 82 hectares, with a separation of approximately 5m

between rows. The maximum height of the solar array panels would be approximately 3m. Two sections of the proposed solar panel arrays would be located on a 'gabion solution', which comprises raised blocks with a height of approximately 0.4m. These sections would be situated toward the western extent of the overall layout and are understood to be required to account for a change in ground levels at that point in the site.

1.31 The submitted information states that the proposals constitute 100% renewable energy. The proposed electric vehicle charging forecourt, including the ancillary kiosk building and associated paraphernalia, would all be powered by solar energy from the proposed solar farm.

1.32 The submitted Cover Letter indicates that the amended solar farm "would generate up to 33,900MWh of power each year, or an output equivalent to the annual electrical requirements of approximately 10,300 average homes, or the ability to fully charge (from empty) 847,500 Electric Vehicles."

1.33 The submitted Planning Statement explains that each solar panel is 600 watts peak (wp) at standard test conditions. The total output would be 43.3MWp.

1.34 The layout of the solar farm has been amended during the course of consideration of the application at the request of officers, to remove solar arrays on Whelly Hill, to create larger gaps between the sections of solar arrays, and to widen the buffer between the solar arrays and the boundaries with the main trunk roads of the A19 and A179.

#### *Energy Storage and Ancillary Buildings*

1.35 The proposals include the siting of a customer substation and DNO (Distribution Network Operators) substation located close to the northern boundary in the north east section of the application site. This area would also include transformers and storage containers. To the east of this area would be a battery storage area.

1.36 The proposals include battery energy storage (BESS), comprising of 24no. containers measuring approximately 12.192m in length, approximately 2.4m in width and approximately 2.896m in height. These would be situated in linear rows of 4no. each in 6no. areas around the centre of the application site, linked by internal access roads. In each of these areas the proposals would include a monitoring box, power conditioning system (PCS), and a pump station. The submitted plans indicate that these buildings and structures would be finished in a green colour ('Holly Bush' in the British Standard Colours, colour 14C39).

1.37 The proposals include the siting of a temporary compound area, situated adjacent to the south of the customer and DNO substations the north east of the application site.

#### *Access and car parking*

1.38 The proposals include the installation of a new access from the A179 to serve the electric vehicle charging forecourt. The area of carriageway construction and associated widening of the road to facilitate the access would be taken from an existing field boundary approximately 400m to the west of the existing access road from the A179 to Whelly Hill Farm. The submitted Proposed Access Works plan indicates that the visibility splays would be approximately 4.5m (from the edge of the carriageway) x 215m.

1.39 The proposed solar farm itself would include an internal access road taking access from Worset Lane (to the east) and providing vehicular access to the proposed infrastructure, including the proposed Monitoring Box, GRP Pump Station, BESS, PCS, temporary site compound area, storage container, customer substation, DNO substation, Transformer, Battery Storage Area.

1.40 The proposals include the installation of a 'Solar Farm Walk', which is a circular route from the proposed forecourt extending around the rows of solar panels situated in the north western extent of the site. The submitted information indicates there would be an "opportunity to engage in exercise whilst being able to learn about solar renewable energy through information boards that would be provided along the route".

1.41 The applicant indicates in the submitted Planning Statement that the proposed filling station has been designed to meet the demands of the electric vehicle market; that it has been conceived from extensive research into the limitations and frustrations with existing charging infrastructure; and that it will offer reliable, predominantly ultra-rapid EV charging supported by a range of ancillary services, designed to maximise the experience of charging and optimise the use of the associated dwell-time.

1.42 The submitted Construction Traffic Management Plan indicates that a temporary construction compound would be created at the northern boundary of the site with access from Worset Lane (to the east).

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

### *Landscaping*

1.44 The application is accompanied by supporting Landscaping General Arrangement plans (as amended during the course of the application) which details a strategic planting of trees and scrub throughout the application site, to include sections close to the northern boundary of the site, sections along the western boundary of the site (bounding the A19 highway), enhancements to hedgerow planting along the southern boundary of the site, creation of a rough species rich grassland within the south east section of the site, creation of a wide habitat strip

running diagonally through the central section of the site, and the partial reinstatement of field boundaries, grassland and hedgerows.

1.45 As noted above, the proposed landscaping has been amended during the course of consideration of the proposals, at the request of officers, to include more hedgerows and trees to be planted on the northern and western boundaries, more wildflower and rough species planting, and the creation of a skylark planting scheme on Whelly Hill.

### *EIA Regulations*

1.46 The proposed development would fall within Schedule 2 (3a Industrial installations for the production of electricity) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The application has been accompanied by an Environmental Statement (ES). In addition, reports submitted with the application include a Landscape and Visual Impact Assessment, a Transport Assessment, a Flood Risk & Drainage Assessment, a Geo Environmental Desk Report, a Planning Statement, a Design & Access Statement, a Statement of Community Involvement, Ecological Reports, Archaeological and Heritage Reports, a Security and Crime Prevention Statement, a Car Share Statement and an Arboricultural Impact Assessment. Addendum reports to the original ES were provided following the reduced scale of the solar farm during the course of the application.

1.47 The Environmental Information contained in the ES and the above information has been taken into account in reaching the recommendation outlined in this report.

1.48 The application has been referred to the Planning Committee as more than three objections have been received and it is considered to be a departure from the Hartlepool Local Plan, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

1.49 The application site is an area of agricultural field measuring approximately 88.7 hectares. The application site is situated on land in the north-west of the borough, associated with Whelly Hill Farm, although the existing farmhouse is outwith the red line boundary of the application site for the current proposals. The application site is bounded on its northern side by the A179 trunk road, and on its western side by the A19 trunk road, and extends east to Worset Lane. To the southern boundary, the application site bounds further agricultural fields.

1.50 The application site is also situated to the west of the North Hartmoor National Grid substation, and there are other existing, extant permissions and proposed energy related development in the wider vicinity as described in the 'Background' section to this report.

1.51 Whelly Hill Farm is situated approximately 50m from the proposed development (at its closest point). It is of note that an application H/2022/0470 is

minded to approve subject to the completion of a S106 legal agreement to demolish the farmstead and for the erection of a synchronous compensator development.

1.52 Hart Moor House is approximately 355m to the north (beyond the A179 trunk road), Tilery Farm is sited approximately 505m to the south east. The village of Hart is situated approximately 1km to the north east, with Nine Acres approximately 650m to the north east. The village of Elwick is located approximately 870m to the south.

1.53 The application site abounds Whelly Hill House Limestone Quarry Local Wildlife Site (LWS), which is adjacent to Whelly Hill Farmstead. Public footpaths run to the south east of the application site, including footpath Elwick No. 1 which runs from Elwick to Claypit Farm, at a distance of approximately 400m to the south east of the southern application site boundary. Public footpaths Elwick Nos. 6 and 8 are present beyond the A19 trunk road to the west.

1.54 The application site features a hill, Whelly Hill, whilst the remainder of the topography of the remainder of the application site is such that it is gently undulating, sloping from south to north and from west to east.

## **PUBLICITY**

1.55 The application was advertised by way of notification letters to 36 individual neighbouring properties and local ward councillors, site notice and press advert. To date, fifteen objections have been received.

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

- Industrial character of the proposal not suitable within a village or rural area
- Light pollution
- Advertising totems
- The village of Sheraton will be surrounded by solar farms
- Reduce house prices
- Destroying the habitat of local wildlife, for example deer fencing proposed
- Application falls outside development limits (“town planning boundary”) and conflicts with a number of policies from the Local Development Framework
- The proposals would be highly visible from the A19, insufficient screening proposed and even if it was, it’s doubtful it would successfully screen the proposals
- Only summer views considered
- An objector indicated that they were not consulted as a neighbour;
- Impacts on residential amenity
- Traffic – the A179 is too busy, access to the site is poor, busy Sheraton interchange
- 2 year construction period presents a significant traffic hazard
- Traffic Assessment is misleading and was undertaken during quiet period
- Over developed villages
- Industrial appearance with negative impact on visual amenity

- Cumulative effect – individual proposals just short of NSIP but together the effects are immense
- Brownfield land should be used for such developments
- Loss of prime agricultural land
- Impacts on 61% of food produced in the UK for UK residents
- Impact on historic character of a saxon village
- EV forecourt should be built at existing services on the A19 and charging should be near existing sustainable transport hubs e.g. train stations
- Impacts on tourism, recreation and cultural values
- Impacts from loss of landscape on mental and emotional wellbeing of residents of villages
- Long term economic benefits are questionable.

1.57 In addition, three responses of ‘support’ have been received. These include comments summarised as follows:

- The net zero future will require such infrastructure
- The proposals will provide sustainability to the area
- The proposals will result in the reduced reliance on fossil fuels
- EV are more environmentally friendly compared to gas powered vehicles
- Reduced air pollution
- Improved accessibility including disabled drivers
- Economic benefits including job creation and business opportunities
- Technology advancements - Innovation in clean energy
- Benefitting the community
- The proposal would position Hartlepool as a leader in sustainable infrastructure

1.58 During the course of consideration of the proposals, the applicant submitted additional site levels details and a photomontage to which bespoke consultation was undertaken with certain technical consultees only. An amended layout and amended landscaping plans were also received during the course of the application and a full re-consultation with neighbours and technical consultees undertaken.

1.59 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=155978>

1.60 The period for publicity has expired.

## CONSULTATIONS

1.61 The following consultation replies have been received:

**HBC Engineering Consultancy:** In response to your consultation on the above application we have no objection in principle in respect of surface water management or contaminated land. Please include our standard unexpected

contamination condition and the surface water management condition shown below on any permission issued for proposals:

*Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document). To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.*

The applicant is advised that it is likely that the lowest practicable surface water flow restriction will be 3.5l/s achievable by means of vortex control. The attenuation basin design does not appear to accord with accepted dimensions as stated in the Tees Valley SuDS Design Guidance in respect of length to width ratio required to maximise treatment so some thought will be required to ensure suitable surface water treatment can occur. Furthermore, as it is proposed that highway drainage assets are to be utilised to drain the site it will be required that these assets are inspected, any necessary maintenance carried out and a commuted sum provided to fund a reasonable proportion of maintenance for the lifetime of the development.

Within agricultural land it is possible that land drainage assets may be encountered that may be susceptible to damage or need to be diverted, infilled, discontinued, etc. In this respect the applicant's attention is drawn to the Land Drainage Act 1991 section 23 whereby Hartlepool Borough Council's consent is required in its capacity as Lead Local Flood Authority prior to any modification to or interference with any of these drainage assets (Ordinary Watercourses) that may affect flow in those assets.

**HBC Ecology:** I have reviewed the Environmental Statement, Landscape and Ecological Management Plan (LEMP), Biodiversity Net Gain Report and Ecological Appraisal Report (EAR).

The Ecological Appraisal Report is informative and comprehensive and has supported the 'Scoping-Out' of ecological issues within the Environmental Statement (ES). Despite ecological issues being scoped-out, the Ecological Appraisal Report does present a range of mitigation issues to manage the impacts associated with the proposal on ecological resources. The document states, a range of ecological mitigation measures are required to be applied to ensure that the proposed development does not result in significant negative impacts on biodiversity. It could be argued that this would conclude that ecology should be 'scoped-into' the ES as



there are potentially significant effects. However, the submission of the Ecological Appraisal Report does provide mitigation recommendations that can be used to determine the application.

Whilst the EAR is informative and comprehensive, I do have reservations regarding the assessment of some the impacts. The mitigation presented is too general and will require development and further clarity to agree conditions and implementation of the proposal. In addition, at this stage some of the conclusions and assumptions within the BNG Report and recommendations can be questioned. This information will need to be reviewed by the applicant as the detail will need to be conditioned should the application be successful.

HBCs pre-application guidance stated the following should be submitted with the application:

- Breeding Bird Survey (BBS)
- Preliminary Ecological Assessment Report
- Defra Biodiversity Metric 2.0
- Ecological Impact Assessment
- NPPF Biodiversity Enhancement

The pre-application guidance has been followed, with the BBS summarised in the EAR.

My concerns are summarised below.

#### Breeding / Nesting Birds

The EAR states that due to the adverse impact that the proposed development could have on local farmland breeding bird populations, habitat creation or enhancement works are likely to be necessary as an integral part of the proposed development.

The mitigation proposed includes:

- Restricting vegetation clearance to certain times of the year;
  - Seeding strips of bird seed mix;
  - Suitable mitigation is put in place, either on site or off site, for ground nesting farmland birds including skylark and lapwing, however this is not defined in the EAR.
- The mitigation and compensation described in Sections 7.52-7.56 and 7.63 of the EAR is considered to be too general and lacking specific detail that will allow the recommended monitoring to determine that the mitigation has been effective. There is no detail provided specifically with regard to ground nesting farmland birds including skylark and lapwing (section 7.52) which will be excluded from the existing fields following the development. It is likely that this will require off-site mitigation, if so then this will require agreement prior to determination and will need to be conditioned.

The exact dimensions of the seeding strips are not provided.

There is some inconsistency regarding the number of bird boxes. Figure 3 provides the location of only 4 bird boxes, the EAR states 5 boxes although the text in the Landscape and Ecology Management Plan (LEMP) states that there will be an installation of twenty-five bird boxes (including a mix of sparrow terraces, barn owl

boxes, little owl boxes and assorted single-hole and open fronted boxes) to enhance nesting opportunities available to a range of bird species.

I do not accept the general statement that ‘the change of habitat from intensive arable use to grassland should provide an overall benefit to wintering birds’, the loss of farmland habitat will adversely affect certain species and the grassland is covered with solar panels which will limit how the area may be used by birds.

#### Great Crested Newt

It is understood that there are 2 ponds within 500m that have a confirmed (through eDNA) presence of Great Crested Newt. Only presence and absence surveys have been completed and distance has been used to determine the ‘importance’ of the ponds. No population size assessments have been completed. Breeding or ‘resting’ places have been used in the Great Crested Newt assessment, this is more related to a mammal rather than an amphibian and there is limited evidence to support the conclusions. For example the statement ‘arable fields being sub-optimal in nature are unlikely to form important terrestrial habitat for GCN, and do not offer resting places’ is very questionable. The detail of the assessment used to support this conclusion has not been provided. Has the availability of resting areas been actually measured? I do not accept that ‘great crested newts will not be hibernating within the open arable fields’. Arable fields provide a generous supply of beetles and other invertebrates or food and the cracks and plough marks in the fields provide plentiful areas for refuge and over-wintering. This is supported by a range of published literature on the species.

I accept that habitat lost to the development will be limited and no ponds will be damaged or lost, however the impact of installing the solar panels (e.g. vehicle movements during installation and maintenance) has not been adequately considered in the assessment. The assessment assumes as the land was arable, there will be no newts. This is unlikely to be the case without knowledge of the population sizes of the local ponds and an improved assessment of how the newts are likely to utilise the surrounding landscape.

Mitigation covering other amphibians is not referenced (e.g. Common Toad). Salamander is mentioned in para 6.9. This species is not native and its relevance is not clear in the EAR.

The mitigation for Great Crested Newts is provided in Section 7.74 of the EAR. This includes a Non-licensed Method Statement for the southern boundary of the site. It should be noted that this approach would not permit the physical movement of newts found during construction works and a licensed approach would be required under these circumstances to handle and move the newts.

A Great Crested Newt / Amphibian Mitigation Strategy should be developed and submitted separately to the LPA so that the detail can be agreed and conditioned appropriately. There are some conflicts stated in the bullet points, for example 7.74 states that the onsite habitats will be maintained in sub-optimal condition through regular grazing, cutting etc. to discourage amphibians from the proposed site,

however this is likely to conflict with the desire to enhance the grassland (see comments on the BNG report).

### Reptiles

No field surveys have been completed for reptiles. The presence of lizards or snakes is not known and it is recommended that a Reptile Mitigation Strategy is prepared.

### Mammals

Deer fencing is proposed for security around the arrays and the site perimeter. This is stated in the Environmental Statement, but is not detailed in the EAR. The impact of this fencing on directing deer to other locations (including roads) has not been considered and may be detrimental.

The site was also considered to offer potential to support the following protected and/or notable species: badger, brown hare, harvest mouse. Precautionary Working Methods (PWMs) have been recommended to protect these species, but have not been submitted at this time. These shall be prepared and submitted to the LPA for review prior to the start of any works on site. This shall be conditioned.

### Construction Environmental Management Plan

The EAR makes reference to the preparation of a Construction Environmental Management Plan (CEMP). This shall be prepared and submitted to the LPA for review prior to the start of any works on site. This shall be conditioned.

### Biodiversity Net Gain

The proposed hybrid solar farm will occupy a total area of 87.82 ha. It will consist of a series of solar arrays with the modules it supports, optimally placed to maximise solar generation. The farm is presented in Appendix A (Landscape General Arrangement Plan). This plan provides the detail which is described in the Biodiversity Net Gain (BNG) Plan report. The BNG Plan presents a gain of 377.42 habitat (area) units, which equates to 206.76% net gain. This gain is based on the assumption that the existing cropland is developed as rough grassland (considered for the purposes of BNG to be other neutral grassland). This assumes 74.63 ha of the site is converted to other neutral grassland. All the new other neutral grassland is considered as moderate condition.

In addition, a gain of 11.91 hedgerow (linear) units, representing a 43.58% net gain is proposed.

Based on the guidance provided in Natural Capital Best Practice Guidance Increasing biodiversity at all stages of a solar farm's lifecycle (Solar Energy UK), whilst the land between the panels can be classified as other neutral grassland of moderate condition within the metric (where the site is formerly arable or pasture), the land directly under the panels is more variable. I would question whether the land directly below the panels can be managed to encourage a moderate condition e.g. it is not clear mowing can be undertaken with the panels in place and maintain

the required floristic quality. In addition, as the land is likely to be nutrient rich, creation of neutral grassland would be challenging and I think a condition assessment of moderate is ambitious.

Further detail could be provided to support these assumptions, especially maintenance and dealing with the nutrient status of the fields. However, I request that the solar panel field is divided to reflect land between the panels, and that directly below the panels. The habitat and condition shall be reclassified accordingly. The BNG matrix should be recalculated to match this division. Justification for the selection of the conditions shall be stated in the BNG Report. I will need to develop specific conditions once the information has been updated. If you require further detail, please do not hesitate to contact me.

Update 4<sup>th</sup> March 2024 following receipt of additional visualisations and landscaping:

I have reviewed the following documents:

- Great Crested Newt Precautionary Non-Licensed Method Statement (Redacted)
- Biodiversity Net Gain Report (Redacted)
- Biodiversity Net Gain Metric Calculation (Redacted)
- Ecological Appraisal Report (Redacted)
- Ecological Appraisal Report - Figures Only
- Great Crested Newt Precautionary Non-Licensed Method Statement (Redacted)

This document is acceptable. There are no recommendations in this report, therefore the following conditions will be requested.

Condition 1

An Ecological Clerk of Works (ECoW) will be appointed by the developer or contractor to provide a watching brief as required during site works. The ECoW will be a suitably experienced ecologist and will hold, or be an Accredited Agent under, a valid Great Crested Newt (GCN) survey licence from Natural England.

The ECoW shall deliver a toolbox talk to the Site Manager and/or Site Supervisor and workers on site prior to commencement of work within the Great Crested Newt Risk Zone (GCNRZ). The toolbox talk will detail protection measures outlined within this Non-Licensed Method Statement required during construction. A record of this meeting and attendees shall be maintained by the ECoW.

Reason: To prevent harm to Great Crested Newts.

Condition 2

The GCNRZ will be subject to a walkover inspection by the ECoW prior to works commencing on site. This survey will be within 3 months of the start of any works, including vegetation clearance, on site.

Reason: To prevent harm to Great Crested Newts.

Condition 3

In accordance with the information submitted it is required that a minimum of 4 no. hibernacula are created across the site to provide long-term sheltering and hibernating opportunities for Great Crested Newts.

Reason: To enhance the land post-development for Great Crested Newts in line with the National Planning Policy Framework.

#### Biodiversity Net Gain Report

This document is now acceptable. The previous document stated that a gain of 377.42 habitat (area) units, which equates to 206.76% net gain could be achieved through this development, with an additional gain of 11.91 hedgerow (linear) units, representing a 43.58% net gain is proposed. The revised report concludes a net gain of 57.24 habitat (area) units, which equates to 32.13% net gain, and an additional gain of 11.88 hedgerow (linear) units.

This revised figure can be supported by the information provided.

Reason: To achieve the mandatory 10% BNG stated as part of The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 and The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

#### Condition 4

A BNG Management and Monitoring Report shall be submitted to the LPA to state how the Net Gain stated in the BNG Report (dated December 2023) shall be obtained.

#### Condition 5

The EAR makes reference to the preparation of a Construction Environmental Management Plan (CEMP). This shall be prepared and submitted to the LPA for review prior to the start of any works on site.

#### Update 22/10/2024 following query regarding planning conditions:

I did not mention the skylark plots as these were added after the recommendations and therefore it was not necessary to do so. I did state that the information was lacking in the earlier correspondence. However, the final documentation was adequate.

Condition 9 is long and detailed. I would recommend that it is broken into two, and I think this would be easier to discharge (i.e. funding mechanism and practical delivery – see below). I am concerned about (e), this details BNG which is not the same as enhancement / mitigation. Mitigation needs to be separated from the BNG. BNG needs to be delivered through a separate condition. We should be clear what plan we mean - 'revisions/amendments of the plan'.

#### Update 24/10/2024 following further query regarding conditions:

I think everything is okay. Bar some minor clarifications, the conditions are good.

The next stage is the discharge of the conditions and the quality / comprehensiveness of the documentation. The conditions provide good guidance on how the documents should be prepared and the details to be included. We have stated that a qualified / experienced ecologist shall prepare these documents.

I think this is the best we can do.

Update 15/01/2025 following discussion on conditions:

No more comments on these conditions.

These are good.

**HBC Arboricultural Officer:** Although this application is on a large scale the application has a minimal arboricultural impact. The trees and hedges on site seem to have been a key consideration and constraint in the design process as they should be, but rarely are. The AIA provided by Treework Environmental Practice is a very comprehensive document that provides all the relevant information needed in terms of trees, hedges and the site. It is proposed to remove sections of hedging to the north of the site at A179 for access to the forecourt. Although this loss of hedges has an impact, it is deemed a small impact and is more than adequately mitigated through the proposed replanting within '3544-TLP-XX-XX-SP-L-90005 Outline Plant Schedule - Hartlepool Solar Farm' and the associated detailed plans. The trees on site are offered adequate protection through the TPP found within the AIA. Protection is offered with a mix of tree protection fencing and the original boundary fencing being used to create a construction exclusion zone around the RPA, this is deemed acceptable.

Update 18/01/2024 following additional visualisations and landscaping:

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

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

Natural England's further advice on Soils and Agricultural Land Quality and advice on other natural environment issues is set out below.

Hart Bog Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Soils and Agricultural Land Quality

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the description of the development this application is likely to affect 29.5 ha of BMV agricultural land. We consider that the proposed development, if temporary as

described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations.

#### Summary of Natural England's Advice - No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's further advice on Soils and Agricultural Land Quality and advice on other natural environment issues is set out below. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of BMV agricultural land.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that: 'Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.' Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the

whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

In the absence of a soil management plan for the construction and restoration phases of the proposal, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Code of Practice for the Sustainable Use of Soils on Construction Sites. This also provides general guidance for protecting soils, e.g. in relation to handling or trafficking on soils in wet weather.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade). The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed. We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Other advice Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Update 25/01/2024 following amended layout to reduce the scale of the proposal:

Natural England has previously commented on this proposal and made comments to the authority in our response dated 11/04/2023, reference number 427334.

The advice provided in our previous response applies equally to this amendment - although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

**HBC Landscape Architect:** While the VPs shown are acceptable, and as with the other A179 schemes between the A19 and Hart, cumulative impacts with other



schemes are important. An assessment of the journey on the A179 as a key approach to the town should be provided.

Update 25/01/2024 following internal discussion regarding the proposals and landscape and visual assessment details:

Further to this morning's meeting please find below Landscape and visual Issues with regard to the above scheme:

- Confirmation of proposed site levels required, and clarification of 'Gabion solution',
- The sections appear to show that screening depends to large extent on roadside verge planting that is outside the red line boundary, and over which the applicant has no control. A comprehensive landscape scheme should be provided with the site. As a minimum this should an appropriate landscape buffer (15m) the site boundaries.
- It would be informative to provide photomontages to VPs 1, 2 & 3 to demonstrate proposed mitigation at 0, 5 and 15 years.
- Details of fencing to be confirmed.

Update 06/06/2024 following site levels and photomontages provided:

Following meeting with the applicant, photomontages have been provided at additional viewpoints which are informative. Additional hedgerow planting has been provided as requested.

Update 01/08/2024 following discussions with case officer:

I think that any residual impacts (as demonstrated on the photomontages) would reduce over time (year 1-15) and be acceptable given the site context.

**HBC Traffic and Transport:** While having concerns regarding additional traffic on the A179 at this time, given the relatively small scale of the development we would be unable to sustain an objection to the application. I can therefore confirm that subject to the recommendations in the Safety Audit being followed the application is acceptable in highway terms.

Update 07/08/2024 following receipt of Road Safety Audit:

Thanks for the RSA. The developer should also provide a Stage 2/3 RSA this would need to be conditioned.

We would require the following conditions based on the RSA. Condition 4 does not relate to RSA but the developers aim to promote the use of public transport.

- 1) Detailed plan to be submitted and approved to the highway authority prior to the commencement of works which details all the road markings proposed for the right turn lane including double white lines, 'keep left arrows' and central hatching as detailed in 3.1.1 of the road safety Audit. The approved scheme should be implemented prior to the commencement of works.

- 2) Detailed plan to be submitted and approved to the highway authority prior to the commencement of works which details all the signing and lining required to extend the existing 40mph speed limit including the provision of red surface treatment with 40mph speed roundels as detailed in 3.1.1 of the RSA. The approved scheme should be implemented prior to the commencement of works. The speed limit will require an amendment to the Traffic Regulation Order which Durham County Council implemented. The costs of the amended order should be met by the developer.
- 3) Detailed plan to be submitted and approved to the highway authority prior to the commencement of works which details the refuge islands as detailed in 3.1.1 of the RSA. The refuge islands should be positioned to accommodate pedestrians crossing the A179 to access the bus stop and woodland walk area on the north side of the road. The approved scheme should be implemented prior to the commencement of works.
- 4) Detailed plan to be submitted and approved to the highway authority prior to the commencement of works which details the implementation of a bus stop on the westbound carriageway and improvements to the hard standing and implementation of low floor bus kerbs on the east bound stop. Appropriate pedestrian links should be made to connect the bus stops and the site. The approved scheme should be implemented prior to the commencement of works.
- 5) Detailed plans to be submitted and approved to the highway authority prior to the commencement of works which details the implementation of the street lighting as detailed in 3.1.1 and 3.2.1 of the RSA. The approved scheme should be implemented prior to the commencement of works.

Update 08/08/2024 following discussions regarding dropped kerb and crossing point:

The bus stop and safe crossing point are covered in the conditions. They would be delivered through a section 278 agreement.

Update 01/10/2024 following query regarding allocation under INF2 for strategic road widening:

The proposed right turn lane would have an impact on the extent of the A179 could be widened, however there is a significant amount of space available and the most likely provision would be second westbound lane. There would be sufficient width available to provide this.

There are no current plans for road widening in this area.

Update 03/12/2024 following query regarding substituting conditions previously requested with a single condition requiring a Stage 2 Road Safety Audit:

The proposed condition would give us sufficient confidence that they will comply with the requirements.

**HBC Countryside Access Officer:** These proposals show no amenities for the customers to use and enjoy, whilst their vehicle is charging. Some if not the majority of the users will want to stretch their legs during this time. To this end; I would like to see a path running from the car park, to the east of the entrance with a crossing point across the A179. A pedestrian safe refuge/island crossing point would allow safe crossing.

The goal and aim would be to give customers the chance to walk around a small but close by community woodland which is accessed from the lay-by north east of the forecourt, on the north side of the A179.

An opportunity to walk and revitalise, whilst the car/vehicle 'revitalises' through a charge, would be beneficial to the customer's health and wellbeing.

Otherwise they would not be given the opportunity for gentle exercise, away from their cars/vehicles.

Research has shown that a person's health, as well as wellbeing, is vastly improved through gentle exercise. Breaking up the monotony of a journey is vital for driver/passenger and for road safety in general. We are always told that long journeys need to be broken via a rest stop and that we need to then stretch our legs to get circulation back.

Simple investment into exercise provision is never a waste of money but positive addition to the overall service provided.

**National Highways:** We have reviewed the Transport Assessment [TA] and the Glint and Glare Study [GGS] submitted in support of this application and would offer the following comments.

#### Transport Assessment

The trip rate and trip generation methodology are unchanged from the previously agreed and it is, therefore, appropriate. However, a revised trip distribution is proposed based on survey data. We support the proposed methodology but would request that the survey data is submitted to us for review. Subject to our review of the traffic data, the proposed trip distribution is anticipated to be acceptable.

The Applicant's transport consultant predicts that the proposed development will generate 44 two-way trips in the morning peak period and 41 two-way trips in the evening peak period at the A19 Sheraton Interchange.

At the pre-application stage, we suggested that the predicted trips on the A19 slip roads (26 AM / 29 PM two-way trips) was not likely to result in a material impact and consequently, no further assessments would be required. However, due to the higher predicted impact of the additional trips on the A19 Sheraton Interchange slip roads (as a result of the revised trip distribution based on survey data), further assessments are considered to be required.

#### Operational Assessment

The Applicant's consultant has assessed the A19 Sheraton Interchange using the LinSig V3 signalised junction modelling software. We request that the LinSig model is submitted to us for review.

The Applicant's consultant has proposed an opening assessment year of 2027 for the development proposal. We agree that an opening year of 2027 is a robust assumption.

We have reviewed the proposed growth factors in TEMPro and agree that they are robust.

We request that the Applicant confirms whether the committed development scenario has been agreed with Hartlepool Borough Council. In line with Circular 01/2022, the assessment should include all relevant development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years and include the full amount of development to be built.

We would withhold detailed comment on the proposed results until the LinSIG model has been reviewed, we have received confirmation that the committed development scenario has been agreed with you, and the opening assessment year has been confirmed.

We acknowledge that three sensitivity test scenarios are also proposed. We would withhold detailed comment upon the sensitivity testing until the above items have been addressed.

We would, however, note that if the proposed development is reliant on the delivery of the Elwick Bypass improvements, then a suitable planning condition may need to be agreed upon with you.

#### Construction Traffic Management Plan

It is proposed that a Construction Traffic Management Plan will be secured through a planning condition. We support this approach and will formally recommend wording for this condition once the above matters have been agreed upon.

#### Glint and Glare Study

In terms of existing planting providing screening; we question the permanency of this acting as mitigation for the potential effects. We would request confirmation of the planting in relation to the periods the effects are identified (i.e. when within the year are the effects apparent, is the planting's foliage permanent and / or apparent during these periods and / or is the depth of planting sufficient to provide a barrier).

In terms of new planting providing screening; clearly this will take a long period of time to mature to provide sufficient mitigation for the potential effects. We would request that appropriate interim fencing be implemented in the period before any proposed planting is sufficiently mature to mitigate the effect.

We would require to see the details of the fencing proposed, to ensure it provides a sufficient barrier.

We further note that the proposed location of the new screening (and the required interim fencing) is near the SRN. Any work proposed near to the SRN must be planned and carried out in a manner that minimises the need for access to/ work on the highway verge, were reasonably practicable. The method will need to be addressed through the Construction Traffic Management Plan.

On the basis of the above, I enclose National Highways' formal NHPR 21-09 response recommending a holding recommendation with a duration of three months be placed on this application.

Update 18/07/2023 following receipt of data files from applicant:

Assessment of the above application is ongoing. Bryan G Hall, on behalf of the applicant, provided us with LINSIG files last week. When we have reviewed this information we will respond. However, our current formal response recommending non-determination expires tomorrow. I therefore forward a further similar response extending this for a further three months.

When we receive the necessary information we will send a final response at the earliest opportunity.

Should more than three months a further holding response can be issued.

Update 20/11/2023 following further discussions with applicant:

We have reviewed the further evidence and would offer our comments as follows.

**Impact at the SRN**

We previously stated that this development's impact on the Strategic Road Network (SRN) would only be acceptable if the queuing traffic is located on the Local Road Network (as is reported in the assessment results). This is because if a change to the signal timings or a mitigation scheme is proposed to resolve the Local Road Network congestion, there is a risk that the safety and/or operation of the SRN is compromised.

As a consequence of the above, we requested that the Applicant obtains written agreement from the Local Highways Authority that the impact on the Local Road Network is acceptable. On 09 October 2023, HBC confirmed that "...the application is acceptable in highway terms". On this basis, the development's impact at the Strategic Road Network is acceptable in terms of highway safety and the residual cumulative impacts on the road network cannot be considered to be severe.

**Glint and Glare**

In line with our previous comments, we request that the following planning condition is attached to any grant of planning permission for this application:

1. Condition: "The solar farm development hereby permitted shall ensure that the modules are pre-programmed at a tilt of 5 degrees and shall not be permitted to go back to flat (0 degrees) at any time of day / night. The programming of the modules shall be maintained for the lifetime of the development unless agreed in writing with

the Local Planning Authority (in consultation with the Highway Authority for the A19)."

Reason: To mitigate any adverse impact from the development on the A19 and to satisfy the reasonable requirements of road safety.

No further evidence is required regarding glint and glare; the combined mitigation which includes landscaping and the control of the tilt is sufficient. We do, however, also request the following planning condition is attached to any grant of planning permission for this application:

2. Condition: "Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19)."

Reason: In the interest of the safe and efficient operation of the Trunk Road and to protect the Trunk Road soft estate.

#### Construction traffic

The development's highway impact at the SRN during the operation phase has been agreed, however, to ensure the impact at the SRN during the construction phase is acceptable, we request the following planning condition is attached to any grant of planning permission for this application:

3. Condition: "No part of the development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Traffic Management Plan."

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

#### Recommendation

On the basis of the above, National Highways would offer no objection to this planning application subject to the above planning conditions be attached to any grant of planning permission.

#### Update 30/01/2024 following amended landscaping and layout:

We have reviewed the further evidence and would offer our comments as follows.

#### Glint and Glare

Arup previously stated:

"The Planting Schedule confirms that a number of trees are proposed to provide the mitigation and screening necessary to address the impacts of Glint & Glare. The schedule which has been submitted with the planning application confirms a varied number of trees that will be a heavy standard, girth of 12-14cm and an overall minimum height of 300-350cm at year 1. These trees will be managed to ensure that they flourish to provide the landscape/Glint & Glare benefits that are noted within the Pager Power report."

We previously concluded that, subject to conditions, no further evidence is required regarding glint and glare; the combined mitigation which includes landscaping and the control of the tilt is sufficient.

We requested that the following planning conditions be attached to any grant of planning permission for this application:

1. Condition: “The solar farm development hereby permitted shall ensure that the modules are pre-programmed at a tilt of 5 degrees and shall not be permitted to go back to flat (0 degrees) at any time of day / night. The programming of the modules shall be maintained for the lifetime of the development unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19).”

Reason: To mitigate any adverse impact from the development on the A19 and to satisfy the reasonable requirements of road safety.

2. Condition: “Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19).”

Reason: In the interest of the safe and efficient operation of the Trunk Road and to protect the Trunk Road soft estate.

Additional landscape plans have now been submitted to accompany this planning application. These plans do not change our recommended wording for condition 1. The submitted landscape plan (drawing number: 3341-TLP-XX-XX-D-L-10001, P04) refers to two planting schedules:

- Drawing number: 3544-TLP-XX-XX-SP-L-90005P01
- Drawing number: 3544-TLP-XX-XX-SP-L-90006P01

In order to ensure that condition 2 is specific to this development (in line with NPPF), we would amend our condition wording as follows:

2. Condition: “Planting shall be undertaken in accordance with the agreed plans (as shown in principle on drawings 3544-TLP-XX-XX-SP-L-90005P01 and 3544-TLP-XX-XX-SP-L-90006P01) and maintained as such thereafter unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19).”

Reason: In the interest of the safe and efficient operation of the Trunk Road and to protect the Trunk Road soft estate.

#### Construction traffic

The development’s highway impact at the SRN during the operation phase has been agreed, however, to ensure the impact at the SRN during the construction phase is acceptable, we previously requested that the following planning condition is attached to any grant of planning permission for this application:

3. Condition: “No part of the development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Traffic Management Plan.”

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

The submitted Outline Construction Method Statement relates to Archaeology and not traffic management. Consequently, the need for condition 3 is withstanding.

#### Recommendation

On the basis of the above, National Highways would offer no objection to this planning application subject to the above planning conditions be attached to any grant of planning permission.

**Northern Gas Networks:** Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail.

Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's.

Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

#### Update 16/01/2024 following amended scale of proposals:

We do not object to your planning application.

**Tees Archaeology:** Thank you for the consultation on this application. We note the inclusion a desk-based assessment (DBA) and geophysical survey within the appendices of the environmental statement, as well as a written scheme of investigation (WSI) for trial trenching. The geophysical survey has indicated that there are remains of both probable and possible archaeological activity on the study site, while the DBA also concludes that there is archaeological potential across the site. The results of the geophysics and DBA are examined in Environmental Statement Volume I (Section 6), which also states that “no intrusive investigation has been conducted to ground truth and test these results. There is a possibility that additional currently unrecorded archaeological remains may lie within the site” and that “Further investigation of these remains would be able to confirm the presence and potential value of any surviving buried archaeological remains, to ensure that a suitable mitigation strategy can be devised.”



On this basis, further information is required to assess the potential of the buried remains and the impact of the development on them. We would therefore ask for archaeological trial trenching of the site prior to determination of the application in order to obtain sufficient information to advise the planning authority (NPPF para 194). This will allow us to determine the extent, depth, and significance of the archaeological remains. A WSI for trial trenching has been included within the Environmental Statement Volume II; this document should be submitted separately to us for comment and approval prior to any trial trenching.

The results from this work will allow a recommendation as to whether aspects of the scheme might need changing or re-locating and whether further archaeological work might be required. The latter would be secured through a condition should the application be successful.

Update 02/05/2024 following receipt of archaeological information from applicant:

I approved a WSI for the site, and archaeological trial trenching was carried out last year. Two areas of complex archaeology dating to the prehistoric period were identified, with an area of less dense but seemingly associated features in between these two concentrations.

With regards to the archaeological remains, there are a few ways in which to proceed – 1) excavate and record the remains prior to construction, 2) preserve the remains in situ through a no-dig construction methodology, or 3) preserve the remains through the exclusion of these areas from development. All of these approaches can be conditioned upon the application.

As the applicant has submitted an outline construction method, it would appear as though they would prefer to follow option 2 with elements of option 1. The submitted methodology states “This will be achieved primarily through the implementation of a no-dig construction methodology for the solar panels and where below ground impacts cannot be entirely avoided appropriate measures to ensure any archaeological remains are investigated and recorded prior to their damage or loss.”

I have read over the outline construction method and am satisfied with the proposed approach; this will minimise the impact of the development upon the archaeological remains within the ‘zones of archaeological interest’ (ZAI) and where impact is unavoidable, a programme of archaeological monitoring and recording will be undertaken.

I would therefore recommend the following conditions:

Preservation of heritage assets during construction

No development/site restoration shall commence until fencing has been erected around the zones of archaeological interest (ZAI) to a design approved by the Local Planning Authority in writing. No works shall take place within the area inside that fencing unless in accordance with Hartlepool West Solar Electric Forecourt® Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement

(Archaeology) (Report No: CA Project MK0952), submitted by Cotswold Archaeology. This includes works undertaken during restoration of the site.  
Reason: To ensure that archaeological assets are protected

Preservation of heritage asset through foundation design  
No work shall take place in the zones of archaeological interest (ZAI) unless it is in accordance with Hartlepool West Solar Electric Forecourt® Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement (Archaeology) (Report No: CA Project MK0952), submitted by Cotswold Archaeology.  
Reason: To ensure that archaeological assets are protected

Recording of a heritage asset through a programme of archaeological works  
A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:  
1. The programme and methodology of site investigation and recording  
2. The programme for post investigation assessment  
3. Provision to be made for analysis of the site investigation and recording  
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation  
5. Provision to be made for archive deposition of the analysis and records of the site investigation  
6. Nomination of a competent person or persons/organisation to undertake the works set out within the  
Written Scheme of Investigation.  
B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).  
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

Update 20/11/2024 following query regarding conditions:

Their outline construction method statement (archaeology) states “where below ground impacts cannot be entirely avoided appropriate measures to ensure any archaeological remains are investigated and recorded prior to their damage or loss”, and goes into more detail about this in section 4.6. The standard condition is necessary to cover the areas requiring archaeological monitoring which are not being protected through foundation design etc. This includes some groundworks within the Zone of Archaeological Interest (ZAI) as well as groundworks relating to below-ground cable routes between the arrays and the substation (beyond the ZAI). The outline construction method statement does not constitute a WSI, but I would be willing to amend the condition so that it states:

Recording of a heritage asset through a programme of archaeological works

A) No groundworks/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) and/or *Hartlepool West Solar Electric Forecourt® Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement (Archaeology)* (Report No: CA Project MK0952).

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

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

Hopefully that is amenable to the applicant.

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

The proposal is the 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.

Although the development is extensive it is considered this it will not impact on the significance of any listed or locally listed buildings nor any conservation areas within the borough of Hartlepool.

Update 15/01/2024 following amended scale of proposal:

The amended information is noted however the comments submitted in April 2023 remain relevant in this instance.

**Northumbrian Water:** No comments received.

**Rural Plan Working Group:** Thank you for consulting Hartlepool Rural Neighbourhood Plan Group regarding the above. The Group recognises the push and need for alternative energy sources and electric transport support facilities, but this does not excuse abandoning established and publicly consulted planning policies. 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 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)

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

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. With regard to public infrastructure, a solar charging station might be considered a 'nice to have' but it is not essential at this particular vicinity and could be directed to a more appropriate location.

Likewise, it is not essential for a solar farm(s) of the magnitude proposed and combined with others already approved along the A179 and adjacent areas that will result in such a dramatic change in the character of the area.

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.

This application will be particularly highly visible from the A19. No screening is proposed and, unless a substantial belt of tree planting is included, it is doubtful screening would be successful. 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.

No screening is indicated along the A179 in the vicinity of the proposed customer substation, DNO substation, storage container, transformer and battery storage area. This is unacceptable.

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

#### POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY

The development of the rural economy will be supported through:

1. the retention or expansion of existing agricultural and other businesses;
2. the re-use or replacement of suitable land/buildings for employment generating uses in villages and the countryside;

3. the provision of live-work units and small scale business units within the development limits of the villages;
4. the construction of well-designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
5. appropriate tourism related initiatives;
6. recreation uses appropriate to a countryside location.

New specialist retail businesses, including farm shops, garden centres and similar outlets selling goods grown or manufactured in the locality, will be supported where such developments would provide support for the rural economy, and could not reasonably be expected to locate within the village envelope or Hartlepool urban area by reason of the products sold, or their links to other uses on the site. The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure. Improvements to technology and communications infrastructure will be supported to facilitate the development of businesses in the area. All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

The proposed Solar Farm and associated Solar Forecourt does not meet any of the bullet points 1-6 of this policy.

This scale of the solar farm, especially in association to the other solar farms proposed along the A179 is not of an appropriate scale, being so large as to be completely transformative to the rural area. It offers little to the rural economy and is not supportive of existing businesses and offers no support to the rural economy.

The application is not compliant with policy EC1 and therefore cannot be supported.

**POLICY EC4 - SERVICE STATIONS AND TRAVEL RELATED DEVELOPMENT**  
Land at the service stations on the A19, as identified on the proposals map, will be safeguarded for the following uses to primarily serve the travelling public:

- ☐ Petrol filling station/s with ancillary shop/s
- ☐ Premises for the sale of hot and cold food and drinks (A1 or A3)
- ☐ Vehicle recovery
- ☐ Overnight accommodation
- ☐ Parking for cars and heavy goods vehicles.

Improvements to infrastructure may be necessary. Improvements to the environment and landscaping of these areas must be included in any proposals.

The proposed Solar Forecourt is in effect a service station where electric vehicles would recharge. While recharging there are proposed facilities where occupants of the vehicles can find refreshment while their vehicles recharge. The Rural Neighbourhood Plan policy EC4 is aimed at preventing the spread of such facilities while safeguarding those that already exist.

The Forecourt is clearly located to attract traffic from the A19. The current junction of the A19/A179 is not the best design, where a series of traffic lights has been added to address past problems/accidents. These additions can only be considered as a temporary plaster that will become ever more problematic as traffic increases with the present expansion of Hartlepool. The addition of a service area associated with the A19/A179 junction where highway safety is a major concern as it has become an accident black spot in recent years. Major investment in a greatly improved junction would be required. This is why the improvement of this junction is highlighted in Policy T1 of the Rural Neighbourhood Plan.

#### POLICY T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK

Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation:

1. improvement of the A179/A19 junction
2. the dualling of the A179
3. improved village approach roads and junctions to the A179, A689 and A19
4. alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool
5. appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Plan
6. Measures that promote good driver behaviour, such as speed cameras.

The above improvements must be designed, as far as possible, to be in keeping with the rural setting.

#### 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 the other proposals along the A179, deer fencing surrounding the site is included. The effect is a barrier over 1 mile long from the A19 to Hart village. How will this affect wildlife movement in the area? This can only fragment the area's natural habitats. Will wildlife be pushed toward the A19 or the expanding development of the town of Hartlepool? This application is within the priority network as described by Policy NE4 of Hartlepool Local Plan and indicated on Diagram 8 of the plan. Rural Plan Policy NE1 (2) seeks the enhancement of Wildlife corridors and the site of this application is crossed by such a corridor as indicated on the map, appendix 9 of the Rural Neighbourhood Plan. We would expect any new planting proposed will be in line with Policy NE1.

As stated previously the application indicates little screening provided around the edges of the proposed site. This despite the highly visible location. Something much more substantial is expected, 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 shall 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. As previously stated, there are also serious concerns with regard traffic safety associated with the A19/A179 junction.

A condition is expected 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 shall be removed and the site restored within 18 months.

As outlined this proposal is considered to fail to accord with other policies. As such the Rural Neighbourhood Plan Group object.

The proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy GEN1 of the Hartlepool Rural Neighbourhood Plan and Policy RUR1 of the Hartlepool Local Plan. Due to size, siting and design, the proposal would have a detrimental visual impact on the open countryside, the A19 and A179 main approach into Hartlepool and would have an unacceptable transformational effect on this part of the rural area, contrary to Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan and Policies RUR1 and QP4 of the Hartlepool Local Plan.

Serious safety concerns also exist in a major junction which has become an accident black spot in recent years being associated with a service area.

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

*Update 29/01/2024 following amended layout and scale of the proposal:*

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group again regarding this application. We can see nothing in this latest amendment that would change our previous comments. We therefore refer you to our earlier responses and objection to this application.

*Update 08/06/2024 following additional landscaping and visualisations:*

Thank you for reconsulting the Rural Neighbourhood Plan Group regarding this application. The very minor tweaks to the hedgerow planting, which continues to have the appearance of an afterthought, in no way addresses the concerns expressed by the Group regarding this proposed solar farm. We refer you to our earlier responses and objection.

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

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

The alarming cumulative effect of this proposal with other applications in addition to the existing wind turbine and major High Volts Sub-station represents a staggering circa 255 ha of energy development in the rural area are: -

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

a Synchronous Condenser (H/2022/0302)

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

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

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

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

an energy Storage Facility including 2 sub-stations (H/2017/0540)

a gas metering in kiosk with 66kv electrical transformer (H/2019/0208)

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

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

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

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

All the above to include associated works including security fencing.

This application will more than quadruple the visual 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 is causing genuine stress to the people of Hart Village and the wider rural parish.

We have the following objections:

Planning Specific Objections

Local Plan 2018 and Hartlepool Rural Plan 2018

1) The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village and therefore contrary to the following policies:

LS1 Locational Strategy (Village envelope of Hart) (Local Plan)

Rur1 Development in the rural area. (Local Plan)

POLICY GEN1 - DEVELOPMENT LIMITS (Rural Plan)

2) The proposed development is also contrary to the local plan in terms of its effect on the landscape and countryside, design, and future strategic road improvements. Due to its location, scale, design and massing it will have an adverse effect on the landscape by introducing this industrial scale and type of development into the rural area.

This application will be particularly highly visible from the A19. No screening is proposed and, unless a substantial belt of tree planting is included, it is doubtful screening would be successful. 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.

No screening is indicated along the A179 in the vicinity of the proposed customer substation, DNO substation, storage container, transformer and battery storage area. This is unacceptable.

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

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, Sheraton and along the A19 trunk road is being significantly impacted.

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

## 2) Policy CC5 Large Scale Solar Photovoltaic Developments

This policy states that large solar developments should make use of previously developed land (brownfield) or non-agricultural land. As detailed in section 4 below the borough has huge amounts of brownfield land that should be used for such developments and no justification has been given on why this land has not even been considered for this development.

## 3) Policy INF1 Sustainable Transport Network (Local Plan) & Policy T1 Improvements to the Highway Network (rural Plan)

This part of the A179 and the Sheraton junction are already an accident blackspot and are the subject of severe tailbacks of traffic at peak times as more development of housing (over 1000+ new homes recently) uses the same road infrastructure. The Forecourt is clearly located to attract traffic from the A19. The current junction of the A19/A179 is not the best design, where a series of traffic lights has been added to address past problems/accidents.

These additions can only be considered as a temporary plaster that will become ever more problematic as traffic increases with the present expansion of Hartlepool. The addition of a service area to this junction is not acceptable without major investment in a greatly improved junction. This is why the improvement of this junction is highlighted in Policy T1 of the Rural Neighbourhood Plan.

The Parish has serious concerns of the impact of the proposal regarding road capacity and more importantly road safety.

4) 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.

## 5) Policy NE1 Natural Environment (local Plan) & NE4 Ecological Networks (local Plan)

As with the other proposals along the A179, deer fencing surrounding the site is included. The effect is a barrier over 1 mile long from the A19 to Hart village. How will this affect wildlife movement in the area? This can only fragment the area's natural habitats. Will wildlife be pushed toward the A19 or the expanding development of the town of Hartlepool?

This application is within the priority network as described by Policy NE4 of Hartlepool Local Plan and indicated on Diagram 8 of the plan. Rural Plan Policy NE1 (2) seeks the enhancement of Wildlife corridors and the site of this application is crossed by such a corridor as indicated on the map, appendix 9 of the Rural Neighbourhood Plan. We would expect any new planting proposed will be in line with Policy NE1.

As stated previously the application indicates little screening provided around the edges of the proposed site. This despite the highly visible location. Something much more substantial is expected, 10m wide is suggested for the urban fringe. All planting to be of native species suitable for the local ecology.

### Summary

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

In the case of this proposal there is also serious concerns for road safety as this development will draw off more cars from the A19 onto an already road safety blackspot that suffers high levels of congestion at peak times.

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

For the reasons given in detail above and the fact this development is contrary to so many of the councils recently adopted local plan and the communities own Rural Plan we strongly oppose this application and recommend Hartlepool Borough Council refuse this application.

### Update 06/02/2024 following amended layout and scale:

Hart Parish Council strongly oppose the application and wish to re-confirm the comments previously submitted on 15th May 2023 still stand.

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

**HBC Building Control:** No comments received.

**Environment Agency:** Whilst we have NO OBJECTIONS to this application as submitted, we would wish to point the applicant to the following comments.

In April 2015 the Development Management Procedure Order (DMPO) Schedule 4 was changed so the Environment Agency is no longer a statutory consultee for non-major development proposing non-mains drainage. This change means it is the local planning authority's responsibility to ensure proposals for non-mains drainage for non-major development comply with the National Planning Policy Framework

(NPPF) and Planning Practice Guidance (PPG) without Environment Agency advice.

In this instance, the non-mains drainage element of the proposal is under this threshold.

#### Environmental Permit – Advice to Applicant

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at:

Septic tanks and treatment plants: permits and general binding rules

Trade effluent – Advice to Applicant

The application also states that effluent from vehicle wash areas will pass through the treatment plant. This would be classed as a trade effluent and an appropriate Water Quality discharge permit would be required. The applicant should refer to the following information regarding applying for a permit:

Discharges to surface water and groundwater: environmental permits - GOV.UK ([www.gov.uk](http://www.gov.uk))

The applicant needs to consider the potential impact from the vehicle wash effluent on the treatment capability of the plant such as chemicals and sediment. The applicant should refer to the following guidance regarding vehicle washing:

[Withdrawn] Vehicle washing and cleaning, PPG13: prevent pollution - GOV.UK ([www.gov.uk](http://www.gov.uk))

Update 18/01/2024 following amended scale and design of proposal:

Thank you for re-consulting us on the above application, which we received on 12 January 2023. The amendments proposed and additional information does not alter our previous position on this application in our comments dated 5 April 2023. These comments have been repeated below, in addition to further informative comments on battery energy storage systems (BESS).

Battery Energy Storage Systems (BESS) facilities – Advice to Applicant

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

Effective storage solutions will benefit renewables generation, providing a more stable supply and give operators access to the Grid ancillary services market. The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, DEFRA does not consider the need to regulate the operation of BESS facilities under the Environmental Permitting Regulations regime however this is being reviewed due to the potential for significant environmental pollution in the event of a fire, explosion or flooding.

Although these are a source of energy to the National Grid, information to date suggests they do not result in the direct impact to the environment, during normal operations, provided noise and vibration from the BESS ventilation, heating and cooling systems are minimised. We do not generally object to battery storage proposals, however, the potential to pollute during abnormal and emergency situations should not be overlooked. Applicants should consider the impact of potentially toxic emissions to air during a fire or explosion event and the on-site containment of potentially contaminated firewater run-off and foams to prevent the pollution of soils, surfacewater and groundwater from any entrained metal leachates.

The applicant should therefore ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. In particular, proposals should avoid being situated near to rivers and sensitive drinking water sources.

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

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

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

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

The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

**Durham County Council:** Thank you for the reconsultation in relation to application H/2022/0423. We have no objections to the proposals but note that there are a number of consented energy infrastructure projects in the local area, both within County Durham and Hartlepool and therefore there is potential for some significant cumulative impacts, particularly in sequential views from the A19/A179/B1280 where this proposal would increase the instances where solar arrays and associated energy infrastructure can be seen in sequential views. Given the visibility of the proposal from some areas, consideration needs to be given to increasing mitigation measure in the form of structural planting around the perimeter to reduce these cumulative impacts.

**HBC Estates:** An area of Council owned land, title CE95245, appears to fall within this development on the northern boundary. The applicant should contact the SAM/ Estates section with a view to agreeing terms to purchase the land if it is to be included within the development



**HBC Parks and Countryside:** No issues from our service areas on this one, thanks.

**Cleveland Fire Brigade:** Cleveland fire Brigade offers no representations regarding the development as proposed. However Access and Water Supplies should meet the requirements as set out in:

Approved Document B Volume 2:2019, Section B5 for buildings other than Dwellings

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2. Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 2 Section B5 Table 15.2.

Recommendations

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

**HBC Economic Development:** No comments received.

**Ramblers Association:** No comments 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 14:00 Saturdays and not at all on a Sunday or Public Holidays.

The delivery and despatch of goods to and from the site during construction shall be limited to the hours of 8am and 6pm on Mondays to Fridays, 9am and 2pm on Saturdays, and at no time on Sundays or Public Holidays.

There should be adequate dust suppression facilities on site during construction.

There should be provision for a wheel washing facility to the entrance/exit of the site.

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

Update 09/04/2024 following discussions with case officer:

The glare is addressed with the proposed landscaping and the units are to be kept at a 5 degree angle. I am happy with this.

Do you wish to condition these aspects or add a note to say that I require the mitigation proposed, with the tilt angle and landscaping to be implemented?

Update 26/11/2024 following query regarding the applicant's proposed activities on a Sunday:

I'm happy to agree 8am-2pm Sunday for the specific activities they list and make sure that we put something on about not using any plant or equipment that has the potential to generate excessive/loud noise that could create a disturbance to nearby residential properties.

**Cleveland Police:** Cycle storage should be 'Secured by Design' and ideally benefit from formal and informal surveillance and be provided with secure ground anchors, be covered by CCTV and lit after dark when in use.

The Motorcycle and scooter parking spot should be fitted with 'Sold Secure' approved ground anchors to allow the securing of these vehicles.

Staff and visitors should be reminded when parking, that anything on display, should be removed from the vehicle, this includes coats, as a thief will often smash a vehicle window believing that a coat might contain other items or be covering some other valuables inside the vehicle Windows and doors - I would recommend that external doors and windows conform to at least the police preferred 'minimum' standards:

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

Planting - Appropriate defensive planting around the site would be recommended. Proposed planting around the development should not readily grow above 1m high and any trees should have their crown maintained no lower than 2.2 m from the ground. This allows a corridor of natural surveillance between the two.

Careful selection of plant species is critical in order not to impede natural surveillance and to avoid an unnecessarily high maintenance requirement. Some hedging plants, for example, will require trimming twice a year, whereas other species might only need one visit every two years. Trees on appropriate root stocks can provide a more reliable means of reducing the likelihood of impeding natural surveillance. The potential cost savings of a reduced maintenance requirement could be substantial.

Providing regular maintenance for the growth of trees and bushes so that there is good 'natural surveillance' to deprive criminals of any cover/hiding places. Making sure that planting does not obstruct CCTV cameras or sight of doors/window points.

Lighting - Good outdoor lighting can support CCTV systems and put off or draw attention to possible offenders. The most appropriate form of lighting to use is high-efficiency, low-energy lighting, controlled by a dusk 'til dawn switching arrangement, so that it comes on only when it is dark. This provides a constant and uniform level of

light and can be particularly useful in the winter months to ensure sufficient visibility at entrance and exit points, and highlight unwanted visitors around the perimeter.

Lighting across the car park and around the building should conform to BS5489:2020. Happy to meet with the developer to discuss in further detail.

**Teesside Airport:** I refer to your consultation letter dated 22nd November 2024. The airport safeguarding team has assessed the proposal in accordance with the UK Reg (EU) No 139/2014 (the UK Aerodromes Regulation) and it does not conflict with the safeguarding criteria for the airport. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information provided.

**Civil Aviation Authority:** 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

1.62 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

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

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC3	Renewable and Low Carbon Energy Generation
CC4	Strategic Wind Turbine Developments
CC5	Large Scale Solar Photovoltaic Developments
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
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
RUR3	Farm Diversification
RUR6	Rural Services
RC1	Retail and Commercial Centre Hierarchy
NE1	Natural Environment
NE4	Ecological Networks
NE7	Landscaping Along Main Transport Corridors

#### Hartlepool Rural Neighbourhood Plan (2018)

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

<b>Policy</b>	<b>Subject</b>
GEN1	Development Limits
GEN2	Design Principles
EC1	Development of the Rural Economy
EC4	Service Stations and Travel Related Development
NE1	Natural Environment
NE2	Renewable and Low Carbon Energy

#### 1.65 HBC Supplementary Planning Documents

- Transport Assessments / Statements and Travel Plans SPD 2010
- Green infrastructure SPD and Action Plan 2020
- Public Rights of Way Standards and Guidance SPD 2020
- Planning Obligations SPD 2015

#### Tees Valley Minerals and Waste DPD (2011)

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

1.67 The following policies in the TVMW are relevant to this application:

<b>Policy</b>	<b>Subject</b>
MWP1	Waste Audits

#### National Planning Policy Framework (NPPF)(2024)

1.68 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 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 NPPF 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 NPPF provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.69 It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

1.70 The following paragraphs are relevant to this application:

Para	Subject
001	Govt's planning policies for England
002	Status of NPPF
007	Meaning of sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	Achieving sustainable development (presumption in favour of sustainable development)
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development does not change statutory status of the development plan as the starting point for decision making
039	Positive and creative decision approach to decision making
048	Applications to be determined in accordance with the development plan, unless material considerations indicate otherwise
056	Use of conditions or planning obligations
057	Use of conditions or planning obligations
058	Planning obligations tests
085	Building a strong, competitive economy
087	Building a strong, competitive economy
088	Supporting a prosperous rural economy
090	Ensuring the vitality of town centres
109	Promoting sustainable transport
129	Achieving appropriate densities
131	Achieving well-designed places
135	Achieving well-designed places
161	Meeting the challenge of climate change, flooding and coastal change
166	Determining applications for renewable energy development
167	Determining applications for renewable energy development
168	Renewable energy development
169	Renewable energy development
187	Conserving and enhancing the natural environment

### National Policy Statements for Energy

1.71 The NPPF (2024) notes that National Policy Statements (NPS) 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-3: National Policy Statement for Renewable Energy Infrastructure (last updated January 2024)

1.72 The NPPF (2024) further notes that other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission;

1.73 Ministerial Statement - Solar and protecting our Food Security and Best and Most Versatile (BMV) Land (made on 15 May 2024).

### **HBC Planning Policy comments:**

#### Principle of development

1.74 The application site is an existing farm on land to the south of the A179 to the east of the junction with the A19. Permission is sought for an electric vehicle charging forecourt with associated solar farm. The site is beyond the development limits of the town and villages but is not located within the strategic gap identified on the Local Plan policies map under policy LS1 or within the Green Gaps shown on the Rural Neighbourhood Plan Proposals Map under policy GEN1. As such, it is considered that the development would be unlikely to result in coalescence between the urban area of Hartlepool and Hart village. Policy GEN1 further notes that development outside the development limits and outside the green gaps will be supported where it is essential for the purposes of (among others) public infrastructure.

1.75 Policy CC1 of the Hartlepool Local Plan sets out support for opportunities for charging electric and hybrid vehicles and development that utilises renewable energy technologies in order to minimise and adapt to climate change. In principle, the proposed development is considered to be in line with policy CC1.

1.76 Policy CC3 sets out express support for proposals for the generation of energy from renewable and low carbon sources, subject to relevant criteria and notes that in determining applications for energy generation from renewable or low carbon sources, significant weight will be given to the achievement of wider environmental and economic benefits.

1.77 Applications will be supported under policy CC3 where the following criteria are satisfactorily addressed:

- Position of the installation on the land or building,
- Visual appearance, topography and character of the area,
- Impact on the amenity of local residents and nearby occupiers, including visual intrusion, air, dust, noise, odour, traffic generation and access,
- Impact on internationally, nationally or locally important species and habitats,
- Any adverse impacts on air traffic operations, radar and air navigational systems, and,
- Impact on the significance of a heritage asset, including its setting.

1.78 The site is allocated under policy CC4 of the Local Plan for strategic wind turbine developments. While this proposal does not relate to wind turbine development, the policy does not expressly prohibit other uses coming forward, but it should be demonstrated that proposals would not prejudice wind turbine development coming forward alongside the current proposals. In coming to a balanced view on this matter, due regard must be had to the fact that the application site does not occupy the whole area of land allocated under CC4 but that other solar farm developments have already been granted permission within the allocation thereby reducing the land available, as well as the fact that there has not been a formal proposal submitted to the council for wind turbine development in this location since adoption of the Local Plan in 2018. The developer should set out whether it would be feasible for strategic wind turbine development to come forward within the remaining land available under CC4's allocation in order to justify the current proposals.

1.79 Policy CC5 relates to Large Scale Solar Photovoltaic Developments and offers support to proposals for large scale ground based solar developments subject to the following:

- Developments should make use of previously developed or non-agricultural land. If the proposal involves the use of agricultural land, the best and most versatile land should be avoided and poorer quality land should be used; evidence should be provided to demonstrate the extent to which other sites for the development have been considered, particularly previously developed/non-agricultural land.
- Affect on the amenity of occupiers of any nearby properties and/or land,
- Impact of the development on landscape and character and the scope for mitigating any visual impacts through, for example, tree planting and screening with native hedges, applications should be accompanied by a Landscape and Visual Assessment,
- Effect of glint and glare on the landscape, neighbouring uses, highway and aircraft safety and on the passage/flight lines of migratory birds,
- The need for, and impact of, security measures such as lighting and fencing,
- Impact, either individually or cumulatively, on the significance of a heritage asset including its setting,
- Impact either individually or cumulatively, on internationally, nationally or locally important species and habitats,
- An assessment of opportunities provided by the development to enhance biodiversity interest, including for example wildflower planting, and,

- An assessment of flooding and drainage issues.

1.80 With regards to the first criteria of CC5 above, it is acknowledged that the application site is agricultural land rather than previously developed land, however the locational requirements of the proposals in terms of the size of the site needed to allow for a solar farm and vehicle charging forecourt and proximity to the strategic road network are acknowledged, which would make it impractical to locate the proposed development on previously developed land within the urban area. The site is mostly grade 3b agricultural land and therefore of lower quality, however approximately 33% of the site is within grades 2 or 3a, which are Best and Most Versatile (BMV) land and should therefore be avoided. Notwithstanding that, the pockets of BMV agricultural land are interspersed throughout the site, which would make avoiding those areas within the scheme impractical, but would also make utilising such areas for food production in conjunction with a solar development impractical. As such, while the loss of some BMV agricultural land is regrettable, it is considered its avoidance would impinge on the feasibility of the overall scheme. While noting the requirements within the NPPF to recognise the value of BMV agricultural land and the recent Ministerial Statement (Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land, 15/05/24) regarding solar developments and protecting food security, it is considered in this instance the proposals are generally in keeping with the requirements of local and national policy in this regard.

1.81 Policy EC4 of the Hartlepool Rural Neighbourhood Plan relates to existing service stations on the A19 and travel related development, protecting existing sites for such uses to serve the travelling public, however the policy does not preclude new service station developments elsewhere, though it is noted that any extension to existing safeguarded areas (which could be taken to include new sites) will need to be carefully justified to outweigh the loss of countryside.

1.82 Policy NE2 of the Hartlepool Rural Neighbourhood Plan offers support renewable and low carbon energy schemes, whilst considering any adverse impacts on:

- The surrounding landscape,
- The flows of groundwater to any water-dependant features within the area,
- Residential amenity,
- The operation of air traffic operations,
- Highway safety.

1.83 If the decision maker considers the above criteria have been satisfied, the proposals would be in accordance with NE2, in principle.

1.84 Within the application site there is a Local Wildlife Site and therefore policies NE1 of the Local Plan and NE1 of the Rural Neighbourhood Plan are applicable. The views of the Council's Ecologist will be essential in assessing any potential impacts on the Local Wildlife Site.

1.85 In principle, it is considered that there is significant national and local policy weight to be attributed to renewable energy generation and the delivery of infrastructure to support more sustainable transport options. It is also noted that it is



to be expected and supported that a small ancillary element of the development of an electric vehicle charging forecourt would include rest facilities for customers – in much the same way as would be expected of a traditional petrol filling station. The opportunity for a small element of retail in the form of a ‘food on the go’ offer, facilities for a comfort break and the like are deemed appropriate. However, the submitted application sets out the building proposed may be used for a range of purposes without setting out the floor space intended for such uses – i.e. convenience retail, café, children’s play facilities, work spaces, electric vehicle test drive facility/showroom. While noting some element of commercial facilities would be appropriate, these are primarily town centre uses and therefore the relevant retail hierarchy set out in Policy RC1 must be considered.

1.86 The application includes consideration of a sequential approach but this is to the development overall – i.e. charging forecourt, facilities and solar farm. It is not surprising an alternative site is not available that meets the requirements for the development overall. However, consideration needs to focus on the commercial elements in themselves to ensure footfall is not taken away from designated retail/town centre sites for the purposes of convenience retail, café, children’s play facilities or vehicle showroom. It is difficult to attribute weight to the idea these will all be ancillary and would not attract standalone visits from members of the public who are not in need of charging facilities, as opposed to visiting the town centre or a local centre. While noting that specific end users have not yet been identified, it must be acknowledged that a blanket Class E permission would be inappropriate and therefore further information is required in this regard, as was set out in the pre-application advice provided to the applicant prior to submission.

### Design

1.87 The views of the Council’s Landscape Architect should be sought on the potential impact of the proposals on the character and landscape quality of the area and whether that is appropriate or can be suitably mitigated. In line with policy NE7, the northern and western boundaries of the site abut main transport corridors (A179 and A19 respectively) and therefore it is expected that a particularly high standard of landscaping, tree planting and design are included within the scheme.

### Amenity

1.88 The decision maker will need to be satisfied that the proposals do not negatively impact the amenity of any nearby occupiers/land users.

### Access, highway safety and car parking

1.89 Policy INF1 sets out that the Council will work to deliver an effective, efficient and sustainable transport network, with key priorities including supporting initiatives to reduce carbon emissions from transport, including through the provision of more electric vehicle charging points. Policy INF2 sets out that sustainable transport in Hartlepool will be achieved by, in part, delivering further opportunities for sustainable modes of transport to serve existing communities. In principle, it is considered the proposed development is in line with policies INF1 and INF2, however the views of HBC Highways and National Highways should be sought on the appropriateness of

creating a new vehicle access, the level of parking provision proposed and the likely volume of vehicle movements to and from the site related to both those visiting the site for charging purposes and those visiting the site to make use of the intended ancillary commercial element of the forecourt site (e.g. for test driving electric vehicles).

#### Climate change / energy supply and consumption

1.90 Local Plan policy QP7 requires that all developments ensure high levels of energy efficiency, taking account of layout, building orientation, scale and form, solar gain, passive heating and cooling, natural light and ventilation, green infrastructure and sustainable construction and drainage methods. Some details in this regard are set out in the submitted application, if the decision maker is satisfied the approach meets the relevant requirements, suitable conditions should be considered to ensure these are secured.

#### Planning Obligations

1.91 In the interests of achieving sustainable development and ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 Planning Obligations and the Planning Obligations SPD, the following developer contributions will be required based on the current submission.

1.92 It is noted the Council's Countryside Access Officer has requested the developer provides links between the site and the north of the A179, this is noted and supported in terms of providing links for customers undertaking a rest break, however it is also considered important in order to provide sustainable links to the built up area for staff travelling to the site as well. Details of what needs to be provided are still to be clarified and it is recommended the developer engages with the Countryside Access Officer to agree a suitable scheme.

#### Highway infrastructure

1.93 The Planning Obligations SPD requires that the contributions towards highway infrastructure should be determined on a case-by-case basis. The Traffic and Transport Team are to advise on the need for any highway contributions.

#### Update 07/08/2024 following discussions with case officer and applicant:

1.94 In light of the meeting with the applicant and the additional information submitted by them, Planning Policy note that the application site does not occupy the full extent of Local Plan allocation CC4, as shown in drawing number 2222, Rev 01 (Strategic Wind Development Overlay Drawing-A), although it should also be noted that other development has been granted in the vicinity of this site so this drawing is not a true reflection of land that remains available for wind turbine development. Notwithstanding that, it is accepted that a substantial proportion of the CC4 allocation remains undeveloped. It is also appreciated that there has been a change in national policy following the recent general election, notably that wind farm development is no longer reliant on there being a Local Plan allocation in order to come forward. This would potentially open other sites for wind turbine development,

subject to the usual range of material considerations being considered. It is further noted that the proposals represent a significant renewable energy development that would more broadly accord with the aspirations of the Climate Change chapter of the Hartlepool Local Plan 2018 in terms of delivering renewable energy sources and providing infrastructure to assist in moving away from reliance on less sustainable means of transport. In light of the current position, there is not a Planning Policy objection in relation to compliance with policy CC4.

1.95 The applicant has put forward a condition they would be willing to accept in relation to the future use of the commercial building associated with the charging forecourt. In general terms, Planning Policy support a condition of this type to restrict use of the building to ancillary uses associated with the charging forecourt rather than an open Class E permission. Subject to appropriate wording being put in place by the decision maker, Planning Policy are satisfied a condition of this nature would overcome concerns raised previously in respect to Local Plan policy RC1.

1.96 With regards to opportunities to travel to work by sustainable means, this is still being investigated by HBC Highways and Planning Policy, as per [Planning Policy's] email to the agent.

Update 07/08/2024 following discussions with the applicant regarding sustainable travel:

*Highways and sustainable access to the site (for employees)*

1.97 Local plan policy INF1 (Sustainable Transport Network) seeks to: -

*Work with key partners, stakeholders and other local authorities to deliver an effective, efficient and sustainable transport network, within the overall context of aiming to reduce the need to travel.*

*In Hartlepool the key relevant priorities of a sustainable transport network relating to this proposal and the ability to access the site by sustainable modes are:*

*2) improve opportunities for access to employment and training, particularly for those without private transport;*

*3) provide realistic alternatives to travel by private car;*

*8) improve the quality and reliability of bus services; (HS note – this relates to the bus service as a whole and includes bus stops and walking links to bus stops).*

*10) provide a comprehensive, safe and well-managed network of footpaths and cycle routes throughout the Borough linking residential areas with employment sites, shopping and community facilities, and leisure/recreation sites. (HS note – PP note that the applicant is relying on the bus service to provide sustainable links and thus not providing a walking or cycling link towards the urban area and if this is to be the case the PP consider that the bus option should be safe and a real alternative to the car).*

1.98 Where appropriate development will be required to contribute to the delivery of a sustainable transport network and promote sustainable travel.

1.99 Local Plan policy INF2 (Improving Connectivity in Hartlepool) seeks to deliver sustainable transport in Hartlepool through a balanced package of measures that seek to:

- 1) maximise the level of sustainable access to areas of development, particularly through good quality public transport services and safe, attractive and, where appropriate, well lit pedestrian and cycle routes, and
- 2) develop further opportunities for sustainable modes of transport to serve existing communities throughout the Borough.

1.100 Paragraph 108 of the December 2023 NPPF sets out that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued; (This paragraph remains unchanged in the July 2024 draft thus confirming that the current Government are still pursuing the aims of this paragraph).

1.101 Paragraph 114 of the December 2023 NPPF sets out that in assessing specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. (This paragraph has been amended in the July 2024 draft, however the overall aim of this criterion still seeks to promote sustainable transport modes, thus confirming that the current Government are still pursuing the aims of this paragraph).

1.102 Paragraph 116 of the December 2023 NPPF sets out that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (This paragraph remains unchanged in the July 2024 draft thus confirming that the current Government are still pursuing the aims of this paragraph).

1.103 Planning Policy are not convinced that staff can access the site by sustainable means, there are bus stops along the A179 and there is a bus service however the bus stop location to the south of the A179 is some distance from the site entrance meaning people will have to walk along the grass verge to access the site, this is not an ideal situation. In addition to access the bus stop north of the A179 there is no safe crossing point.

1.104 Hartlepool is a borough with lower than UK average car ownership and the types of jobs likely to occur at the EV station i.e. kiosk operators are likely to be unskilled and potentially minimum wage jobs. It is considered that given the likely low salary and low car ownership that the use of the bus will be the only option for some people to get to work at the EV station and as it stands the bus stop locations and lack of safe crossing over the A179 locations are not conducive of providing a safe and accessible option to travel to work by public transport.

1.105 Highway engineers have been asked to share some solutions to ensure policy compliance.

- The applicant could install a new a new bus stop to the south of the A179, close to the site entrance which is at a possible cost of £3000/£4000
- The applicant could also install a safe crossing point so that the bus stop to the north of the A179 can be accessed, that is at a possible cost of £10,000.

1.106 Planning Policy would welcome consideration of the above points.

Update 08/09/2024 following further discussions around sustainable travel:

1.107 This proposal is seeking to locate an employment use within an isolated rural location, no cycle or walking links towards the urban area are proposed and the applicant is relying on the existing public network and the bus stops that are not within close proximity to the site and a car sharing scheme to satisfy local plan policy and NPPF paragraphs associated with ensuring places of employment can be accessed by sustainable modes of transport.

1.108 Planning Policy are of the view that a car sharing scheme should be something that is in place as standard in businesses across the borough.

1.109 Planning Policy note that such schemes are not binding as there is no way of ensuring employees to use them. There are many limitations to car sharing scheme i.e. what if numerous staff don't own a car and if none car drivers are on similar shift, how can they partake in car sharing. The company could manage the rota to ensure car sharing is always available however this is not enforceable by HBC. What if cars break or if someone becomes unable to drive, that would remove car a from the car share pool and could have a knock on impact, how would non car drivers then access the site other than the bus and a long walk along a grass verge.

1.110 Car sharing schemes are fully supported, however they should not be seen as an alternative to providing the necessary infrastructure to ensure that people have the choice and ability to access employment without the need for a car.

Update 03/10/2024 following query regarding allocation of INF2 for future road widening of the A179:

1.111 We would follow Highways lead on this so given [HBC Traffic and Transport] has no objections, Planning Policy do not object either.

Update 24/01/2025 following discussion regarding amended NPPF:

1.112 Planning Policy have considered this application in accordance with the December 2024 NPPF and Planning Policy are satisfied that the view previously given still remains relevant.

1.113 Changes within the Climate Change chapter (chapter 14) of the NPPF from the 2023 version to the 2024 version are not significant enough to alter Planning Policy's view and the comments given to date are still relevant.

1.114 Planning Policy are satisfied that this proposal has been considered in accordance with the December 2024 NPPF and in particular chapter 14. In autumn 2023 the Conservative government amending chapter 14 of the 2021 NPPF by deleting footnote 53a and 54 to allow wind turbine development to be approved if impacts were "appropriately addressed". Planning Policy are of the view that the December 2024 NPPF is aligned with this autumn 2023 NPPF change and that the previous Planning Policy comments on this matter remain relevant.

1.115 Planning Policy welcome the condition relating to allowing only E(a) and (b) uses, this will ensure that the uses associated with the facility remain appropriate and that if other uses are proposed in the future i.e. a play facility or conference area than the council have the opportunity to assess the impact of such a proposal at a later date.

## **PLANNING CONSIDERATIONS**

1.116 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) (HLP) and Hartlepool Rural Neighbourhood Plan (2018) (HRNP) and the NPPF (2024), 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**

### *Site allocations*

1.117 Although the application site is located beyond the development limits as defined by Policy LS1 of the Hartlepool Local Plan (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 Hartlepool Rural Neighbourhood Plan (HRNP, 2018).

1.118 During the course of the application, the applicant provided a plan to demonstrate that a substantial proportion of the HLP Policy CC4 allocation for wind turbine development remains undeveloped. It is acknowledged that there was a proposed change in national policy in autumn 2023 (under the Conservative Government) and that changes have followed through in the December 2024 NPPF, written under the current now Labour Government. Of significance is that the footnote 53a and 54 of the 2021 NPPF, that were deleted in 2023, have not been reinstated and the amendment to paragraph 168 (and the removal of footnote 57) of the NPPF in December 2024 as a whole set out that wind farm development is no longer reliant on there being a Local Plan allocation in order to come forward. This would potentially open other sites for wind turbine development, subject to the usual range of material considerations being considered. It is further acknowledged that the proposals represent a significant renewable energy development that would more broadly accord with the aspirations of the Climate Change chapter of the HLP (2018) in terms of delivering renewable energy sources and providing infrastructure to assist in moving away from reliance on less sustainable means of transport.

1.119 In view of the above, the Council's Planning Policy team have confirmed no objections to the proposals in this respect.

1.120 It is also noted that Policy INF2 of the Hartlepool Local Plan safeguards land alongside the A179 for the potential future duelling of the road. It is noted that the proposals extend northwards up to the edge of the current field boundary, whilst part of the proposals include the A179 trunk road itself to facilitate the proposed entrance into the proposed electric vehicle forecourt. No objections have been received from HBC Planning Policy or HBC Traffic and Transport in this respect as it is considered there is sufficient space to accommodate any widening should this be required in the future. It is understood from HBC Traffic and Transport that there are no proposals at the time of writing to widen the A179 in the short or medium term.

#### *Planning policies relating to renewable energy development*

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

1.122 Policy CC1 of the HLP (2018) seeks to minimise, mitigate and adapt to climate change. The principles of this policy, among other things, encourage the reduction, reuse and recycling of materials. Policy CC1 also sets out support for opportunities for charging electric and hybrid vehicles and development that utilises renewable energy technologies in order to minimise and adapt to climate change. It is of note that the proposed development would produce and provide renewable energy (and is understood to have the ability to store produced energy through the proposed BESS infrastructure). In principle, the proposed development is considered to be in line with Policy CC1.

1.123 Policy CC3 (Renewable and Low Carbon Energy Generation) of the HLP (2018) recognises that significant weight should be given to the achievement of wider environmental and economic benefits from low carbon energy infrastructure. This Policy seeks to ensure that proposals satisfactorily address standalone and cumulative impacts that may result from the position of proposals, taking into

account the visual appearance, topography and character of the area, impact on the amenity of local residents and any impacts on species, among other criteria. HLP Policy CC3 overall supports the achievement of wider environmental and economic benefits from energy infrastructure and in this context, the proposal is considered to be broadly compliant with the aims of the policy.

1.124 Policy CC5 relates to Large Scale Solar Photovoltaic Developments and offers support to proposals for large scale ground based solar developments subject to the following:

- Developments should make use of previously developed or non-agricultural land. If the proposal involves the use of agricultural land, the best and most versatile land should be avoided and poorer quality land should be used; evidence should be provided to demonstrate the extent to which other sites for the development have been considered, particularly previously developed/non-agricultural land.
- Affect on the amenity of occupiers of any nearby properties and/or land,
- Impact of the development on landscape and character and the scope for mitigating any visual impacts through, for example, tree planting and screening with native hedges, applications should be accompanied by a Landscape and Visual Assessment,
- Effect of glint and glare on the landscape, neighbouring uses, highway and aircraft safety and on the passage/flight lines of migratory birds,
- The need for, and impact of, security measures such as lighting and fencing,
- Impact, either individually or cumulatively, on the significance of a heritage asset including its setting,
- Impact either individually or cumulatively, on internationally, nationally or locally important species and habitats,
- An assessment of opportunities provided by the development to enhance biodiversity interest, including for example wildflower planting, and,
- An assessment of flooding and drainage issues.

1.125 With regards to the criterion 1 of Policy CC5 of the HLP (2018), it is of consideration that the application site is agricultural land rather than previously developed land. Notwithstanding this, it is acknowledged that the size and location with proximity to the strategic road network of a suitable site to allow for a solar farm and vehicle charging forecourt would make it impractical to locate the proposed development on previously developed land within the urban area.

1.126 The application is supported by an Agricultural Land Classification and Soil Resources report. The application site is mostly grade 3b agricultural land (approximately 66%) and therefore of lower quality, however approximately 33% of the site is within grades 2 or 3a, which are Best and Most Versatile (BMV) land and should therefore be avoided. Notwithstanding this, it is noted that the pockets of BMV agricultural land are interspersed throughout the site, which would make avoiding those areas within the scheme impractical, but would also make utilising such areas for food production in conjunction with a solar development impractical. As such, whilst it is acknowledged that the proposals would result in the loss of some BMV agricultural land, the Council's Planning Policy team consider its avoidance would impinge on the feasibility of the overall scheme and therefore do not raise any objections to the scheme in this respect.



1.127 The submitted Planning Statement outlines that no suitable alternative brownfield sites are available that would accommodate the proposed development.

1.128 Finally, it is noted that the proposed development would not preclude agricultural use entirely, and that sheep grazing would still be feasible on the site alongside the solar panels. As such, the Council's Planning Policy team consider that the development would allow for diversification rather than the entire loss of agricultural land.

1.129 While noting the requirements within the NPPF (2024) to recognise the value of BMV agricultural land and the recent Ministerial Statement (Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land, 15/05/24) regarding solar developments and protecting food security, it is considered in this instance the proposals are generally in keeping with the requirements of local and national policy in this regard. The Council's Planning Policy team support this view for the reasons previously given.

1.130 HRNP Policy NE2 (Renewable and Low Carbon Energy) supports the development of renewable and low carbon energy schemes and associated infrastructure, providing that any adverse impacts on the surrounding landscape are considered. Policy NE1 (Natural Environment) of the HRNP seeks to protect, manage and enhance the area's natural environment.

1.131 At a national level, Paragraph 161 of the NPPF (2024) states that the planning system "should support the transition to a low carbon future", offering general support to renewable and low carbon energy and associated infrastructure.

1.132 Paragraph 164 of the NPPF (2024) recognises the importance of the planning regime in delivering renewable energy. This paragraph sets out that the planning system should support the transition to a low carbon economy and, in particular, support renewable and low carbon energy infrastructure.

1.133 Paragraph 168 of the NPPF (2024) states that when determining planning applications for renewable and low carbon development, local planning authorities should:

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

1.134 The NPPF (2024) also seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable.

1.135 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.

1.136 The Government has also recently updated and/or introduced in January 2024 National Planning Statements (NPS) relating to energy production (NPS EN-1 Overarching NPS for Energy, and NPS EN-3 for renewable energy infrastructure). The NPS are primarily aimed at providing planning guidance to developers in respect to nationally significant energy infrastructure projects but can be taken into account as a material consideration when considering all other energy related planning applications (as set out in the NPPF). The Overarching NPS EN-1 emphasises the need to transform the energy system and tackle emissions while continuing to ensure secure and reliable supply. It recognises that to ensure supplies remain reliable and to keep energy affordable there is a need to reduce the amount of energy wasted.

1.137 The applicant has submitted a letter that confirms that the proposal "would be of significant benefit as the Climate Change Response and Net Zero Strategy adopted by Hartlepool Borough Council in November 2023 confirmed that for Hartlepool 18.3% of emissions are from transport". Officers consider this to be a substantial benefit of the proposals that can be afforded significant weight. This is a view supported in the recently allowed appeal decision for a solar farm development on land at Sheraton Hall Farm in County Durham (appeal decision APP/X1355/W/22/329982, dated 6/12/2023) which is referenced in the Background section to this report.

1.138 In view of the above noted paragraphs and policies outlining that significant weight ought to be given to proposals for renewable energy infrastructure, the proposal is considered to broadly comply with the provisions of the relevant policies of the HLP (RUR1, CC1, CC3 and CC5) and HRNP (GEN1 and NE2) where any impacts arising from the proposal are, on balance, considered to be acceptable for the reasons set out in detail in the sections below.

#### *'Need' and alternative sites*

1.139 Schedule 4 (Part 2), of the Environmental Impact Assessment Regulations requires that the Environmental Statement contains "A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects".

1.140 The submitted Planning Statement indicates that "Electric vehicle ownership is on an upward trajectory with many forecasters predicting exponential growth over

the next two decades. By 2040 Bloomberg New Energy finance predicts that 55% of all vehicles being sold worldwide will be electric, and 33% of all fleet vehicles will be electrified.” The Planning Statement states that the key challenge is the provision adequate fast-charging facilities, and that the borough of Hartlepool provides insufficient infrastructure for the mass adoption of electric vehicles that is forecast and supported by local and national planning policies.

1.141 As noted above, it is acknowledged that there would not be a more suitable site to facilitate the proposed solar farm and electric vehicle forecourt, which comprises an application site scale of 87 hectares.

1.142 Furthermore and in any event, as noted above, the NPPF states that there is no requirement for an applicant to demonstrate overall need for renewable and low carbon energy and Local Planning Authorities are directed to approve such applications if impacts are (or can be made) acceptable.

*Other relevant planning policies – development in the rural area*

1.143 The proposals include a solar farm and an electric vehicle charging forecourt which would include the erection of an ancillary ‘kiosk’ building. Given its location, Policy RUR1 (Development in the Rural Area) of the HLP (2018) and Policy GEN1 of the HRNP (2018) are therefore particularly relevant.

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

1.145 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.

1.146 HRNP Policy GEN1 goes on to state that development in the open countryside outside Development Limits will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements. Particular care will be needed with any rural development to ensure that it is well designed and appropriately landscaped to

respect the countryside character and does not impact on visual amenity or the local highway network.

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

1.148 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 (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; it is considered that impacts on neighbour amenity can be mitigated as detailed in the section below; it is acknowledged as detailed in the section below that the design of the scheme is such that it would not, on balance, result in unacceptable visual impacts; it is considered to be similar in character and appearance to existing or approved energy related infrastructure in the surrounding area (south of the A179); the proposal includes appropriate access as detailed in the section below; subject to mitigation the proposal would not have such a detrimental impact on the landscape character or heritage assets as to warrant refusal (as detailed below); that, as noted above, whilst parts of the application site are identifiable as 'best and most versatile' agricultural land (Grades 1-3a), the site is mostly grade 3b agricultural land and the pockets of BMV agricultural land are interspersed throughout the site, which would make avoiding those areas within the scheme impractical, but would also make utilising such areas for food production in conjunction with a solar development impractical.

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

1.150 Policy RC1 (Retail and Commercial Centre Hierarchy) of the HLP (2018) states that proposals for retail, leisure and office development with a floor area of 200m<sup>2</sup> or above, not located in the Town Centre or a local centre, will be required to provide a robust impact assessment. Policy RC16 (The Local Centres) of the HLP (2018) outlines that the Council will seek to diversify, support and protect local centres in recognition of the service they provide to their local communities.

1.151 Policy EC4 of the HRNP (2018) relates to existing service stations on the A19 and travel related development, protecting existing sites for such uses to serve the travelling public. Whilst this Policy does not preclude new service station developments, it is noted that any extension to existing safeguarded areas (which could be taken to include new sites) will need to be carefully justified to outweigh the loss of countryside.

1.152 In their supporting Planning Statement, the applicant has included a Town Centre Use Assessment which concludes that there is no sequentially preferable site which would have comparable characteristics or be suitable for the proposals. The supporting Planning Statement indicates that “a building of the scale proposed would not be large enough to attract visitors from other locations and adversely impact the Borough’s town centre and local centres.”

1.153 The Council’s Planning Policy team initially raised concerns regarding the scale and function of the proposed ancillary kiosk building (and applicant’s supporting information), based on the submitted details which include a floor plan delineating 241sqm of “commercial space” which does not define the precise uses of this space. The applicant advised that a planning condition could ensure that the proposed kiosk building would remain ancillary to the proposed electric vehicle charging forecourt and that the uses within the building could be limited to E Use Class uses (for example, retail or café uses). The Council’s Planning Policy team have confirmed that this approach is acceptable, and a planning condition is recommended in this respect to limit the use of the kiosk building to E(a – retail) and E(b – a cafe). Subject to this, it is considered that the proposals would not adversely impact upon the vitality and viability of the Borough’s town centre and local centres.

#### *Obligations*

1.154 In the interests of achieving sustainable development and ensuring that the proposal is acceptable in planning terms, and in accordance with HLP Policy QP1 Planning Obligations and the Council’s Planning Obligations SPD, a developer contribution of £30,000 towards providing sustainable transport in the vicinity of the application site, which may consist of a safe crossing island allowing access north of the A179 to an existing leisure route and improved access to the existing bus stop on the A179, a new bus stop facility on the southern side of the A179 along with a walking link from the new bus stop to the facility will be required (and has been agreed with the applicant). The financial contribution will need to be secured through a S106 legal agreement.

#### *Principle of Development Conclusion + Planning Balance*

1.155 In view of the above considerations, and in weighing up the significant weight of the policies in favour of low carbon and renewable energy against the main policies of restraint (in particular RUR1 of the HLP and GEN1 of the HRNP), it is considered that the benefits (of infrastructure to assist in the delivery of low carbon energy) would significantly and demonstrably outweigh any identifiable harm to the visual amenity of area (which is discussed in further detail below and to which the proposal is, on balance, considered to be acceptable in such respects), and therefore the principle of development would be acceptable in this instance.

1.156 Concerns have been raised by officers with the applicant throughout the application (and pre-application) process as to the scale and design of the proposals being sited within an area which is open in nature and allows for prominent sequential views of the open countryside and coastline when travelling along the main route into the town of Hartlepool along the A179, and along a stretch of the A19. It has been requested by officers that consideration should be given to reducing

the scale of the proposals and/or increasing the proposed landscaping around the perimeter of the application site and along key routes into Hartlepool and the surrounding area of the A179 and A19. In response, the applicant has confirmed that they are unable to reduce the scale to any appreciable degree but officers acknowledged that the applicant has amended the layout of the solar panels to omit the placement of panels on Whelly Hill itself, and has amended the submitted planting plan to include the installation of some additional planting throughout the application site particularly along the northern and western boundaries.

1.157 In the above context, the application does have its shortcomings and the consideration of the application requires a balanced judgement of the benefits of the scheme against any identified disbenefits/level of harm (particularly any identified visual harm). This will be considered in further detail in the Visual Amenity section below.

1.158 In conclusion, and when weighing up the balance of the (local and national) policies in favour of the proposed siting of the development, and taking into account the proposed siting, site context and cumulative impact of the other energy related infrastructure in vicinity of the site, it is considered, on balance, that the identified substantial benefits of the proposal to which significant weight must be given, would outweigh any identified adverse impacts (primarily visual impacts and any impacts on ecology) when assessed against the requirements of Policies RUR1, CC1, CC3 and CC5 of the HLP (2018) and Policies GEN1, GEN2 and NE2 of the HRNP (2018), and the relevant paragraphs of the NPPF (2024). It is therefore considered that the principle of the development is acceptable in this instance subject to the scheme satisfying other material planning considerations in the sections below.

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

1.159 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.

1.160 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.

1.161 Paragraph 135 of the NPPF (2024) 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.

1.162 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.

1.163 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.

1.164 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. Through the consultation process, Durham County Council (LPA) have also emphasised the need to consider the current proposals (and secure appropriate mitigation) in the context of recent developments and approvals for energy related development within DCC’s jurisdiction and in close proximity to the application site.

1.165 It is noted that the proposed solar farm and electric forecourt (and associated development) would be adjacent to and within close proximity of existing (and approved) energy related development, including a recently approved synchronous condenser building and associated infrastructure (ref H/2022/0470) on the site of Whelly Hill Farm itself (that the current proposals would wrap around), further 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 gas powered energy generation plants 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, to include a large solar farm to the south west (beyond the A19 trunk road). Within the neighbouring jurisdiction of Durham County Council it is also noted that there are extant planning permissions for a solar farm at Hulam (north of the application site) and Sheraton (north and west of the application site).

1.166 The proposed development would be visible from a number of vantage points, including, when travelling along the A19 in either direction, when travelling along the A179 from Hartlepool toward the west and the A19 or from the A19 toward Hartlepool, when exiting the village of Hart to adjoin the A179 junction. As noted

above, there are some public footpaths within the vicinity of the application site, including Elwick No. 9 which runs to the south east, and Elwick Nos. 6 and 8 which are situated to the west of the A19 trunk road (west of the application site). The proposed solar farm would comprise sections of linear rows of solar arrays which would be sited on agricultural land with boundary hedgerows on the perimeter as well as within the main area of land, providing demarcation of individual fields. It is acknowledged that the proposed solar farm would feature gaps between sections of solar arrays, and would include planting throughout the application site to include the above mentioned diagonal corridor of planting.

1.167 It is considered that the installation of an expanse of solar arrays (and associated infrastructure including the BESS structures) would alter the character and appearance of the existing open fields within which the application site sits.

1.168 Given that the proposed kiosk, with a total height of approximately 5.7m, would be situated close to the northern boundary, it is considered that this would be readily visible from the A179 and A19, particularly when travelling westbound along the A179 due to the removal of existing hedgerows along this boundary to facilitate the construction of the proposed entrance into the electric vehicle forecourt. Notwithstanding this, it is acknowledged that the majority of existing trees and hedgerows along the northern boundary would be retained and that the proposal includes the planting of some additional trees and landscaping along this boundary, which would increase the screening towards the proposed kiosk and other elements of the proposals. In terms of the design of the proposed kiosk, it is noted that this would comprise materials, including timber cladding, which are considered to reflect the urban edge setting and would assist in integrating the proposed kiosk into the landscaping, to some extent.

1.169 The proposed DNO substation, customer substation, and battery storage area would be situated toward the north eastern boundary and would also be readily visible on approach along the A179 (in either direction), as well as from the junction with the village of Hart. It is acknowledged that the majority of ancillary buildings (including the proposed BESS) would be situated in the southern sections of the application site and therefore would be afforded more screening from the existing and proposed landscaping to the northern boundary.

1.170 In view of the above, it is considered inevitable that a development of this scale in the countryside would have some adverse impact on the character and appearance of the open countryside. Nevertheless, it is acknowledged that views of the proposed development would be partially screened by the existing intervening vegetation, landform, built development and by the proposed landscaping proposals. Consideration is also given to the positive thrust adopted by local and national policies (and national policy statements) which indicate that development should be approved where the harm would be outweighed by the benefits of a scheme (which are set out in the Principle of Development section, above).

1.171 The applicant's submitted Landscape and Visual Impact Assessment (LVIA) concludes that the proposed development would result in direct landscape effects that are "Moderate adverse and not significant at a site level" with long term effects also being assessed as being "Moderate adverse and not significant on the site and



its immediate environs, once the proposed embedded mitigation planting and green infrastructure matures”. The submitted LVIA concludes that the effect on the Undulating Farmland would result in “limited localised changes... assessed as Minor adverse and not significant”, whilst the indirect landscape effect on the adjacent County Durham Coastal Limestone Plateau is “assessed as Negligible adverse and not significant, due to the limited interaction this character area has with the site.”

1.172 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.

1.173 The amended layout of the solar farm omits the installation of any solar panels on Whelly Hill (a substantially raised landform towards the northern boundary of the application site). Landscaping mitigation measures are proposed in the form of the enhancement of existing vegetation along the boundaries of the site particularly along the northern boundary between the application site and the A179 and the western boundary between the application site and the A19, creation of a wide habitat strip running diagonally through the centre of the application site, partial reinstatement of some historic field boundaries, and the creation of rough species rich grassland within the site. During the course of considering the application, the officers requested increased landscaping be included to all boundaries of the application site. In response, the applicant submitted a scheme incorporating some additional landscaping, which, although less than requested/expected, is considered to go some way to providing more meaningful landscaping screening and to assist in reducing any unacceptable identified visual impacts as a result of the proposed development. A planning condition is necessary to secure the implementation and long term maintenance and management of this soft landscaping mitigation (in addition to a condition securing Biodiversity Net Gain on site).

1.174 As noted above, the proposed kiosk building would be finished in grey and timber coloured materials. It is acknowledged that the submitted Landscape and Visual Assessment indicates that boundary fencing and ancillary structures would be finished in a grey or green colour which are considered to be acceptable in the context of the site location. A planning condition can secure final finishing details of the boundary treatments and structures and is considered necessary accordingly.

1.175 As noted above, the application site is gently undulating with a hill feature (Whelly Hill) situated in the north east corner, adjacent to the main trunk road of the A179. The application is accompanied by a Glint and Glare Assessment, as well as a Topographic Layout and a proposed Site Levels plan of the proposed electric forecourt. The submitted details demonstrates that the proposed development would be relatively level with limited changes to the existing ground levels, with the only exception to this being an area towards the north west of the application site where solar arrays would be raised slightly using a ‘gabion solution’ to account for a notable change in ground levels. Whilst this is considered acceptable in principle, final details of the proposed site levels (and such retaining structures) can be secured by planning condition, which is recommended accordingly.

1.176 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 noted that the proposed development would be relatively contained to an area of land to the east of the A19 and south of the A179, being delineated by these main trunk roads, and situated an appreciable separation distance from the solar farm to the east (under construction), and the proposed solar farm under consideration to the south west of the application site and of the A19, as well as the approved solar farms at Hulam (north of the A179) and Sheraton (to the north west/west of the A19) both of which are within the jurisdiction of Durham County Council.

1.177 Consideration is also given to the proposed existing and proposed screening to the northern and western boundaries which would further serve to delineate and define the site boundaries. As such, it is considered that the proposal would be read as a standalone development and not a contiguous whole with other solar farm developments (mentioned above) and therefore would not result in any harmful cumulative impacts.

1.178 Further consideration is given to the site being allocated for wind turbine development under Policy CC4 of the HLP (2018). Whilst solar development is notably different in appearance to wind turbines, there is a recognition that green energy infrastructure would be appropriate in this location and that is, in part, due to their being a logic to consolidating such features in this location given the existing infrastructure already prevalent, rather than introducing them to more sensitive, higher value locations and landscapes. It is also acknowledged that the proposed solar farm development would be low level in relation to the nature of wind turbines.

1.179 Overall, it is considered that the proposed development, would, on balance, 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 also be read in the overall context (and in part, backdrop) of the above mentioned existing adjacent (and approved) energy related developments. It is further considered that the impacts would not be considered as 'significant' in the context of the EIA Regulations.

1.180 The Hartlepool Rural Neighbourhood Plan Group and members of the public 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. Given that the application includes an electric vehicle forecourt and ancillary kiosk building, it is of note that the application includes the installation of permanent lighting throughout that part of the application site. The submitted plans indicate that this would be in the form column lighting, wall mounted lighting and lighting under proposed canopies which all feature downward facing lighting optics, as well as low level bollards which are not uncommon for such developments. It is also acknowledged that the downward facing proposed lighting would minimise light spillage from the immediate area of the proposed electric vehicle forecourt. In response, no objections or requirements have been received from the HBC Landscape Architect or HBC Public Protection. Finals details of the lighting can be

controlled by a planning condition, which is recommended accordingly. Again, it is considered that the impacts would not be considered as 'significant' in the context of the EIA Regulations.

1.181 In conclusion, it is acknowledged that the proposed development would alter the character and appearance of the application site and open landscape. However, on balance, 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 such 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. It is further considered that the identified level of harm would be outweighed by the identified benefits of the scheme when taken into consideration as part of the 'planning balance'.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.182 The application site is to the south of the A179 trunk road and east of Worset Lane. As such, aside from Whelly Hill Farmstead, there are limited sensitive neighbouring land users, such as residential properties, around the vicinity of the application site.

1.183 Whelly Hill Farm is situated within the centre of the application site at a separation distance (at the closest point) of approximately 35m to the boundary and approximately 50m remaining from the proposed solar panels to the north, and approximately 370m to the proposed electric vehicle forecourt to the north west, with intervening hedgerows (and the Local Wildlife Site to the west). As noted above, planning permission is 'minded to approve' for the demolition of the farmstead and the installation of a synchronous compensator (H/2022/0470) which is a commercial structure/development with no associated sensitive land users/occupants and in that context would not be adversely affected by the current proposals.

1.184 Given that Whelly Hill Farm would, in effect, be surrounded by the proposals, with an expanse of solar farm to the north, east and south and beyond the LWS to the west, the case officer requested that the applicant submit a Residential Visual Amenity Assessment. The applicant responded to state that "In terms of visual impact on residents of Whelly Hill farm, the LVIA does not directly assess private residential views as visual receptors, however it does provide a general description of changes identified to private residences. The landowner of Whelly Hill Farm is the landowner of the proposed development site, and therefore is fully aware of the scheme and accepting of any potential changes to outlook".."

1.185 The submitted Design and Access Statement and Planning Statement indicate that the design of the proposals ensure that there is no adverse impact on the amenity or privacy of neighbouring land users in the vicinity, including Whelly Hill Farm.

1.186 Taking into account the low level nature of solar arrays, the above mentioned separation distances including approximately 50m remaining between windows in the front of Whelly Hill Farmhouse to the closest solar arrays to the north

with screening in the form of existing hedgerows in place between and the removal of solar arrays from Whelly Hill, it is considered, on balance, that the installation of the solar farm would not result in such an unacceptable impact on the amenity and privacy of the occupants of Whelly Hill Farm (or the extant permission to redevelop the site for a synchronous condenser, H/2022/0470) in terms of loss of outlook, overbearing impression, overshadowing or overlooking, as to warrant a reason to refuse the application.

1.187 As noted above, the proposed electric vehicle forecourt would be sited approximately 370m to the north west of Whelly Hill Farm, with solar arrays as well as screening in the form of existing and proposed landscaping between. In view of this, it is considered, on balance, that the electric forecourt would not result in any significant adverse impact on the amenity and privacy of the occupants of Whelly Hill Farm in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

1.188 High Volts Farm is also situated to the eastern boundary of the application site (although it is understood that it is not a residential property). Other farmsteads are situated in the wider area, with Tilery Farm sited approximately 134m to the east, Hart Moor House approximately 370m to the north (beyond the A179), and Claypit Farm sited approximately 500m to the south east to the nearest elements of the proposal/red line boundary of the application site.

1.189 The village of Hart is situated approximately 1.1km to the north east, with Nine Acres (the nearest residential properties) located approximately 670m to the north east. The village of Elwick is located approximately 865m to the south.

1.190 It is considered that the substantial separation distances outlined above, in combination with the existing and proposed trees and landscaping around the site boundaries, 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.

1.191 In terms of noise, dust and odour, as noted above, the application is accompanied by an Environment Statement which has sections on noise and vibration (section 5.5) and air quality (section 5.6), among others. The Environmental Statement concludes that the proposed development (including the solar farm, electric forecourt and ancillary development) would have the potential to result in temporary construction noise as well as some local noise impacts, albeit in the context of the surrounding highways of the A179 and A19 these would not be significant. The Environmental Statement concludes that the proposals would not result in any significant impacts in terms of dust and air quality, and that a Construction Management Plan (CMP) would be submitted, which can be secured by planning condition and this is recommended accordingly.

1.192 The application includes a supporting Glint and Glare Assessment which concludes that there is a moderate impact on “approximately 200m of road and the occupants of one dwelling” (Whelly Hill Farm) as a result of solar reflections, which can be mitigated against by proposed screening in the form of landscaping. The Council’s Public Protection section has been consulted and has raised no objections

or requirements to the submission (including the supporting documents). The Council's Public Protection team have requested planning conditions controlling hours of construction (Monday to Friday 8am – 6pm and Saturdays between 9am-1pm) and dust suppression facilities and wheel washing facilities (which can be secured in the form of a Construction Management Plan (CMP)).

1.193 During the course of the application, the applicant requested that “non-audible working activities” be permitted at certain times on a Sunday (8am-2pm). The Council's Public Protection team was consulted on this request and confirmed no objections to this. These matters (including the hours of construction) can be secured by appropriate planning conditions, as well as the above mentioned CMP and these are recommended accordingly. 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.

1.194 In view of this and given the significant separation distances to neighbouring properties, 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 need to be considered through separate environment legislation.

1.195 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, CAR PARKING & PUBLIC RIGHTS OF WAY

1.196 It is acknowledged that objections from members of the public have been received in respect of highway safety related matters, including access and traffic congestion, and in respect of the submitted Transport Assessment.

1.197 Paragraph 116 of the NPPF (2024) states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

#### *Access and Highway Safety*

1.198 The application site is located immediately to the east of the A19 and south east of the Sheraton Interchange and south of the A179 which runs east-west providing a route into and out of Hartlepool to the A19.

1.199 The Council's Highways, Traffic & Transport section and National Highways have been consulted on the application and the submitted Transport Statement, Glint and Glare Study and the submitted Stage 1 Road Safety Audit which was requested by HBC Traffic and Transport.

1.200 The submitted plans and supporting information indicate that highway works to facilitate access to the charging forecourt could include the installation of a new

vehicular access from the A179 by way of a priority T-junction and right turn ghost island from the A179.

1.201 The Stage 1 Road Safety Audit (RSA) provides a number of recommended potential mitigation measures (along the A179) to address any impacts; this could consist of specific road markings and surface treatments to protect right turning lanes, an extension to the existing 40mph speed limit; road lighting and refuge islands.

1.202 HBC Traffic and Transport initially requested a number of planning conditions to secure the recommended mitigation measures set out in the Stage 1 RSA as well as a condition in respect to a proposed bus stop relocation. Following further discussions with the applicant, HBC Traffic and Transport have agreed that full details of any highway mitigation measures (as outlined in the Stage 1 RSA) shall be first submitted through the completion and submission of a Stage 2 RSA (it is understood that this will confirm the extent of any required mitigation measures). A planning condition is recommended accordingly to secure this requirement and the implementation of any mitigation measures.

1.203 It should be noted that any required highway works/measures including the creation of the right turn lanes and other works to the A179 will require the applicant to enter into a section 278 agreement. This is separate to the planning process, and an informative can relay this to the applicant.

1.204 The submitted Transport Statement (TS) indicates that proposed electric vehicle forecourt would “attract 80-140 vehicles throughout the day from early morning through to early evening, with a maximum hourly trip generation rate of 15-20 vehicles during the busiest hours of the day”. The Transport Statement indicates that the majority of forecast vehicle trips would be classified as “pass by” visitors.

1.205 HBC Traffic and Transport have commented that whilst having concerns regarding additional traffic on the A179 at the times indicated in the TS, they have confirmed that given the relatively small scale of the development, they would be unable to sustain an objection to the application on highway grounds.

1.206 National Highways have advised that the trip generation data supplied by the applicant is considered to be appropriate, and that a Construction Traffic Management Plan (CTMP) is required (to outline how construction will be undertaken) to be secured by planning condition, in addition to planning conditions in respect of the tilt of the proposed solar panels (to avoid glare to road users) and securing the proposed landscaping (which is required for form part of screening). These planning conditions are recommended accordingly with the requirements for screen planting to be incorporated into the final landscaping scheme.

### *Car Parking*

1.207 The proposed electric vehicle forecourt would provide a total of 42no. electric vehicle charging points for cars and 3no. electric vehicle charging points for HGVs, 15no. non-charging parking spaces of which 5no. are designated for staff, and 12no. cycle parking spaces. The final details of hardstanding and requirement for the

scheme to be laid out and operate in accordance with the approved layout, can be secured by separate planning conditions and these are recommended accordingly.

1.208 The Council's Traffic and Transport team and National Highways have confirmed no objections in this respect.

1.209 Subject to the identified planning conditions, the proposal is considered to be acceptable in respect to highway and pedestrian safety matters.

#### *Sustainable Travel Options & Pedestrian Access*

1.210 Access to the application site by footpath is limited, and the closest westbound bus stop on the A179 is situated at the existing entrance to Whelly Hill Farm whilst there is an eastbound bus stop on the northern side of the A179 within a reasonable vicinity of the proposed electric forecourt and kiosk. The proposals include the provision of 12no. cycle storage spaces. Internally, the proposals include the installation of a footpath route ('Solar Farm Walk') around a section of the proposed solar farm.

1.211 The Council's Traffic and Transport team, the Council's Planning Policy team and the Council's Countryside Access Officer requested the installation of a bus stop on the westbound carriageway and appropriate pedestrian links, to include a crossing refuge to provide access on foot to the northern side of the A179 and in the interests of providing sustainable linkages and infrastructure.

1.212 The applicant raised initial concerns about providing the required bus stop, crossing point and footpath links to allow visitors to the proposed development the opportunity to access the woodland area to the north. The applicant sought to provide further justification for not providing this with details of a 'Car Sharing Scheme'. Following further discussions with HBC Planning Policy, the applicant now agrees to providing a financial contribution of £30,000 towards sustainable transport (which could include the provision of a bus stop, crossing island and footpath links from the proposed electric vehicle forecourt to the bus stop) to be provided. The Council's Traffic and Transport team and HBC Planning Policy team have confirmed that this approach is acceptable in this instance. The financial contribution would be secured via a S106 legal agreement.

1.213 The applicant has advised that information panels are proposed adjacent a 'Solar Farm Walk', which is a proposed circular route from the proposed forecourt extending around the rows of solar panels situated in the north western extent of the site. Details of the information panels can be secured by way of a planning condition.

1.214 Subject to securing the above mentioned financial contribution by S106 legal agreement and appropriate planning conditions, the proposal is considered to be acceptable in respect of highway and pedestrian safety and the provision of sustainable infrastructure.

#### ECOLOGY & NATURE CONSERVATION

##### *Biodiversity Net Gain*

1.215 The NPPF (2024) requires development to provide net gains for biodiversity. In particular, paragraph 187 (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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs. Net gain should be appropriate to the scale of the development and should be conditioned.

1.216 Paragraph 193 (a) of the NPPF (2024) 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.

1.217 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' in line with HLP Policy NE1.

1.218 The Council's Ecologist has had regard to the supporting Environmental Statement, Landscape and Ecological Management Plan (LEMP), Biodiversity Net Gain Report and Ecological Appraisal Report (EAR) and has confirmed that the intended increase of 57.24 habitat (area) units (which equates to an approximate 32.13% net gain), and a gain of 11.88 hedgerow (linear) units (representing an approximate 40.79% net gain) is acceptable.

1.219 In order to secure the BNG, final details of the proposed Biodiversity Net Gain is required to be developed and submitted to the LPA for approval prior to the commencement of works. The condition 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. A planning condition is necessary in this respect and is recommended accordingly. Subject to this, the proposal is considered to be acceptable in terms of biodiversity net gain.

#### *Ecological Mitigation*

1.220 Paragraph 193 of the NPPF (2024) 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.

1.221 It is acknowledged that objections have been received from members of the public in respect of ecological impacts. As detailed above, the application has been supported by an Ecological Appraisal Report (EAR), as well as a Great Crested Newt Precautionary Non-Licensed Method Stated, a BNG Report, and BNG Metric



Calculations. The EAR in support of the proposals concludes that pre-construction survey work and mitigation is required, in the form of a Skylark Mitigation Area, a Method Statement to mitigate against impacts on Great Crested Newts (GCN), a Reptile Mitigation Strategy, a pre-commencement badger survey and a precautionary works method statement (PWMS) being implemented and adhered to minimise the risks to harvest mouse, brown hare, badger and reptile. These can be secured by way of a planning condition securing a Construction Ecological Management Plan (CEMP) and that works are undertaken in accordance with the LEMP. No objections have been received from the Council's Ecologist, subject to recommended planning conditions to ensure that the above detailed mitigation measures are provided, which are secured accordingly.

1.222 The Council's Arboricultural Officer has had regard to the submitted plans and has confirmed that although there is a proposed section of hedgerow to be removed to facilitate access to the proposed electric forecourt, the proposed planting scheme would sufficiently compensate the loss of hedgerows. A tree protection plan compliant with the appropriate British Standard that covers what protection will need to be put in place for the hedges around the boundary has been submitted, to which the Council's Arboricultural Officer has confirmed is acceptable in this instance. Tree replanting and tree/hedge protection can be secured by planning conditions which are considered necessary in this instance and are recommended accordingly.

1.223 Natural England has been consulted on the application and has confirmed that the proposals would not result in any significant impacts on designated sites, confirming no objections overall to the application. It is considered that the proposal would not result in significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### *Ecological Enhancement*

1.224 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.

1.225 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.

1.226 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.

1.227 The application includes a supporting LVIA and a supporting Ecological Appraisal Report (EAR), Landscape Environmental Management Plan (LEMP) and Landscape General Arrangement plans, which indicate the planting of native tree and shrub planting to the northern and western boundaries, with some copses of tree planting along these boundaries, hedge planting along the southern boundary to the application site, a wide "wildlife corridor" of planting diagonally through the

application site and areas of seeding to provide some additional habitat within the site. The submitted EAR indicates that the landscaping mitigation scheme as proposed would “complement and enhance the existing bat foraging and commuting habitat resources provided by the site and its surroundings” and would include “a range of nectar and fruit-bearing species which will help to maximise the value of this planting as a foraging resource for both breeding and wintering birds”. The submitted EAR and LEMP also includes the installation of five ‘woodcrete’ or similar bird boxes with indicative locations provided on accompanying plans to provide permanent nesting solutions for a range of bird species.

1.228 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. Planning conditions are recommended to secure the planting and installation of bird boxes and the application is considered to be acceptable in this respect, subject to this requisite planning condition.

### Ecology Conclusion

1.229 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 paragraphs 187 and 193 of the NPPF (2024).

### FLOOD RISK & DRAINAGE

1.230 The application site is designated by the government Flood Map for Planning as being in Flood Zone 1 and at low risk of flooding. However, given the scale of the proposed development, a Flood Risk Assessment and Drainage Strategy with accompanying drainage plans have been submitted to support the application, in addition to a Geoenvironmental Assessment Report and a section within the submitted Environmental Statement. The proposals include a drainage pond situated within the area indicated as the electric vehicle forecourt and granular access tracks throughout the application site to assist in distributing water to the ground.

1.231 The Council’s Engineering Consultancy has been consulted on the application and has had regard to the submitted Flood Risk Assessment and Drainage Strategy and has confirmed no objections in respect of surface water management subject to the inclusion of a 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, which is recommended accordingly. Subject to this, the proposal is considered to be acceptable in this respect.

1.232 The Council's Engineering Consultancy has provided additional advice in respect of the Land Drainage Act 1991, and this advice has been relayed to the applicant for further consideration (which is also secured as an informative).

1.233 The Environment Agency and Northumbrian Water have also been consulted on the application and neither have provided any objections on drainage/flood grounds.

1.234 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

1.235 It is acknowledged that an objection from a member of the public raises concerns regarding the potential impact on heritage assets.

1.236 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, Geophysical Survey and relevant section of the Environmental Statement which concludes that there is potential for archaeological remains within the application site. As such Tees Archaeology requested further investigation, which was duly undertaken and a subsequent Written Scheme of Investigation (WSI) for trial trenching confirmed that there are two concentrations of complex archaeological remains were present. Tees Archaeology have worked with the applicant to devise a strategy for dealing with the archaeological remains, which includes preserving the remains in situ through a no-dig construction methodology and excavating and recording remains prior to construction. Tees Archaeology have confirmed that the proposed outline construction method is acceptable to minimise the impact of the proposed development upon the archaeological remains within the 'zones of archaeological interest' (ZIA), with a programme of archaeological monitoring and recording to be undertaken. These measures (including works within the ZIA) is recommended to be secured by three planning conditions, subject to which the proposal is considered to be acceptable in this respect.

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

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

## OTHER PLANNING MATTERS

### *Glint and Glare*

1.239 As referenced in the relevant sections above, a Glint and Glare Study and subsequent Glint and Glare Note have been submitted to accompany the application to consider the potential effects of glint and glare caused by the proposed development on ground-based receptors in the surrounding area. The supporting

information concludes that the proposed landscaping together with the pyro meters spread around the application site to direct sunlight and reposition solar modules, in accordance with pre-programmed tracking system to control the tilt/degree of the solar arrays, would be such that there would be no significant adverse impacts on the amenity of residential properties or roads.

1.240 No objections have been received from HBC Traffic and Transport, National Highways or HBC Public Protection in this respect, subject to a planning condition to ensure that solar arrays are pre-programmed at a tilt of 5 degrees and do not go “back to flat” at any time of the day or night. Such a condition is recommended accordingly in the interests of highway safety.

1.241 Both the Civil Aviation Authority (as a statutory consultee) and Teesside Airport were consulted and no objections were received, with the latter consultee confirming that the proposal does not conflict with the safeguarding criteria for the airport.

#### *Fire Safety*

1.242 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.

#### *Lifespan of Permission, Export Capacity, Decommissioning and Restoration*

1.243 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 (after 40 years) and the suitable restoration of the site when no longer operational.

1.244 A number of planning conditions are also recommended relating being provided with the date of first export of electricity and to ensure that this is enforceable, and to limit the capacity of the solar farm to 49.9MW because this is the threshold for the case to be considered under the Town and Country Planning Act (TCPA) 1990.

#### *Contaminated land*

1.245 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.

#### *Safety and Security*

1.246 Policy QP5 (Safety and Security) of the HLP (2018) seeks to ensure that all new development is safe and secure, and designed in a way that minimises crime and the fear of crime in adherence to national safety and security standards. The

application is accompanied by a Security and Crime Prevention Statement, which details proposed security measures to be incorporated throughout the proposed development. Cleveland Police have confirmed no objections to the proposals overall, however have provided advice in respect of cycle storage, motorcycle and scooter parking and general parking provisions, external doors and windows, defensive planting and lighting, using Secured By Design principles and other safety advice. This can be relayed to the applicant via an informative. In light of this, the proposal is considered to be acceptable in this respect.

#### *Other Matters*

1.247 The Environment Agency has not provided any objections in respect of this application, however they have provided advice in respect the requirements of the Environmental Permitting Regulations 2016, which can be relayed to the applicant via an informative. The Environment Agency have also provided advice in respect to the BESS structures, which can be relayed to the applicant via an informative.

1.248 The Health and Safety Executive has been consulted via its planning 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 and therefore the HSE has no interest in the development from a health and safety perspective. 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.

1.249 In respect to comments received in objections regarding the level of consultation, the application has been advertised in line with the requirements of the EIA Regulations to include notification letters sent out to individual neighbouring properties, site notices and a press advertisement.

1.250 It is acknowledged that objections from members of the public raise concerns that the proposals would impact on tourism, recreation and cultural values and questioning the long term economic benefits of solar energy. As noted above, the principle of development is, on balance, considered to be acceptable when weighing up the relevant material planning considerations.

1.251 It is acknowledged that a neighbour objection raises concerns in respect of any proposed advertisement totem poles. The installation of advertising totems would require separate advertisement consent and an informative reminding the applicant of this is recommended.

#### **RESIDUAL MATTERS**

1.252 The Council's Estates team have been consulted on the application and have confirmed that the application extends across an area of Council owned land. Advice in this respect can be relayed to the applicant via an informative.

1.253 Property devaluation is not a material planning consideration.

## CONCLUSION + PLANNING BALANCE

1.254 The proposals would have considerable benefits in respect of being a form of development that would be able to generate (and store) substantial levels of electricity in a sustainable manner. The development goes some way towards meeting the requirements of the NPPF (2024), NPS EN-1 and NPS EN-3, which seeks to address the causes and impacts of climate change and provide for sustainable sources of renewable energy generation.

1.255 Both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits. While the development would be visible from a number of vantage points along the A179 and A19 and would result in a degree of harm to the character and appearance of the existing open countryside and surrounding landscape, through a combination of existing screening and landscape mitigation, its impact is considered not to be significantly detrimental to landscape quality or enjoyment of the rural area. The benefits of the proposal, particularly the imperative to tackle climate change, as recognised in legislation and energy policy, and the significant benefits of the scheme significantly and demonstrably outweigh the concerns expressed in relation to these identified impacts.

1.256 In conclusion and for the reasons set out in the report, it is considered, on balance, that the proposal would make a material contribution to the objective of achieving the decarbonisation of energy production that to allow the proposed solar farm would not conflict with the objectives of relevant development and national planning policy when read as a whole. Therefore, it is considered that the proposed development is acceptable in principle when assessed against the requirements of Policies RUR1, CC1, CC3 and CC5 of the Hartlepool Local Plan (2018), Policies GEN1 and NE2 of the Hartlepool Rural Neighbourhood Plan (2018) and the relevant paragraphs of the NPPF (2024) as well as NPS EN-1 and EN-3. The proposal is, on balance, also considered to be acceptable in respect to all other material planning considerations for the reasons detailed above.

1.257 Officers therefore recommend that the application be recommended for approval subject to appropriate planning conditions and financial contributions being secured by way of a S106 legal agreement.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.258 There is no evidence of equality or diversity implications.

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

1.259 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.

1.260 There are no Section 17 implications.

## REASON FOR DECISION

1.261 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 subject to a S106 legal agreement to secure a £30,000 financial contribution towards the provision, maintenance and management of sustainable transport in vicinity of the site and subject to the planning conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 calendar days of such commencement.  
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. 8503-BOW-A0-ZZ-DR-A-0101 Rev P1 (Site Location Plan & Red Line Application Boundary, scale 1:2500),  
 Dwg. No. 8503-BOW-A0-ZZ-DR-A-0106 Rev P2 (Proposed Electric Forecourt Site Plan),  
 Dwg. No. 21119-CPA-ZZ-ZZ-DR-C-1200 S2 Rev P01 (Proposed Finished Levels),  
 Dwg. No. 8503-BOW-A0-ZZ-DR-A-0200 Rev P2 (Proposed Building GA Plans),  
 Dwg. No. 8503-BOW-A0-ZZ-DR-A-0201 Rev P1 (Proposed Building Roof Plan),  
 Dwg. No. 8503-BOW-A0-ZZ-DR-A-0300 Rev P1 (Proposed Building Elevations & Sections),  
 Dwg. No. 8503-BOW-A0-ZZ-DR-A-0301 Rev P1 (Proposed Site Sectional Elevations),  
 Dwg. No. 22/4106/E63/EX01 Rev A (External Lighting Layout For Planning),  
 Dwg. No. 22/4106/E63/EX02 Rev A (External Lighting Plot),  
 Dwg. No. 1205 Rev 00 (PCS and BESS Elevations),  
 Dwg. No. 20/154/39/TR/001 Rev C (Proposed Access Works),  
 Dwg. No. 20/154/39/TR/002 Rev A (Proposed Access Works),  
 Dwg. No. 1212 Rev 00 (Monitoring Box Elevation),  
 Dwg. No. 1218 Rev 00 (CCTV Post Details),  
 Dwg. No. 1301 Rev 00 (Customer Substation Details),  
 Dwg. No. INTERNAL\_C1026318 Rev B (Construction Standards – Equipment Layout and Conduit Layout),  
 Dwg. No. 1308 Rev 00 (Access Gate Details),  
 Dwg. No. 1313 Rev 00 (Storage Details),  
 Dwg. No. 1314 Rev 00 (Mesh Fencing Elevation),  
 Dwg. No. 1316 Rev 00 (Deer Fencing Elevation),  
 Dwg. No. OTT10-0666 Rev 01 (600kVA 33 / 0.4 kV Dimensional Drawing),  
 Dwg. No. PD-O-L-10 (Outline of a Free Standing Feeder Pillar),

Dwg. No. 3341-TLP-XX-XX-D-L-10005 (4 of 4) Rev P02 (Landscape General Arrangement Plan Detail Plan 4 of 4) received by the Local Planning Authority on 11<sup>th</sup> November 2022;

Dwg. No. 1084 Rev 00 (DNO Compound) received by the Local Planning Authority on 20<sup>th</sup> January 2023;

Dwg. No. 8503-BOW-ZZ-A)-DR-A-0503 (Proposed Cycle Shelter),  
Dwg. No. 8503-BOW-ZZ-A)-DR-A-0502 (Proposed Fence Types),  
Dwg. No. 8503-BOW-ZZ-A)-DR-A-0504 (Proposed Retail Store Coldroom Area) received by the Local Planning Authority on 10<sup>th</sup> March 2023;

Dwg. No. 3341-TLP-XX-XX-D-L-10003\_ Rev P03 (2 of 4) (Landscape General Arrangement Plan Detail Plan 2 of 4),  
Dwg. No. 3341-TLP-XX-XX-D-L-50001 Rev P01 (Landscape Sections),  
received by the Local Planning Authority on 21<sup>st</sup> December 2023;

Dwg. No. 2217 Rev 01 (Generic Gabion Solution Arrangement) received by the Local Planning Authority on 12<sup>th</sup> February 2024; and

Dwg. No. 2065 Rev 05 (Proposed Site Plan),  
Dwg. No. 3341-TLP-XX-XX-D-L-10001 Rev P05 (Landscape General Arrangement),  
Dwg. No. 3341-TLP-XX-XX-D-L-10002\_ Rev P04 (1 of 4) (Landscape General Arrangement Plan Detail Plan 1 of 4),  
Dwg. No. 3341-TLP-XX-XX-D-L-10004\_ Rev P03 (3 of 4) (Landscape General Arrangement Plan Detail Plan 3 of 4) received by the Local Planning Authority on 24<sup>th</sup> May 2024.

Dwg. No. 8503-BOW-A1-ZZ-DR-A-0110 (Proposed Masterplan) received by the Local Planning Authority on 18<sup>th</sup> October 2024.  
For the avoidance of doubt.

3. 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).
4. Notwithstanding the submitted information and prior to the erection of the temporary construction compound hereby approved as annotated on Dwg. No. 2065 Rev 05 (Proposed Site Plan, received by the Local Planning Authority on 24<sup>th</sup> May 2024), 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 hereby approved, whichever is sooner). The scheme shall thereafter be completed in accordance with the approved landscaping details and timetable as required by condition 5 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 detailed scheme for the provision, long term maintenance and management (for a minimum of 30 years) 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 and National Highways. The scheme shall be in general conformity to the plan Dwg. No. 3341-TLP-XX-XX-D-L-10001 Rev P05 (Landscape General Arrangement, received by the Local Planning Authority on 24<sup>th</sup> May 2024) and shall include species in general conformity with Dwg. No. 3544-TLP-XX-XX-SP-L-90005 P02 (Outline Plant Schedule – Hartlepool Solar Farm) and 3544-TLP-XX-XX-SP-L-90006 P02 (Outline Plant Schedule – Hartlepool Solar Forecourt) (both received by the Local Planning Authority on 11<sup>th</sup> November 2022). 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 and National Highways gives written consent to any variation.

In the interests of visual amenity, the safe and efficient operation of the Trunk Road, and to enhance biodiversity in accordance with the provisions of the NPPF.

6. 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. 221011\_2.1-WHP-TPP-JI (Tree Protection Plan, received by the Local Planning Authority on 2<sup>nd</sup> July 2024), 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.

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 (received by the Local Planning Authority on 21<sup>st</sup> December 2023) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide a minimum of 57.24 habitat (area) units, which equates to a 32.13% net gain, and a gain of 11.88 hedgerow (linear) units, representing a 40.79% net gain (as detailed in paragraph 4.4 of 'Biodiversity Net Gain for Gridserve Sustainable Energy Ltd, dated December 2023' (received by the Local Planning Authority on 21/12/2023) 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 21/12/2023).

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, 187 and 193 of the NPPF (2024) and Policy NE1 of the Hartlepool Local Plan (2018).

8. No development authorised by this permission shall take place unless and until a Soils Management Plan ('the SMP') has been submitted to and approved in writing by the local plan authority. The SMP shall include:
  - (a) A method statement to ensure soil is stable and in a condition to promote sufficient aeration drainage, fertility and root growth to sustain the proposed landscape measures including how such materials will be sourced;
  - (b) The scope of any ameliorative work, established via soil testing, in order to identify any incoming soils intended for the landscape measures that require treatment;
  - (c) Presentation of results of laboratory testing of samples of soils to demonstrate their suitability;
  - (d) Standard of topsoil proposed for tree / shrub planting areas, together with details of ripping and other soil amelioration treatments, if required; and
  - (e) Proposals for adhering to relevant guidance set out within the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009' produced by DEFRA.

The SMP as approved shall be carried out in full and complied with at all times.

In the interests of securing biodiversity enhancements.

9. 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 4.0 (General Management Prescriptions), of the Landscape Ecological Management Plan (LEMP) for Gridserve Sustainable Energy Ltd December 2023 by The Landmark Practice, document reference 3341 version 04 dated 19/12/2023 and received by the Local Planning Authority on 21/12/2023. The CEMP (Biodiversity) shall include the following:
    - Vegetation within the developable area to be cleared on a phased approach, initially to a height of 150mm and then maintained at or near ground level,
    - Protective fencing to protect sensitive retained features,
    - Any trenches covered overnight,
    - Sensitive working methods detailed in a Precautionary Working Method Statement (PWMS),
    - Vegetation clearance to be undertaken ideally outside the breeding bird season (March to August inclusive), with works in this season undertaken by a qualified ecologist, and ideally outside the breeding hares season (February to September), with works, where unavoidable, to be sensitively undertaken immediately prior to construction,
    - A suitably qualified ecologist shall brief the Landscape Contractor on commencement,
    - An Ecological Clerk of Works (ECoW) shall be appointed by the developer or contractor to deliver a toolbox talk to the Site Manager and/or Site Supervisor and workers on site prior to commencement of work within the Great Crested Newt Risk Zone (GCNRZ), provide a watching brief as required during site works which shall be submitted to and approved in writing with the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the protection measures as detailed in the Method Statement, to include a walkover inspection on site within three months of the start of any works, including vegetation clearance, on site;
    - A sensitive lighting strategy shall be applied,
    - Should any materials require storing on site during the construction phase, materials shall not be within 5m of any boundary hedgerows or trees,
    - Pollution prevention methods shall be adhered to,
    - A pre-commencement badger survey shall be undertaken six weeks prior to the start of construction works to inform the need for additional badger mitigation/compensation should it be required,
    - Works within 500m of ponds 8 and 10 shall be undertaken in line with a Non-Licensed Method Statement for Great Crested Newts.

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.

10. The development hereby approved shall be implemented in accordance with the details and timetable stipulated in the submitted Landscape & Ecological Management Plan (LEMP) (Version 05 – Updated Masterplan dated 20/01/2025, date received by the Local Planning Authority 20<sup>th</sup> January 2025) to include the implementation of the ‘Management Objectives’ as detailed in Table 3 (Summary and timing of management prescriptions) of the aforementioned LEMP to include;

- provision of targeted ecological enhancements for specific species, to include areas for Skylark (and other ground nesting birds) and a minimum of 4no. artificial hibernacula with minimum dimensions of 2m in length x 1m in width x 1m in height;

Thereafter and following the implementation of the approved ‘Management Objectives’ within the agreed timescales set out within the LEMP, condition assessments shall be collected during the yearly monitoring surveys post construction and every five years thereafter for a minimum of 30 years. Such information shall be made available within 14 days of a written request by the Local Planning Authority.

In the interests of ecological enhancement.

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

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. The access (and associated visibility splays) to the development hereby approved shall be completed in accordance with Dwg. No. 20/154/39/TR/001 Revision C (Proposed Access Works, dated 20/09/2022, received by the Local Planning Authority on 11<sup>th</sup> November 2022) prior to the completion or first use (whichever is sooner) of the development hereby approved unless an alternative timescale is otherwise agreed in writing with the Local Planning Authority.  
To ensure a satisfactory form of development and in the interests of highway safety.
14. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the  
Written Scheme of Investigation.B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A) and/or document entitled 'Hartlepool West Solar Electric Forecourt Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement (Archaeology)' (Report No: CA Project MK0952, received by the Local Planning Authority on 21/12/2023).  
C) No part of the development shall be 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.  
To ensure that archaeological assets are protected.
15. No development (or site restoration) shall commence until a scheme of protective fencing has been erected around the Zones of Archaeological Interest (ZAI) during construction with a scheme to be first submitted and approved in writing by the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the protective fencing

shall be erected and works shall solely take place in accordance with the agreed details. For the purposes of this condition, this includes works undertaken during restoration of the site.

To ensure that archaeological assets are protected

16. Notwithstanding the requirements of conditions 14 and 15, no work shall take place in the Zones of Archaeological Interest (ZAI) unless it is in accordance with Hartlepool West Solar Electric Forecourt Land at Whelly Hill Farm Worset Lane Hartlepool: Outline Construction Method Statement (Archaeology) (Report No: CA Project MK0952), Revision 2, document dated 15/12/2023 submitted by Cotswold Archaeology, date received by the Local Planning Authority on 21<sup>st</sup> December 2023.

To ensure that archaeological assets are protected

17. Prior to the commencement of the development hereby approved, full details of any highway mitigation measures, as outlined in the document entitled Stage 1 Road Safety Audit issue 1 dated 17/11/2022 (Section 3.1 Junctions and Section 3.2 Traffic Signs, Carriageway Markings and Lighting, received by the Local Planning Authority on 20/01/2023), shall be first submitted to and approved through the completion and submission of a Stage 2 Road Safety Audit to the Local Planning Authority. Thereafter, the approved scheme of any highway mitigation works shall be implemented prior to the commencement of the development hereby approved.

In the interests of highway safety.

18. No part of the development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A19). Construction of the development shall then be carried out in accordance with the agreed Construction Traffic Management Plan. To mitigate any adverse impact from the development on the A19 in accordance.

19. 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.

20. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes (including footpaths and car parking) 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. 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 or being completed (whichever is sooner) and thereafter retained for the lifetime of the development hereby approved.  
In the interests of visual amenity and to ensure a satisfactory form of development.
21. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, precise 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 finishing materials shall include a dark green finish to the battery storage containers. Thereafter the approved scheme shall be implemented and retained thereafter.  
In the interests of visual amenity and to ensure a satisfactory form of development.
22. The means of enclosure associated with the development hereby approved shall be implemented in accordance with the layout and fence types detailed on Dwg. No. 8503-BOW-ZZ-A0-DR-A-0502 (Proposed Fence Types, received by the Local Planning Authority on 10<sup>th</sup> March 2024) and shall be in accordance with Dwg. No. 8503-BOW-ZZ-A)-DR-A-0502 (Proposed Fence Types), Dwg. No. 1308 Rev 00 (Access Gate Details), Dwg. No. 1314 Rev 00 (Mesh Fencing Elevation), and Dwg. No. 1316 Rev 00 (Deer Fencing Elevation) (all received by the Local Planning Authority on 11<sup>th</sup> November 2022). The approved scheme shall be implemented 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.
23. Notwithstanding the submitted details and 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.

24. Prior to the commencement of development above ground level, details of 5no. 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 186 of the NPPF (2024).
25. Prior to the above ground construction of the development hereby approved, details of proposed information panels providing information on the flora and fauna and information on the solar technology utilised in the development, including construction materials and finish, and a timetable for installation, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed information panels/boards shall thereafter be provided in accordance with the approved details and agreed timetable. In the interests of visual amenity and ecology.
26. 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 between 8.00 and 13.00 on Saturdays with the exception of the activities detailed in document 'Sunday Working Hour Details' received by the Local Planning Authority on 6<sup>th</sup> December 2023 detailing activities that are permitted to be undertaken on Sundays between 8.00 and 14.00 on Sundays. There shall be no construction activity including demolition at any other time including on Bank Holidays. To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
27. The solar farm development hereby permitted shall ensure that the modules/solar panels are pre-programmed at a tilt of 5 degrees and shall not be permitted to go back to flat (0 degrees) at any time of day / night in accordance with the details submitted in the Solar Photovoltaic Glint and Glare Study, Issue 2 dated October 2022, date received by the Local Planning Authority on 11<sup>th</sup> November 2022. The programming of the modules shall be maintained for the lifetime of the development unless agreed in writing with the Local Planning Authority (in consultation with the Highway Authority for the A19). To mitigate any adverse impact from the development on the A19 and to satisfy the reasonable requirements of road safety.
28. The electric forecourt hereby approved shall be laid out and operate solely in accordance with the approved layout as detailed on Dwg. No. 8503-BOW-A0-ZZ-DR-A-0106 Rev P2 (Proposed Electric Forecourt Site Plan, received by the Local Planning Authority on 11<sup>th</sup> November 2022), including the commercial building, charging points, car parking, storage areas, waste storage, seating areas, servicing areas, and ingress/egress to/from the site.



To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development.

29. Prior to the completion or first use (whichever is the sooner) of the ancillary electric forecourt building hereby approved (as detailed within the approved plans contained within condition 2 of this permission), details of the internal layout the ancillary forecourt building shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved plans.

To enable the Local Planning Authority to retain control over the development and in order to safeguard the vitality and viability of the defined town centres in the Borough.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the ancillary electric forecourt building hereby approved shall only be used for a use falling within Use Classes E(a) and E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose or use (including within Class E), and the ancillary electric forecourt building hereby approved shall not be extended or altered in any way.

To enable the Local Planning Authority to retain control over the development and in order to safeguard the vitality and viability of the defined town centres in the Borough.

31. The export capacity of the development shall not exceed 49.9 MW (AC).  
In the interests of a satisfactory form of development.

32. (a) Within 1 month of the date of first commercial export of electricity to the National Grid (the “date of first export”) confirmation shall be given in writing to the Local Planning Authority of the date of first export. The development hereby permitted shall cease on or before the expiry of a 40 years period from the date of first export. The land shall thereafter be restored to its former condition in accordance with a scheme (including timetable) of decommissioning work and an Ecological Assessment Report detailing site requirements in respect of retaining ecological features detailing site requirements in respect of retaining ecological features.

(b) The scheme (including timetable) of decommissioning work and the Ecological Assessment Report shall be submitted to and approved in writing by the Local Planning Authority no later than 39 years from the date of first export and subsequently implemented as approved.

(c) In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of 12 months at any point after the date of first export (other than for operational reasons outside of the operator’s control), a scheme of early decommissioning works (the Early Decommissioning Scheme) and an Ecological Assessment Report detailing

site requirements in respect of retaining ecological features (the early ecological assessment report) shall be submitted no later than 3 months after the end of the 12 months non-electricity generating period to the Local Planning Authority for its approval in writing. The approved Early Decommissioning Scheme and the approved Early Ecological Assessment Report shall be implemented in full in accordance with a timetable that shall be set out in the Early Decommissioning Scheme.  
To ensure that the development is decommissioned, and that the site is returned to a suitable condition.

## **BACKGROUND PAPERS**

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155978>

1.263 Copies of the applications are available on-line:

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

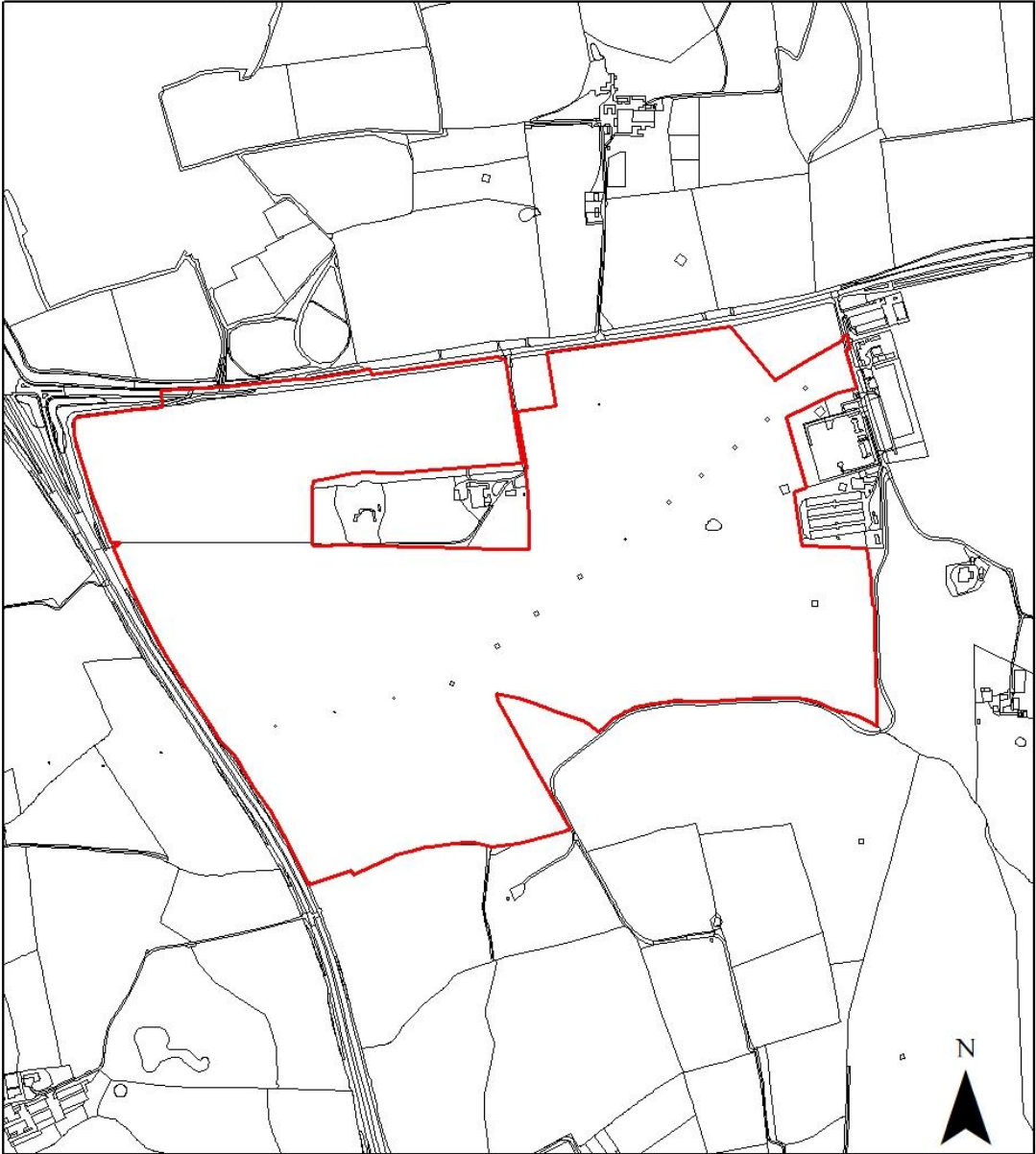
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Land at Whelly Hill, Farm Worset Lane, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>24.06.2024</b>
	SCALE <b>1:10,000</b>	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0423</b>	REV



**No:** 2.  
**Number:** H/2024/0210  
**Applicant:** MR MRS JONATHAN NOBLE MIDDLEGATE  
HEADLAND HARTLEPOOL TS24 0JD  
**Agent:** S J R ARCHITECTURAL & INTERIOR DESIGNERS MR  
DAVID JOHNSON W2 THE INNOVATION CENTRE  
VENTURE COURT HARTLEPOOL TS25 5TG  
**Date valid:** 26/07/2024  
**Development:** Erection of 1no. detached dwelling house and detached  
garage/annex  
**Location:** LAND ADJACENT TO MANOR FARM DENE GARTH  
DALTON PIERCY HARTLEPOOL

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## 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 application site benefits from an extant outline planning permission (all matters reserved except access) for the erection of 1no. dwelling and annex/car port, approved 20/04/2023 (reference H/2022/0350).

2.3 The adjacent property (Manor Farm, to the east of the site) benefits from an extensive planning history, albeit none are considered to be directly related to the current application site/red line boundary.

## PROPOSAL

2.4 This application seeks full planning permission for the erection of a detached dwelling house and detached garage/annex.

2.5 In detail, the proposals include the erection of a two-storey detached dwelling measuring approximately 12.8m in width by approximately 7m in depth. The proposed dwelling features an additional two-storey rear off shoot on the western side, measuring approximately 5.2m in width by approximately 4.5m in depth, and a single storey offshoot to the rear measuring approximately 8.5m in width by approximately 2.7m in depth extending beyond the two storey element. The proposed dwelling would feature a pitched roof design with a total height of approximately 8.4m, dropping to approximately 6m at eaves level. The proposed ridge height of the two storey off-shoot would be approximately 8.5m, whilst the single storey off-shoot element would feature a flat roof height of approximately 3.7m and would feature a roof lantern with a height of 0.4m (taking the total height of the single storey off-shoot element to approximately 4.1m). In addition,

the proposed dwelling features 2 chimneys on the main roof, measuring approximately 1.5m in height.

2.6 During the course of consideration, amended plans were received in respect of the design of the principal elevation of the proposed dwelling, and it was requested by officers that the design of the windows and door were amended to reflect the surrounding properties in the street scene (as well as those submitted as 'indicatively only' plans on the approved outline application, H/2022/0350).

2.7 The proposed dwelling would feature an open plan family room and kitchen, drawing room, utility room, snug, boot room, cloakroom and W.C. at ground floor and 3 bedrooms (2 of which featuring an en-suite bathroom and 1no. with robes room), a dressing room and a bathroom in the first floor.

2.8 The proposals also include the erection of a single storey outbuilding which is proposed to comprise an annex and garage and which would be set back towards the rear/side of the proposed dwelling. During the course of considering the proposals, amended plans of this element were received following concerns expressed by the case officer to the applicant in respect of the scale and design of this element (and as reflected in the original HBC Planning Policy comments). The proposed outbuilding (as amended) measures approximately 7m in width by approximately 12.5m in depth. The design of the proposed outbuilding is such that it features a dual pitched roof design with a roof slope in the rear elevation (north), and side elevations (east and west facing), and a gable elevation in the principal (south), with a total height of approximately 5.9m dropping to approximately 2.3m at eaves level. The proposed outbuilding features two dormer windows in the north facing rear elevation, each measuring approximately 1.3m in width, approximately 1.2m in height and projecting from the roof slope by approximately 1.2m.

2.9 The proposed outbuilding would feature two roller shutter garage doors at ground floor and one window at first floor in the south facing principal elevation; two full length sets of glazed sliding doors and two windows at ground floor, one window at first floor, and four roof lights in the west facing elevation; and two windows and a door at ground floor and two dormers at first floor in the rear (north) elevation. The proposed outbuilding would accommodate a home gym, toilet/change area, and garage at ground floor and home office and storage area at first floor.

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

2.11 The application has been referred to planning committee owing to the number of objections/concerns (3) received in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

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

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

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

## **PUBLICITY**

2.15 The application has been advertised by way of site notice, press advert and notification letters to 11 individual neighbouring properties. To date, there have been 2 objections. The objections/concerns raised can be summarised as follows:

- Privacy concerns from overlooking to a neighbouring property;
- Unsatisfactory separation distances;
- Proposals would impact accessibility to neighbouring property;
- Tree protection;
- Disturbance caused by excavation;
- Dominant and overbearing scale of dwelling;
- Large scale of proposed annex/car port which could be adopted as an additional dwelling in the future;
- Ancient wall damage or removal;
- Potential for damage to adjacent Grade II Listed Building
- Alterations to earthworks which can affect structural integrity;
- The proposed steps would encroach onto the village green.

2.16 The application has been amended twice following revisions to the design and scale of the proposed garage as well as revisions to the design of the proposed dwelling, and re-consultations were issued to occupants of neighbouring properties as well as technical consultees. No further neighbour responses were received from neighbouring properties (as well as the Rural Neighbourhood Plan)

2.17 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=162371>

2.18 The period for publicity has expired.

## **CONSULTATIONS**

2.19 The following consultation replies have been received:

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

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 205, NPPF).

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

With regard to locally listed buildings the NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 209, NPPF).

Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

The proposal is for the erection of a single dwelling and garage, including ancillary rooms.

The site itself has been a longstanding vacant plot in the centre of the village, bounded by a stone wall. It is proposed that the house will be located to the front of the site reflecting the properties on either side.

To the rear of the property is an annex and car port which is, accessed by a driveway which runs alongside the boundary of the plot.

It is considered that the location and design of both the house and garage will not adversely impact on the significance of the adjacent heritage assets.

The site is currently bounded by a stone wall. To retain some consistency with the existing site, should permission be granted, consideration could be given to retaining elements of this were possible or salvaging materials for the boundary treatment, where needed.

No objections to this proposal.

Update 28/11/2024 following amendments to the design of the dwelling and design and scale of the garage elements:



No objection to the proposed amendments.

**HBC Ecology:** Linked to Outline approval H/2022/0350.

I reiterate the condition I highlighted in the Outline application H/2022/0350: The site is adjacent to open countryside which supports declining bat and bird populations, which could benefit from the provision of integral bat roost bricks and integral bird nest bricks. This will satisfy the NPPF requirement for biodiversity enhancement.

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

<https://cieem.net/swift-bricks-the-universal-nest-brick-by-dick-newell/>

#### HRA

Nutrient Neutrality is dealt with by embedded mitigation in the form of attachment to the main sewer. Surface water runoff will be filtered by a SuDS.

#### *Habitats Regulations Assessment stage 1 screening*

Is Recreational disturbance accounted for by the Hartlepool Local Plan Coastal Mitigation Scheme? No

HRA Appropriate Assessment required.

#### *Habitats Regulations Assessment stage 2 Appropriate Assessment*

##### *Conclusion*

This application for the increase of one dwelling is a windfall project which is mitigated by the built-in contingency measure of allocated housing projects contributing additional funds to cover small-scale projects, through the Hartlepool Coastal Mitigation Scheme, meaning that increased recreational disturbance will not cause an Adverse Effect on Integrity of any European Site.

**HBC Arboricultural Officer:** Following a review of the submitted application and associated documentation, it has been noted that a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) has not been provided. The protection of trees during development is a critical component of planning approval and must comply with the British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

While the Arboricultural Tree Constraints Assessment (ATCA) identifies significant trees within the development site and provides valuable information regarding their condition and categorization, the absence of a detailed TPP means the application does not satisfy the necessary requirements for tree protection during the construction phase.

A detailed TPP must be submitted, illustrating the Root Protection Areas (RPAs) and the position of protective barriers for all trees to be retained. This plan should include:

- Scaled drawings indicating the RPAs for all retained trees, especially Tree 2 (category B) shown on the proposed layout.
- The type and location of tree protection fencing, ensuring a 2.0m clearance for canopies from adjacent structures as mentioned in the ATCA.

Clear demarcation of areas where no construction activities, materials storage, or vehicular movement will occur.

If work is to take place within the RPA of retained trees, including landscaping, then an Arboricultural Method statement should also be prepared and submitted by the applicants chosen arboricultural consultant to support the application. This should include:

- Timing and phasing of works, including any pruning/clearing work recommended in the ATCA, such as strimming of grass and nettles, removal of fallen stems, and limited crown lifting.
- Installation and maintenance of protective barriers, particularly around the RPAs indicated by red circles in the ATCA.
- Methods for working within RPAs if unavoidable.

According to the proposed site levels it appears that the area within the RPA of T2 is to be significantly lowered. The applicant must seek consultation about this from an arboricultural consultant to ensure T2 remains safe and healthy.

The protection of the existing trees is paramount to maintaining the ecological and aesthetic value of the site and neighbouring properties whilst ensuring compliance with local planning policies and standards. This information should have been created and submitted as part of the application and without it, the impacts of the trees cannot be assessed fully.

*Update 08/10/2024 following receipt of Arboricultural Impact Assessment submitted by the applicant:*

The Arboricultural information submitted by All About Trees Ltd includes the following documents:

- Arboricultural Impact Assessment (AIA)
- Tree Protection Plan (TPP)
- Arboricultural Method Statement (AMS)

These documents have been reviewed and provide a clear overview of the proposed development's impact on existing tree cover.

The application proposes the removal of four groups of trees and two individual trees from the site. Given their low quality and poor form, there is no objection to this loss.

Tree T2, located within the neighbouring garden to the west, is to be retained and protected throughout the construction works. However, it is noted that a small portion of its Root Protection Area (RPA) will be encroached upon to facilitate the installation

of a retaining wall. This encroachment is acknowledged, but it must be carefully managed in line with the submitted arboricultural documentation.

It is recommended that adherence to the TPP and AMS be secured by condition to ensure compliance throughout the development process.

While there is no objection to the loss of the low-quality tree cover, I would have expected the application to propose some level of tree planting within the garden to compensate for this loss. Regrettably, no such details have been provided. I strongly recommend that a detailed landscaping plan, including tree planting proposals, be submitted to offset the reduction in tree cover and contribute to the long-term sustainability of the site's green infrastructure and biodiversity.

Update 18/11/2024 following query regarding landscaping scheme:

No issue with it being conditioned.

**Natural England:** Designated Sites [European] – No Objection Subject To Securing Appropriate Mitigation

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

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

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

**Cleveland Police:** In relation to the proposed development, I would recommend that the applicant adopts the measures incorporated within the police security initiative 'Secured by Design'. Details of the scheme can be found here [HOMES GUIDE May 2024.pdf](https://www.homesguide.org.uk/HOMESGUIDE%2024.pdf) ([securedbydesign.com](https://www.securedbydesign.com)) Happy to discuss any security concerns with the applicant as required.

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

Update 04/10/2024 following receipt of amended plans:

The amended plans are acceptable.

**Dalton Piercy Parish Council:** No comments received.

**HBC Landscape Architect:** The proposed development would result in the loss of an agricultural field with mature trees. The existing stone boundary wall would be lost and replaced with dwelling frontage. The site currently separates Manor Farm from the main settlement form on the North side of the lane. This separation, stone boundary wall and trees all contribute to the spatial sequencing and attractiveness of the approach to the settlement form the East. The proposed development would result in local landscape harm.

**Rural Plan Working Group:** The following Rural Neighbourhood Plan Policies are particularly relevant:

**POLICY GEN1 – DEVELOPMENT LIMITS**

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

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

**POLICY GEN 2 - DESIGN PRINCIPLES**

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;
2. how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist as set out in appendix 4;
3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. how the design demonstrates that it can be accessed safely from the highway and incorporates sufficient parking spaces;
7. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water into fluvial water and;
8. how the design ensures that homes are flexible to meet the changing needs of future generations.

**Dalton Piercy Village Design Statement**

Within the village there are a number of infill plots for development that have been identified which will allow the village to grow whilst maintaining its historical layout.

The village residents do not support any mass developments which either spoil its history or impact on the many special nature areas.

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

One of the sites identified for future development is:

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

Village Design Statement, Recommendations & Guidelines

High quality Development in keeping with surrounding;

Support proposals to protect and improve the assets of Dalton Piercy Parish: The village green, village stone wall.

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

Ensure adequate provision for car parking in all new development.

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

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

The proposed property appears to be generally in line with policy GEN 2. Bullet point 1 of the policy does however seek demonstration of how the village design statement has been taken into account.

The application is located on an infill site identified in the village design statement. Unfortunately the location of the house requires the loss of a significant length of village stone wall which the Village Design Statement identifies as an asset desirable to protect and enhance.

An easement from the Dalton Piercy Parish Council should be in place to access a front door directly off the village green.

The 'Nutrient Statement' says all surface water drainage, including from roofs, will discharge to new soakaways, constructed on the site. All foul water drainage will be connected into the main sewer, located in the adjacent public highway. This would appear to be in line with GEN2 and the Village Design Statement.

#### **POLICY H1 - HOUSING DEVELOPMENT – JUSTIFICATION**

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

The proposed floor plan indicates a three-bedroom house. There is however an abnormally large dressing room which might easily be converted into a fourth bedroom. The proposed house is substantial but not entirely out of proportion to other houses facing the village green.

The application includes ample parking provided within the curtilage accessed from within the village.

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

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

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

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

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

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

This application is on a site between the listed Manor Farm and locally listed Leamont. The design is for a substantial house which could be quite dominant. The existing rubble stone wall is an increasingly rare historical feature, a strongly enforced condition that as much as possible of the original wall is retained would be required. In the event of this wall being damaged it must be reinstated in its original form.

Identified difficulties with this application include the damage to the historic stone wall, the access to the proposed front door directly from the green (which is obviously the main entrance) and the potential dominant size in relation to listed and locally listed properties on either side. These may be addressed by setting the house back slightly so that it is behind the stone wall, thus preserving the stone wall. The front door may then be accessed from behind the stone wall utilising the existing access that is to form the vehicular access, thus removing the requirement for a new easement for this element. Setting back would ease some of the impact of the substantial proposed house on the adjoining heritage properties (centring the proposed house on the site would further ease the impact on locally listed Leamont). This side of Dalton Piercy green already has a very varied building line so another set back should not be out of place.

There are a number of issues identified with this application which if addressed would allow the Group to support the application.

**Cleveland Fire Brigade:** Cleveland fire Brigade offers no representations regarding the development as proposed.

However, Access and Water Supplies should meet the requirements as set out in:

Approved Document B, Volume 1:2019, Section B5 for Dwellings.

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

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

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

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

**Tees Archaeology:** This site has previously been archaeologically evaluated and was determined to be of low archaeological potential; no further archaeological works are recommended.

**HBC Building Control:** No comments received.

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

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

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

**HBC Engineering Consultancy:** We have made comments on this but these are not a formal objection to the application given that it falls under the threshold for LLFA involvement.

This application is for a proposed a single dwelling and detached garage/annex. Although the application does not meet criteria for the LLFA to comment, we have the following observation:

- Discharge of surface water runoff is proposed via soakaway only. In the absence of infiltration testing and analysis we have no means of confirming effectiveness.

The proposed development consists of development of a new residential dwelling on an existing paddock in Dalton Percy.

Update 13/12/2024 following amended drainage details:

This application is for a proposed a single dwelling and detached garage/annex. Although the application does not meet criteria for the LLFA to comment, we have the following observation:

- Discharge of surface water runoff is proposed via soakaway only. In the absence of infiltration testing and analysis we have no means of confirming effectiveness.

An updated Drainage Plan has been submitted (Rev B) but this indicates a change in the location of the proposed soakaway draining the garage only. No further detail has been provided to confirm suitable ground conditions.

Update 17/12/2024 following query regarding conditions:

Yes, we would agree that it could be covered by the planning condition. We have suggested some additional text in red to make it soakaway specific:

Prior to the commencement of development above ground level (excluding any demolition or site clearance), a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. If draining via soakaway, a suitable assessment of ground conditions, including infiltration rates, shall be provided as well as calculations demonstrating appropriate safety factors and half-drain times. Thereafter the development shall take place in accordance with the approved details.

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

Comments from JBA Consulting relating to contaminated land risk on behalf of Hartlepool Borough Council: The development would constitute a high risk due to its residential nature inclusive of private gardens and therefore the potential risk of land contamination should be considered. The Heritage, Design and Access Statement makes reference to a Contaminated Land Risk Assessment; however this does not appear to be included in the planning submission documents. It is recommended that this is submitted and made available for review as otherwise a condition requiring this would be recommended.

Update 12/12/2024 following query regarding planning conditions:

In regard to contaminated land we have looked at this and would concur with your view that a condition for unexpected contamination would address this matter.

**HBC Estates:** No comments received.



**HBC Public Protection:** Object/Support/Neither:

No objections subject to the conditions below.

Comments and background to any licensing position:

None

Suggested Planning 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. Any deliveries and collections associated with the works shall be limited to these times as well.

There must be the provision of a wheel washing facility to the entrance/exit of the site.

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

No open burning at all on site.

**Environment Agency:** No comments received.

**Anglian Water / Hartlepool Water:** This application amendments are not relevant to Anglian Water – we have no further comments to make since our last response. Please note Anglian Water will only comment on matters relating to drainage/surface water connections to our network.

**Northumbrian Water:** No comments received.

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

## **PLANNING POLICY**

2.20 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

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

HE1: Heritage Assets

HE4: Listed Buildings and Structures

HE5: Locally Listed Buildings and Structures

HSG1: New Housing Provision

HSG12: Residential Annexes

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

RUR1: Development in the Rural Area

SUS1: The Presumption in Favour of Sustainable Development

### Hartlepool Rural Plan

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

GEN1: Development Limits

GEN2: Design Principles

H1: Housing Development

HA3: Protection and Enhancement of Listed Buildings

HA4: Protection and Enhancement of Locally Listed Buildings

### National Planning Policy Framework (NPPF)(2024)

2.23 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 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 strong 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

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

PARA039: Decision making

PARA048: Determining applications

PARA057: Planning conditions and obligations

PARA062: Delivering a sufficient supply of homes

PARA082: Rural Housing

PARA083: Rural Housing

PARA131: Achieving well-designed places

PARA139: Achieving well-designed places

PARA206: Conserving and enhancing the historic environment

PARA212: Conserving and enhancing the historic environment - Considering potential impacts

**2.24 HBC Planning Policy comments:** This application is a full application for a detached dwelling and detached garage/annex. The principle of developing the site for the purposes of a dwelling was established under outline approval H/2022/0350, however this application does not seek to comply with that approval and the conditions imposed upon it.

**2.25** The site is within the development limits of Dalton Piercy as defined under Hartlepool Local Plan 2018 policy LS1 and Hartlepool Rural Neighbourhood Plan 2016-2031 policy GEN1. The proposal also complies with HRNP policy H1, which sets a general presumption in favour of residential development on non-allocated sites within the development limits of villages. The site is also identified for future development in the Dalton Piercy Village Design Statement 2016. Given this, the development of the site for a single dwelling is considered to be acceptable in principle. Further to this, the proposed access to the site appears to align with that approved under the previous outline application and there remain no Planning Policy objections to this aspect of the proposal, subject to the Council's Traffic and Transport team being satisfied the access is appropriate.

**2.26** The application proposes a garage/annexe to the rear of the site and the proposed main dwelling. Planning Policy raised concerns about an annexe in this location as part of the previous outline application and that proposal was subsequently amended to provide for a smaller ancillary building and conditions were imposed on the outline approval to limit that building's use so as not to be a separate dwelling. Hartlepool Local Plan policy HSG12 only allows for new (detached) buildings for the purposes of an annexe in exceptional circumstances, where such a development is of a satisfactory scale, location and design in relation to the main dwelling and is designed to serve an ancillary function and not of a form that would encourage its occupation as a separate dwelling. Planning Policy are of the view that the proposed annexe is of a considerable size and has the appearance of a second dwelling within the site rather than that of an ancillary building/garage, and that additional hard standing has been provided compared with the previous scheme, such that it would be easy to subdivide the two into separate plots with their own parking. It is therefore considered the proposals do not comply with policy HSG12 and this element of the scheme should be substantially reduced to something similar in scale and appearance to the indicative details submitted under application reference H/2022/0350.

**2.27** When assessing the design of the proposed dwelling, regard should be had to the Council's Residential Design Guide Supplementary Planning Document 2019, Hartlepool Local Plan policies QP3-7 and HRNP policy GEN2. It is noted that the proposal is substantially larger than the indicative scheme detailed under outline application H/2022/0350 with the main part of the property to be more than 1m wider and the rear offshoot to be approximately 3.3m wider, window and door detailing are larger with the addition of a canopy with pillars over the front door. Particularly given the change in levels, the proposed dwelling appears to be substantially larger than those either side as shown in the proposed street scene plan. The decision maker

should be satisfied the changes in design are appropriate to the character of the surrounding area, taking account of any comments from the Council's Head of Service for Heritage and Open Spaces with regards to any impact on the neighbouring Grade II listed and locally listed buildings, including their setting.

2.28 While there is not an objection to the principle of developing the site for a single dwelling, there are concerns in Planning Policy terms regarding the proposed annexe. These matters should be reconsidered to ensure the relevant local policy requirements are met.

Update 22/01/2025 following amended design of garage and dwelling:

2.29 Planning Policy note that the annex has been amended in its appearance so that on the south elevation (elevation fronting the street scene) contains garage doors, although the annex is still of a substantial size the addition of garage doors does make the annex appear more of an annex rather than a separate dwelling. Planning Policy trust that the annex will be conditioned to remain as an annex and if possible Planning Policy would request that a restriction is placed on amending the garage doors without prior consent. Planning Policy are of the view that the annex on the whole is acceptable.

2.30 Planning Policy note the changes to the front elevation of the main dwelling. The reduction of the door has assisted in reducing the dwellings dominance over surrounding units. It is noted that the dwelling is marginally bigger (especially in height) than the neighbouring unit to the east, however the element of separation between the highest point of the unit to the east and the proposed unit does assist in reducing the overall appearance of the proposed dwelling being 'dominating'. On the whole Planning Policy consider that the principle of a dwelling in this location is acceptable, and its design is acceptable.

## **PLANNING CONSIDERATIONS**

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

### **PRINCIPLE OF DEVELOPMENT**

2.32 The application site is within the development limits to Dalton Piercy, as identified by Policy LS1 of the Hartlepool Local Plan Policies Map (2018) and Policy GEN1 of Hartlepool Rural Neighbourhood Plan (2018). Furthermore, as an infill windfall residential development, the proposal complies with Hartlepool Rural Neighbourhood Plan (2018) Policy H1, which sets a general presumption in favour of residential development on non-allocated sites within the development limits of villages. As noted in the comments from the Rural Neighbourhood Plan Working Group (above), the site is also identified for future development in the Dalton Piercy Village Design Statement 2016.

2.33 It is also a material planning consideration that the site benefits from an extant planning permission for the erection of a single dwelling (and detached annexe building).

2.34 As such and in view of the above, the Council's Planning Policy team have confirmed that a new dwelling in this location is acceptable in principle in terms of Policy RUR1 of the Hartlepool Local Plan (2018) and Policies GEN1 and H1 of the Hartlepool Rural Neighbourhood Plan (2018), subject to other relevant material planning considerations being found to be acceptable.

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

- it can be demonstrated to be surplus to needs, or
- it has no other recreational, nature conservation or amenity function, or
- it is in an area where the local need has already been met elsewhere, or
- it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- it is too small or difficult to maintain.

2.36 The access track over the Village Green would comprise a relatively small area of open space, sited on the edge of existing development and the land would remain open albeit that the access would cross it. It is of note that a significant amount of the land under this allocation (NE2i) and the buffer and leisure benefits of the parcel of green infrastructure would remain. On balance, the proposed crossing to facilitate the development is considered acceptable, as per the consideration under the outline approval H/2022/0350 whereby the plans for that application indicated the access track would be constructed from an "MOT type 1 track". It is expected that similar materials would be utilised in the construction of the access track and a planning condition requiring these details to be submitted is duly recommended.

2.37 It is noted in the comments by the Rural Neighbourhood Plan Working Group and Dalton Piercy Parish Council (above), that a Deed of Easement is required in order for the applicant to obtain a right of access. It is understood that this has been agreed in principle with Dalton Piercy Parish Council who are responsible for the village green.

2.38 The application includes the provision of a detached outbuilding, proposed to serve as an annex and garage, which has been amended during the course of the application. The submitted floor plans indicate that the annex

element would include a home gym, home office, store room, and W.C. It is acknowledged that objections from members of the public as well as concerns from HBC Planning Policy (in their original comments) have been received in this respect.

2.39 Policy HSG12 of the Hartlepool Local Plan (2018) states that annexes will be supported where development:

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

2.40 The proposed annex and garage outbuilding (as amended) would be sited on the northern portion of the application site, approximately 30m from the front / village green at its closest point. Following the amendments received, it is considered that the proposal would be acceptable in respect of the requirements of HLP Policy HSG12 in that it is a satisfactory scale, location and design in relation to the proposed dwelling at the application site, is designed to serve an ancillary function to the proposed dwelling, and the development would provide an adequate amount of amenity space (including outdoor space and car parking) that would be in accordance with the Residential Design Guide SPD (2019) and relevant Policies of the Hartlepool Local Plan (2018) (namely RUR1, QP4 and HSG12) and Hartlepool Rural Neighbourhood Plan (2018) (namely GEN1 and GEN2 as well as the Dalton Piercy Village Design Statement).

2.41 This view is supported by the Council's Planning Policy team, subject to a planning condition to restrict any permission to prevent the development being formed into a separate dwelling and to ensure it is used only for ancillary purposes. This is considered to be necessary in order to enable the Local Planning Authority to retain control over the development and to prevent potential use of the extension as a separate dwelling. This can be secured by appropriately worded planning conditions.

2.42 In view of the above, the proposals are acceptable in principle, subject to consideration of and the scheme satisfying other material planning considerations.

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

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

2.44 Policy HE1 (Heritage Assets) of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 (Listed Buildings) of the Local Plan states, “to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting”. Policy HE5 (Locally Listed Buildings) of the Hartlepool Local Plan (2018) states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

2.45 Policy HA3 (Protection and Enhancement of Listed Buildings) of the Hartlepool Rural Neighbourhood Plan (2018) seeks to protect and/or enhance the setting of a listed building, whilst Policy HA4 (Protection and Enhancement of Locally Important Buildings) of the Hartlepool Rural Neighbourhood Plan (2018) requires that a balanced judgement is made regarding any potential harm or loss to locally important buildings.

2.46 The NPPF (2024) also looks for local planning authorities to take account of the significance of a designated heritage asset and give, “great weight” to the asset’s conservation (para 212, NPPF). Paragraph 216 of the NPPF (2024) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

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

2.48 It is noted that the proposed dwelling would necessitate the partial removal of a boundary wall. The Dalton Piercy Village Design Statement identifies that this wall is part of the Village Green ancient historic boundary wall which was utilised, along with gates at either entry, to the medieval village. It is acknowledged that the applicant has sought to retain some of the existing boundary wall. The application has been amended during the course of consideration, removing any steps or other elements that may encroach onto the village green. Dalton Piercy Parish Council have been consulted on the proposals and have not provided any comments or objections.

2.49 In respect of the proposed design and siting of the detached dwelling, whilst it is acknowledged that the proposed location of the dwelling would necessitate the partial removal of the boundary wall, it is of consideration that the retention of the boundary wall would mean the proposed dwelling would need to be set back from the front of the application site. The Council’s Head of Service for Heritage and Open Space, the Council’s Planning Policy team and the Rural Neighbourhood Plan Working Group have made assessments/comments regarding the impact on the existing rubble stone wall, however only the latter consultee has confirmed concerns with the proposed intention to demolish part of the boundary wall.

2.50 As per the position taken during the consideration of the proposals under the outline approval H/2022/0350, it is considered that a set back of the proposed dwelling (to accommodate the full retention of the front wall) would be at odds with the adjacent Manor Farm and Leamont buildings which front directly onto the village green. It is therefore considered (and remains the position since consideration of the previous and extant outline permission) that the positioning of the proposed dwelling and partial removal of the stone wall is acceptable in this instance.

2.51 The Council's Head of Service for Heritage and Open Spaces has requested a planning condition to ensure that as much as possible of the original wall is retained to provide the boundary either side of the new dwelling (as has been illustrated on the proposed elevations), and to reinstate the wall in its original form should it become damaged.

2.52 The Council's Head of Service for Heritage and Open Space has confirmed that the listing of the adjacent Manor Farm does not include the boundary wall to the front of the application site, and as noted above, it is not considered that the proposal would result in an adverse impact on the setting and significance of the adjacent heritage assets.

2.53 In view of the above and taking into account the above mentioned Village Design Statement, it is considered the proposal is, on balance, acceptable in this respect, subject to a planning condition to safeguard the retained sections of the boundary wall during construction works.

2.54 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) and Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) require, amongst other provisions, that proposals should be of an appropriate size, design and appearance sympathetic to the host property and the character of the surrounding area. Paragraph 135 of the NPPF (2024) stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

2.55 Whilst it is acknowledged that the Council's Landscape Architect has commented that the proposal would result in a harm to the local landscape, it is considered that the proposed dwelling and outbuilding (annex and garage), accessed by the proposed access driveway (as detailed above) on the southern side, would result in a comfortable addition to the overall context of the application site and surrounding area. The overall site context includes an open field flanked by locally listed and Grade II Listed buildings to the east and west, with additional outbuildings to the rear, and a mix of boundary treatments including the existing brick wall to the front and trees and other landscaping to the rear.

2.56 It is of consideration that the proposed dwelling would be readily visible when travelling along Dalton Piercy or from other vantage points within the surrounding area. Notwithstanding this, it is considered that the amended design and scale of the proposed dwelling and proposed outbuilding could be accommodated within the site



without resulting in a significant detrimental impact on the character and appearance of the existing site or the surrounding area.

2.57 Lastly, it is of consideration that outline permission was granted in April 2023 by virtue of application H/2022/0350, and whilst appearance, layout and scale were 'reserved', the 'indicative only' plans were considered as part of the outline which detailed the positioning of a dwelling (and annexe) in similar locations to that currently proposed (and to the extent that a planning condition was secured on the outline permission to ensure that the requisite reserved matters layout came forward in general conformity with the proposed layout). This outline planning permission therefore remains a material planning consideration in the assessment of this application.

2.58 Final details of boundary treatments, external finishing materials, and hard and soft landscaping are required to be provided, and appropriately worded planning conditions are recommended to secure these details.

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

2.59 In light of the above, it is considered that the impact of the development on visual amenity, the character and appearance of the area (including adjacent heritage assets) would be acceptable in respect of Policies HE1, HE4, HE3 and QP4 of the Hartlepool Local Plan (2018), Policies HA3, HA4, GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 131, 135, 139 and 212 of the NPPF (2024).

#### TREES

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

2.61 The AIA concludes that the proposals would remove groups of trees. The Council's Arboricultural Officer has confirmed that the amended AIA is acceptable, subject to suitable mitigation planting being provided (particularly in respect to the adjacent tree within Leamount), and this can be secured by a planning condition, which is recommended accordingly.

2.62 The application does not include details of any proposed planting, and the applicant's agent has indicated that this is due to the proposed planting scheme being undecided until after the plans for the garden of the application site have been fully decided. Notwithstanding this, a planning condition can be appended to require the applicant to provide full details of hard and soft landscaping (including tree planting as strongly advocated by the Council's Arboricultural Officer to compensate for the removal of trees on site), and this is recommended accordingly.

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

## NEIGHBOUR AMENITY

2.64 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. HLP Policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new development, the Borough Council seeks to ensure adequate space is provided between houses and sets out minimum separation distances. These requirements are reiterated in the Council's adopted Residential Design SPD (2019). The following minimum separation distances must therefore be adhered to:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

2.65 Paragraph 135 of the NPPF (2024) requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

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

### Impact on Leamount (west)

2.67 The main western side elevation of the proposed dwelling would be sited with a separation distance of approximately 3.7m from the neighbouring property of Leamount to the west. The case officer noted during the site visit that this neighbour does not feature windows in the main eastern side elevation facing the application site, albeit Leamount is served by a single storey off-shoot to the rear which is sited on the western side, at a separation distance of approximately 10.9m from the application boundary and approximately 14.6m from the side elevation of the proposed dwelling (at its closest point). The eastern side elevation of this off-shoot includes sliding doors which serve a dining room (as understood from the plans for approval H/2007/0867, decision date 21/08/2008, to which the occupant of this neighbouring property confirmed to the case officer in writing was completed in 2008). In addition, habitable room windows are present in the north facing rear elevation and south facing front elevation of this neighbouring property. A large tree (and group of smaller trees, to be removed) is present within and along the rear the boundary of the neighbouring Leamount, providing substantial screening along the shared boundary between Leamount and the application site.

2.68 It is acknowledged that the proposed dwelling would be approximately 1.2m higher than the neighbour at Leamount. However, consideration is given to the set back by approximately 1.5m of the main (two storey) rear elevation of the proposed dwelling in relation to the main rear elevation of Leamount and that the principal elevation of the proposed dwelling would not be set further forward than the principal elevation of this neighbour. The projecting off-shoot on the eastern extent of the proposed dwelling would therefore project approximately 3m beyond the main rear of Leamount at two storey level, with an additional projection of approximately 2.7m at single storey level.

2.69 Taking into account the separation distances, screening afforded by the tree on the boundary (albeit the tree is not formally protected), the modest scale of the proposed projection of both the two storey and single storey elements of the proposed dwelling, and overall resultant relationship between the two neighbouring properties, it is considered that there would not be such a significant adverse impact on the amenity of Leamount in terms of overshadowing, overbearing impression or loss of outlook as a result of the siting of the proposed dwelling, as to warrant a reason to refuse the application in this instance.

2.70 In terms of privacy, as noted above, neither the eastern side elevation of Leamount nor the western main side elevation of the proposed dwelling feature windows. A planning condition could ensure that no windows were installed into the main side elevation of the proposed dwelling, which is considered necessary to safeguard the privacy of this neighbour.

2.71 In the off-shoot element to the rear of the proposed dwelling, the proposals would feature an open plan kitchen, dining and family room at ground floor, which is considered a habitable room, and two windows at first floor serving the stairs and landing (non-habitable room) and a bathroom (non-habitable room). A separation distance of approximately 7.9m would remain between the western side of this off-shoot and the boundary with the neighbour at Leamount, with a separation distance of approximately 15m remaining to the single store extension serving this neighbour from the proposed off-shoot which would not achieve the requisite 20m distance. Given the relationship between the two neighbouring properties and the potential for some direct views into windows to the rear as well as the private rear garden amenity space serving Leamount, it is considered appropriate for these 2 identified first floor windows to be obscurely glazed and of limited opening, and a planning condition is recommended to secure this requirement.

2.72 It is of note that the ground floor windows (within the two storey and single storey offshoot) would not achieve the minimum 20m separation distance to the habitable room windows in the ground floor of the single storey extension serving Leamount, however consideration is given to the substantial screening afforded by the tree within the neighbour's garden (albeit the tree is not formally protected), remaining separation distance and relationship between the two neighbouring properties as well as the requirement for an appropriate height boundary enclosure to be erected (which can be secured by a planning condition that would need to be sensitively designed, relative to the position of the adjacent tree) which would prevent any unacceptable overlooking.

2.73 The proposal includes windows at ground floor serving a drawing room (habitable room) and at first floor serving a dressing room (non-habitable room) and en-suite bathroom (non-habitable room) in the main rear/north elevation of the proposed dwelling. Given the relationship between the neighbouring properties as well as the first floor windows all serving non-habitable rooms for the occupants of the proposed dwelling, it is considered that there would be no unacceptable overlooking from any of these windows toward the windows in the rear of Leamount. It is appreciated that some indirect views may be afforded towards the rear garden area of Leamount from first floor windows in the main rear elevation (north) of the proposal however such a relationship is considered to be a common one between dwellings and in this instance, the site benefits from an extant outline planning permission where the layout of the scheme was considered to be acceptable.

2.74 The proposal includes other windows to the front and rear elevations, however given the relationship between the two neighbouring properties, it is considered that there would be no unacceptable overlooking from any window in the proposed dwelling towards windows in the front, side or rear elevations of Leamount.

2.75 Overall, it is considered that the proposed dwelling would not result in an unacceptable impact on the privacy of this neighbour in terms of overlooking.

2.76 The nearest elevation of the proposed annex outbuilding would be sited approximately 30.4m from the rear extension serving Leamount to the west (at its closest point) and with an oblique relationship, with the above mentioned boundary treatments between. Although it is acknowledged that the proposed annex would be of a notable scale, taking into account the satisfactory separation distances, oblique relationship and boundary treatments which include a substantial tree on the boundary between the two neighbouring properties (as well as the requirement for additional boundary enclosures), it is considered that there would be no adverse impacts on the amenity or privacy of Leamount from the siting of the proposed annex and garage at the application site in terms of overshadowing, overbearing impression, reduced outlook or overlooking.

#### Impact on Manor Farm (east)

2.77 Manor Farm to the east is Grade II Listed Building and is occupied as a farmhouse which features a main two storey dwelling with a two storey extension and a single storey L-shaped extension projecting to the west (towards the application site). As such, the western most elevation of this neighbour extends along the boundary with the application site. The case officer noted during the site visit that this elevation of this neighbour does not feature windows. The proposed dwelling would be sited with a separation distance of approximately 7m to the closest elevation (west) of the neighbouring property of Manor Farm to the east, with a separation distance of approximately 15.8m remaining between the side elevation of the proposed dwelling and the main rear/side of Manor Farm to the east.

2.78 It is acknowledged that the proposed dwelling would be of a notable two storey height which owing to site levels would be higher than the adjacent property at Manor Farm (being approximately 3m higher than the single storey off-shoot serving Manor Farm, approximately 1.5m higher than the two storey extension, and

approximately 0.5m higher than the main ridge height of this neighbouring property based on the submitted details). Notwithstanding this, consideration is given to the overall context of the application site and wider street scene, including the substantial distance between the side elevation of Manor Farm and the proposed dwelling, with the driveway access serving the proposed dwelling between, as well as the oblique relationship between the main rear of Manor Farm and the eastern side elevation of the proposed dwelling. Overall, and on balance, it is considered that this element of the proposal would not result in such a significant adverse impact on the amenity of Manor Farm in terms of overshadowing, loss of outlook or overbearing impression as to warrant a reason to refuse the application.

2.79 In terms of privacy, the proposed dwelling would feature two windows serving an open plan kitchen, dining and family room (habitable room) and an access door into a boot room (non-habitable room) at ground floor and one window serving an en-suite bathroom (non-habitable room) at first floor in the east facing side elevation. The orientation of the neighbour at Manor Farm is such that the projecting L-shaped extension (serving Manor Farm) would primarily serve to screen views from the identified windows in the proposed dwelling toward the main rear elevation of this neighbouring property, whilst at first floor a satisfactory separation distance and relationship would remain between the proposed dwelling and windows in the main rear elevation of Manor Farm.

2.80 Subject to a necessary planning condition to prevent the installation of any additional first floor windows in the eastern side elevation of the proposed dwelling (particularly towards the rear of the side elevation of the two storey offshoot element), it is considered there would not be any adverse impacts on the privacy of this neighbour in terms of overlooking.

2.81 The proposal includes other windows to the front and rear elevations, however given the relationship between the proposal and the neighbouring property, it is considered that there would be no unacceptable overlooking from any window in the proposed dwelling towards windows in the front, side or rear elevations of Manor Farm.

2.82 The proposed annex and garage outbuilding would be sited approximately 19.2m (oblique) from the rear of Manor Farm to the east. Although the proposed outbuilding would be of a notable scale, consideration is given to the overall context of the application site and standalone buildings and structures to the rear of Manor Farm, which includes, together with the oblique relationship between this neighbour and the proposed outbuilding. Overall, and on balance, it is considered that this element of the proposal would not result in any adverse impacts on the amenity of Manor Farm in terms of overshadowing, overbearing impression or loss of outlook.

2.83 The proposed annex and garage outbuilding would not feature windows in the east facing elevation. In the south facing elevation, the proposal would feature two garage doors at ground floor and a window serving a storage room at first floor, both non-habitable rooms. Given the satisfactory separation distances and oblique relationship, it is considered that this element of the proposal would not result in any adverse impacts on the privacy of this neighbour in terms of overlooking.

Impact on properties/land users to the front (south) including 1-6 (inclusive) and rear (north)

2.84 A substantial separation distance of approximately 195m would remain from the proposed dwelling to neighbouring properties to the south. In view of this separation distance, it is considered that the proposed dwelling, proposed outbuilding to comprise an annex and garage, and associated development would not result in any adverse impacts on the amenity or privacy of any neighbouring property to the front in terms of overshadowing, overbearing impression, loss of outlook or overlooking.

2.85 There are no direct land users (or properties) to the rear (north) of the site and therefore the proposal would not result in any adverse loss of amenity or privacy in this respect.

Other matters (including noise and disturbance)

2.86 It is acknowledged that objections have been received in respect of disturbance from proposed construction and excavation works. The Council's Public Protection section have been consulted on the proposal and have requested a planning condition restricting construction hours, which is recommended accordingly. The Council also has statutory powers relating to the control of nuisance which can also be relied on should any statutory nuisance occur. In view of the above, it is considered that disruption from construction activity can be appropriately controlled and there would therefore not be any significant detrimental impact on the amenity of neighbours from undue disturbance, including noise.

2.87 The proposed access would be taken from the front of the application site and would run along the eastern section of the site, adjacent to the neighbouring property at Manor Farm, for a length of approximately 30m to the proposed garage and annex outbuilding. It is acknowledged that the proposal would result in an increase in comings and goings from access compared to the existing status of the parcel of land, however given that the access would serve a single dwelling (and annex building), it is considered that any additional comings and goings would not be so significant as to result in an adverse impact in terms of unacceptable noise and disturbance. In addition, no objections from HBC Public Protection have been received in this respect. In view of this, it is considered that the scheme is unlikely to result in any unacceptable increase in additional noise and disturbance for existing residential properties in the surrounding area

2.88 It is acknowledged that the application site rises substantially to the rear (north) from the main highway of Dene Garth and the green to the front of the application site. The submitted application plans indicate proposed levels details and that a retaining wall would be positioned within the rear garden to account for the change in levels. Final details of site levels can be controlled by planning condition which is considered necessary in this instance.

2.89 The Council's Public Protection team have requested the inclusion of a number of planning conditions (as set out above), and a planning condition is duly recommended in respect of hours of construction. Given the relatively modest scale

of the proposed development which would be to provide a single dwelling, it is not considered reasonable or proportionate to apply a condition requiring the provision of wheel washing facilities at the site. Should such issues arise (primarily in respect to mud on the highway), this could be considered through separate highway legislation. An informative can relay the advice from the Council's Public Protection team in respect of no open burning at any time at the site.

2.90 In view of the above, it is considered that the proposed dwelling and ancillary outbuilding and associated works would not result in any significant adverse impact on the amenity or privacy of any neighbouring property (or users of adjacent footpaths and roads) in terms of loss of outlook, overbearing impression, overshadowing or overlooking, or adverse noise disturbance and the proposal is considered to accord with Policies QP4 and QP6 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2024).

## ECOLOGY

2.91 Policies NE1 of the Hartlepool Local Plan (2018) and NE1 of the Hartlepool Rural Neighbourhood Plan (2018) require that the natural environment be protected, managed and enhanced, whilst Policy NE4 of the Hartlepool Local Plan (2018) states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough.

2.92 Paragraph 187 of the NPPF (2024) states that planning decisions should contribute and enhance the natural and local environment including by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. This paragraph requires development to minimise impacts on and provide net gains for biodiversity. Net gain should be appropriate to the scale of the development and should be conditioned.

### *Biodiversity Net Gain*

2.93 The Environment Act 2021 includes Biodiversity Net Gain (BNG) which came into force on 2<sup>nd</sup> April 2024 for 'small sites', with a mandatory requirement for at least 10% BNG post-development. The application is exempt from mandatory BNG as it falls within the exemption for 'self-build and custom housebuilding'. A planning condition is necessary to ensure that the proposed dwelling meets the requirements of the self-build and custom housebuilding, and is duly recommended.

### *Nitrate Pollution*

2.94 On 16 March 2022 Hartlepool Borough Council, along with neighbouring authorities within the catchment of the river Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area.

2.95 The applicant has submitted a Nutrient Statement which concludes that the application does not result in a net increase in nitrates as a result of foul discharging

to the Seaton Carew Waste Water Treatment Works and surface water being controlled through a form of a Sustainable Drainage System (soakaway).

2.96 The Council's Ecologist has undertaken a Habitats Regulations Assessment Stage 1 Assessment which has screened out further assessments or mitigation in respect of Nitrate pollution of the Teesmouth & Cleveland Coast SPA and Ramsar site. As such, it can be concluded that the scheme will have no significant effect in terms impacts arising from nitrogen pollution on the SPA.

#### *Recreational Impacts on Designated Sites*

2.97 Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

2.98 Following the completion of a Stage 1 and Stage 2 Habitat Regulations Assessments by the Council's Ecologist (as the competent authority), the Council's Ecologist has concluded that the application for the increase of one dwelling is a windfall project which is mitigated by the built-in contingency measure of allocated housing projects contributing additional funds to cover small-scale projects, through the Hartlepool Coastal Mitigation Scheme, meaning that increased recreational disturbance will not cause an Adverse Effect on Integrity of any European Site.

2.99 Natural England has been consulted on the application has not offered any objections, subject to the scheme satisfying the appropriate measures to manage potential impacts. In summary, it is considered that the proposal would not result in any significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### *Biodiversity Enhancement*

2.100 The Council's Ecologist has recommended the inclusion of planning conditions to secure measures aimed at biodiversity enhancement, by way of the inclusion of a total of four universal nesting bricks into the fabric of the proposed buildings. Subject to a planning condition that secures these measures, the proposals are considered to be in accordance with the relevant parts of policies NE1 of the Hartlepool Local Plan (2018), NE1 of the Hartlepool Rural Neighbourhood Plan (2018) and NPPF (2024).

#### *Ecology Conclusion*

2.101 Subject to the abovementioned conditions, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the Policies NE1 and NE4 of the Hartlepool Local Plan (2018), Policies NE1 and NE2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraph 180 of the NPPF (2024).



## HIGHWAY SAFETY & PARKING

2.102 As noted above, the application indicates that localised access would be required across the Village Green. This is proposed by way of a tracked driveway. As noted above, the access over the Village Green requires the applicant to have secured a Dead of Easement with the relevant authority, Dalton Piercy Parish Council. Final details of the materials of the access tracked driveway can be secured by planning condition, which is recommended accordingly.

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

2.104 In terms of public footpaths, the Council's Countryside Access Officer has been consulted in respect of the application and has not offered any comment or objection in terms of any nearby public footpaths.

2.105 In view of the above, it is considered that the proposal would not result in any adverse impact on car parking, highway and pedestrian safety and the proposal is considered to be acceptable in this respect, subject to the inclusion of appropriate planning conditions.

## FLOOD RISK, DRAINAGE & CONTAMINATED LAND

2.106 The proposed development would be situated in an area identified by the Environment Agency's Flood Map for Planning as being in Flood Zone 1 (low risk of flooding). The Council's Engineering Consultancy has been consulted on the proposals and has confirmed no objection to proposals in respect of surface water management or flood risk, subject to the inclusion of a planning condition to ensure that final details are satisfactory (including details of any soakaway). A planning condition is duly recommended.

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

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

2.109 Subject to the inclusion of the above mentioned planning condition, the proposal is considered to be acceptable in regard to flood risk and surface water drainage, and contaminated land, in accordance with the relevant Policies of the Hartlepool Local Plan (2018) and paragraphs of the NPPF (2024).

## OTHER PLANNING MATTERS

### *Archaeology*

2.110 Local Plan Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology have been

consulted on the proposals and have confirmed that the site has previously been subject to archaeological evaluation, and that both the geophysical survey and trial trenching reports have been submitted. Tees Archaeology have confirmed that the site is of low archaeological potential and no further archaeological work is required. The proposal is considered to be acceptable in this respect.

### *Safety and Security*

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

### *Energy Efficiency*

2.112 Policies CC1 and QP7 of the Hartlepool Local Plan (2018) seek to ensure the provision of renewables and energy efficiency measures beyond Building Regulation requirements. In this regard it is noted that in their Planning Statement, the applicant indicates that the intention is for the proposed development to utilise air source heat pumps to provide domestic hot water and heating and solar panels to help minimise the carbon footprint of the dwelling. Notwithstanding this, it is of note that Building Regulations have been updated on 15<sup>th</sup> June 2022, and any forthcoming Building Regulation application will now be assessed under the new Regulations. The application is considered to be acceptable in this respect.

## OTHER MATTERS

### *Fire Safety & Building Regulations*

2.113 Cleveland Fire Brigade have offered no objections to the proposals with advice on the requirement for access and water supplies access. Ultimately this would need to be considered and addressed through the separate legislation of Building Regulations and is not a material planning consideration. Nevertheless, Cleveland Fire Brigade's comments have been forwarded to the applicant for their consideration and a suitable informative note is recommended to reiterate this advice.

### *Non-planning matters*

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

## CONCLUSION

2.115 It is acknowledged that the southern part of the application site (access onto the site) is allocated as green infrastructure (Amenity Public Space) in accordance with Policies LS1 and NE2(i) of the Hartlepool Local Plan (2018), however it is considered that any impacts on this allocation are very limited and the majority of this

open space will remain. The proposal is considered acceptable in respect of visual and neighbour amenity, impacts on designated heritage assets, highway safety and in respect of trees and landscaping. The proposal is therefore considered to be acceptable and is recommended to be conditionally approved.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.116 There is no evidence of equality or diversity implications.

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

2.117 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.

2.118 There are no Section 17 implications.

## **REASON FOR DECISION**

2.119 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 plans and details Location Plan (scale 1:1250) received by the Local Planning Authority on 3<sup>rd</sup> July 2024; Dwg. No. 06 Rev B (Existing & Proposed Block Plans, scale 1:500), Dwg. No. 03 Rev C (Proposed Ground & First Floor Plans), Dwg. No. 08 Rev A (Proposed Garage Floor Plans), Dwg. No. 07 Rev A (Proposed Garage Elevations), received by the Local Planning Authority on 30<sup>th</sup> September 2024; Dwg. No. 04 Rev D (Proposed Elevations) and Dwg. No. 05 Rev B (Proposed Street Scene) received by the Local Planning Authority on 25<sup>th</sup> November 2024.  
For the avoidance of doubt.
3. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for protection of the existing stone walls to the southern boundary, as shown on Dwg. No. 05 Rev B (Proposed Street Scene, received by the Local Planning Authority on 25<sup>th</sup> November 2024) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site and retained for the duration of the construction period.

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

4. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures as detailed on Dwg. No. AMS-TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated, received by the Local Planning Authority on 10<sup>th</sup> September 2024) shall be implemented on site (and thereafter retained until the completion of the development). Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any retained trees that are found to be dead, dying, severely damaged or diseased as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

5. 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 visual and neighbour amenity in accordance with Policy QP4 of the Hartlepool Local Plan (2018).

6. Prior to the commencement of development above ground level (excluding any demolition or site clearance), a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. If draining via soakaway, a suitable assessment of ground conditions, including infiltration rates, shall be provided as well as calculations demonstrating appropriate safety factors and half-drain times. 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.

7. 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.

8. Notwithstanding the submitted information and prior to the commencement of works above ground level, full details of a minimum of 2no. integral bat roosting box bricks (suitable for crevice roosting bats) and 2no. integral bird nesting bricks to be installed in a south or east facing sides of the buildings hereby approved at a height of a minimum of 3m (including the exact location, specification and design) shall be submitted to and approved in writing by the Local Planning Authority. The bat roost bricks and bird nesting bricks shall be installed prior to the first occupation of the development or completion of the development (whichever is the sooner). The bat roost bricks and bird nesting bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development.

To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.

9. Prior to the above ground construction of development hereby approved, a scheme for the provision, long term maintenance and management of all soft landscaping and a scheme for tree planting within the site shall be first submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the agreed scheme shall be provided in accordance with the approved details and timetable. All planting, seeding or turfing comprised in the approved details of landscaping of the development hereby approved shall be carried out in the first planting season following the first occupation or completion of the development hereby approved (whichever is the sooner). Any trees plants or shrubs which within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

10. Prior to the above ground construction of the development hereby approved, final details of the vehicular access track connecting the application site to the public highway shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of construction, materials and colours. Thereafter, no part of the development hereby approved shall be

occupied until the vehicular access connecting the application site to the public highway has been constructed to the satisfaction of the Local Planning Authority and in accordance with the layout and materials as in the agreed details prior to the completion or occupation (whichever is sooner) of the development hereby approved.

To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers.

11. Notwithstanding the submitted information and prior to the above ground construction of the development hereby approved, final details of all hard surfaces, including all construction details, confirming materials, colours and finishes, shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details prior to the completion or occupation (whichever is sooner) of the development hereby approved.

To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers.

12. Prior to the above ground construction of the development hereby approved, final details of all external finishing materials, confirming materials, colours and finishes and fixings, shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details prior to the completion or occupation (whichever is sooner) of the development hereby approved.

To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers.

13. Prior to the above ground construction of the development hereby approved, details of all means of enclosure, confirming materials, colours, finishes and fixings, shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details prior to the completion or occupation (whichever is sooner) of the development hereby approved.

To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers

14. No construction/building works or deliveries associated with the development hereby approved shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

In the interests of the amenities of the occupants of neighbouring properties.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the development hereby approved shall be used solely for C3 use as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended) and for no other purpose or use (including any other use within the C3 Use Class) and

the buildings shall not be extended, sub-divided, converted or externally altered in any manner.

To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development and to manage environmental impacts of the development.

16. The use of the ancillary accommodation (annex and garage) hereby approved shall remain incidental to the use of the dwellinghouse hereby approved. It shall not be used as a separate dwellinghouse (C3 Use Class), or for any other use.

For the avoidance of doubt.

17. The 2no. windows to be installed in the first floor western elevation of the off-shoot (serving a landing and a bathroom) of the two storey rear extension hereby approved and as detailed on Dwg. No. 03 Rev C (Proposed Ground & First Floor Plans, received by the Local Planning Authority on 30<sup>th</sup> September 2024), shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent and the window openings limited to 30 degrees and once installed shall remain as such for lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.  
In the interests of the privacy of neighbouring occupiers.

18. The dwelling hereby approved shall consist exclusively of a dwelling which is self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended).  
To ensure effective operation of Biodiversity Net Gain (Schedule 7A of the Town and Country Planning Act 1990) and to meet the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended).

## BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=162371>

2.121 Copies of the applications are available on-line:

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

## CONTACT OFFICER

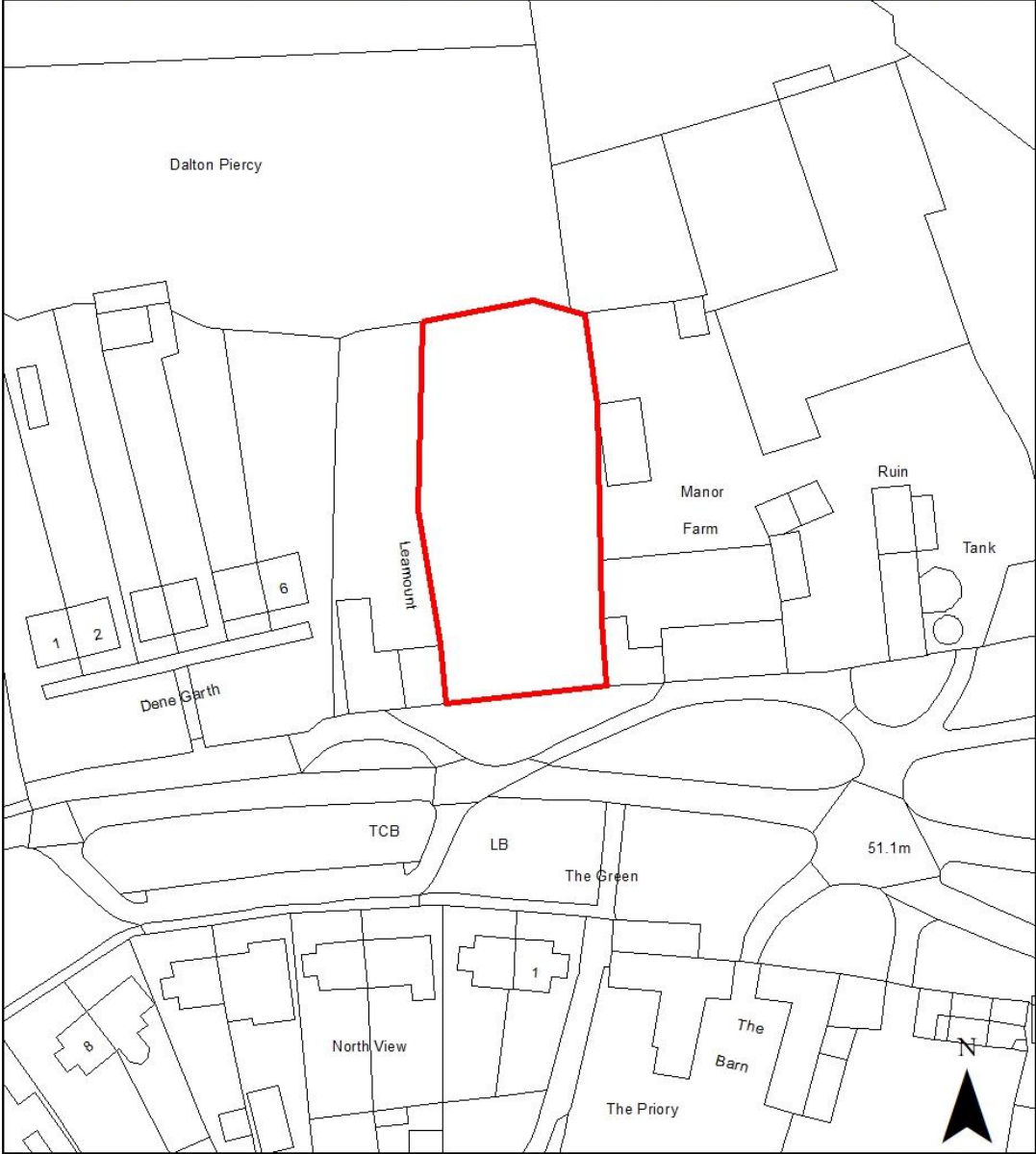
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**Land Adjacent to Manor Farm Dene Garth, Dalton Piercy, Hartlepool**



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

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>23.01.2025</b>
	SCALE <b>1:800</b>	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2024/0210</b>	REV



**No:** 3.  
**Number:** H/2024/0377  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD  
 HARTLEPOOL TS24 8AY  
**Agent:** HARTLEPOOL BOROUGH COUNCIL KELLY  
 ARMSTRONG CIVIC CENTRE VICTORIA ROAD  
 HARTLEPOOL TS24 8AY  
**Date valid:** 06/12/2024  
**Development:** Section 73 application to vary planning condition 1 of  
 planning permission H/2022/0333 (Provision of a  
 temporary demountable classroom building) to extend  
 temporary permission to 31/07/2026  
**Location:** KINGSLEY PRIMARY SCHOOL TAYBROOKE AVENUE  
 HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 On 15 February 2023, planning permission was granted at Planning Committee for the provision of a temporary classroom building to provide for SEN children on part of the playing field at Kingsley Primary School. Condition 1 of the planning approval (reference H/2022/0333) required that the approved building to be removed from the site and the land restored to its former condition within two years of the date of the decision (before 14/02/2025).

3.3 In addition to the above, the application site has an extensive planning history and the most recent and relevant applications are detailed below:

H/2007/0352 - Erection of single storey extension to accommodate a children's centre and provision of an extended car park. Approved 04/07/2007.

H/2007/0349 - Erection of extension to courtyard to provide facilities for autistic children Approved 25/06/2007.

H/2008/0160 - Erection of extension to provide a meeting room. Approved 02/05/2008.

H/2008/0566 - Erection of single storey extension. Approved 18/12/2008.

H/2010/0344 - Erection of single storey classroom extension. Approved 08/07/2010

H/2012/0030 - Installation of photovoltaic array (16 panels) to the south facing roof. Approved 01/03/2012.

H/2012/0344 - Demolition of conservatory teaching facilities and erection of two replacement single storey extensions. Approved 20/08/2012.

H/2014/0586 - Erection of single storey extension. Approved 30/01/2015.

## PROPOSAL

3.4 The application seeks planning permission to vary planning condition 1 of H/2022/0333 for the provision of a temporary demountable classroom building in order to extend the temporary permission until 31/07/2026. As detailed above, the temporary classroom was approved as a temporary measure to accommodate young people with complex special educational needs and disabilities (SEND). No alterations are proposed to the previously approved (and implemented) scheme.

3.5 The application has been referred to the planning committee owing to the nature of the proposal (the proposal would be sited on school playing fields) and the applicant is HBC Education.

## SITE CONTEXT

3.6 The application site relates to a rectangular area of the school playing field, adjacent to the rear of the Kingsley Primary school, at the northern aspect of the school playing field. The school grounds are bounded to the west/side by residential properties located on The Sycamores and to the south/rear, beyond the playing field is the vehicular highway and residential properties located on of Swalebrooke Avenue. To the east/side, beyond the playing field is the vehicular highway of Kingsley Avenue with further playing fields beyond on the other side of the highway.

## PUBLICITY

3.7 The application has been advertised by way of 21 neighbour letters and the erection of (two) site notices. To date, there have been no letters of representation received.

3.8 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=163789>

3.9 The period for publicity has expired.

## CONSULTATIONS

3.10 The following consultation replies have been received:

**Sport England:** - Thank you for consulting Sport England in respect of the above application. Sport England has no objection to the variation of the condition. If you

would like any further information or advice please contact the undersigned at the address below.

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

**HBC Landscape Architect:** - There are no landscape issues with this application.

**HBC Public Protection:** - I have no objections to this and no comments to make.

**HBC Building Control:** - A Building Regulation application will not be required.

**HBC Engineering Consultancy:** - No comments received.

**HBC Estates:** - No comments received.

**HBC Sport & Recreation:** - No comments received.

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

## **PLANNING POLICY**

3.11 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

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

### Local Policy

LS1: Locational Strategy

NE2: Green Infrastructure

NE5: Playing Fields, Tennis Courts and Bowling Greens

INF4: Community Facilities

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) (2024)

3.13 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 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 strong 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: Govt's planning policies for England;

PARA002: Status of NPPF;

PARA007: Meaning of Sustainable Development;

PARA009: Achieving Sustainable Development;

PARA010: Achieving Sustainable Development;

PARA011: Presumption in favour of Sustainable Development;

PARA039: Positive and creative decision approach to decision making;

PARA048: Applications to be determined in accordance with the development plan, unless material considerations indicate otherwise;

PARA056: Use of Planning conditions and/or obligations;

PARA103: Open space and recreation;

PARA131: Achieving well-designed places;

PARA135: Achieving well-designed places;

**3.14 HBC Planning Policy Comments:** - Thank you for discussing this application and I appreciate that the applicant has set information out with regard to why they think this temporary permission would end by July 2026.

**3.15** Planning Policy consider that in principle, development on the school's playing fields goes against policies NE2 and NE5 of the Hartlepool Local Plan. The previous application was only considered to be acceptable on the basis of its short-term, temporary nature and conditions being imposed to that effect. Information has been provided to set out why it is envisaged that this situation would likely not be required beyond July 2026 and that information is welcomed and noted.

**3.16** If this application is approved then Planning Policy would request that the permission is given on the proviso that it is a temporary permission and the application be conditioned accordingly.

## **PLANNING CONSIDERATIONS**

**3.17** The main issues for consideration in respect to this planning application relate to the principle of development, the impact on the character and appearance of the surrounding area, the impact on the amenity of surrounding neighbouring residents and highway safety considerations. These and any other material considerations are considered within the report.

## **PRINCIPLE OF DEVELOPMENT**

**3.18** On 15 February 2023, planning permission was granted for a demountable classroom building on a temporary basis on part of the school playing field to

accommodate young children with complex SEND needs. At the time of the application, given its temporary nature, both Sport England (as a statutory consultee) and the Council's Planning Policy section raised no objections to the application. A condition of the planning approval requires the demountable classroom to be removed following a period of two years of the planning approval and for the land to be restored to its former condition. This current application seeks to extend the temporary time period of the proposed classroom until July 2026. The associated submitted Planning Statement details that whilst the pressure for the SEND needs currently exists, measures have been put in place to deal with the demand beyond the requested time period. It is explained that with respect to the school, there has been a reduction of pupil admission numbers and that additional resource for SEND needs is provided elsewhere across the wider borough.

3.19 Both Sport England and the Council's Planning Policy section have had regard to the abovementioned respective measures put in place, where the building would still be a temporary structure and use, with an accepted timeframe for the classrooms removal. Having regard to these considerations, both Sport England and the Council's Planning Policy section raise no objections in this instance, subject to the revised recommended planning condition for the buildings removal. Having regard to the above considerations, subject to the recommended planning condition, the principle of development is considered to be acceptable in this instance.

#### IMPACT ON THE CHARACTER OF THE SURROUDING AREA

3.20 Policy QP4 (Layout and Design of Development) of the HLP seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, and respects the surrounding buildings, structures and environment.

3.21 The classroom building is already in situ following the previously approved planning application at the school site, where the visual impact of the building was considered acceptable as part of the respective planning approval. The proposed variation seeks to extend the time period for the retention of the temporary building.

3.22 The Council's Landscape Architect has considered the application and raises no objections or concerns to the application. In addition, it is noteworthy that the building would still be temporary, where the visual impacts would also be temporary and the associated planning condition would ensure that following the removal of the building, the land is returned to its former condition as a playing field.

3.23 With respect to the further extension of time period for the retention of the building, it is considered that the single storey building would not appear to be an incongruous feature within the school setting. On balance, taking account of the above considerations, the proposed temporary building is considered not to lead to any significant impacts on the character of the school setting and the wider surrounding area and the proposed development is considered to be acceptable in this respect.

## IMPACT ON AMENITY OF SURROUNDING AREA

3.24 Policy QP4 (Layout and Design of Development) of the HLP requires, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

3.25 Policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses and sets out minimum separation distances. These requirements are reiterated in the Council's adopted Residential Design SPD (2019), which explains that such distances also apply between 'commercial'/non-residential properties and residential properties. The following minimum separation distances must therefore be adhered to:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

3.26 As detailed within the above section, the classroom building is already in situ following the previously approved planning application, where due consideration was given to the location, scale, nature and relationship with the surrounding neighbouring residential occupiers, which was considered to be acceptable. The proposed variation application to extend the time period of the building and its use is considered not to adversely alter the relationship with the surrounding neighbouring residential occupiers.

3.27 Through the course of the planning application the Council's Public Protection section were consulted and have raised no concerns in respect to the impacts from the proposed development on neighbouring residential amenity and no planning conditions have been recommended from the Council's Public Protection section.

3.28 Taking account of the above considerations, the proposed development is considered not to lead to any significant loss of privacy and amenity for the surrounding neighbouring properties in terms of overbearing, loss of light, loss of outlook, overlooking or any noise and disturbance related issues and the proposed development is therefore considered acceptable in this respect.

## HIGHWAY SAFETY RELATED MATTERS

3.29 The HBC Traffic & Transport section have raised no concerns with respect to the proposed temporary school building in terms of parking and highway safety related matters. The proposed development is therefore considered acceptable in this respect.



## OTHER PLANNING MATTERS

3.30 No comments or objections have been received from technical consultees in respect of surface water drainage or flooding and contamination, although the classroom building is existing and the Council's Flood Risk & Contamination Officer raised no objections to the original application and the proposed variation raises no concerns in this respect.

## RESIDUAL MATTERS

3.31 Cleveland Fire Brigade were consulted, although no comments were received. Cleveland Fire Brigade were also consulted on the original planning application and no objections or concerns were received at the time of that permission.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.32 There is no evidence of equality or diversity implications.

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

3.33 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.

3.34 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION - APPROVE, subject to the following conditions:

1. The building hereby approved shall be removed from the site by 31/07/2026 and the land restored to its former condition in accordance with a scheme of work (and timetable) to be submitted to and approved in writing by the Local Planning Authority. The required scheme of work shall be submitted to the Local Planning Authority at least three months prior to the date that the building shall be removed from the site. Thereafter, the scheme of restoring the land shall be carried out in accordance with the agreed details and timetable.  
The building is not considered suitable for permanent retention on the site.
2. The development hereby approved shall be carried out in accordance with the following plans (and of planning approval H/2022/0333); TM220200849 (Proposed Block Plan at 1:200, including Location Plan at 1:1250) received by the Local Planning Authority on 12/09/2022; HD (Plan and Elevations - Double Classroom Block with toilets and kitchen sinks - 5 x UK093 Ultima Modules)

received by the Local Planning Authority on 23/11/2022.  
For the avoidance of doubt.

3. The building hereby approved shall be carried out in accordance with the external finishing materials and specification as stipulated on plan HD (Plan and Elevations - Double Classroom Block with toilets and kitchen sinks - 5 x UK093 Ultima Modules) received by the Local Planning Authority on 23/11/2022.  
In the interests of the visual amenity of the surrounding area and for the avoidance of doubt.

## **BACKGROUND PAPERS**

3.36 Background papers can be viewed by the 'attachments' on the following public access page:  
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=163789>

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

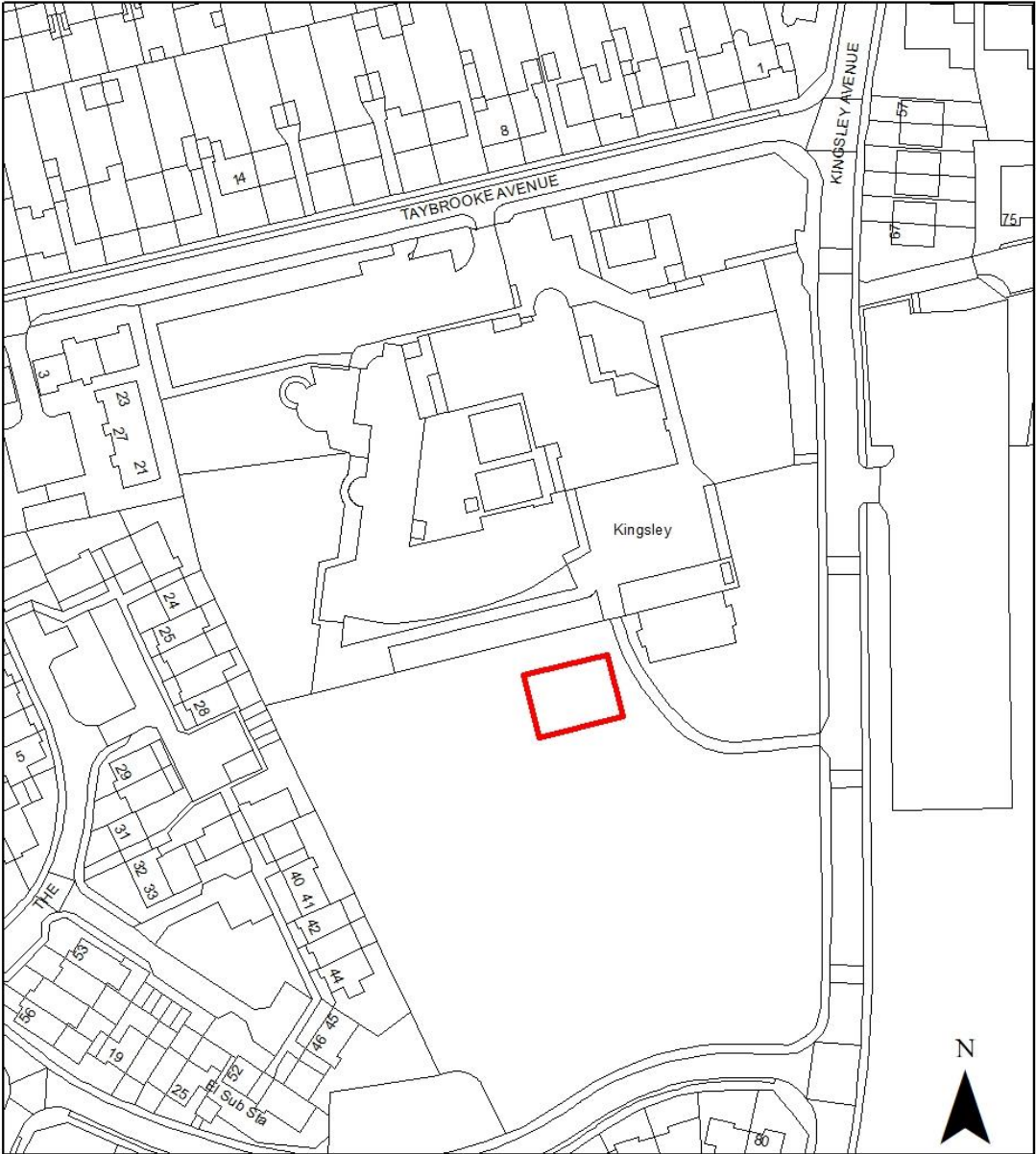
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**Kingsley Primary School, Taybrooke Avenue, Hartlepool**



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

<b>HARTLEPOOL</b> BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN <b>JB</b>	DATE <b>23.01.2025</b>
	SCALE <b>1:1250</b>	
	DRG.NO <b>H/2024/0377</b>	REV

## PLANNING COMMITTEE

5<sup>th</sup> February 2025



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

**Subject:** Development Management Performance – First & Second Quarter 2024-25.

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### 1. PURPOSE OF REPORT

1.1 This report is for information.

### 2. PURPOSE OF REPORT

2.1 To update the Planning Committee on performance of the Development Management service for the first and second quarter of 2024/2025 (April to September 2024 (inclusive)).

### 3. BACKGROUND

- 3.1 The Development Management service focuses on determining planning applications. The service encourages the use of an advisory service (One Stop Shop) to enable proposals to be considered informally before applications are submitted, helping to improve the quality of development where appropriate. The section is also responsible for monitoring development and, where necessary, implementing enforcement action against unauthorised development.
- 3.2 The Government's current statutory determination periods for planning applications are 8 weeks for non-major development, 10 weeks for technical details consent, 10 weeks for development relating to major public service infrastructure projects (excluding EIA development) involving schools, hospitals and criminal justice accommodation, 13 weeks for major development and 16 weeks for EIA (Environmental Impact Assessment) development.
- 3.3 The Government sets stringent standards for performance, if these are not met then an authority can come under special measures which would mean that an applicant could apply to the Planning Inspectorate to determine an application rather than the planning authority. The Government's performance criteria for special measures designation have recently been updated (December 2024) and require, 60% of major and 70% of non-major applications determined within the statutory periods (or within an agreed extension of time). These targets remain unchanged however the period

over which these matters are assessed for speed of decision making have been reduced from two years to one year. (The current assessment periods are October 2023 to September 2024 (inclusive) and October 2024 to September 2025 (inclusive)). In terms of quality of decision making the criteria are less than 10% of an authorities total decisions during the assessment period are overturned on appeal. In the case of quality the target and period of assessment remain the same, less than 10% and two years. (The current assessment periods are for decisions made between April 2022 and March 2024 (inclusive) and April 2023 to March 2025 (inclusive)).

#### 4. PERFORMANCE

##### *Speed of decision making*

- 4.1 For the first quarter of 2024/25 the service recorded that 100% of major applications (district matters) were determined within the statutory period (or within an agreed extension of time). For non-major ('minor' or 'other') applications 96% of applications were determined within the statutory period (or within an agreed extension of time). For county matters (mineral and waste) 100% of applications were determined within the statutory period (or within an agreed extension of time)
- 4.2 For the second quarter of 2024/25 the service recorded that 100% of major applications (district matters) were determined within the statutory periods (or within an agreed extension of time). For non-major ('minor' or 'other') applications 100% of applications were determined within the statutory periods (or within an agreed extension of time). For county matters (mineral and waste) no applications were determined in quarter 2.
- 4.3 In all cases, the service is far exceeding the government performance criteria. Further in quarters 1 & 2 some 89% of applications were approved.
- 4.4 In terms of determining applications within the statutory time periods without extensions of time. The government's performance tables, record that for the two year period ending in September 2024 (the end of quarter 2) the service determined some 31.43% of major applications (district matters) within 13 weeks exceeding the north east average (20.56%) and the national average (19.51%). In terms of non-major applications for the two year period ending in September 2024 (the end of quarter 2) some 51.98% were determined in less than 8 weeks again exceeding the north east average (48.5%) and the national average of (50.81%). This is notwithstanding the fact that, amongst other things which can effect performance, the period covers the time when decisions on in-scope applications were delayed due to the Nitrate pollution issue which was ultimately largely resolved through the diligent work of officers. In terms of major applications (county matters-minerals & waste) only two applications were determined in the same two year period and none within 13 weeks.

*Quality of decision making*

- 4.4 For the first and second quarters of 2024/25, six out of six appeals were dismissed, again this performance far exceeds the government performance criteria.

**5. RECOMMENDATION**

- 5.1 That members note the report.

**6. CONTACT OFFICER**

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## PLANNING COMMITTEE

5<sup>th</sup> February 2025



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

**Subject:** PLANNING APPEAL AT 117 YORK ROAD,  
HARTLEPOOL, TS26 9DL  
APPEAL REF: APP/H0724/W/24/3359229.  
Full planning application for change of use from a shop  
to a Bar/Nightclub (Sui Generis use class), including  
alterations to a shop front (H/2024/0053)

### 1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a full planning application for change of use from a shop to a Bar/Nightclub (Sui Generis use class), including alterations to a shop front (H/2024/0053).

1.2 The planning application was refused at Planning Committee on 6<sup>th</sup> November 2024 (contrary to officer recommendation) for the following reasons:

*01. In the opinion of the Local Planning Authority, the proposed development by virtue of the use as a bar/nightclub and close proximity to neighbouring properties (including residential properties to the rear of the site) would result in an unacceptable impact on the amenity of neighbouring properties in terms of noise and disturbance, contrary to Policies RC2, QP4(9) and QP6(8) of the Hartlepool Local Plan 2018 and paragraphs 135(f) and 191(a) of the NPPF (2023).*

*02. In the opinion of the Local Planning Authority, the proposed development would by virtue of the proposed layout and lack of suitable in curtilage waste storage provision, result in health and safety issues including potential fire risk, contrary to Policy QP5 of the Hartlepool Local Plan 2018 and paragraphs 96 and 135(a) of the NPPF (2023).*

*03. In the opinion of the Local Planning Authority, the proposed development would result in a potential increase in crime and fear of crime by virtue of introducing a bar/nightclub use within this location, contrary to Policies QP4 and QP5 of the Hartlepool Local Plan 2018 and paragraphs 96(b) and 135(f) of the NPPF (2023).*

**2. RECOMMENDATIONS**

- 2.1 That Members note this report.

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