

**Legal, Governance and Human
Resources Department**

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16 May 2024

Councillors Allen, Bailey-Fleet, Boddy, Buchan, Clayton, Cook, Cranney, Creevy, Darby, Dodds, Dunbar, Feeney, Hall, Hargreaves, Harrison, Holbrook, Jorgeson, Leedham, Lindridge, Little, Male, Martin-Wells, Moore, Morley, Napper, Nelson, Oliver, Reeve, Riddle, Roy, Scarborough, Smith, Thompson, C Wallace, S Wallace and Young.

Dear Councillor,

Planning Committee – 28 May 2025

The Annual Meeting of Council on Tuesday 20th May 2025 will appoint the memberships of all the Council Committees for 2025/26, including the Planning Committee.

Statutory Notice requires that the agenda for the Planning Committee on Wednesday 28th May 2025 must be circulated prior to confirmation of memberships at the annual meeting. In order to comply with these requirements, the agenda and reports for the meeting are being circulated electronically to all Councillors. A paper copy of the agenda will be sent to the membership of the committee, in accordance with their preference for paperwork, following Annual Council.

Please note that only those Members appointed to the Committee will be required to attend the meeting.

Yours Faithfully,

JO STUBBS
PRINCIPAL DEMOCRATIC SERVICES AND LEGAL SUPPORT OFFICER
LEGAL DEPARTMENT

PLANNING COMMITTEE

AGENDA



Wednesday 28 May 2025

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 12 March 2025 and 9 April 2025

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*
1. H/2024/0180 High Barns Farm, Coal Lane, Elwick, Hartlepool (page 1)
 2. H/2024/0342 Land Adjacent to Stranton House, West View Road, Hartlepool (page 58)
 3. H/2023/0370 Former Britmag Ltd, Old Cemetery Road, Hartlepool (page 77)

5. ITEMS FOR INFORMATION

- 5.1 Update on Enforcement Actions – *Assistant Director (Neighbourhood Services)*
- 5.2 Hartlepool Local Development Scheme – *Assistant Director (Place Management)*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

5.3 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 to be confirmed.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

12 March 2025

The meeting commenced at 10.10 am in the Civic Centre, Hartlepool.

Present:

Councillor Tom Feeney (In the Chair)

Councillors: Moss Boddy, Rob Darby, Michael Jorgeson, Sue Little, Karen Oliver, and Carole Thompson

Also Present: In accordance with Council Procedure Rule 4.2 Councillor Matthew Dodds was in attendance as substitute for Councillor Martin Scarborough

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Stephanie Bell, Senior Planning Officer
Helen Smith, Planning Policy Team Leader
Peter Frost, Highways, Traffic and Transport Team Leader
Chris Scaife, Countryside Access Officer
Umi Filby, Principal Property, Planning and Commercial Solicitor
Jo Stubbs, Democratic Services Officer

63. Apologies for Absence

Apologies were submitted by Councillors Andrew Martin-Wells, Martin Scarborough and Mike Young.

64. Declarations of interest by members

None

65. Confirmation of the minutes of the meeting held on 18 December 2024

Minutes approved

66. Confirmation of the minutes of the meeting held on 5 February 2025

Minutes approved

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

Number:	H/2022/0423
Applicant:	MS EMMA HARDING GRIDSERVE SUSTAINABLE ENERGY LTD
Agent:	ARUP NIA ROBERTS 4 PIERHEAD STREET CARDIFF
Date received:	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

This item had been deferred at the previous meeting to allow for a site visit. It was recommended for approval.

Members raised concerns around the proposed placement of the site on such a busy congested road and queried how residents would cross it to access the bus stops. The Highways, Traffic and Transport Team Leader commented that there had only been 1 accident in the last 5 years along that particular stretch. A member queried how this application was a departure from the Local Plan and was informed that the area was designated for wind turbine usage. However it was noted that the proposals included a form of renewables (albeit solar). The Assistant Director confirmed that this was a stand alone application and not linked to any existing housing or other development. The proposed bus stop would be financed by the applicant but its placement would be decided by the Council. It would primarily be for staff working at the forecourt. Members suggested that access to the forecourt be moved to the A19 in order to avoid cars having to use the A179 which is already busy. Members also wondered whether a roundabout could be considered. Officers reminded members that they could only consider the application in front of them. There was enough land to make the A179 into a dual carriageway should this be needed in the future. The Highways, Traffic and Transport Team Leader acknowledged concerns around the right turn off the A689 but advised the situation would be eased on the completion of the Elwick bypass.

The Applicant, Emma Harding, addressed the Committee. This had been deemed the best location for this site in terms of proximity to the grid connection and major roads and junctions. There had been no objection from highways. Approving this application would create 9 full time equivalent jobs and might encourage many drivers to switch to electric vehicles. Extensive planting had been agreed as part of the scheme. The site would be 100% renewable, powered using solar panels.

A member queried how many cars were expected at the site given the decision to provide a shop as part of the development. Ms Harding advised that she did not have specific numbers to hand. As charging was a longer process than filling a car with petrol the shop was there to allow patrons to have a drink and sandwich if required. A member queried the provision of signage on the A19 Ms Harding advised this was a matter for National Highways to approve.. Members repeated their concerns around access to the site via the A179 and asked whether moving it to the A19 had been considered. Ms Harding advised that the A179 had been fully assessed and was considered the best option. Highways were fully supportive. She also dismissed concerns around potential electrical fires saying that the fire service were fully equipped to deal with this and there were a lot of urban myths around this issue.

Councillor Carole Thompson moved that this application be refused which was against the officer recommendation. This was seconded by Councillor Sue Little. The reason for refusal given by members for going against the officer recommendation was in relation to the concerns around highway safety and congestion.

Those for: Councillors Moss Boddy, Rob Darby, Tom Feeney, Michael Jorgeson, Sue Little, Karen Oliver, Matthew Dodds and Carole Thompson

Those against – None

Those abstaining – None

This application was therefore refused unanimously.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed development would, by reason of the increased traffic utilising the solar electric forecourt, result in a potential adverse impact on highway safety and congestion on the A179, contrary to Policy QP3 of the Hartlepool Local Plan 2018 and paragraph 116 of the NPPF (2024).

Members considered representations on this matter.

Number: H/2023/0368

Applicant: PERSIMMON HOMES RADCLIFFE CRESCENT
THORNABY STOCKTON ON TEES

Agent: PERSIMMON HOMES ALICE HALL RADCLIFFE
CRESCENT THORNABY STOCKTON ON TEES

Date received: 11/12/2023

Development: Proposed residential development of 70no.
dwellings and associated infrastructure

Location: LAND TO THE EAST OF HART LANE (HART
RESERVOIRS) HARTLEPOOL

This application was recommended for approval.

Councillor Karen Oliver moved that this application be deferred for a site visit. This was seconded by Councillor Moss Boddy. This was approved by a show of hands, to take place prior to the next meeting on Wednesday 9th April which is an evening meeting.

Decision: **Deferred for a site visit.**

Number: H/2024/0317

Applicant: MISS SUZANNE YORKE CHURCH STREET
SEATON CAREW HARTLEPOOL

Agent: ASP SERVICES LTD JONATHAN LOUGHREY
OFFICE 5 33 CHURCH STREET HARTLEPOOL

Date received: 20/11/2024

Development: Change of use of an existing residential swimming
pool for private hire use (F2)

Location: 3 THE PADDOCK CHURCH STREET SEATON
CAREW HARTLEPOOL

This application was recommended for refusal.

Prior to consideration of the application a letter in support of the applicant from the MP for Hartlepool was handed to members.

The Agent, Jonathan Loughrey, addressed the Committee. Having previously been refused permission for this application the concerns that had previously

been raised had been considered and addressed. The pool would be strictly for pre-bookable private hire only and would not be used for children's swimming academies or hydrotherapy. There would be an additional fallow time between bookings. Parking concerns had been addressed and access would now be limited to via the shared rear alley with a further 3 accessible parking bays. The pool would not be operational during school pick up and drop off times to minimise disruption such as traffic and noise disturbances. Additions to the site included a fixed hoist, fully accessible changing room, shower and toilet and infrared sauna. There would be a fully qualified lifeguard who had been trained to assist people with disabilities. There had been significant support from the local community and no departmental objections. He felt that that officers had failed to justify their recommendation to refuse and urged members to support the application.

In response to member questions Mr Loughrey confirmed that bookings would be made for the sole use of the person concerned to a maximum of 5 people. The pool was designed to be used by those with disabilities and sensory concerns who struggle to use other public facilities. A lifeguard would be available but this would not be automatic and would need to be booked separately.

Councillor Matthew Dodds moved that this application be approved which was against the officer recommendation. This was seconded by Councillor Carole Thompson. The primary reasons for going against the officer recommendation were that members did not consider that the proposal would have a detrimental impact on either the character or amenity of the surrounding area.

Those for: Councillors Moss Boddy, Rob Darby, Tom Feeney, Sue Little, Matthew Dodds and Carole Thompson

Those against – Councillors Michael Jorgeson and Karen Oliver

Those abstaining – None

This application was therefore approved by a majority.

Decision:	Planning Permission Approved with conditions and reasons delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.
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Members considered representations on this matter.

Number:	H/2024/0194
Applicant:	ASCEND PROPERTY LIMITED HOMERTON COURT DARLINGTON
Agent:	

SALEEM ARCHITECTS MR SUBHAN SALEEM
64 HEATON STREET PRESTWICH

Date received: 08/08/2024

Development: Change of use from a social club to a 12no. bedroom House of Multiple Occupation (HMO); proposed first floor rear extension; external alterations to existing building to include bricking up a door and the installation of roof lights and windows; and the installation of sliding gate and railings to the rear, and access in existing front boundary fence

Location: 28 WESTBOURNE ROAD HARTLEPOOL

This application was recommended for approval.

A member asked if the advisory comments from Cleveland Police could be included as a planning condition. The Planning and Development Manager indicated that management was a licensing issue covered through the HMO licence, the advice included recommendations and these could be included as an informative note on the decision notice rather than conditions. With regards to the trees on site a member queried whether a tree preservation order could be put onto the existing trees as future protection. Officers confirmed that the arboriculturist had looked into this in great detail and was confident that this proposal would not impact on the retention of the trees. Had there been any concerns a TPO could have been put in place had the trees been considered worthy of protection. The Principal Property, Planning and Commercial Solicitor advised that TPOs were a separate process with their own legislation and could not be conditioned on an application. The Assistant Director indicated that a TPO could be looked at should the application be approved.

The Applicant was present to answer member questions. He confirmed that management of the property would be taken seriously. Meetings would take place with potential tenants prior to approval and they would need to provide references, background checks and employment checks.. This was designed as a residential property for professionals needing somewhere to live during the week. It represented a more affordable option for such tenants than flats and while professionals could afford a flat many preferred the community feeling of an HMO. In terms of waste, bins would be provided in communal areas and externally with cleaners coming weekly.

Councillor Moss Boddy moved that this application be approved as per the officer recommendation. This was seconded by Councillor Carole Thompson.

Those for: Councillors Moss Boddy, Rob Darby, Tom Feeney, Michael Jorgeson, Sue Little, Matthew Dodds and Carole Thompson

Those against – None

Those abstaining – Councillor Karen Oliver

This application was therefore approved by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Dwg. No. Sheet 1 (Location Plan, at a scale of 1:1250), Dwg. No. Sheet 5 (Proposed Plans, including Proposed Ground Floor Plan and Proposed First Floor Plan), Dwg. No. Sheet 6 (Proposed Plans, including Proposed Second Floor Plan and Proposed Roof Plan), Dwg. No. Sheet 7 (Proposed Elevations), Dwg. No. Sheet 8 (Proposed Sections), Dwg. No. Sheet 9 (Proposed Boundary Treatment), Dwg. No. Sheet 10 (Proposed Site Plan, scale 1:100) received by the Local Planning Authority on 24th January 2025.
For the avoidance of doubt.
3. Prior to the first use or completion (whichever is sooner) of the development hereby approved, a scheme demonstrating appropriate noise insulation between the application site and the adjoining properties shall be submitted in writing by the Local Planning Authority. The scheme shall include a detailed acoustic report (that looks at both noise and vibration) prepared by a qualified professional and provide details of noise mitigation measures where required. Thereafter, the agreed scheme (and any required noise mitigation measures) shall be implemented in full prior to first use or completion of the development (whichever is sooner) and thereafter retained for the life of the development.
In the interests of the amenities of the occupants of nearby properties.
4. Prior to the first use or completion (whichever is sooner) of the development hereby approved, final details of the cycle storage to be positioned within the rear yard as illustrated on Dwg. No. Sheet 10 (Proposed Site Plan, received by the Local Planning Authority on 24th January 2025), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development.
In the interests of the amenity of future occupiers of the development and sustainable development.
5. Prior to the first use or completion (whichever is sooner) of the development hereby approved, final details of the bin storage to be positioned within the rear yard as illustrated on Dwg. No. Sheet 10

- (Proposed Site Plan, received by the Local Planning Authority on 24th January 2025), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development. In the interests of the amenity of future occupiers of the development and sustainable development.
6. Prior to the first use or completion (whichever is sooner) of the development hereby approved, final details (including colour) of the proposed mesh fence and gates, as shown on Dwg. No. Sheet 9 (Proposed Boundary Treatment, received by the Local Planning Authority on 24th January 2025), shall be submitted to and approved in writing by the Local Planning Authority. The proposed mesh fence shall be finished in a black colour. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development. In the interests of the amenity of future occupiers of the development and sustainable development.
 7. Notwithstanding the requirements of condition 6, the materials to be used in the construction of the external surfaces of this development hereby approved shall be in accordance with the materials and finishing colours stipulated in Dwg. No. Sheet 7 (Proposed Elevations, received by the Local Planning Authority on 24th January 2025). In the interests of visual amenity.
 8. The first floor door in the east facing elevation, as shown on Dwg. No. Sheet 7 (Proposed Elevations, received by the Local Planning Authority on 24th January 2025) shall be bricked up prior to first occupation of the development hereby approved and retained bricked up thereafter for the lifetime of the development. In the interests of visual amenity and the amenities of the occupants of neighbouring properties.
 9. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. In the interests of the amenities of the area.
 10. The two flat roof sections (as shown on Dwg. No. Sheet 5, Proposed First Floor Plan, received by the Local Planning Authority on 24/01/2025) of the House in Multiple Occupation hereby approved shall not be used as any balcony, sitting out area or any similar external amenity area at any time. In the interests of the amenities of the occupants of neighbouring properties.

Members considered representations on this matter.

Number: H/2024/0075

Applicant: TESCO KESTREL WAY WELWYN GARDEN CITY

Agent: TESCO MR ANDY HORWOOD KESTREL WAY WELWYN GARDEN CITY

Date received: 20/11/2024

Development: Installation of new modular extension with 2no. doors, insulated prefabricated panel walls and roof deck and relocation of AC units within Service Yard

Location: TESCO EXPRESS WILTSHIRE WAY HARTLEPOOL

This application was recommended for approval.

The Planning (DC) Team Leader noted an error in the heights given in the report, at paragraphs 5.4 and 5.30, which failed to take account of an approximately 16cm high platform and ramp. The correct heights were therefore stated, taking account the platform/ramp height. He confirmed that this minor discrepancy did not affect the overall assessment of the proposal which was considered acceptable as set out in the report and therefore would not affect the recommendation.

A member raised concerns around the noise from the resited units and requested absolute confirmation that the air conditioning units would not adversely affect people living nearby. The Environmental Health Manager confirmed that officers were confident that this would not be an issue particularly as a silencer was already fitted and the units would face the store. If there were any complaints this could be dealt with under separate legislation..

Councillor Moss Boddy moved that this application be approved as per the officer recommendation. This was seconded by Councillor Carole Thompson.

Those for: Councillors Moss Boddy, Rob Darby, Tom Feeney, Michael Jorgeson, Sue Little, Karen Oliver, Matthew Dodds and Carole Thompson

Those against – None

Those abstaining –

This application was therefore unanimously approved

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details on Drawing Number 02_3303_02F_R2 (Proposed Plan At Roof Level_Arch), received by the Local Planning Authority 20/06/2024; Site Location Plan (Scale 1:1250), Drawing Number 02_3303_02C (Proposed Plan_Arch), Drawing Number 03_3303_03B_R1 (Proposed Elevation-01_Arch) and Drawing Number 03_3303_03C_R2 (Proposed Elevation-02_Arch), received by the Local Planning Authority 06/09/2024.
For the avoidance of doubt.
3. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, details of all external proposed finishing materials shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
In the interests of visual amenity.
4. Following the relocation of the 2no. AC Units hereby approved as shown on Drawing number 02_3303_02C (Proposed Plan_Arch), received by the Local Planning Authority 06/09/2024, the 2no. AC Units shall be retained, operate and maintained in accordance with the noise levels as set out in Noise Impact Assessment, Version 1.1 (Document dated 08/12/2024), date received by Local Planning Authority 03/01/2025.
In the interests of neighbour amenity of the surrounding area and to ensure a satisfactory form of development.
5. 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 occupants of neighbouring properties.

Number:	H/2023/0331
Applicant:	MR GRAEME MCKENSIE STILLINGTON STOCKTON ON TEES
Agent:	ORIGIN PLANNING SERVICES EMILY ANDREWS UNIT 408, HUB 2 HARTLEPOOL INNOVATION CENTRE QUEENS MEADOW BUSINESS PARK HARTLEPOOL

Date received: 23/05/2024

Development: Erection of a 4no. bedroom dormer bungalow and associated works

Location: LAND AT WORSET LANE HARTLEPOOL

This application had previously been submitted for consideration but the applicant had subsequently appealed to the Planning Inspectorate on the grounds of non-determination. The Council would therefore no longer be able to make a formal decision on this application but would need to indicate what the decision would have been had they been free to make it.

The recommendation would have been to refuse.

One member did not see the issue around approving this application as they felt it would not result in other properties being overlooked, would have no visual impact and would not result in a vast loss of ecology. However other members felt that officer concerns were valid and this application would lead to the loss of an attractive green space.

Councillor Moss Boddy moved that this application be refused as per the officer recommendation. This was seconded by Councillor Tom Feeney.

Those for: Councillors Moss Boddy, Tom Feeney, Karen Oliver and Carole Thompson

Those against – Councillors Rob Darby, Sue Little and Matthew Dodds

Those abstaining – Councillor Michael Jorgeson

This application was therefore refused by a majority.

Decision: **Minded to Refuse – Members confirmed that they would support the recommendation of Officers to refuse the application and defend the current appeal (subject to the consideration of any comments received from Natural England in respect of an outstanding consultation). The application is currently subject to an appeal for non-determination and therefore cannot be determined by the Local Planning Authority.**

68 Update on Enforcement Actions (*Assistant Director (Neighbourhood Services)*)

Members were informed that 2 enforcement actions had been taken within the reporting period. Details were given within the report.

Decision

That the report be noted

69. Planning Appeal at H Tones Storage Yard, Oxford Road (*Assistant Director (Neighbourhood Services)*)

A planning appeal in respect of the installation of a roller shutter door (retrospective) and creation of access and dropped kerb on to Spring Garden Road was dismissed. A copy of the decision was appended to the report.

Decision

That the outcome of the appeal be noted.

70 Planning Appeal at Land North of Duchy Homes (*Assistant Director (Neighbourhood Services)*)

A planning appeal in respect of the erection of 3 residential plots had been dismissed. A copy of the decision was appended to the report.

Decision

That the outcome of the appeal be noted.

71. Planning Appeal at Low Throston House, Netherby Gate (*Assistant Director (Neighbourhood Services)*)

A planning appeal had been submitted against the Council decision to refuse a lawful use application for the fence line around the new bungalow. This was refused under delegated powers and a copy of the report was appended to the papers.

Decision

That the report be noted.

The meeting concluded at 12:45pm.

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

9 April 2025

The meeting commenced at 5.00pm in the Civic Centre, Hartlepool.

Present:

Councillor Tom Feeney (In the Chair)

Councillors: Moss Boddy, Rob Darby, Michael Jorgeson, Karen Oliver, Martin Scarborough and Carole Thompson

Officers: Tony Hanson, Executive Director of Development, Neighbourhoods and Regulatory Services
Sarah Scarr, Head of Service (Heritage and Open Spaces)
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Helen Smith, Planning Policy Team Leader
Peter Frost, Highways, Traffic and Transport Team Leader
Jade Harbottle, Senior Planning Officer
Chris Scaife, Countryside Access Officer
Umi Filby, Principal Property, Planning and Commercial Solicitor
Jo Stubbs, Democratic Services Officer

72. Apologies for Absence

Apologies were submitted by Councillors Sue Little, Andrew Martin-Wells and Mike Young.

73. Declarations of interest by members

None

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

Number: H/2023/0368

Applicant: PERSIMMON HOMES RADCLIFFE CRESCENT
THORNABY STOCKTON ON TEES

Agent: PERSIMMON HOMES ALICE HALL RADCLIFFE
CRESCENT THORNABY STOCKTON ON TEES

Date received: 11/12/2023

Development: Proposed residential development of 70no. dwellings and associated infrastructure

Location: LAND TO THE EAST OF HART LANE (HART RESERVOIRS) HARTLEPOOL

Decision: **Withdrawn from agenda at the applicant's written request (with the agreement of the Chair and Vice Chair of Planning Committee)**

Number: H/2024/0149

Applicant: ENVIRONMENT AGENCY SKINNERBURN ROAD NEWCASTLE UPON TYNE

Agent: JBA CONSULTING MR IAIN ARMSTRONG
FLOOR 4 MAYBROOKE HOUSE 31/35
GRAINGER STREET NEWCASTLE UPON TYNE

Date received: 15/08/2024

Development: Engineering operations and associated works/access to restore Greatham Beck to its original line, removal of tidal structure including the re-establishment of natural saltmarsh and mudflat habitats, the permanent diversion of a public right of way and the creation of a temporary site compound area east of Marsh House Lane.

Location: LAND TO THE SOUTH WEST OF GREATHAM VILLAGE HARTLEPOOL

This application was recommended for approval.

Graeme Hull was in attendance on behalf of the Environment Agency. He said this was part of a wider project to connect to the Tees Estuary. Should members approve this application work was proposed to start in June 2025 and scheduled to be complete before Christmas. A more natural watercourse would be constructed replacing the existing beck in the final stages. Vehicles would access the site travelling west along the A689 and leaving via Greatham High Street. He urged members to support the application which would bring a significant positive contribution.

A member referred to an extract in the report regards avoiding the breeding and nesting seasons which take place March to September. Mr Hull acknowledged this but the work had to be completed during the dry season and while this would have a short term impact the benefits outweighed this.

Members were supportive of the application which would enhance Greatham Village

Councillor Moss Boddy moved that this application be approved as per the officer recommendation. This was seconded by Councillor Carole Thompson.

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

Those against – None

Those abstaining – None

This application was therefore approved unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans and details:

Plan no: EVV0002541C-JBA-SW-00-DR-C-2001 REV P02 (Earthworks Analysis Banding Depth), and
ENV0002541C-JBA-SW-00-DR-C-2003 REV P03 (Existing General Arrangement with Contours),
Date received by the Local Planning Authority 26/04/2024;

Plan no: ENV0002541C-JBA-SW-00-DR-C-2010 REV P02 (Long section Section A-A (Sheet 1 of 2)),
Plan no: ENV0002541C-JBA-SW-00-DR-C-2011 REV P02 (Long section Section A-A (Sheet 2 of 2)),
Plan no: ENV0002541C-JBA-SW-00-DR-C-2012 REV P02 (Long section Section B-B REV P02),
Plan no: ENV0002541C-JBA-SW-00-DR-C-2013 REV P02 (Long section Section C-C),
Plan no: ENV0002541C-JBA-SW-00-DR-C-2014 REV P02 (Long section Section D-D),
Plan no: ENV0002541C-JBA-SW-00-DR-C-2050 REV P01 (Typical Details),

ENV0002541C-JBA-SW-00-DR-C-9000 REV P03 (Existing General Arrangement with Contours),
Plan no: EVV0002541C-JBA-SW-00-DR-C-1150 REV P01 (Site Clearance Plan),
Plan no: Detailed Planting Plan REV P01, and
Plan no: Landscape General Arrangement REV P01,
All date received by the Local Planning Authority 02/05/2024;

Plan no: EVV0002541C-JBA-SW-00-DR-C-1000 REV P04 (Site Access General Arrangement), date received by the Local Planning Authority 08/07/2024;

Plan no: ENV0002541C-JBA-SW-00-DR-C-2080 REV P01 (Construction Exclusion Zone), date received by the Local Planning Authority 28/11/2024;

Plan no: ENV0002541C0-JBA-SW-00-DR-C-2002 REV C01 (Public Right of Way Permanent and Temporary Diversions),
Plan no: EVV0002541C-JBA-SW-00-DR-C-2003 REV C03 (Proposed Earthworks Analysis Cut/Fill Banding), and
Plan no: ENV0002541C-JBA-SW-00-DR-C-2000 REV C03 (Proposed General Arrangement with Contours),
date received by the Local Planning Authority 07/02/2025.
To define the planning permission.

3. Notwithstanding the approved plans (and levels) contained within condition 2 of this decision notice, should the works be amended to take account of the annotation 'existing Greatham Beck in this section is to be infilled to a minimum of 1.75m AOD. Although if deemed suitable ground level to be raised to form continuous bund across to existing bank crest level on the left bank...') detailed on plans Plan no: EVV0002541C-JBA-SW-00-DR-C-2003 REV C03 (Proposed Earthworks Analysis Cut/Fill Banding), and Plan no: ENV0002541C-JBA-SW-00-DR-C-2000 REV C03 (Proposed General Arrangement with Contours), both plans date received by the Local Planning Authority 07/02/2025, details 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 agreed details.
For the avoidance of doubt.
4. No development shall take place (including demolition, groundworks, vegetation clearance) until a Construction Environmental Management Plan CEMP: (Biodiversity) and timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include construction details, an ecological management plan, and method statements for the avoidance of harm to identified species including breeding birds, Great Crested Newts, Common Lizard and fish, and method statements to protect habitats that link the development area with Greatham Creek, and mitigation and compensation measures for the duration of the

development as detailed in Section 6 (Assessment of Effects) and the appended Survey Reports of 'Greatham Marsh Ecological Impact Assessment' (thereafter referred to as the 'EclA' for the purposes of this condition) by JBA Consulting (dated April 2024) and received by the Local Planning Authority on 02.05.2024. The CEMP (Biodiversity) shall include the following:

- 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 detailed pollution prevention plan to address the risk to the "other rivers and streams" habitat, and the Teesmouth and Cleveland Coast SSSI, Ramsar, and SPA complex - as described in section 6.1.1 and 6.2.3 of the EclA; toolbox talks for contractors to be included;
- A detailed biosecurity plan as described in section 6.1.2 of the EclA and to include the use of disinfectant for plant, equipment, and footwear (toolbox talks for contractors to be included);
- An ecologically friendly site lighting plan to prevent disturbance to crepuscular and nocturnal protected species (namely otter) as described in 6.1.3 and Table 7-1 of the EclA; toolbox talks for contractors to be included.
- An Ecological Clerk of Works (ECoW) shall be appointed by the developer or contractor to monitor a range of activities on site, to undertake appropriate surveys and deliver a toolbox talk to the Site Manager and/or Site Supervisor and workers on site prior to commencement of development in accordance with section 6.2 (additional mitigation during construction) of the EclA, This shall include 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, to include a walkover inspection on site within three months of the start of any works, including vegetation clearance on site as well as regular visits to the site during any winter works.

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

Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of avoiding or mitigating ecological harm.

5. No development shall take place until a plan (and timetable for implementation) detailing the protection of Lamprey species, European

Eel, Salmonids and their associated habitats has been submitted to and approved in writing by the Local Planning Authority. The plan shall consider the whole duration of the development, from the construction phase through to development completion.

The scheme shall include the following elements:

- A specific methodology with regards to the potential presence of Lamprey species (in their larval stage) in the wetted sediment, which addresses the necessary mitigation measures that will be put in place to prevent harm to these species during the development;
- A specific methodology for the dewatering activities that implements the use of a 2mm mesh screen on the pumps rather than the 20mm mesh that is stated in the EclA report, as this is non-compliant with the Eel Regulations 2009 due the likely presence of 'glass eels' and/or elvers at this location. The methodology should also address the angle of the screen to the flow of water and therefore the maximum approach velocity that will be incorporated into this development to prevent ingress of fish into the pumps.

Thereafter the development shall be carried out in accordance with the approved scheme and timetable for implementation (as approved). Any change to operational responsibilities, including management, shall be first submitted to, and approved in writing by the Local Planning Authority.

To mitigate any harm to these species and their habitats, and to avoid damaging the site's fisheries value in line with the provisions of Section 15 of the NPPF.

6. Prior to the commencement of development hereby approved, details of the proposed works to facilitate the decommissioning of the Greatham tidal structure including the proposed temporary cofferdam, bubble curtain and oil boom, and any associated works as set out in the (shadow) Stage 2 Habitat Regulations Assessment, Reference: 276_05_SD01, Version 10 (received by the Local Planning Authority 02.05.2024), and a timetable for the implementation (and removal of such works when no longer required), shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable of works (including the removal of such works). In the interests of the ecology of the surrounding area and to avoid any Likely Significant Effects on protected sites.
7. Notwithstanding the submitted information and prior to the erection of the temporary construction compound hereby approved as annotated on Dwg. BAM- Rev 1st Issue (Greatham Marsh Compound, received by the Local Planning Authority on 15.08.2024) and Dwg. ENV0002541C-JBA-SW-00-DR-C-1000 Rev P04 (Site Access General Arrangement, received by the Local Planning Authority 08.07.2024), details including elevations and layout (including car parking and the access point) of the temporary construction compound and associated structures, required visual/noise screening and enclosures, and any

lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that any external lighting be directed away from the adjacent fields and provide details of visual/noise barriers that shall be erected around the compound, details of which shall be provided as part of the scheme and implemented prior to the compound being brought into use or being completed (whichever is sooner). The scheme 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 completion of the development hereby approved). The development shall thereafter be carried out in accordance with the agreed details. The temporary compound shall be restored to its former condition following completion of the development hereby approved.

In the interests of neighbouring amenity, visual amenity and ecology of the area and to avoid any Likely Significant Effects on protected sites.

8. Notwithstanding the submitted information and prior to the commencement of development, further details for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of surface water flooding from any sources in accordance with Local Plan Policy QP6 and the NPPF.
9. Notwithstanding the details provided within the Project Execution Plan (PEP, received by the Local Planning Authority 07.02.2025) and prior to the commencement of development on site, the PEP document shall be amended to include details of dust suppression facilities on site and the provision of wheel washing facilities to the entrance/exit of the site. The amended PEP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. Thereafter the updated PEP shall be implemented and development solely carried out in accordance with the approved document during the construction phase of the development. In the Interests of the amenities of the area and highway safety.
10. Prior to the installation of the temporary access points (and associated visibility splays) as shown on plan ENV0002541C-JBA-SW-00-DR-C-1150-S3 Rev P01(Site Clearance Plan, received by the Local Planning Authority on 02.05.2024), details of the proposed surfacing materials and a timetable for both the installation and thereafter removal of the accesses (such removal shall be within 6 months of the completion of the development hereby approved) shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter, the land shall be restored to its former condition following completion of the development hereby approved and in accordance with the agreed scheme and timetable. In the interests of the character and appearance of the open countryside and in the interests of highway safety.

11. A) No groundworks 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) The archaeological work shall take place during construction groundworks, in accordance with the Written Scheme of Investigation approved under part (A).
C) The post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) within 12 months of the completion of fieldwork, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured and submitted in writing to the Local Planning Authority. In the interests of the historic environment.
12. The archaeological post-excavation assessment, for the evaluation fieldwork undertaken in October and November 2024, shall be submitted to the Local Planning Authority no later than 12 months from the date of this decision notice.
In the interests of the historic environment.
13. Prior to the commencement of development above ground level, details of a minimum of 1no. barn owl nest box 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 nest box(s) 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).
14. The development hereby approved shall be implemented in accordance with the details and timetable stipulated in the submitted 'Habitat Management and Monitoring Plan (Greatham Marsh Restoration)' (HMMP), final version A1-C01, dated 23/01/2025, (date received by the Local Planning Authority 28th January 2025) to include the implementation of the habitat creation, enhancement and management as set out in 'Planned Management Activities' (section 2)

and 'Monitoring Schedule' (section 3) of the HMMP. Thereafter and following the implementation of the approved 'Planning Management Activities' (section 2) within the agreed timescales set out within the HMMP, 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.

15. The development hereby approved shall be carried out and maintained in accordance with the requirements of condition 14 of this permission and the specification of the agreed soft landscaping scheme as detailed on Detailed Planting Plan (EVV0002541C-JBAU-00-00-GT-M2-1001-OSMap XXX-JBA-SW-00-M3-C-2000-Earthworks_Model v3 REV P01, received by the Local Planning Authority 02.05.2024) 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 it being available for access to the public (whichever is sooner) of the development hereby approved. Any trees, hedges, plants or other soft landscaping which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity, and to enhance biodiversity in accordance with the provisions of Section 15 of the NPPF.
16. Prior to the above ground construction of the development hereby approved, details of any proposed amenity/interpretation panels/boards (providing information in respect to features of the area) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first use or completion (whichever is sooner) of the development.
In the interests of visual amenity.
17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 prior to the resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.
Contamination may exist at the site which will need to be satisfactorily dealt with.

18. No construction, demolition, plant or machinery shall be operated on site outside the hours 0800-1800 during weekdays and 0900-1400 on Saturdays. No deliveries or removal of materials to and from site shall take place outside the hours of 0800-1800 during weekdays and 0900-1400 on Saturdays. There shall be no construction activity including demolition at any other time including on Sundays and Public Holidays. To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

Members considered representations in respect to this matter.

Number: H/2024/0331

Applicant: MRS YVONNE CARTER BEAUMONT
WYNYARD BILLINGHAM

Agent: MRS YVONNE CARTER 11 BEAUMONT
WYNYARD BILLINGHAM

Date received: 15/01/2025

Development: Erection of front boundary wall (retrospective)

Location: 11 THE BEAUMONT WYNYARD BILLINGHAM

This application was recommended for refusal.

A member commented that Wynyard had a specific spacious design and to allow this retrospective boundary wall would result in this being lost.

Councillor Moss Boddy moved that this application be refused as per the officer recommendation. This was seconded by Councillor Tom Feeney.

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

Those against – None

Those abstaining – None

This application was therefore refused unanimously.

Decision: Planning Permission Refused

REASON FOR REFUSAL

1. In the opinion of the Local Planning Authority, the erected boundary wall forms an obtrusive and unsympathetic feature within the street scene, introducing a solid feature that reduces the visual openness of the area, to the detriment of the character and appearance of the street scene, contrary to Plan Policy QP4 of the adopted Hartlepool Local Plan and paragraph 135 of the NPPF (2024).
-

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

Members were informed that 1 enforcement action had been taken within the reporting period. Details were given within the report.

Decision

That the report be noted

76. Planning Appeal at 78 Grange Road - *Assistant Director (Neighbourhood Services)*

A planning appeal in respect of the change of use of a dwelling to a large house in multiple occupation had been allowed. A copy of the decision was appended to the report.

A member expressed his disappointment at this decision. Members had thought through their refusal carefully and they would have hoped the inspector would have taken more notice of this.

Decision

That the outcome of the appeal be noted.

77. Planning Appeal at 54 Grange Road (*Assistant Director (Neighbourhood Services)*)

A planning appeal in respect of replacement windows and new paving at the property had been dismissed along with the appellant's claim for costs. Copies of both decisions were appended to the report.

Decision

That the outcome of the appeal be noted.

78. Planning Appeal at land North of the A179 and West of Tremaine Close (*Assistant Director (Neighbourhood Services)*)

A planning appeal had been submitted against the Council decision to refuse to allow the erection of a single storey residential dwelling, associated engineering works, site access and proposed landscaping. This was refused by Planning Committee at their meeting on 11 September 2024. The reasons were detailed within the report.

Decision

That the report be noted.

79. Planning Appeal at 14 Albion Terrace (*Assistant Director (Neighbourhood Services)*)

A planning appeal had been submitted against the Council's decision to refuse to allow a listed building consent for retrospective works to the property. This was refused by Planning Committee at their meeting on 11 September 2024. The reasons were detailed within the report.

Decision

That the report be noted.

80. Any Other Items which the Chairman Considers are Urgent

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

The Planning and Development Manager advised that planning training had been scheduled for 29th April. Officers had already contacted those members whose training had expired. He urged them to encourage any other members who might wish to attend Planning Committee as a permanent member or a substitute to attend.

The meeting concluded at 5.40pm.

CHAIR

No: 1
Number: H/2024/0180
Applicant: ENVIROMENA PROJECT MANAGEMENT
Agent: STANTEC MRS AMY HINDSON ROTTERDAM HOUSE
116 QUAYSIDE NEWCASTLE UPON TYNE NE1 3DY
Date valid: 06/08/2024
Development: Installation of ground mounted photovoltaic (solar) farm
and battery storage facility with associated infrastructure,
engineering works, access and landscaping
Location: HIGH BARNES FARM COAL LANE ELWICK
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following application is considered relevant to the application site:

H/2024/0052 – EIA Screening request. The LPA considered that the proposed development did not constitute EIA development, decision date 5/4/2024.

1.3 The following applications are located relatively near to the application site and are considered relevant:

H/2023/0057 – Junction improvement works to the A19. Approved January 2024.

1.4 There have been a series of energy related applications, including approvals to the north east of the site on the opposite side of the A19 within Hartlepool Borough and to the north within Durham County Council's area. The closest of which are the recent solar forecourt, solar farm and battery storage facility (H/2022/0423) at Whelly Hill, refused by Planning Committee on 13/03/2025, which is located some 590m to the north east. The closest approved energy related development being the Grid Stability Facility consisting of a synchronous compensator and associated electric infrastructure (H/2022/0470, decision date 7/2/2025) located at Whelly Hill Farm which is approximately 1.2km away. A solar farm in Durham (DCC reference DM/20/03722/FPA) located some 1.5km to the north was approved on 6/12/2023 by the Planning Inspectorate.

PROPOSAL

1.5 The application seeks planning permission for the installation of a ground mounted photovoltaic (solar) farm and battery storage facility with associated infrastructure, engineering works, access and landscaping.

1.6 The proposals have been amended during the course of the application, as set out below, mainly to include the provision of additional landscaping, primarily to the eastern boundary.

Solar farm

1.7 In detail, the proposed solar farm would comprise ground mounted solar arrays made from galvanised steel or aluminium which would be laid out in east-west rows with between 3m and 6m space between each row. The maximum height of the solar array panels would be approximately 2.49m, they would be tilted at an angle of 15 degrees and mounted facing due south. The solar panels would be arranged in blocks covering fields either side of Coal Lane with the majority to the Northern side. Existing overhead power lines crossing the Northern part of the site would be retained with panels either side of these lines. An existing PROW crossing this part of the site would be retained/diverted.

1.8 The proposals include inverter, transformer and switchgear stations distributed throughout the proposed solar arrays. These pieces of equipment are required to convert the electricity generated by the solar arrays from direct current (DC) to alternating current (AC) with the aim of increasing electricity voltage to minimise losses and ensure the solar farm operates safely.

1.9 The submitted Cover Letter indicates that the amended solar farm would power approximately 25,915 homes per year, saving the equivalent of 14,500 tonnes of CO₂ per year compared to fossil fuel sources and would support approximately 375 full time equivalent jobs across the supply chain.

1.10 The submitted Planning Statement explains that the total capacity of the proposed solar farm would be 49.9MW and it is proposed to be in situ for a period of 40 years. Following the decommissioning of the proposed solar farm, the infrastructure would be removed and the site would be reinstated to its previous state and returned to agricultural use. The submitted Design and Access Statement indicates that the proposed solar farm benefits from an existing 66kV overhead infrastructure and no offsite cable route would be required.

1.11 The layout of the solar farm has been amended during the course of consideration of the application at the request of officers, to re-orientate the solar arrays at the north east section in order to minimise impacts of glare to users of the A19, to include additional spacing to allow for the PROW to be re-routed, and to relocate the transformer to the north east to allow for surface water flows. Additional planting has been proposed to the eastern boundary.

1.12 The areas incorporating the solar panels will be enclosed by deer fencing (set on timber posts) some 2m high and landscaping will be incorporated consisting of species rich grassland across the proposed solar farm area, two areas of grassland for ground nesting birds (skylark), watercourse enhancement, and tree and hedge planting to sections of all boundaries.

Energy Storage and Ancillary Buildings

1.13 The proposals include battery energy storage (BESS) within the northern parcel of land (and situated towards the western boundary of the application site), which comprise 20 containers measuring approximately 9.34m in length, approximately 1.73m in width and approximately 2.6m in height. These would be situated in two linear rows of 10 containers, with 5 power conversion systems laid out in a row between the two rows of BESS containers. The 5 power conversion systems would each measure approximately 6.06m in length by approximately 2.44m in width by approximately 2.9m in height and would contain inverters, transformers and cooling systems.

1.14 The submitted Design and Access Statement indicates that the proposed BESS features safety systems including automatic shut off and temperature monitoring, and is accessed via a separate access point from Coal Lane (as set out below).

1.15 Located adjacent to the south of the proposed BESS and power conversion containers would be a 33kV/66kV substation compound which covers an area of approximately 1,200sqm, which would contain two pre-fabricated buildings measuring approximately 6.06m in length by approximately 2.6m in width by approximately 3.07m in height, to contain a customer transformer and DNO circuit breaker.

1.16 The BESS containers are proposed to be enclosed by an acoustic fence with a height of approximately 4.5m, while the wider substation compound is proposed to be enclosed by a palisade fence with a height of approximately 2.4m. CCTV cameras are proposed (with a height of approximately 3m) along the internal perimeter. Beyond the southern boundary of the compound and access road the proposal includes 10 fire fighting water tanks.

1.17 Existing hedgerows to the south of this infrastructure will be maintained and managed to a height of 3m with additional tree planting to the east/south east.

Access and car parking

1.18 The proposed solar farm would include an internal access road taking access from three points along Coal Lane (which runs east to west through the centre of the application site), with two of the three access points being proposed to utilise existing gates from Coal Lane, whilst the western most access point would be created to provide access to the proposed BESS infrastructure. This proposed access point would require a section of approximately 16m of hedgerow is removed.

1.19 The submitted Transport Statement indicates that the construction phase would be expected to last for 60 weeks, during which time it is expected that the proposed development would lead to an increase in traffic movements of 4-5 two way HGV movements per day. Operational traffic would comprise one van twice a month.

Landscaping

1.20 The application is accompanied by supporting Landscape Strategy (as amended during the course of the application) which details a strategic planting of trees and scrub throughout the application site, to include sections along the northern boundary of the site, sections around High Barns Farmstead in the centre of the site, sections along Coal Lane, sections along the entire part of the eastern boundary, enhancements to hedgerow planting along the south east boundary of the site, watercourse enhancements, creation of a rough species rich grassland for skylark mitigation within the south west and north west sections of the site and other areas of planting throughout the application site.

1.21 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 eastern boundary and along Coal Lane between this highway and the northern parcel of land.

EIA Regulations

1.22 As noted above, an EIA screening was undertaken by virtue of H/2024/0052, whereby it was confirmed that Hartlepool Borough Council considered that the proposed development fell within Schedule 2 Section (3) Energy industry ((a) Industrial installations for the production of electricity) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 but, that it does not constitute EIA development requiring an Environmental Statement.

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

SITE CONTEXT

1.24 The application site is an area of agricultural fields measuring approximately 78.26 hectares, which comprises two parcels of land, separated by the main highway of Coal Lane. Towards the north western corner is Beacon Hill which is predominately excluded from the red line boundary albeit it is noted that this section of the application site is raised in relation to the rest of the site, with the topography of the remainder of the application site being gently undulating, sloping from north to south and from west to east.

1.25 The application site is bounded by further agricultural fields to the northern, southern and western boundaries, and by the A19 trunk road to the east. The proposed site of the recently approved Elwick Grade separated junction abuts the north eastern corner of the site. A Public Rights of Way (PRoW) traverses the application site from the north west corner to the A19 (south east area of the application site).

1.26 A single residential property of High Barns Farmstead is located centrally within the site (but outwith the red line boundary). Other neighbouring properties include Middleton House (approximately 45m to the north), Middleton House Farm Bungalows (approximately 110m to the north), High Farm (approximately 60m to the west), Green Acres Farm (approximately 250m to the west), Sunset Cottage

(approximately 70m to the south), Woodland House (approximately 95m to the south), and Mill House (approximately 170m to the south).

1.27 The village of Elwick is located approximately 370m to the east (beyond the main trunk road of the A19).

PUBLICITY

1.28 The application was advertised by way of notification letters to 28 individual neighbouring properties and local ward councillors, site notice and press advert. To date, four objections (including two representations from the same address, and one confidential objection) have been received.

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

- The amount of land would produce about 300,000 loaves of bread a year;
- Visual impacts from nearby residential property;
- Unnecessary scale of development;
- North west section should be omitted from the proposals;
- Proposals will impact on views.

1.30 In addition, one response of 'do not object' has been received.

1.31 During the course of consideration of the proposals, the applicant submitted a photomontage, and an amended layout and amended landscaping plans and a full re-consultation with neighbours and technical consultees undertaken.

1.32 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=162148>

1.33 The period for publicity has expired.

CONSULTATIONS

1.34 The following consultation replies have been received:

HBC Heritage and Open Spaces: A Heritage Statement has been provided as part of the application. With regard to built heritage this concludes that the proposal would have little impact on those assets which are separated from the site by the A19 i.e. Elwick Conservation Area and the listed buildings within it, is considered that this statement is accurate.

The closed listed building to the proposal is Elwick Wind Mill. The report notes that this structure is highly visible from parts of the surrounding land. The proposal will alter the character of the wider setting of the area, it is however accepted, that the immediate setting will remain and the wider setting is already slightly disconnected from the site given the boundaries and lanes which separate the two.

It is therefore considered that the proposal will not impact on these designated heritage assets, no objections.

Update 15/04/2025 following amended plans:

The amended plans are noted. The consultation response of 3/9/24 remains relevant.

Tees Archaeology: We note the submission of a Heritage Statement. The majority of the proposed development site has not previously been subject to archaeological field evaluation, and there is the potential for archaeological remains to be present on site. We request that a field evaluation, comprising both geophysical survey and trial trenching, of this site be undertaken prior to the determination of this application. This will allow us to make an informed decision regarding the impact of the proposal on any archaeological remains and any mitigation (such as design changes or additional archaeological fieldwork) which may be necessary.

Update 29/11/2024 following amended heritage statement:

We note the inclusion of an updated heritage statement, which includes the results of a geophysical survey of the proposed development site. The geophysical survey confirmed the presence of anomalies of probable archaeological origin across the site. We would therefore request that the site is subject to pre-determination trial trenching, in order to determine the form, extent, date, function, and level of survival of any archaeological remains. This will allow the significance of the remains to be properly assessed and will allow us to make an informed decision regarding the impact of the proposal on any archaeological remains and any mitigation (such as design changes or additional archaeological fieldwork) which may be necessary.

Update 20/02/2025 following further discussions with the applicant in respect of archaeological works:

We note the submission of a 'letter of intent'/document indicating the applicant's commitment to carrying out the requested evaluation trenches and any additional mitigation, as part of their request to have the remainder of the archaeological work conditioned on the application. While we would prefer to have the archaeological evaluation carried out prior to determination, following discussions with the applicant we are willing to concede our request in this instance subject to the recommended conditions below:

Condition 1

No development shall commence until a Written Scheme of Investigation (WSI) setting out a programme of archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works, in sufficient time to inform the production of a Strategy for Archaeological Mitigation.

Condition 2

No development shall commence until a Strategy for Archaeological Mitigation (SAM) has been submitted to and approved in writing by the Local Planning Authority. The SAM will set out the strategy for the preservation, investigation and recording of heritage assets in the development area, including the provision made for analysis, publication and dissemination of results, and archive deposition. The development will then be carried out in accordance with the SAM.

Condition 3

The development shall not be used until the post investigation processes have been completed in accordance with the approved Strategy for Archaeological Mitigation, and confirmed in writing to, and approved by, the Local Planning Authority.

HBC Traffic and Transport: There are no objections in principle to this development.

We will require a Construction management plan to be conditioned which details the routing of HGV's, control of mud on the highway and proposed access arrangements.

Update 21/03/2025 following amended plans:

Previous comments apply.

National Highways: We have reviewed the Transport Statement [TS], Drainage Strategy [DS], Landscape and Visual impact Assessment, Planning Statement [PS] and Glint and Glare Assessment and would offer the following comments. Detailed comments are provided in the attached Technical Memorandum referenced TM01, dated 04 September 2024 and provided by JSJV on our behalf.

Our review has highlighted the need for further information as follows:

- A Construction Traffic Management Plan [CTMP] is required.
- Further information is required to alleviate concerns regarding the permanency of planting along the existing western boundary of the A19.
- JSJV is concerned that at receptor 11, there is a lack of screening of the proposed development from the A19 and this could impact road user's safety.
- The Applicant will need to provide detailed proposals for how all issues highlighted above will be comprehensively mitigated in short, medium and long term in order to ensure the safety of all road users, as per Circular 01/2022 paragraph 70.
- The Applicant should confirm that the drainage strategy of the proposed development does not connect onto the existing A19 highway drainage system, or the drainage system of the committed A19 Elwick grade separated junction.
- The committed A19 grade separated junction (ref: H/2023/0057) did not take into account this planning application within its boundary treatment, drainage strategy or planting mitigation. Consequently, if the proposed development has a severe impact on the delivery of the A19 highway scheme and there is a need for further mitigation, it is the Applicant's responsibility to deliver this.

On the basis of the above, I enclose National Highways' formal NHPR 24-02 response recommending a period of non-determination. I trust this response is

helpful, but should you require any further information please do not hesitate to contact me.

Update 11/12/2024:

Referring to the consultation on a planning application dated 12 August 2022 referenced above, in the vicinity of the A19 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Update 27/02/2025 following discussions with the applicant and receipt of further Glint & Glare Study and landscaping plans:

We discussed the application and the outstanding issues with the Applicant on 9 January 2025. The Applicant has since submitted further information to address these issues which has been reviewed by National Highways and our comments are outlined below.

The additional submitted information is:

- Technical Note (Glint and Glare)
 - DWG No. P007006-17 REV A Timber Fence Section Views
 - Landscape and Visual Impact Assessment
 - DWG No. N1384-ONE-ZZ-XX-DR-L-0001 REV P05 Landscape Strategy
- Glint and Glare

No further evidence is required regarding glint and glare at this stage. The combined mitigation (as outlined on DWG No. N1384-ONE-ZZ-XX-DR-L-0001 REV P05) which includes landscaping, fencing (as outlined on DWG No. P007006-17 REV A) and angling of panels is considered sufficient.

We do, however, request the following planning condition is attached to any grant of planning permission for this application:

Condition:

Prior to the commencement of the development hereby permitted a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance (prepared in accordance with the principles set out in drawings "DWG NO.N1384-ONE-ZZ-XX-DR-L-0001 REV P05" and "DWG NO.P007006-17 REV A") shall be submitted to and approved in writing to the Local Planning Authority (in consultation with the Highway Authority for the A19). Planting and fencing shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

Reason:

In the interest of the safe and efficient operation of the Strategic Road Network in accordance with DfT Circular 01/2022.

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 not severe, we request the following planning condition is attached to any grant of planning permission for this application:

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 recommend a conditional approval should you be minded to grant planning permission.

Update 11/03/2025 following amended plans:

Referring to the consultation on a planning application dated **12 August 2022** referenced above, in the vicinity of the **A19** that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);

Recommended Conditions

1. Prior to the commencement of the development hereby permitted a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance (prepared in accordance with the principles set out in drawings "DWG NO.N1384-ONE-ZZ-XX-DR-L-0001 REV P06" and "DWG NO.P007006-17 REV A") shall be submitted to and approved in writing to the Local Planning Authority (in consultation with the Highway Authority for the A19). Planting and fencing shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

Reason:

In the interest of the safe and efficient operation of the Strategic Road Network in accordance with DfT Circular 01/2022.

2. 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.

HBC Countryside Access Officer: I have amended the line of the Public Right of Way, in the vicinity of the High Barns farmhouse and out buildings and west and east of these buildings. It is the orange coloured solid line.

This line is the correct line of the public footpath (Public Footpath No.18, Elwick Parish), as per the Definitive Map and Statement (legal register of all recorded public rights of way).

There will be a need to consider a diversion of the public footpath and this will require a meeting between myself and the applicant, to determine where such a diversion can be routed.

There are a number of possibilities available that could remove a decent section of the path from the close proximity to areas of the solar panels.

Also with the mention and delineation of the boundary of the proposed bypass, such a diversion could link to a possible further diversion of the eastern end of this public footpath.

Update 30/09/2024 following discussions with the applicant:

Further to my comments of 24th August 2024; I have discussed the idea of consideration of a diversion with the applicant's agent. We discussed the options surrounding the possible diversion of Public Footpath No.18, Elwick Parish, as it routes through the proposed solar Farm.

They then contacted the landowner/applicant who agreed with the proposal and a suitable new potential route has been suggested and initially agreed upon.

Any diversion application would be the subject of a Public Path diversion Order process, under the Town & Country Planning Act 1990, s257. If approval is granted for the solar farm to proceed, then such an application process will be initiated upon submission of the diversion application.

I will await for such a decision before I accept any diversion application.

HBC Landscape Architect: A landscape and visual appraisal has been provided. While this is informative the following points are made:

1. The Elwick / A19 works have been included as a "future base" line landscape context. It is understood that the probable timescale for these works would be 5 years to completion. This application may be better considered as cumulative impact.
2. Photomontages with proposed mitigation at year 1, 5 and 15 would be informative.
3. There may be receptors in the adjacent authority. Defer to Adjoining Authority comments.

Update 07/02/2025 following receipt of amended landscaping details:

Photomontages have been provided which are informative. These indicated that medium term visual impacts could be reduced by the following:

- Omitting PV panels from higher contours associated with Beacon Hill.
- Continual rather than intermittent tree planting to screen rather than filter views for A19 (View 002)
- Explore option of offsite planting to land that remains between Elwick A19 Grade Separation junction and proposed PV development site.
-

The impacts of the site infrastructure (Sub Station, Battery Storage and associated enclosure) will need to be understood. This may require further screening or alternative methods to mitigate visual impacts.

Cumulative impacts need to be fully understood. A figure showing potential cumulative impacts in both Hartlepool and Durham would be informative. This should include the Elwick A19 Grade Separation Junction Works.

Update 28/03/2025 following receipt of amended landscaping details:

An amended landscape strategy has been provided, along with revised visualisations for VP2. The visualisation demonstrates effective mitigation at year 15 for this View Point.

Full planting plans should be provided to demonstrate the detailed functioning of the proposed mitigation.

Update 11/04/2025 following receipt of detailed landscaping plans:

An amended Landscape Strategy and Detailed Planting Proposals have been provided.

Subject to successful establishment, maintenance and management the detailed proposals will provide mitigation screening at year 15 as shown in the visualisations included in the LVIA.

Update 17/04/2025 following amended landscape strategy:

The Revised (PO7 02-04-2025) Landscape Strategy Plan is acceptable.

HBC Arboricultural Officer: Having reviewed the arboricultural impact assessment for this development the overall impact on existing trees and vegetation is minimal. The submitted Arboricultural documentation is thorough, clearly outlining the potential impacts and proposed mitigation measures.

I note that a small section of hedgerow is scheduled for removal to facilitate access. However, this loss is expected to be more than compensated by the extensive new planting proposed in the landscape strategy. I recommend that a Detailed Landscaping Scheme be secured by a condition, as it has not been submitted yet.

Regarding tree protection, while it is anticipated that the new boundary fencing will serve this purpose, it is essential that a comprehensive Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) be provided before any development begins. These documents should be secured by condition to ensure that appropriate measures are in place to protect retained trees during the construction process.

In the tree survey schedule, many recommendations are listed as "Retain or remove as per development plans." It is important that the retention of all trees, including those categorized as A to C, be prioritized wherever possible. I am pleased to see that the Arboricultural Impact Assessment (AIA) indicates that only a small section of hedgerow will be removed, which aligns with the goal of minimizing tree loss.

HBC Ecology: 03/12/2024

Holding objection

Additional Ecology documents have been submitted.:

- Ornithological Impact Assessment
- Ecological Impact Assessment
- Biodiversity Metric
- Biodiversity Statement

Ornithological Impact Assessment

The presence of [mostly high] numbers of several species of conservation importance (noted below) is very significant in Hartlepool borough terms. Many of these species are in decline in the borough, largely due to habitat loss from significant swathes of development on arable land. In the context of Hartlepool borough, the loss of 'farmland birds' must be considered as an 'in-combination' likely adverse effect. For example, within the northern area of the borough there has been a change of land use from arable to a solar farm at Hartmoor off Worset Lane and from arable to major housing developments at Upper Warren and Quarry Farm.

The figures of 19 species holding 88 territories include species of national, regional and district importance. While song thrush, tree sparrow, whitethroat, willow warbler, wood pigeon, wren and yellowhammer (37 territories in total) are likely to be less affected due to preferring hedges, scrub and woodland, the other species are likely to be lost, and the recommended mitigation and compensation measures are unlikely to prevent losses of significant breeding birds. The Ecology Section assesses that lapwing and curlew, for example, are unlikely to remain as breeders.

More detail is needed on the compensation measures (copied into box below):

- Details of the proposed sensitive management of habitats beneath panels with justification of how this will prevent breeding birds from abandoning the site.
- Details of the amount and location of 'land for open farmland species outside the solar footprint', with an assessment of how many species of conservation concern are already on there (they cannot double up) and how many displaced species might benefit. While creation of woodland and hedgerow is welcomed it will not benefit the suite of key ground nesting species.
- Details of what and where the proposed sensitive management measures will

be delivered, with justification of how these would benefit species losing their breeding sites.

Compensation measures from Ornithological Impact Assessment report.

The avoidance (section 5.1) and mitigation (section 5.2) measures are supported and should be conditioned.

Ecological Impact Assessment

The Ecology Service agrees with the findings stated in the EclA report. The recommendations (section 5) cover avoidance, mitigation and compensation and these should be conditioned.

NB: More detail is required for the recommended compensation. This is stated as:

However, more compensatory details are given in section 4, Site Assessment. These include:

- Habitats - Loss of habitats will be compensated via the creation and management of habitats of higher diversity and distinctiveness such as Other Neutral Grassland (ONG) and Other Woodland; Broadleaved (OWB).
- Bats - Compensation measures including the creation of ONG, OWB and Native Hedgerows and enhancement of existing habitats will be implemented to minimise the risk of impacts during the operational phase of the development.
- Other priority species - Priority species may also be impacted by the loss of suitable habitat during the operational phase of the project. Biodiversity enhancements such as habitat creation and enhancement will improve foraging opportunities post development.

These measures should be listed with the two given compensation measures. It maybe the intention to capture all of these (including the bird ones) within the Construction and Ecology Management Plan (CEcMP), which is listed in 'Avoidance' section, and which should be conditioned.

The Ecology Service accepts that some biodiversity enhancements will have multiple benefits, e.g. counting as biodiversity gain in the statutory Biodiversity Metric, compensating for habitat losses and supporting Priority species.

Statutory Biodiversity Metric and Biodiversity Statement

These documents will be assessed once the Ecology Section has a copy of the statutory Biodiversity Metric Excel spread sheet (as the pdf document on the planning portal cannot easily be read).

Update 02/01/2025 following receipt of amended ecological details:

Ecology

- Slight differences in the amount of biodiversity change given.
- Reports supported.
- Various conditions required.

Additional Ecology documents have been submitted:

- Ornithological Impact Assessment (V2, 09/12/2024)
- Ecological Impact Assessment (V2, 10/12/2024)
- Statutory Biodiversity Metric (V4, 22/05/2024)
- Biodiversity Net Gain Statement & Assessment (V5, 19/11/2024)

Ornithological Impact Assessment

The recommendations (section 5) cover avoidance, mitigation and compensation and these should be included in a Construction and Ecology Management Plan (CEcMP) which should be conditioned. If prepared (as mentioned in section 5.3), the Landscape and Ecological Management Plan or Habitat Management and Monitoring Plan should also be conditioned.

The Ecology Service has concerns regarding the presence of several bird species of conservation importance, often in good breeding numbers (noted below) – which HBC assesses as being of high significance in Hartlepool borough terms. Many of these species are in decline in the borough, largely due to habitat loss from significant swathes of development on arable land. In the context of Hartlepool borough, the loss of ‘farmland birds’ should be considered as an ‘in-combination’ likely adverse effect. For example, within the northern area of the borough there has been a change of land use from arable to a solar farm at Hartmoor off Worset Lane and from arable to major housing developments at Upper Warren and Quarry Farm.

A total of 27 SoCC were recorded during the BBS (see Table 3 and mapped in Appendix B).

Of the 22 SoCC recorded, a total of 136 territories were identified. 19 of the species were considered to be holding territory on Site: Curlew (one territory), Duncock (10), Grey Partridge (4), Lapwing (2), Linnet (7), Mallard (1), Meadow Pipit (1), Oystercatcher (1), Quail (1), Reed Bunting (1), Skylark (10), Song Thrush (2), Tree Sparrow (1), Whitethroat (1), Willow Warbler (1), Woodcock (4), Wren (4), Yellow Warbler (1), Yellowhammer (1). The nocturnal survey did not record any nocturnal or crepuscular species holding territory on Site.

The figures of 19 species holding 88 territories include species of national, regional and district importance. While song thrush, tree sparrow, whitethroat, willow warbler, wood pigeon, wren and yellowhammer (37 territories in total) are likely to be less affected due to preferring hedges, scrub and woodland, the other species are likely to be adversely impacted, and the recommended mitigation and compensation measures are unlikely to prevent losses of some of these breeding birds. The report has considered several compensation measures (copied into the box below) and assessed their likely impact.

Compensation measures from Ornithological Impact Assessment report.

5.3 COMPENSATION/ ENHANCEMENT

Compensation is proposed to address the impacts on habitats which cannot be avoided or mitigated:

- Neutral grassland habitat will be created beneath, and in the boundaries, surrounding the panels which will provide increased foraging and potential nesting resource for bird species in comparison to the intensively managed pasture grasslands already identified on Site. Sward height will be managed to create variation (either through direct management or low-density grazing), in turn creating

microclimates that provide opportunities for avian prey in the form of insects and small mammals as well as birds themselves. Cover of bare ground will be maintained at between 1-5% of the grassland habitats to provide foraging habitat for a range of ground nesting birds. Further detail will be provided in a Landscape and Ecological Management Plan or Habitat Management and Monitoring plan.

- Two areas to the northwest and southwest of the Site have been chosen as 'Skylark Mitigation Areas' to a total area of approximately 4.6ha (Appendix A). These areas will be managed as open semi-natural grassland fields away from panels and will provide suitable alternative breeding and foraging habitat for ground nesting species that may potentially be displaced as a result of the development such as Skylark, Quail, Meadow Pipit, Grey Partridge, Lapwing and Curlew. The areas were chosen as they are currently only occupied by a single Skylark pair, therefore displaced birds will not have to compete with birds already occupying the habitats. The habitats will be created with the same methodology as the neutral grasslands in the majority of the Site, however it will be managed specifically for ground nesting species. This will include an early March cut to ground level before the breeding season starts, followed by low intensity management through the breeding season, to allow skylark to successfully raise the maximum number of broods possible. The grassland should then be left to grow tussocky through the winter to provide suitable wintering habitat. Further detail will be provided in a Landscape and Ecological Management Plan or Habitat Management and Monitoring plan.

- Although hedgerow and woodland species are unlikely to be significantly impacted by the development new hedgerow creation is proposed (Appendix A) and aims to further increase nesting and foraging resources for birds on Site and will prioritise the use of native species which are ideally of local provenance. This will 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. Further detail will be provided in a Landscape and Ecological Management Plan or Habitat Management and Monitoring plan.

These measures should go some way to minimizing breeding bird losses, although some losses are likely, for example, the 4.6 Ha of 'Skylark Mitigation Areas' currently supports one pair of skylarks but is being managed with the aim of supporting up to 13 more (potentially displaced birds). The Ecology Section assesses that lapwing, curlew and quail are unlikely to remain as breeders, due to the relatively small areas of the two 'Skylark plots' and because quail favour cereal fields to nest in.

The avoidance, mitigation and compensation measures are acceptable.

Ecological Impact Assessment

The Ecology Service notes the findings stated in the EcIA report.

The recommendations (section 5) cover avoidance, mitigation and compensation and these should be included in a Construction and Ecology Management Plan (CEcMP) which should be conditioned.

The Ecology Service accepts that some biodiversity enhancements will have multiple benefits, e.g. counting as biodiversity gain in the statutory Biodiversity Metric, compensating for habitat losses and supporting Priority species.

Compensatory details are given in section 4, Site Assessment. These include:

- Habitats - Loss of habitats will be compensated via the creation and management of habitats of higher diversity and distinctiveness such as Other Neutral Grassland (ONG) and Other Woodland; Broadleaved (OWB).
- Bats - Compensation measures including the creation of ONG, OWB and Native Hedgerows and enhancement of existing habitats will be implemented to minimise the risk of impacts during the operational phase of the development.
- Otter and water vole – watercourse enhancements.
- Other priority species - Priority species may also be impacted by the loss of suitable habitat during the operational phase of the project. Biodiversity enhancements such as habitat creation and enhancement will improve foraging opportunities post- development.

Four compensation/ enhancement measures are listed in section 5.3.

5.3 COMPENSATION/ ENHANCEMENT

Compensation is proposed to address the impacts on habitats which cannot be avoided or mitigated:

- Loss of habitats will be compensated via the creation and management of habitats of higher diversity and distinctiveness such as ONG and Native Hedgerows which will in turn provide increased foraging and commuting resource for bats and other priority species
- Created Native Hedgerows and enhanced existing hedgerows will help to minimise the risk of impacts to bats during the operational phase of the development.
- Landscape planting shall include species native to the local area as well as berry and fruit bearing species alongside pollinator species, to provide increased foraging opportunities in the local area.
- Vegetation adjacent the watercourses will be removed from intensive farm works and managed as grassland and hedgerows to reduce run off and enhance riparian habitats.

The avoidance, mitigation and compensation measures are acceptable.

Statutory Biodiversity Metric and Biodiversity Statement

There is a discrepancy between the Statutory Biodiversity Metric (sBM) published on-line (in pdf format) and the one provided via the planning case officer, despite both being labelled as V4. The pdf version gives results as shown below (repeated in the Biodiversity Net Gain Statement & Assessment report as section 4.2.1).

4.2.1 Summary

Total Net Habitat Unit Change: +133.70 equating to +84.87% net gain.
Total Net Hedgerow Unit Change: +5.51 equating to +15.31% net gain.
Total Net Watercourse Unit Change: +2.67 equating to +14.61% net gain.

The Excel version gives results as shown below:

Total Net Habitat Unit Change: +134.14 equating to +85.15% net gain.
Total Net Hedgerow Unit Change: +5.51 equating to +15.31% net gain.

Total Net Watercourse Unit Change: +2.67 equating to +14.61% net gain.
The trading rules for this project are satisfied.

There is a small difference in Habitat Unit change. The figure needs to be checked, and the correct figure used going forward, to ensure that BNG is accurately recorded.

It is noted that the biodiversity uplift will be achieved as follows:

- 20.077 Ha of poor condition Modified grassland will be enhanced to 20.077 Ha of poor Other Neutral grassland.
- 0.908 Ha of moderate Modified grassland will be lost, 16.58 Ha of poor Modified grassland will be lost, and 40.291 Ha of Cereal crops will be lost – these will be replaced with the creation of 0.562 Ha of moderate Other woodland broadleaved and 56.458 Ha of poor Other neutral grassland.

The methods for achieving this will need to be written into the Biodiversity Gain Plan and accompanied by a Habitat Management and Monitoring Plan, (which are referred to in section 5.1, Pre-commencement conditions – see below). These must be conditioned.

5.1 PRE-COMMENCEMENT CONDITIONS

5.1.1 Biodiversity Gain Plan

A Biodiversity Gain Plan will need to be submitted as part of the fulfilment of a Biodiversity Net Gain pre-commencement condition using the Biodiversity Gain Plan Template. This Gain Plan will include the legal documentation evidencing any Biodiversity Units secured via a Third-Party Provider and/or Statutory Credits purchased by a Third-Party provider.

5.1.2 Habitat Management and Monitoring Plan

The Gain Plan will need to be accompanied by a Habitat Management and Monitoring Plan (HMMMP) using the DMRPA template. This plan sets out how the "significant" biodiversity measures incorporated into the development will be managed and their impact on biodiversity monitored to ensure that net gain is achieved.

The BNG reports are acceptable.

Update 05/02/2025 following receipt of amended details:

Ecology

The Ecology Section has assessed the documents submitted since my 27/12/2024 response. The updated statutory Biodiversity Metric is now version 5. It gives the following 'final results' which I support.

FINAL RESULTS		
Total net unit change	100.70	
Loss of units (including units lost to other projects)	4.41	
Gain of units (including units gained from other projects)	105.11	
Total net % change	10.61%	
Loss of units (including units lost to other projects)	10.61%	
Gain of units (including units gained from other projects)	10.61%	
Trading rules satisfied?	Yes	

I have no comments on the other updated documents. NB: The Biodiversity Net Gain Statement and Assessment is labelled V5.0 and dated 19/11/2024 and is the version that was assessed in my previous response.

Required Ecological mitigation measures remain as per my 27/12/2024 response.

Update 17/03/2025 following amended to the layout and landscaping:

The Ecology Section has studied the submitted documents including 'Drawing number N1384-ONE-ZZ-XX-DR-L-0001, REV P06 Landscape Strategy' and the 'Technical Visualisations'.

These are acceptable and there are no Ecology concerns.

Natural England: No Objection

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

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below

Environment Agency: We have **no objections** to the above application as submitted. Please do not hesitate to contact me if you have any questions regarding the advice in this letter.

Decision notice - Information for LPA

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, an electronic copy of the decision notice or outcome.

HBC Public Protection: 1. **No objections** subject to conditions below.

2. Comments and background to any licensing position

- None

3. Suggested Planning Conditions

- A 4.5m high solid barrier is to surround the plant. To be effective in practice, a barrier should have no cracks or gaps, be continuous to the ground, and have a surface density of at least 10 kg/m², such as a timber fence with overlapping boards or a brick wall.

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

- No open burning at all on site.

HBC Engineering Consultancy (Flood Risk and Drainage): A Drainage Strategy has been submitted to demonstrate and justify that the proposed solar farm, including access roads, BESS and solar panels, will not increase flood risk through the nature of the development. It is based upon recognised research (Cook and McCuen, 2013) showing that provision of full and maintained vegetation cover beneath the solar panels has minimal impact on the change in runoff characteristics from solar farm sites. We note that the concentrated strip of runoff from each row of solar panels runs parallel to natural overland flow routes across most of the site. Whilst the site does not appear overly steep, effective vegetation management is required to prevent erosion.

We do however need to understand the implications of the proposed interception swales in terms of runoff and local flood risk.

- How do natural overland flow routes, as indicated by the published surface water mapping, interact with the proposed site layout, including interception swales and does this increase downstream risk (i.e., by increasing the rate of discharge from site runoff to watercourse or diversion of flow)?
- Where are the discharge points for the interception swales and do they need permit to discharge?
- Given the large extent of the site, the volume of excavated material could be significant and must not be spread in areas that would interact with existing overland flow routes.
- Please confirm who will be responsible for maintenance of the proposed interception swales.

Update 19/11/2024 following receipt of amended details:

The Drainage Strategy demonstrates and justifies that the proposed solar farm, including access roads, BESS and solar panels, will not increase flood risk through the nature of the development. Comments from the initial review have been addressed through the submission of the revised Drainage Strategy report (HBF-BWB-ZZ-XX-RP-CD-0002_DS, Rev P07) and layout plan (HBFBWB-ZZ-XX-DR-CD-0001, Rev P07).

Update 14th January 2025 following receipt of amended details:

The Drainage Strategy demonstrates and justifies that the proposed solar farm, including access roads, BESS and solar panels, will not increase flood risk through the nature of the development. Comments from the initial review have been addressed through the submission of the revised Drainage Strategy report (HBF-BWB-ZZ-XX-RP-CD-0002_DS, Rev P07) and layout plan (HBFBWB-ZZ-XX-DR-CD-0001, Rev P07).

Update 17th February 2025 following receipt of amended details:

The Drainage Strategy demonstrates and justifies that the proposed solar farm, including access roads, BESS and solar panels, will not increase flood risk through the nature of the development. Comments from the initial review have been addressed through the submission of the revised Drainage Strategy report (HBF-BWB-ZZ-XX-RP-CD-0002_DS, Rev P07) and layout plan (HBF-BWB-ZZ-XX-DR-CD-0001, Rev P07).

Update 11th March 2025 following receipt of amended plans:

In regard to the recent re-consultation on the above (relating to Technical Visualisations and Landscape Strategy), we have no further comments to make and our previous comments in relation to flood risk and contaminated land still stand.

HBC Engineering Consultancy (Contaminated Land): The proposed development consists of the installation of ground mounted photovoltaic (solar) farm and battery

storage facility with associated infrastructure, engineering works, access and landscaping.

Comments from JBA Consulting relating to contaminated land risk on behalf of Hartlepool Borough Council: The proposed development is of relatively low risk, however there will be disturbance of the ground during the development of the site and it is therefore recommended that preliminary studies are undertaken to assess the potential for land contamination to be present.

It is recommended that conditions are applied to the development requiring the undertaking of Preliminary Risk Assessment (desk study) in accordance with LCRM guidance. Should this identify any potential risks, then subsequent ground investigations, geoenvironmental assessment and a remedial method statement to account for any contamination encountered should be submitted to and approved in writing by the Local Planning Authority, and in accordance with LCRM guidance.

HBC Commercial Services: The Commercial Services Team do not have any comments to make regarding this application.

Elwick Parish Council: On behalf of Elwick Parish Council. The Parish Council have **no objection** to the planning application, however the Parish Council would like to see any concerns raised by neighbouring farms / properties resolved if possible.

Dalton Piercy Parish Council: I just wanted to update you that I have now heard from the majority of Dalton Piercy Parish Councillors and they have stated they have **no objection** to Planning Application ref: H2024/0180.

Rural Plan Working Group: The group have **no comments** to make regarding this application.

Civic Society: Having looked at the proposal we feel that the visual impact on the surrounding area has not been mitigated sufficiently. The proposal goes some way to screening but in reality it is insufficient for such a large site. Whilst we welcome the extensive Landscape Report and its proposals we hope that this can be revisited and a more robust planting and screening scheme put in place.

Durham County Council: Following a review of the proposals, please find advice concerning the landscape and highways impacts related to the proposed solar farm development at High Barns.

Landscape Impact

The transformation from open farmland to a solar farm would result in a notable shift to a landscape dominated by man-made, industrial elements, which would cause harm to the existing character, quality, and distinctiveness of the landscape. In County Durham, views of the proposed development are anticipated to be limited, with largely infrequent, transient, and glimpsed views from C24 Hurworth Burn Road and C25 Coal Lane.

However, more substantial visibility may occur from the elevated public rights of way (PROW) network around Sheraton Grange Farm and Sheraton West Grange, where parts of High Barns Farm Solar would be visible alongside portions of the recently consented Sheraton Solar Farm.

Despite the presence of both developments in these views, the visual effects are considered relatively modest due to physical and visual separation between the sites, helping to limit the impact.

There are several energy infrastructure projects, either approved or under consideration, in both County Durham and Hartlepool, including Hulam Solar Farm, Hart Solar Farm, Sheraton Solar Farm, and Whelly Hill Solar, Battery Energy Storage System (BESS), and Electric Vehicle (EV) Service Station. Once constructed, this local landscape is likely to feature solar farms as a noticeable element, with potential significant cumulative impacts, particularly in sequential views along the A19, A179, and B1280. The proposed development at High Barns would increase the visibility of solar arrays and energy infrastructure within these sequential views, potentially intensifying this cumulative effect. Due to the localised nature of the impact on receptors in County Durham and the proposal forming part of a broader landscape context, I defer to Hartlepool's Landscape Officer to assess the efficacy of any proposed mitigation measures in alleviating the overall effects to an acceptable level within the wider planning balance. Special attention should be given to cumulative impacts, particularly regarding landscape character and local amenity, and to ensuring that any proposed perimeter mitigation measures are carefully considered.

Highways Impact

Given the distance from County Durham roads and the submitted proposed routes for construction traffic, there is no anticipated impact on Durham's local road network. Therefore, as the neighbouring highway authority, Durham County Council offers no objection to the proposal on highways grounds.

Teesmouth Bird Club: This application contains no mitigating measures for the loss of breeding habitat for the bird species listed in the ecologist's survey. 35 species are recorded as breeding, of which 9 are in the Red Category of Concern and 13 in the Amber. All species require a farmland habitat for nesting and foraging. Some species are totally intolerant of the proximity of large objects obscuring line of sight when nesting and feeding on the ground. Others are hedge nesting species which rely on adjacent open ground for feeding. Arrays of solar panels are thus totally inimicable. The Habitat Management Plan (Draft V 1.0 April 2024) claims the creation of 56.5 Ha of neutral grassland. In reality, this statement is merely only the conversion of the site's present arable and grazing areas by sowing with a grass species mix for annual hay cropping (no programme of biodiversity sensitive cutting schedules is detailed).

Cleveland Police: Solar farm crime is emerging as a new threat to the renewable energy industry. The current economic and energy crisis has led to an increased demand for renewable alternatives like solar, and criminals across the UK are exploiting this. Solar Farms in remote locations are most at risk.

I've had a look at the plans and Design and Access Statement.

I've noted the use of CCTV with infra-red capability. Is it possible to use cameras that will 'see' in colour in all lighting conditions?

Fencing suggested for the substation is a palisade type – standard palisade can be breached fairly quickly. A high security derivative should be chosen, or consider suitable high security weld mesh or Exmesh equivalent products. Be careful not to provide climbing aids into the solar farm and substation areas e.g. at gate locking areas.

I've included a useful document that may assist the applicant when considering security measures for the site.

Cleveland Fire Brigade: Cleveland fire Brigade **offers no representations** regarding the development as proposed. However, following guidance from the National Fire Chiefs Council regarding BESS sites, the following should be noted: Suitable facilities for safely accessing and egressing the site should be provided. This should include:

- At least 2 separate access points on to the site to account for opposing wind conditions/direction.
- Roads/hard standing must be capable of accommodating fire service vehicles in all weather conditions to a minimum of 18 tonnes. As such there should be no extremes of grade.
- Perimeter road or roads with passing places must be afforded and suitable for fire service vehicles. Road networks should enable unobstructed access to all areas of the facility.
- Turning circles, passing places must accommodate 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.

As a minimum, it is recommended that hydrant supplies for boundary cooling purposes should be located close to BESS containers (but considering safe to access in the event of a fire) and should be capable of delivering no less than 1,900 litres per minute for at least 2 hours.

Marine Management Organisation: Thank you for contacting the MMO North Shields Team regarding the Installation of ground mounted photovoltaic (solar) farm and battery storage facility with associated infrastructure, engineering works, access and landscaping and proposed change of access site (part retrospective) and incorporation of temporary access road, site infrastructure and integrated mitigation measures to allow for completion of the consented landfill operations. As the regulator for marine activities in the waters around England & Wales, the MMO has a profound interest in all Marine Projects and Nationally Significant Infrastructure Projects below Mean High Water Springs and may require consultation on these specific projects. Please be aware that it is down to the applicant themselves to take

the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark. Our status as a Coastal Operations Team means that we do not directly take ownership of these cases at this time, your communication should instead be direct to the MMO Marine Licensing Team, who can be contacted via email at via telephone on MMO coastal teams will only respond to consultation responses from the Marine Licensing team via the Marine Case Management system. We will therefore not be making any further comment on your enquiry at this time.

National Grid: Regarding planning application H/2024/0180 at site location 'HIGH BARNES FARM COAL LANE ELWICK HARTLEPOOL TS27 3HD' there are no National Gas assets affected in this area.

Northern Powergrid: No objections, plan attached.

Northern Gas: We object to your planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out. There are specific building proximity distances for individual pipelines, which are dependent on pre-defined risk levels and the type of development.

Update 26/02/2025 following discussions with the applicant:

We **withdraw our objection**.

Anglian Water: This application is outside of Anglian Water's sewerage boundary - we have no comments to make thereon.

Please note Anglian Water will only comment on drainage/surface water within our boundaries.

Update 09/05/2025 following re-consultation on amended plans:

Anglian Water OBJECT to the H/2024/0180/ (Full) application at this stage.

We need to inform you that there is a 3 inch water main which is crossing the development site and may be affected by the proposed development.

Anglian Water does not permit these assets to be located within the curtilage of any proposed building and we do not permit permeable paving or suds features over our assets. These assets should be located in areas of public open space and/or adoptable highways to ensure on-going maintenance and access is possible.

To overcome our objection your site layout need to take account of the location of the asset and should be referred to in any master planning exercises or site layout plans submitted as part of any subsequent planning application.

We would like to be re-consulted when the applicant submits a revised development layout with the application. The applicant can contact us for advice.

Update 09/05/2025 following discussions with the applicant:

We have reviewed the new site layout plan submitted by the applicant, which clearly identifies Anglian Water's asset crossing the development site. We are satisfied that the proposed development does not encroach on the easement or restrict access to the mains pipe.

Therefore, we are happy to **remove our objection**.

Northumbrian Water: I can confirm that we have no comments to make, as no connections to the public sewerage network are proposed in the application documents and it is indicated that surface water will discharge to the existing watercourse.

HSE Web App: HSE Planning Advice does not have an interest in the development.

HBC Estates: No comments received.

Ramblers Association: No comments received.

HBC Waste Management: No comments received.

HBC Public Health: No comments received.

CPRE: No comments received.

HBC Parks and Countryside: No comments received.

INCA: No comments received..

RSPB: No comments received.

Tees Valley Wildlife Trust: No comments received.

DEFRA: No comments received.

Cleveland Emergency Planning Officer: No comments received.

PLANNING POLICY

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

Local Policy

Hartlepool Local Plan

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

Policy	Subject
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SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
CC5	Large Scale Solar Photovoltaic Developments
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
INF2	Improving Connectivity in Hartlepool
RUR1	Development in the Rural Area
HE1	Heritage Assets
HE2	Archaeology
HE3	Conservation Areas
NE1	Natural Environment
NE2	Green Infrastructure
NE4	Ecological Networks

Hartlepool Rural Plan

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

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles
T1	Improvements to the Highway Network
T2	Improvement and Extension of the Public and Permissive Rights of Way Network
NE1	Natural Environment
NE2	Renewable and Low Carbon Energy
HA1	Protection and Enhancement of Heritage Assets
HA2	Protection and Enhancement of Conservation Areas

National Planning Policy Framework (NPPF)(2024)

1.38 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:

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
038	Positive and creative decision approach to decision making
047	Applications to be determined in accordance with the development plan, unless material considerations indicate otherwise
55	Use of conditions or planning obligations
57	Planning obligations tests
102	Open space and recreation
104	Public Rights of way
114	Promoting sustainable transport
115	Highway safety
116	Promoting sustainable transport
117	Travel plans
135	Achieving well-designed and beautiful places
139	Achieving well-designed and beautiful places
140	Achieving well-designed and beautiful places
157	Support the transition to a low carbon future in a changing climate
163	Meeting the challenge of climate change, flooding and coastal change
165	Planning and flood risk
173	Planning and flood risk
175	Planning and flood risk
180	Conserving and enhancing the natural environment
186	Habitats and biodiversity
189	Ground conditions and pollution
191	Ground conditions and pollution
203	Proposals affecting heritage assets
206	Conserving and enhancing the historic environment
207	Conserving and enhancing the historic environment
208	Conserving and enhancing the historic environment

Tees Valley Minerals and Wastes DPD

1.38 The following policies in the TVMW DPD are considered to be relevant to the application:

Policy	Subject
MWP1	Waste Audits

HBC Planning Policy comments: HBC Supplementary Planning Documents*Transport Assessments / Statements and Travel Plans SPD 2010*

This SPD was prepared under the 2006 local plan and prior to the national planning policy framework but it still contains useful guidance for when assessments are likely to be required, content, structure etc.

Trees and Development Guidelines SPD 2013

The SPD provides a comprehensive guide on the standards that the Council will expect from new development proposals in relation to existing and proposed trees. Should an application be submitted the principles established within the SPD should be considered along with those set out within the NPPF.

Green infrastructure SPD and Action Plan 2020

GI is important for the people who live, work in and visit the borough, and is also critical for a multitude of species which are present and are at risk of displacement due to development.

The council's Green Infrastructure Supplementary Planning Document (SPD) is split into two documents; the SPD itself and the accompanying Action Plan. This document provides information regarding the importance of Green Infrastructure (GI) within the borough and details the council's GI vision and what GI can be found within the borough, highlighting where there are any gaps which need to be addressed. The Action Plan builds upon this, setting out specifically where improvements are needed to enhance the GI network within the borough.

Public Rights of Way Standards and Guidance SPD 2020

The SPD provides standards and advice for development proposals which affect PRow. Consideration should be given to affected PRow at an early stage of the design process. PRow should also be designed into development proposals to deliver the most sustainable and viable scheme.

CONSIDERATION OF PROPOSALPrinciple of development

The proposed site is located beyond the limits to development. Policy LS1 of the local plan sets out the locational strategy for development within Hartlepool which is based on a strategy of balanced urban growth, concentrating expansion in areas adjoining the existing built up area, allowing Hartlepool to grow in a sustainable manner. The proposal is beyond the limits to development within the open countryside. It is noted that the nature of the proposal does not enable its location to

be within the urban area and the proposed site meets the necessary requirements for large scale solar development.

National planning guidance sets out that the effective use of land should be encouraged by focusing large scale solar farms on previously development land and non-agricultural land, provided it is not of high environmental value. Where a proposal involves greenfield land the use of agricultural land should be shown as necessary and poorer quality (Grade 3B), and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays (para 013 Reference ID: 5-013-20150327). In considering the submitted information the proposal is on poorer quality agricultural land, continued agricultural use can be accommodated through grazing and biodiversity enhancements are proposed.

The Borough Council aim to help minimise and adapt to climate change and sets out within Policy CC5 of the Local Plan that proposals for large scale (over 0.5MW) ground based solar photovoltaic developments will be supported subject to consideration of the following criteria:

- 1) 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;

The submitted planning statement states that the site does not comprise of the best and most versatile land, being made up of Grade 3B, and would therefore satisfy part of criteria one. The applicant has set out that a site selection process was undertaken and the 'physical attributes' of the site along with the need for large scale renewable energy production to meet domestic energy needs cannot be accommodated within the urban area. Planning Policy consider that criterion 1 is met.

- 2) affect on the amenity of occupiers of any nearby properties and/or land;

Comments should be sought from Environmental Health to determine amenity impacts of the proposal.

- 3) 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;

The site is not within a Special Landscape Area, the proposal incorporates planting and retention of existing hedgerows. Comments from HBC landscape architect should be sought to determine the proposals accordance with this criterion.

- 4) effect of glint and glare on the landscape, neighbouring uses, highway and aircraft safety and on the passage/flight lines of migratory birds;

Planning Policy trust that the correct technical consultees can give a view on this criterion.

- 5) the need for, and impact of, security measures such as lighting and fencing;

Security and fencing are included within the proposal, therefore this criterion can be met.

- 6) impact, either individually or cumulatively, on the significance of a heritage asset including its setting;

The site is separated by the A19 from the Elwick Conservation Area and a Scheduled Monument, however there is inter-visibility between the site and Elwick, therefore the comments from Heritage Manager should be sought to determine the proposals accordance with this criterion.

- 7) impact, either individually or cumulatively, on internationally, nationally or locally important species and habitats;
8) an assessment of opportunities provided by the development to enhance biodiversity interest, including for example wildflower planting, and

Comments from HBC ecologist should be sought to determine the proposals accordance with criterion 7 and 8.

- 9) an assessment of flooding and drainage issues.

Comments from HBC engineers should be sought to determine the proposals accordance with this criterion.

Policy CC5 also sets out that all proposals should include details of how the site will be restored to at least its original condition when the development has reached the end of its operational life. In most cases applicants should provide an end date for the scheme to demonstrate the temporary nature of a solar photovoltaic development. The applicant has set out within their planning statement that the site will be returned to its original state and agricultural use once decommissioned and Planning Policy consider this to be acceptable

Policy NE2 of the Hartlepool Rural Neighbourhood Plan supports renewable and low carbon energy schemes, whilst considering adverse impacts on

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

If the decision maker considered the above criteria have been satisfied, the proposal would be in accordance with NE2.

The proposal is within close proximity to a designated Local Wildlife Site, NE1c of the Local Plan states that development which would adversely affect a local designated site will not be permitted unless the reasons for development outweigh the harm. The views of HBC Ecologist will be paramount in determining the proposals accordance with policy NE1c.

NE1.13 sets out that the character, distinctiveness and quality of the Boroughs landscape is protected and, where appropriate enhanced through careful/sensitive design of proposals. The comments of the HBC Landscape Architect will be paramount on determining the impact on the landscape character.

Consideration with regards to development in the Rural Area

The proposal is beyond the urban limits and thus considered to be in the rural area, policy RUR1 is a key policy in considering this proposal.

Policy RUR1 seeks to protect and enhance the rural area so that it's rural character and charm remains and is not lost to inappropriate development. Policy RUR1 sets out that development outside the development limits will be strictly controlled. The policy seeks to support the rural economy and it sets out that development in the rural area must be necessary for the viable operation of a number of land based businesses and/or other appropriate land based businesses. Due to the nature of the proposal, it is considered that a solar farm is an appropriate land based business under policy RUR1.

Policy GEN1 of the Rural Neighbourhood Plan establishes that development outside of the development limits will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local community. The proposal does not clearly sit within the above definitions. Public infrastructure is not defined and it is arguable that the development has some characteristics which may support the view that it was, or at least supported, public infrastructure, i.e. the energy supply network. The policy goes on to state that other development which supports the rural economy would be supported where it respects the character of the local countryside and does not have significant impact on the visual amenity and the local road network.

The character of the area is rural in nature consisting of agricultural fields, it is noted that the operation of the proposal would have limited physical impact and the positioning of the arrays would be within existing field boundaries, however, the visual character of the area would be changed. The overall scale of the proposal should be considered in respect to its proximity to Elwick Village Conservation Area and Scheduled Monument. The A19 acts as a physical separation between the two however there is inter-visibility. To determine the proposals accordance with GEN1 the views of HBC Landscape Architect will be paramount to assessing the impact on the local character and HBC engineers in regards to the impact on the local road network (see below).

Impact on grade separated Junction.

The site is adjacent to the approved grade separated junction of the A19 (H/2023/0057). Policy INF2 of the Local Plan sets out that no permanent

development will be permitted within land corridors for the grade separated junction on A19(t) at Elwick. The submitted layout plan (drawing ref P007066-03-PlanningLayout (Rev F)) shows the red line boundary for the site does not intrude upon the area required for the Elwick junction, however the general arrangement plan (ref PR568/OD/013-GA) does show an overlap in the north eastern edge of the site, clarity is required over this matter to confirm whether the proposal is in accordance with INF2.

Summary

The NPPF sets out that when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

The proposal is beyond the urban limits and within the rural area. The proposal meets part of the requirements of CC5 of the Local Plan and NE2 of the Rural Plan with input required from the relevant departments to determine whether the proposal meets the remaining requirements. The proposal meets the acceptable land uses of RUR1. The views of the Landscape architect will be paramount in determining whether the proposal addresses the requirements of policies GEN1.

Design

A 4.5m height close boarded timber fencing is proposed around the BESS compound area for noise mitigation. Planting should be provided in front of the fence, in particular where visible from Coal Lane, to soften its visual impact.

Update 10/02/2025 following amended plans:

The amendments do not seem to be principle of development issues so we won't give comments.

Update 24/03/2025 following amended plans:

Planning Policy have no further comments in relation the additional information submitted.

Comments from HBC landscape architect should be sought to determine the proposals accordance with criterion 3 of Local Plan CC5.

PLANNING CONSIDERATIONS

1.39 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, aircraft safety and public rights of way (PRoW), ecology and nature conservation, flood risk and drainage, archaeology and other heritage assets and loss of agricultural land. These and any other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

Site allocations

1.40 The application site is located beyond the development limits as defined by Policy LS1 of the Hartlepool Local Plan (HLP, 2018) and the HLP Policies Map (2018), and outside the development limits (Policy GEN1) although not within the identified Green Gaps of the Hartlepool Rural Neighbourhood Plan (HRNP, 2018).

Planning policies relating to renewable energy development

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

1.42 Policy CC1 of the HLP (2018) seeks to minimise, mitigate and adapt to climate change. The principles of this policy, among other things, encourage the reduction, reuse and recycling of materials. It is of note that the proposed development would 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.

1.42 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.

1.43 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.

1.44 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 applicant has set out that a site selection process was undertaken and the 'physical attributes' of the site along with the need for large scale renewable energy production to meet domestic energy needs means it cannot be accommodated within the urban area. As discussed in the section below the proposals avoids the use of the best and most versatile agricultural land.

1.45 The application is supported by an Agricultural Land Classification Report which concludes that the application site is entirely grade 3b agricultural land and therefore of lower quality than Best and Most Versatile (BMV) land. As such, whilst it is acknowledged that the proposals would result in the loss of agricultural land, the Council's Planning Policy team do not raise any objections to the scheme in this respect.

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

1.47 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 and any loss would be for the duration of the project albeit some 40 years.

1.48 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.

1.49 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.

1.50 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.

1.51 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.*

1.52 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.

1.53 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.

1.54 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.

1.55 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.

Other relevant planning policies – development in the rural area

1.56 Policy RUR1 (Development in the Rural Area) of the HLP (2018) and Policy GEN1 of the HRNP (2018) are relevant.

1.57 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.

1.58 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.

1.59 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.

1.60 Public infrastructure is not defined and it is arguable that the development has some characteristics which may support the view that it was or at least supported by the public infrastructure, i.e. the energy supply network. However, it is considered that it does not sit comfortably within the definitions within Policy GEN1 of the HRNP. Notwithstanding this, it is considered to be appropriate development 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.

1.61 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 wider surrounding area (beyond the A19 trunk road to the east); 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, the application site is not identifiable as 'best and most versatile' agricultural land (Grades 1-3a).

1.62 In view of the above, it is considered that overall, the proposal is broadly considered to be appropriate development 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).

Principle of Development Conclusion + Planning Balance

1.63 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 the proposed solar farm would significantly and demonstrably outweigh any identifiable harm to the visual amenity of area (which is discussed in further detail below and to which the proposal is, on balance, considered to be acceptable in such respects), and therefore the principle of development would be acceptable in this instance.

1.64 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 when travelling 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. 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 submitted planting plan to include the installation of some additional planting particularly along the eastern boundaries.

1.65 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.

1.66 In conclusion, and when weighing up the balance of the (local and national) policies in favour of the proposed 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 in terms of its contribution to renewable energy supplies, 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)

1.67 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.

1.68 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.

1.69 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.

1.70 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, low landscape value and of low visual quality.

1.71 Through the consultation process, Durham County Council (LPA) have 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.

1.72 It is noted that the proposed solar farm (and associated development) would be adjacent to and within close proximity of the approved grade separated junction improvements to the A19 trunk road (by virtue of H/2023/0057). 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) whilst a number of energy related proposals have been approved and development in Hartlepool to the north east, on the opposite side of the A19 in the vicinity of the High Volts substation.

1.73 The proposed development would be visible from a number of vantage points, particularly when travelling along the A19 in either direction and when travelling

along Coal Lane and from public footpaths in the vicinity. As noted above, a public footpath Elwick No. 18 runs from the north west section of the application site to the A19 at the south east extent. 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.

1.74 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. The proposed DNO substation, customer substation, and battery storage area would be situated toward the southern boundary of the northern parcel of land (adjacent to Coal Lane) and would also be partially visible on approach along the A19 (in either direction), as well as from Coal Lane. It is acknowledged that these ancillary buildings (including the proposed BESS) would be afforded more screening from the existing and proposed landscaping to the northern boundary along Coal Lane.

1.75 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 should be acknowledged that the landscape here accommodates a major strategic highway (A19) and that views of the proposed development would be partially screened by the existing intervening vegetation, landform, built development and by the proposed landscaping proposals. It is also acknowledged that some of these views (from the A19) would be transitory as people moved through the landscape.

1.76 No objections have been received from Hartlepool Rural Neighbourhood Plan Group or from Elwick Parish Council or Dalton Piercy Parish Council in respect any visual impacts arising from the proposed development on the character, appearance and visual amenity of the rural area in the vicinity of Elwick or Dalton Piercy.

1.77 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).

1.78 The applicant's submitted Landscape and Visual Impact Appraisal (LVIA) concludes that the proposed development would result in effects on the landscape character greatest at the site itself, of "moderate" levels of effect, with "minor-moderate" in the immediate vicinity of the site, and "no greater than moderate" for glimpsed views from users of the A19 trunk road. The submitted LVIA concludes that the effect on nearby residential properties would be "adverse in the short to medium term but screening planting would be implemented to reduce these impacts in the medium to longer term". Finally, the submitted LVIA concludes that effects on recreational users of the landscape would be "up to moderate-major adverse" in the "worst case" (views from the PRoW that crosses the site), which would reduce over time to "moderate-minor".

1.79 Landscaping mitigation measures are proposed in the form of the enhancement of existing vegetation along the boundaries of the site particularly along the full eastern boundary, along Coal Lane, along the northern boundary and along the southern boundary, and the creation of rough species rich grassland within the site. During the course of considering the application, 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).

1.81 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 any residual impacts (as demonstrated on the submitted photomontages) would be mitigated by year 15 and be considered acceptable given the site context.

1.81 As noted above, the application site is gently undulating with a hill feature (Beacon Hill) adjacent in the north west corner, and is adjacent to the main trunk road of the A199. The application is accompanied by a Glint and Glare Assessment. The submitted details demonstrates that the proposed development would be relatively level with limited changes to the existing ground levels. Whilst this is considered acceptable in principle, final details of the proposed site levels can be secured by planning condition, which is recommended accordingly.

1.82 In this instance, it is noted that the proposed development would be relatively contained to an area of land to the west of the A19, and situated an appreciable separation distance from the solar farm to the east (under construction), and 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. Consideration is also given to the proposed existing and proposed screening to the northern, southern and eastern boundaries which would further serve to delineate and define the site boundaries and that views from the A19 would be for travellers whose primary purpose is not scenic touring. 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 unduly harmful cumulative impacts.

1.83 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 trunk road of the A19.

1.84 Finals details of the lighting can be controlled by a planning condition, which is recommended accordingly.

1.85 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

1.86 High Barns Farmstead is situated within the centre of the application site at a separation distance (at the closest point) of approximately 30m remaining from the proposed solar panels to the north, approximately 32m to the proposed solar panels to the east and approximately 70m to the proposed solar panels to the west, with intervening hedgerows and access roads. To the south, the main farmstead is situated approximately 200m from the southern boundary (and Coal Lane), all of which is situated outwith the red line boundary.

1.87 Given that High Barns Farmstead would, in effect, be surrounded by the proposals, with an expanse of solar farm to the north, east and west and the proposed BESS structured and compound situated approximately 230m to the south west, the case officer requested that the applicant submit a Residential Visual Amenity Assessment. The applicant responded to confirm they were unwilling to submit a RVAA, however pointed out that the submitted Glint and Glare Assessment and LVIA assessed impacts on the amenities of residential properties.

1.88 The submitted Glint and Glare Assessment, LVIA, 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 High Barnes Farmstead.

1.89 Taking into account the low level nature of solar arrays, the above mentioned separation distances with screening in the form of existing and proposed hedgerows, 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 this neighbouring property in terms of loss of outlook, overbearing impression, overshadowing or overlooking, as to warrant a reason to refuse the application.

1.90 There are four residential properties situated to the north of the application site, with minimum separation distances being approximately 45m to Middleton House Farm, and separation distances of approximately 110m to Middleton Farm Bungalows. There are five residential properties situated to the south, with minimum separation distances being Sunset Cottage, situated approximately 70m to the south. Three residential properties are situated to the west, with the closest being High Farm, at a separation distance of approximately 60m to the boundary of the proposed solar farm. The village of Elwick is located approximately 400m to the east. It is considered that the substantial separation distances outlined above, in

combination with the low level form of the proposed solar panels, 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 of these other properties.

1.91 In terms of noise, the application is accompanied by a Noise Impact Assessment which concludes that the proposed development (namely the BESS and substation compound) would have the potential to result in some local noise impacts, and mitigation measures comprise the installation of an acoustic fence around this part of the proposals. Subject to this mitigation, the submitted Noise Impact Assessment concludes that the proposals would not result in any significant impacts in terms of noise. The Council's Public Protection team have not raised any objections, in this respect. A planning condition can secure the installation of the acoustic fence, and details of any lighting, and is recommended accordingly.

1.92 As noted above, the proposals include some 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) in terms of dust or air quality disturbances. The Council's Public Protection team have requested planning conditions controlling hours of construction (Monday to Friday 8am – 6pm and Saturdays between 9am-1pm) which is duly recommended.

1.93 In view of this and given the 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.

1.94 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, AIRCRAFT SAFETY & PUBLIC RIGHTS OF WAY

1.95 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.”

1.96 The application site is located immediately to the west of the A19 and would be accessed via three separate points from Coal Lane.

1.97 The Council's Highways, Traffic & Transport section and National Highways have been consulted on the application and the submitted Transport Statement and Glint and Glare Study.

1.98 It should be noted that any required highway works/measures including the creation of the access and other works from Coal Lane 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.

1.99 The submitted Transport Statement (TS) indicates that proposed solar farm would, during construction “lead to an increase in traffic movements of 4-5 two-way HGV movements per day”. The Transport Statement indicates that once operational, vehicle movements would be limited to approximately two van trips per month.

1.100 HBC Traffic and Transport have been consulted on the proposals and confirmed no objections. National Highways have advised that subject to planning conditions in respect of the Glint and Glare and screening in the form of planting and the submission and approval of a construction traffic management plan, there are no objections to the proposals. These planning conditions are recommended accordingly.

1.101 The Civil Aviation Authority (as a statutory consultee) and Teesside Airport were consulted and no objections were received.

1.102 As noted above, the application would necessitate the diversion of a PRoW, public footpath Elwick No. 18 which runs from the north west section of the application site to the A19 at the south east extent. The Council’s Countryside Access Officer has been consulted on the proposals and has confirmed that a suitable new potential route has been agreed upon between the Council’s Countryside Access Officer, the applicant and the land owner. Any diversion application would be the subject of a Public Path Diversion Order process, under Section 257 of the Town & Country Planning Act 1990. An informative can relay this to the applicant, and the application is considered to be acceptable in this regard.

1.103 Finally it is noted the site is bounded by the site of the proposed new Elwick Grade Separated junction which is indicated on the proposed plans. No objections from National Highways, or HBC Traffic & Transportation have been received in this respect. In terms of its impact on highway & pedestrian safety, aircraft safety & public rights of way the proposal is considered acceptable.

ECOLOGY & NATURE CONSERVATION

Biodiversity Net Gain

1.104 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.

1.105 Paragraph 193 (a) of the NPPF (2024) states that when determining planning applications, local planning authorities should apply the following principles:

- 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.

1.106 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.

1.107 The Council's Ecologist has had regard to the supporting Ecological Impact Assessment and Biodiversity Net Gain Statement and Assessment and has confirmed that the intended increase of 133.63 habitat (area) units (which equates to an approximate 85.15% net gain), and an increase of 5.51 hedgerow (linear) units (representing an approximate 15.31% net gain), and an increase of 2.67 watercourse units (representing a 14.61% net gain) is acceptable.

1.108 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

1.109 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.

1.110 It is acknowledged that objections have been received from Teesmouth Bird Club in respect of ecological impacts. As detailed above, the application has been supported by an Ecological Impact Assessment, as well as an Ornithological Impact Assessment, a Skylark Mitigation Plan, a BNG Report, and BNG Metric Calculations. The Ecological Impact Assessment recommends avoidance and mitigation measures to be captured in a Construction Ecological Management Plan (CEMP), to include low impact lighting, excavations being covered overnight, two way badger gates, daytime hours of construction and pre-construction mammal checks for otter, water vole and badger.

1.111 The Council's Ecologist has advised that the proposal would have likely impacts on a number of breeding birds, and that whilst the skylark mitigation planting would support skylark, other species such as lapwing, curlew and quail are unlikely to remain in the area.

1.112 The submitted Ecological Impact Assessment details compensation measures including the planting of neutral grassland habitat, and the submitted Planting

Strategy indicates two areas of skylark mitigation planting and enhancements to the watercourse, which the Council's Ecologist has confirmed are acceptable, subject to a planning condition to ensure that the above detailed mitigation measures are provided, which is secured accordingly.

1.113 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 solar farm, 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.

1.114 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

1.115 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.

1.116 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.

1.117 The application includes a supporting LVIA and a supporting Ecological Impact Assessment and Landscape General Arrangement plans, which indicate the planting of native tree and shrub planting, with the majority being to the eastern boundary, as well as grassland planting throughout the application site. The submitted Ecological Impact Assessment indicates that the landscaping mitigation scheme as proposed would "include species native to the local area as well as berry and fruit bearing species alongside pollinator species, to provide increased foraging opportunities for the local area".

1.118 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 the application is considered to be acceptable in this respect, subject to this requisite planning condition.

Ecology Conclusion

1.119 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

1.120 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.

1.121 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. A planning condition can ensure that the agreed drainage is implemented, which is recommended accordingly. Subject to this, the proposal is considered to be acceptable in this respect.

1.122 Anglian Water were consulted on the application and objected to the scheme owing to a lack of confirmation that the proposals would avoid land over their assets. Following confirmation with the applicant, Anglian Water confirmed that they are satisfied with the proposals and have no objections to the scheme.

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

1.124 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

1.125 Policy HE2 'Archaeology' of the HLP requires new development to identify potential impacts on archaeological artefacts and sites. Tees Archaeology initially commented that there is potential for archaeological remains within the application site, and requested that further investigations be undertaken prior to the determination of the application. In response, the applicant submitted a letter justifying why they were unwilling to carry out pre-determination trial trenching, however committing to carrying out the requested evaluation trenches and any additional mitigation, prior to the commencement of development. Tees Archaeology have confirmed that, although pre-determination trial trenching would still be the preferred option, the applicant's proposed approach to archaeological work is acceptable in this instance, to minimise the impact of the proposed development upon any archaeological remains in this instance. These measures are recommended to be secured by three planning conditions, subject to which the proposal is considered to be acceptable in this respect.

1.126 The application site is situated approximately 360m to the north of Elwick Windmill, a Grade II listed building, and approximately 400m to the west of Elwick Village and Conservation Area, both of which are considered to be designated heritage assets. A Heritage Statement has been provided as part of the application, which concludes that the proposal would have an insignificant impact on those heritage assets. The Council's Head of Service for Heritage and Open Space has confirmed that the proposals would be acceptable in this instance, confirming no objections.

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

LOSS OF AGRICULTURAL LAND

1.128 It is acknowledged that an objection from a member of the public has raised concerns that the proposals would impact on food security. As noted above, the submitted Agricultural Land Classification Report concludes that the application site is entirely grade 3b agricultural land and therefore of lower quality than Best and Most Versatile (BMV) land. As such, whilst it is acknowledged that the proposals would result in the loss of agricultural land, it is accepted that the scale of such a development along with the need for a large scale renewable energy production would not be possible within the urban area, and the Council's Planning Policy team are satisfied that the principle of development is, on balance, considered to be acceptable when weighing up the relevant material planning considerations. It is also noted that for the most site any loss would not be permanent given the lifetime, albeit 40 years, of the proposed development.

1.129 It is not considered that the loss of agricultural land would outweigh the benefits of the proposal.

OTHER PLANNING MATTERS

Glint and Glare

1.130 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 there would be no significant adverse impacts on the amenity of residential properties, roads or airfields.

1.131 No residual objections have been received from HBC Traffic and Transport, National Highways or HBC Public Protection in this respect. Both the Civil Aviation Authority (as a statutory consultee) and Teesside Airport were consulted and no objections were received.

Fire Safety

1.132 The applicant is proposing a number of measures to deal with any risk of fire (CCTV monitoring, shut offs, temperature monitoring, on site water supplies etc). Cleveland Fire Brigade have been consulted by the LPA on the proposals (from the outset of the original consultation), they have raised no objections but 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

1.133 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. A number of related planning conditions are also recommended including the applicant providing confirmation of the date of first export of electricity 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

1.134 The Council's Engineering Consultancy has confirmed that the proposed development is of relatively low risk, however there will be disturbance of the ground during the development of the site and request that preliminary studies are undertaken to assess the potential for land contamination to be present, by way of a Preliminary Risk Assessment (desk study) in accordance with Land Contamination Risk Management (LCRM) guidance. Should this identify any potential risks, then subsequent ground investigations, geoenvironmental assessment and a remedial method statement to account for any contamination encountered should be submitted to and approved in writing by the Local Planning Authority, and in accordance with LCRM guidance. A planning condition is duly recommended in this respect, and the application is considered to be acceptable in this respect.

Safety and Security

1.135 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. Cleveland Police have confirmed no objections to the proposals overall, however have provided advice in respect of Secured By Design principles and other safety advice (including in respect of CCTV cameras). This can be relayed to the applicant via an informative. The proposal is considered to be acceptable in this respect.

Other Matters

1.136 The Environment Agency has not provided any objections in respect of this application, however they have requested notification of the decision. A letter advising of the outcome of the application will be issued in the usual way.

1.137 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 although they initially objected to the application, following discussions with the applicant they have confirmed that they have no objections to the proposed development.

CONCLUSION + PLANNING BALANCE

1.138 The proposals will 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.

1.139 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 A19 and Coal Lane, and PRow, 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.

1.140 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.

Officers therefore recommend that the application be approved subject to appropriate planning conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.141 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.142 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. There are no Section 17 implications.

REASON FOR DECISION

1.143 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. 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. P007066-06-SiteLocation Rev G (Site Location Plan, scale 1:2000), Dwg. No. P007066-07-ArraySections Rev C (Array Section Views), Dwg. No. P007066-08-FenceSections Rev A (Fence Section Views), Dwg. No. P007066-09-TXStationSections Rev B (Transformer Station Section Views), Dwg. No. P007066-10-CustSubSections Rev B (Customer Substation Section Views), Dwg. No. P007066-11-EHVSubSections Rev A (EHV Substation Section Views), Dwg. No. P007066-12-BatterySections Rev B (Battery Storage Section Views), Dwg. No. P007066-13-AcousticFence Rev A (Acoustic Fence), received by the Local Planning Authority on 5th June 2024;

Dwg. No. P007066-16-SkylarkMitigation Rev A (Skylark Mitigation), received by the Local Planning Authority on 31st October 2024;

Dwg. No. P007006-03-PlanningLayout Rev J (Planning Layout), received by the Local Planning Authority on 1st November 2024;

Dwg. No. N1384-ONE-ZZ-XX-DR-L-0201 Rev P01 (Detailed Planting Plan Sheet 1 of 2), Dwg. No. N1384-ONE-ZZ-XX-DR-L-0202 Rev P01 (Detailed Planting Plan Sheet 2 of 2), received by the Local Planning Authority on 10th April 2025; and

Dwg. No. N1384-ONE-ZZ-XX-DR-L-0001 Rev P07 (Landscape Strategy), received by the Local Planning Authority on 14th April 2025.
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 structures 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, neighbouring properties in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).

4. 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 or the lifetime of the development hereby approved (whichever is longer)) 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 for the A19. The scheme shall be in general conformity to the plan Dwg. No. N1384-ONE-ZZ-XX-DR-L-0201 Rev P01 (Detailed Planting Plan Sheet 1 of 2), Dwg. No. N1384-ONE-ZZ-XX-DR-L-0202 Rev P01 (Detailed Planting Plan Sheet 2 of 2), received by the Local Planning Authority on 10th April 2025; and Dwg. No. N1384-ONE-ZZ-XX-DR-L-0001 Rev P07 (Landscape Strategy), received by the Local Planning Authority on 14th April. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme for a minimum of 30 years or the lifetime of the development hereby approved (whichever is longer). 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 Strategic Road Network, and to enhance biodiversity in accordance with the provisions of the NPPF.
5. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for the protection during construction works of all trees to be retained on the site, as detailed in document entitled “Arboricultural Impact Assessment” (document reference HBF-BWB-ZZ-XX-RP-YE-0001_AIA, revision P02, dated January 2024 and received by the Local Planning Authority on 5th June 2024) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a Tree Protection Plan and an Arboricultural Method Statement and shall thereafter be carried out in accordance with the approved details. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site (and thereafter retained until the completion of the development). Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels

within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

6. No development shall commence unless and until a Habitat Management and Monitoring 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 21st December 2023) and delivers the mitigation for ground nesting birds, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a minimum of 133.63 net gain Habitat Units, 5.51 net gain Hedgerow Units and 2.67 net gain Watercourse Units (as detailed in Section 6 of 'Biodiversity Net Gain Statement and Assessment for Enviromena' (reference BIOC23-042 V6.0, dated 15/04/2025 and received by the Local Planning Authority on 16th April 2025) 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 Statutory Biodiversity Metric (received by the Local Planning Authority on 16/04/2025).

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).

7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP (Biodiversity)) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in;
 - Section 5 (Recommendations), of the Ecological Impact Assessment (Reference BIOC23-042 Version 2.1 – Updated landscaping plans, dated 15/04/2025, date received by the Local Planning Authority 16th April 2025).
 The CEMP (Biodiversity) shall include the following:

- Avoidance of vegetation clearance during the nesting bird season (March to August inclusive) unless the Site is checked by a Suitably Qualified Ecologist (SQE) and active nests are confirmed to be absent no later than 48 hours before works commence,
- Covering of trenches overnight or otherwise shall provide a means of escape for animals in the form of a ramp at least 300mm wide and angled no greater than 45 degrees,
- All construction activities programmed to daytime hours where possible,
- Sensitive working methods detailed in a Precautionary Working Method Statement (PWMS),
- Pre-construction mammal checks for otter, water vole, and badger within 4 weeks of construction/vegetation clearance,
- Physical screening and buffer zones will be implemented along the boundary of Beacon Hill Flush LWS,
- External lighting will be designed to reduce impacts to birds, bats and a range of other wildlife associated with created and offsite habitat during construction, in particular where lighting borders woodlands,
- Two way badger gates adjacent to mammal push throughs.

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.

8. Prior to the commencement of the development a contaminated land site investigation and risk assessment, undertaken in accordance with the approved site investigation proposal, that determines the extent and nature of contamination on site and reported in accordance with the standards of DEFRA's and the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR 11) and British Standard BS 10175, shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify).
To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.
9. 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 with DfT Circular 01/2022
10. The access to the development hereby approved shall be completed in accordance with Dwg. No. P007006-03-PlanningLayout Rev J (Planning Layout, received by the Local Planning Authority on 1st November 2024) 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.

11. No development shall commence until a Written Scheme of Investigation (WSI) setting out a programme of archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works, in sufficient time to inform the production of a Strategy for Archaeological Mitigation.
To ensure that archaeological assets are protected.
12. No development shall commence until a Strategy for Archaeological Mitigation (SAM) has been submitted to and approved in writing by the Local Planning Authority. The SAM will set out the strategy for the preservation, investigation and recording of heritage assets in the development area, including the provision made for analysis, publication and dissemination of results, and archive deposition. The development will then be carried out in accordance with the SAM.
To ensure that archaeological assets are protected.
13. No electricity shall be exported from the site until the post investigation processes have been completed in accordance with the approved Strategy for Archaeological Mitigation, and confirmed in writing to, and approved by, the Local Planning Authority.
To ensure that archaeological assets are protected.
14. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. 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.
15. The agreed surface water drainage scheme for the development hereby approved shall be constructed and maintained in strict accordance with the following details: document entitled "Flood Risk Assessment" (document reference HBF-BWB-ZZ-XX-YE-0001_FRA Revision P05 dated 22.04.2024, received by the Local Planning Authority on 5th June 2025), and document entitled "Drainage Strategy" (document reference HBF-BWB-ZZ-XX-RP-CD-0002_DS, revision P07, dated 01/11/2024, received by the Local Planning Authority on 1st November 2024) prior to the completion of the development hereby approved.
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

16. 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. Thereafter the approved scheme shall be implemented and retained thereafter.
In the interests of visual amenity and to ensure a satisfactory form of development.
17. 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. P007066-08-FenceSections Rev A (Fence Section Views) and Dwg. No. P007066-13-AcousticFence Rev A (Acoustic Fence), both received by the Local Planning Authority on 5th June 2024. The approved scheme shall be implemented prior to the first export of the development hereby approved. No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority.
In the interests of visual amenity.
18. 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, neighbour amenity, and to ensure a satisfactory form of development.
19. 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 6th 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.
20. The export capacity of the development shall not exceed 49.9 MW (AC).
As set out in the application and in accordance with the relevant regulations under which this permission has been considered and approved.
21. (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.

(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

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=162148>

1.145 Copies of the applications are available on-line:

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

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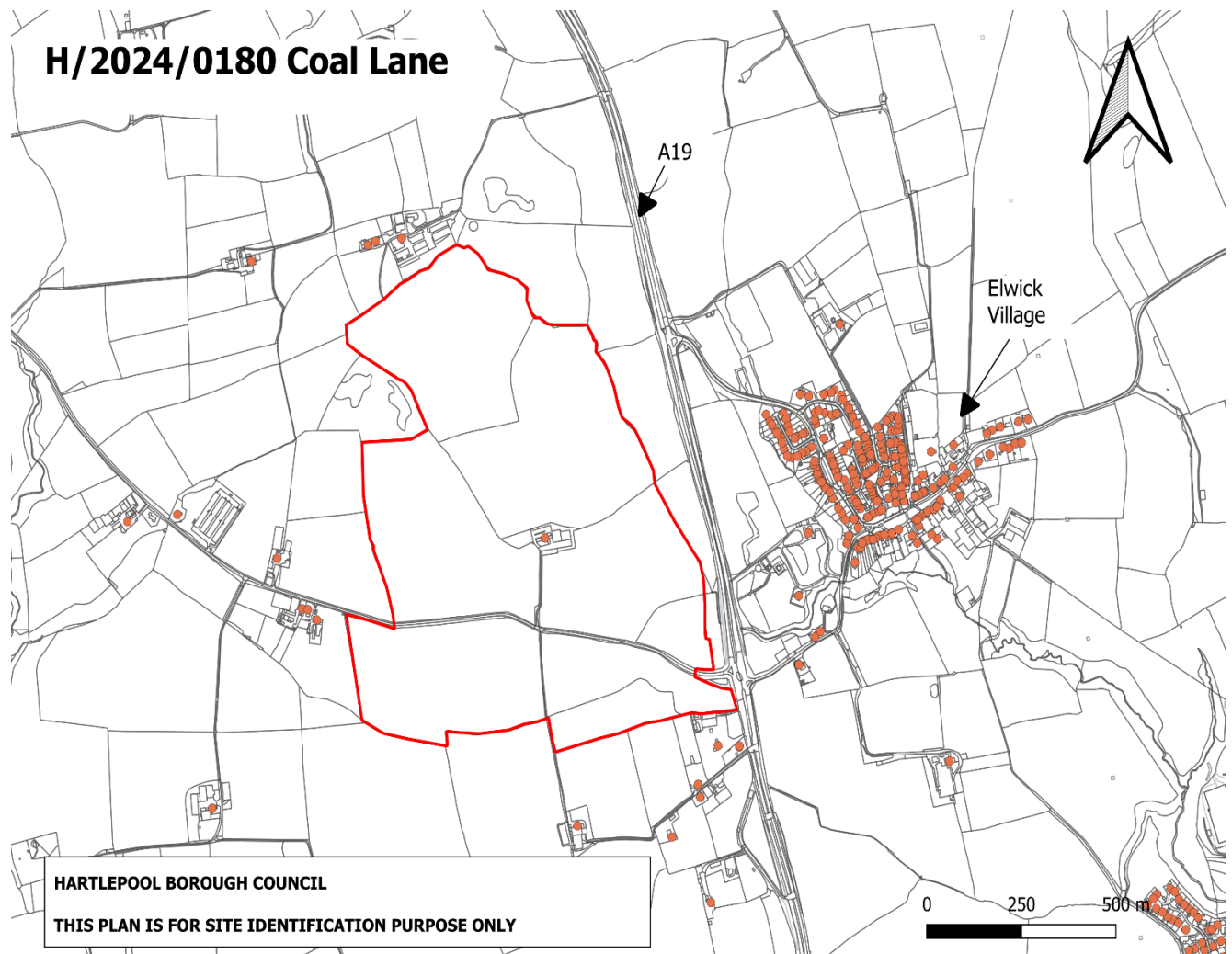
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No: 2
Number: H/2024/0342
Applicant: MR ADAM READHEAD 1A CARISBROOKE ROAD
HARTLEPOOL TS26 0AB
Agent: ELDER LESTER ARCHITECTS MR ANDREW LEE
REEDS MILL ATLAS WYND YARM TS15 9AD
Date valid: 13/11/2024
Development: Erection of 2no. storage units and installation of new
metal rail fencing
Location: LAND ADJACENT TO STRANTON HOUSE WEST VIEW
ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following planning applications are considered relevant to the application site:

H/1976/0212 – Erection of two garages. Approved 08/06/1976.

H/1979/0309 – Hydraulic pipework distribution of equipment, manufacture of power units. Approved 11/05/1979.

H/1980/0012 – Joinery Works. Approved 07/02/1980.

H/1980/0059 – Joinery works. Approved 07/02/1980.

H/1980/0442 – Erection of 3no. garages. Approved 01/08/1980.

H/1980/0604 – Two storey store. Approved 20/11/1980.

H/1982/0023 – New building for retail shop with residential flat above and associated car parking. Approved 07/12/1984.

H/1984/0067 – Extension to provide additional office and storage accommodation. Approved 09/03/1984.

H/1984/0522 – Extensions to provide additional storage, workshop and office accommodation. Approved 23/01/1984.

HFUL/2000/0291 - Alterations to access, including new pedestrian access, provision of additional car parking, erection of new 2.4 m. high steel fencing and re-roofing of existing garages and store. Approved 10/07/2000.

HFUL/2001/0636 - Alterations and change of use of part of joinery workshop to provide boxing gym including physiotherapy and changing facilities. Approved 25/01/2002.

H/2005/5615 – Erection of a garage and store extension. Approved 27/09/2005.

PROPOSAL

2.3 The application seeks planning permission for the erection of two storage units and the installation of metal railings and gates.

2.4 Unit one would be sited immediately adjacent to the gym building and would measure approximately 7m in length by approximately 5m in width, with a flat roof design measuring approximately 3.2m in height. The proposed building would be constructed from red coloured bricks with a buff coloured brick banding with a felt roof, and would feature a roller shutter access on the north eastern elevation.

2.5 Unit two would be sited approximately 2.6m to the south east of the gym building, being south east than proposed unit one, and approximately 4m to the north east of this proposed unit. This proposed building would measure approximately 9.2m in length by approximately 7.5m in width and would feature a flat roof with a height of approximately 3.7m. This building would be constructed from red coloured bricks with buff coloured brick bandings and a felt roof, and would feature a roller shutter access on the south east facing elevation, and a side access door on the north east facing elevation.

2.6 The proposal includes a section of metal railing fencing and double access gates measuring approximately 1.8m in height, which would extend from the eastern corner of the proposed unit two to the existing metal railings to the front (south east) of the application site.

2.7 The application has been amended during the course of consideration. Initially the application proposed three storage units, additional metal railing fencing and gates, and the introduction of an additional access to the site from Heortnesse Road, adjacent to the residential property at No. 1 Heortnesse Road. Following concerns from the case officer, in respect to the industrial appearance of the proposed development, the impact on residential amenity which would result from the proposed storage unit being sited adjacent to the boundaries with residential properties, and the impact on highway safety as a result of the proposed additional access, amended plans were received to remove the additionally proposed access, amend the design of the proposed buildings, and omitting the third storage unit and associated fencing from the proposals.

2.8 The application has been referred to planning committee as more than three objections have been received in accordance with the council's scheme of delegation.

SITE CONTEXT

2.9 The application site relates to a storage yard on the western side of Heortnesse Road, which comprises an area of yard with metal railings and double access gates, all with a height of approximately 1.8m. Within the site some areas are segregated by a low level brick walls or kerbing and a clear demarcation of hardstanding. Towards the rear of the site (north west) are six attached garage buildings of varying scales but each featuring flat roof designs. A hedge is present between the application site and the rear of properties along Gritten Square to the north.

2.10 The application site adjoins a car park area to the south-western side, beyond which is West View Road to the south west. To the north and north east, the application site is bounded by the residential properties of Nos. 1 Gritten Square and No. 1 Heortnesse Road respectively. To the west/north west is a building occupied by a gym (within the same ownership as the applicant). Beyond the main highway of Heortnesse Road (south east) are the residential properties of Nos. 3 and 4 Heortnesse Road, with a junction with the street of Romaine Park which features further residential properties. The wider area is predominately residential, albeit it is noted that there are some commercial properties along West View Road to the south, and a further storage yard at the northern side of Heortnesse Road.

PUBLICITY

2.11 The application has been advertised by way of notification letters to 28 neighbours and local ward councillors, and a site notice. Following amendments to the proposals, re-consultation letters were issued on two separate occasions. To date, there have been objections from four members of the public received (with repeat objections received from one member of the public). The concerns can be summarised as follows:

- Concerns in respect of the height of unit 3 and loss of light;
- Application site is in a residential area and the proposals are of an industrial appearance;
- Noise;
- Traffic and car parking including issues with parking on the road opposite the access;
- Lack of clarity on the purpose/user of the storage units;
- Light pollution from any external lighting;
- Disruption from construction activities;
- Disruption for wheelchair users and pushchair users on the pavement;
- Hours of operation.

2.12 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=16346>

2.14 The period for publicity has expired.

CONSULTATIONS

2.15 The following consultation replies have been received:

HBC Traffic and Transport: There are no highway or traffic concerns with the proposed development in principle. Traffic movements are not expected to generate significantly more traffic than the already consented approval.

I would however, consider that the access to plot 3 would be better served via the existing access. The construction of a separate access would create an overly long drive crossing as it would merge the crossings with the existing crossings either side. This would have a small impact on pedestrian safety as there would be a third crossing to negotiate. The extra crossing would also result in the loss of a one 'on street' parking space. Although on its own this is not significant there have been objections to the development due to the loss of parking.

If the developer wishes continue with this access we would need to assess whether we can uphold an objection.

Update 14/01/2025 following removal of access:

The amended plans are acceptable from a highway point of view.

HBC Building Control: I can confirm that a Building Regulation application is required for Erection of 2no. storage units and installation of new metal rail fencing.

HBC Public Protection: Can the following be conditioned:

- No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays. Deliveries and collections limited to these hours as well.
- There should be adequate dust suppression facilities on site during construction.
- There should be no open burning at any time on the site.

HBC Arboricultural Officer: No arboricultural concerns regarding this application.

Update 16/01/2025 following receipt of amended plans:

There are no arboricultural concerns regarding this application.

HBC Ecology: There are no ecological concerns regarding this application.

The site is currently hard standing and no vegetation / habitats are to be removed as a consequence of the development.

Surface water and sewage is via the existing systems (as detailed on the Planning Application).

No further comments.

HBC Economic Development: We have reviewed the proposed development and have no objections from Economic Growth.

HBC Engineering Consultancy: No comments received.

PLANNING POLICY

2.16 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

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

CC1: Minimising and Adapting To Climate Change

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RC21: Commercial Uses in Residential Areas

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2024)

2.18 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

PARA056: Planning conditions and obligations

PARA057: Planning conditions and obligations

PARA085: Economic growth and productivity

PARA117: Considering development proposals

PARA131: Achieving well-designed places

PARA135: Achieving well-designed places

PARA139: Achieving well-designed places

HBC Planning Policy comments: The application site is not allocated for a particular purpose in the Local Plan, however it is in use as an existing storage yard. Notwithstanding that, the wider area is generally residential in nature. The proposals seek permission to erect three storage buildings on the site and would therefore be an expansion of the existing use. As such, policy RC21 is applicable in terms of the expansion of a commercial use in a residential area. The policy sets out three requirements that need to be met in order for such proposals to be supported in policy terms, as follows:

1. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation, and
2. The design, scale and impact is compatible with the character and amenity of the site and the surrounding area, and
3. Appropriate servicing and parking provision can be made.

The views of the Council's Public Protection and Traffic & Transport teams should be sought in coming to a view on whether the above policy requirements have been met. Notwithstanding that, Planning Policy have concerns about the proposals to form an additional access to effectively subdivide the proposed unit 3. This would see an intensification beyond the extent of the existing site by creating a self-contained unit that would generate its own traffic movements immediately adjacent to the neighbouring residential property. Such comings and goings could adversely impact the residential amenity of neighbouring occupiers. While accepting an existing commercial use operates in this residential area, and therefore some commercial activity will already exist, it is considered something over and above the existing yard area would be inappropriate and the creation of a new separate site (rather than something that operates as part of the existing business) would be more appropriate in an industrial area. It is also considered that the additional access point proposed has the potential to make it difficult for pedestrians to pass on Heortnesse

Road if there are three access points in such close proximity (i.e. the existing access, the proposed access and that of the neighbouring dwelling).

The introduction of additional storage units has the potential to improve the appearance of the site by reducing the area available for outside storage as currently exists. Further to this and in terms of design, policy QP4 requires high quality design that is appropriate in terms of layout, scale and form. It is considered the design of the proposed units is relatively basic, but this befits the purpose of the buildings and is in keeping with the existing storage units on the site. The buildings are single storey and have an appearance that is not dissimilar to that of a domestic garage and as such, it is considered the proposals would not be detrimental to the residential character of the wider area in principle. While the use of flat roofs is not necessarily high quality design, it replicates existing buildings on the site and allows the buildings to be of a smaller scale than introducing a pitch and therefore limits their bulk and potential to impact on amenity for neighbouring occupiers. Notwithstanding that, policy QP4 requires high quality design that is appropriate in terms of layout, scale and form and reflects the features of the local area. It is considered more could be done to improve the appearance of the buildings without increasing their scale, such as the introduction of contrasting brick banding or contrasting soldier courses over openings. For example, the use of primarily an engineering brick finish but with buff coloured brick banding would reflect the boundary walls to neighbouring properties to the north and east and contrasting soldier courses would reflect a feature of dwellings in the vicinity more generally.

Update 17/01/2025 following receipt of amended plans:

Thank you for re-consulting on the amended plans submitted in relation to this application. Planning Policy note the changes to the proposed access arrangements and brickwork detailing to the buildings proposed. These changes are considered to address the matters raised previously from a Planning Policy perspective and as such there are no objections to the application, in principle. It is trusted the decision maker will take account of the views of other relevant technical consultees in respect of amenity and highways matters in determining the application in accordance with Policy RC21 of the Local Plan.

PLANNING CONSIDERATIONS

2.19 The main planning considerations in relation to this application are the acceptability in principle of the proposed development with national and local planning policy, impact upon the character and appearance of the application site and surrounding area, impact on neighbouring amenity, and impact on highway and pedestrian safety and car parking, and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

2.20 The application site is within the defined development limits and is considered to represent a sustainable location. The application site is on unallocated white land on the Hartlepool Local Plan Policies Map (2018) and as such has no specific designation. Notwithstanding this, it is of note that the site has a long established use as a storage yard. It is considered that the proposed storage units would be a B8

Use Class, in accordance with the existing storage use at the site (which is also considered to be a B8 Use Class)

2.21 Given that the application site is situated within an area which is predominately residential in character, Policy RC21 of the Hartlepool Local Plan (2018) is applicable in terms of the expansion of a commercial use in a residential area. The policy sets out three requirements that need to be met in order for such proposals to be supported in policy terms, as follows:

1. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation, and
2. The design, scale and impact is compatible with the character and amenity of the site and the surrounding area, and
3. Appropriate servicing and parking provision can be made.

2.22 The Council's Planning Policy team has confirmed that the proposal would be acceptable in principle, subject to the satisfactory considerations of neighbour amenity, visual amenity and highway and pedestrian safety and car parking, which are considered further within the following sections. Furthermore, the Council's Economic Regeneration team have confirmed no objections.

2.23 In view of the above considerations, the principle of development is, on balance, considered to be acceptable in this instance subject to the proposal satisfying the main planning considerations of this application as set out in detail in the sections below.

IMPACT ON CHARACTER / APPEARANCE OF THE APPLICATION SITE AND SURROUNDING AREA

2.24 Policy QP4 (Layout and Design of Development) of the Local Plan 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. Criterion 2 of Policy RC21 requires that the design, scale and impact is compatible with the character and amenity of the site and the surrounding area.

2.25 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.

2.26 The application site is located within an established storage yard, albeit it is acknowledged that the character of the surrounding area is predominately residential. It is acknowledged that a neighbour objection has raised a concern in this respect, that the proposals would be more akin to industrial development which is not in keeping with the character of a residential estate.

2.27 The proposal consists of the erection of two detached buildings and the installation of a section of metal railing fencing and gates. The proposed buildings would be constructed from bricks and would feature flat roof designs, and roller shutter frontages (whilst Unit two would also feature a side access door), whilst the proposed fencing and gates would comprise railings of a similar design to the existing railing boundary treatments found throughout the application site and wider site.

2.28 The application site features a number of external storage and garage buildings, which are primarily located towards the rear (north west) of the site and main building. It is also of note from aerial images of the application site that external storage containers have been a characteristic of the application site in its context as a storage yard for many years. In this context, it is considered that the introduction of the proposed buildings would have the potential to improve the appearance of the site by reducing the area available for outside storage containers and other areas of storage.

2.29 With regards to the impacts on the character and appearance of the surrounding area, including the residential nature of the surrounding street scenes, the proposed buildings are single storey and have an appearance that is similar to a domestic garage and as such, it is considered that this element of the proposals would be in keeping with the existing storage units and garages in the wider application site, adjacent building and land, and surrounding street scenes.

2.30 The largest of the two units (unit two) would be situated in the centre of the wider site, being set back approximately 11.5m from the footpath and highway of Heortnesse Road to the south east and approximately 40m from the footpath and highway of West View Road to the south west site edge.

2.31 In terms of the flat roof design, although such a design is not considered to be the most aesthetic, it is acknowledged that the design of the buildings replicates existing buildings on the site and allows the buildings to be of a smaller scale than introducing a pitch and therefore limits their bulk and potential to impact on the character and appearance of the surrounding residential area. In terms of the proposed fencing, it is considered that this would be of a similar design (albeit with a reduced height) to the existing railings around the application site.

2.32 The application site does not benefit from any screening in the form of hedges or landscaping along the main frontage with Heortnesse Road. Nevertheless, while the proposed development would be partially visible from the surrounding street scenes of Heortnesse Road, West View Road and Romaine Park, these views would be partially mitigated by the existing railings to the front of the site (with a height of approximately 2.4m). Furthermore, consideration is given to the existing, established use of the application site as a storage yard.

2.33 It is further considered that the use of a red brick finish with buff coloured brick banding (as requested by officers) would reflect the boundary walls to neighbouring properties to the north and east and contrasting soldier courses would reflect a feature of dwellings in the surrounding street scenes, and would assist in breaking up the massing of the proposed units when viewed from wider areas. In terms of the

proposed fencing, it is considered that final details of the finishing colour can be controlled by planning condition, which is recommended in this instance.

2.34 Notwithstanding this, it is of note that any additional storage racking would be visually prominent, when viewed from the main street scenes of Heortnesse Road and Romaine Park and would have the potential to be of a design and scale that would result in adverse impacts on the character of the existing storage yard and surrounding street scene. As such, a planning condition is recommended to ensure that the total stacking heights of such storage remains acceptable.

2.35 Overall, it is considered that the proposed storage units and railing boundary fences and gates would be consistent with the application site and the surrounding street scene of Heortnesse Road and would not adversely affect the character and appearance of the application site (and existing buildings) or the visual amenity of the surrounding area, in accordance with the requirements of Policies QP4 and RC21 of the Hartlepool Local Plan (2018) and paragraph 135 of the NPPF (2024).

IMPACT ON NEIGHBOUR AMENITY

2.36 Paragraph 130 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.

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

The principal elevations of a commercial unit are to be treated the same as the principal elevations of a dwelling i.e. the principal elevation of a dwelling should be located at least 20m from the principal elevation of a commercial unit.

- 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.

2.38 The proposed development would include the erection of two buildings and a section of metal railing fencing and gates within an established storage yard off Heortnesse Road. The site is bounded to the north eastern side by residential properties, which include No.1 Heortnesse Road, and Nos. 1-3 (inclusive) Gritten Square, and bounded to the north west by a building in occupation as a gym. Other residential properties are near the application site (beyond the main highway), which

include No. 6 Heortnesse Road and No. 13 Romaine Park to the east and No. 4 Heortnesse Road and No. 12 Romaine Park to the south east.

2.39 It is acknowledged that an objection has been received from the occupant of a neighbouring property in respect to the potential of the proposal to result in a loss of light for the occupants of a neighbouring property. This was primarily in respect of the previously proposed Unit 3 which was sited close to the boundaries with the neighbouring properties of No. 1 Heortnesse Road and No. 1 Gritten Square and has since been removed from the proposals.

2.40 Consideration of the associated impacts are set out below taking account of both the physical (operational development) impacts and of the impacts from the use of the proposed development in proximity to the surrounding area.

Impact on No. 1 Heortnesse Road (north east)

2.41 No. 1 Heortnesse Road bounds the application site to the north east, and as such a separation distance of approximately 18m to the boundary and approximately 20.8m to the side elevation of this neighbour would remain from the position of Unit 2 and the railing boundary, and a separation distance of approximately 28.2m to the boundary and approximately 31.8m to the side elevation of this neighbour would remain from Unit 1, both of which with are oblique relationships. A boundary between this neighbouring property and the application site comprises a low level brick wall along the side elevation, which is topped with a hedge along the rear garden of this neighbour. It was noted by the case officer during the site visit that this neighbouring property is raised slightly in relation to the application site, and that the side elevation of this neighbour which faces the application site features one access door and two windows at ground floor and one window at first floor, in addition to windows featured in both the front and rear facing elevations.

2.42 Taking account of the established nature of the relationship between the storage yard and this residential neighbouring property, the single storey nature of the proposed buildings with their heights under 4m, and having regard to the orientations and satisfactory separation distances of the proposed buildings and railing fencing and gates, it is considered that the proposed development would not lead to any significant loss of amenity and privacy for the occupants of No. 1 Heortnesse Road in terms of overbearing impression, loss of outlook, overshadowing or overlooking.

Impact on Nos. 1-3 Gritten Square (north)

2.43 Nos. 1-3 Gritten Square are residential properties located to the north/north west of the application site and as such No. 1 features a rear garden which bounds the application site to the north, whilst Nos. 2 and 3 Gritten Square are separated from the application site by intervening boundary treatments and garage buildings. A separation distance of approximately 18.3m to the boundary and approximately 29.9m to the rear elevation of the closest neighbour at No. 1 Gritten Square would remain from the position of proposed Unit 2 and the proposed railing boundary, and a separation distance of approximately 27.8m to the boundary and approximately 38.6m to the rear elevation of this neighbour would remain from the proposed Unit 1,

with a more oblique relationship between the rear of properties 2 and 3 Gritten Square and these proposals. Boundary treatments between these neighbouring properties and the application site comprise the above mentioned existing storage buildings and garages, with some railings and landscaping. It was noted by the case officer during the site visit that these neighbouring properties are raised slightly in relation to the application site, and that the rear elevation of these neighbours all feature windows at ground and first floor.

2.44 Taking account of the established nature of the relationship between the storage yard and these residential neighbouring properties, the single storey nature of the proposed buildings with their heights under 4m, the existing buildings and structures in place on the boundary, and having regard to the orientations and satisfactory separation distances of the proposed buildings and railing fencing and gates, it is considered that the proposed development would not lead to any significant loss of amenity and privacy for the occupants of Nos. 1-3 Gritten Square in terms of overbearing impression, loss of outlook, overshadowing or overlooking.

Impact on properties to the front (east and south east, including 2-6 (evens) Heortnesse Road and 13 Romaine Park)

2.45 Nos. 2-6 (evens) Heortnesse Road and 13 Romaine Park are the closest residential properties situated beyond the main highway of Hoertnessee Road to the front (south east) of the application site. A separation distance of approximately 16.2m from the proposed railings, approximately 26.4m from the proposed Unit 2 and of approximately 27.8m to the boundary and approximately 35.4m from the proposed Unit 3 would remain from the proposals to the front of the closest properties, at Nos. 2 and 4 Heortnesse Road, with the main highway and existing boundary railings between.

2.46 Taking account of the established nature of the relationship between the storage yard and these residential neighbouring properties, the single storey nature of the proposed buildings with their heights under 4m, the existing boundary railings, and having regard to the orientations and satisfactory separation distances of the proposed buildings and railing fencing and gates, it is considered that the proposed development would not lead to any significant loss of amenity and privacy for the occupants of any neighbouring property to the front (east and south east), including Nos. 2-6 (evens) Heortnesse Road and 13 Romaine Park, in terms of overbearing impression, loss of outlook, overshadowing or overlooking.

Impact on gym and offices (north west)

2.47 The existing gym building adjoins the application site on its north western side. As such, the proposed Unit 1 would sit adjacent to the south eastern side elevation of this building. It was noted by the case officer during the site visit that this building features windows along the elevation facing the application site, and that two of these windows would be obscured by the siting of the proposed Unit One building. In view of this, the case officer requested that this building be re-sited, however the applicant confirmed that the gym building is within the same ownership as the applicant, that the space inside the building benefits from a number of windows on both sides and that some of these were blocked up internally. Although

it remains a concern that this proposed building (Unit One) would be sited immediately adjacent to two windows in the existing gym building, consideration is given to the nature of the neighbouring use and the established use of the site for storage which would allow temporary buildings or other storage racks to be placed in this location. Overall and on balance, it is considered that there would not be such an unacceptable impact on the amenity of users of this building in terms of overshadowing, loss of outlook or overbearing impression as a result of the proposed siting of Unit One, as to warrant a reason to refuse the application.

2.48 In terms of privacy, the proposed Unit One would feature a roller shutter door on the north east elevation. As such, access to this building would be from the area of the storage yard directly in front of three other windows within the same gym building sited immediately adjacent to the proposed Unit One building. Given the existing, established use of the application site for storage and the nature of the neighbouring use it is considered that the relationship between the existing building and the proposed storage unit (Unit One) would remain, and as such in this instance it is considered that there would be no unacceptable overlooking for users of the gym building as to warrant a reason to refuse the application.

2.49 A separation distance of approximately 5.4m would remain between the proposed Unit Two and the three windows identified in the south east elevation of the main gym building, whilst the proposed metal fencing and gates would be screened from these windows by the proposed Unit Two. As noted above, the applicant has confirmed that this building is within the same ownership as the applicant. Taking account of the established nature of the relationship between the storage yard and the adjacent gym building, it is considered that the proposed Unit Two and metal fencing and gates would not lead to any significant loss of amenity and privacy for users of this building in terms of overbearing impression, loss of outlook, overshadowing or overlooking as to warrant a reason to refuse the application in this instance.

2.50 In terms of the proposed offices to the south west of the application site and gym building, and the proposed storage units to the north and north west of the application site, it is considered that in view of the established nature of the relationship between the storage yard and these buildings, the single storey design of the proposed storage buildings, the proposed development would not lead to any significant loss of amenity for the occupants of any of these neighbouring land users in terms of overbearing impression, loss of outlook, overshadowing or overlooking.

Noise, smell, dust and other disturbances

2.51 Criterion 1 of Policy RC21 of the Hartlepool Local Plan (2018) requires that there is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation.

2.52 The proposed development would be used for the purposes of storage. It is acknowledged that objections from members of the public have been received in respect of the purpose and end user of the proposed storage buildings, the hours of

operation, any resultant impacts from noise and light pollution and from disruption from construction activities.

2.53 Clarification has been sought by the case officer in respect of the materials to be stored within the proposed storage units and the applicant has confirmed that the proposed storage units would be marketed to the general public, and as such the purposes for storage and end users are not finalised. As noted above, it is considered prudent to restrict the stacking heights of storage materials at the site and a planning condition is recommended in this respect.

2.54 Through the course of the planning application, the Council's Public Protection section have been consulted who have raised no significant concerns, subject to the implementation of appropriate controlling conditions relating to external lighting, construction hours and dust suppression. These are considered to be reasonable and necessary and are secured by separate planning conditions accordingly.

2.55 Having regard to the considerations of the HBC Public Protection section and taking account of the abovementioned satisfactory separation distances and the established storage yard with satisfactory relationships between the proposed development and adjacent or nearby properties, it is considered that in this instance there is no requirement for a condition to control the operating hours of the proposed uses. In the unlikely event that the proposed uses generated complaints in this respect, the Council's Public Protection section can investigate and take any necessary action through the appropriate Public Protection legislation accordingly. An informative is also recommended that no open burning should take place from the site.

2.56 In view of the above, it is considered that the proposed development would not result in any significant adverse impacts on the amenity or privacy of any neighbouring uses in terms of loss of outlook, overbearing impression, overshadowing or overlooking, or adverse noise and disturbance and the proposal is considered to accord with Policies RC21, QP4 and QP6 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2024).

HIGHWAY & PEDESTRIAN SAFETY & CAR PARKING

2.57 The proposed development would utilise the existing access off Heortnesse Road. It is acknowledged that a representation from a member of the public has raised concerns in respect of pedestrian safety, particularly for wheelchairs and pushchairs. HBC Traffic and Transport were consulted as part of the application and initially raised concerns in respect of the additional proposed access (which has since been removed from the proposals).

2.58 Following the amendments to the proposals (which included the removal of the additional proposed access and Unit three), HBC Traffic and Transport have raised no concerns relating to highways and traffic in principle. It is considered that given the existing, established use of the application site as a storage yard, the traffic generated by the proposed development would be similar to the existing permitted

use of the site and would not generate surplus traffic which would have a detrimental impact on the surrounding highway network.

2.59 In view of the above, it is considered that the proposed development would not result in any significant adverse impact on vehicular parking, highway, and pedestrian safety or car parking and the proposal is considered to be acceptable in this respect.

OTHER PLANNING MATTERS

2.60 The Council's Arboricultural officer has been consulted on the application and has raised no concerns with the proposals.

2.61 The Council's Ecologist has been consulted on the application and has confirmed that as the application site is currently hard standing and no vegetation or habitats are to be removed as a consequence of the development, and that surface water and foul water supply would be via the existing systems (as detailed on the submitted application forms) there are no objections or requirements in terms of ecological matters in this instance.

2.62 The proposed development would be located within 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 and have not provided any comments or requirements.

CONCLUSION

2.63 The proposed development is considered to meet the general requirements of both local and national planning policy. Subject to appropriate planning conditions, the application raises no significant issues in relation to matters of principle of development, character and appearance of the application site and surrounding area, neighbour amenity, highway and pedestrian safety and car parking or any other planning matter. In view of the above considerations, the proposal is, on balance, considered to be acceptable in this instance.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.64 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.66 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details: Dwg. No. 24AR-100B (Site Location Plan, at a scale of 1:1250), Dwg. No. 24AR-005B (Unit One Proposed Plan and Elevations), Dwg. No. 21AR-006C (Unit Two Proposed Plan and Elevations) received by the Local Planning Authority on 6th January 2025; Dwg. No. 24AR-003D (Proposed Site Plan), Dwg. No. 24AR-004C (Proposed Elevations) and Dwg. No. 24AR-101C (Existing and Proposed Block Plans) received by the Local Planning Authority on 9th April 2025.
For the avoidance of doubt.
3. The external materials used for this development shall match those stipulated in Dwg. No. 24AR-005B (Unit One Proposed Plan and Elevations) and Dwg. No. 21AR-006C (Unit Two Proposed Plan and Elevations), both received by the Local Planning Authority on 6th January 2025.
In the interests of visual amenity.
4. Prior to the commencement of the development, details of dust suppression measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in accordance with the agreed scheme.
In the interests of the amenities of neighbouring properties.
5. Notwithstanding the submitted details, prior to the installation of the metal fencing and gates hereby approved, precise details of the materials to be used and their colour shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity.
6. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and maintained in accordance with the approved details.
In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.
7. No construction works shall take place at the site or deliveries and collections to and from the site shall be carried out except between the hours of 8:00 and

18:00 Monday to Friday, and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.

To ensure the development does not prejudice the amenity of surrounding land users and their properties.

8. Any materials or articles deposited or stacked outside the buildings hereby approved and throughout the application site shall not exceed a total height of 2.3 metres above ground level.
In the interests of the amenities of the area.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no additional fences, gates, walls or other means of enclosure (other than those approved as part of condition 2), shall be erected on site without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.
10. 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 as storage units within a B8 Use Class and for no other purpose or use and the approved two storage units shall not be extended. The units shall not be sub-divided, converted or externally altered in any manner without the express written consent of the Local Planning Authority.
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.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=163467>

2.69 Copies of the applications are available on-line:

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

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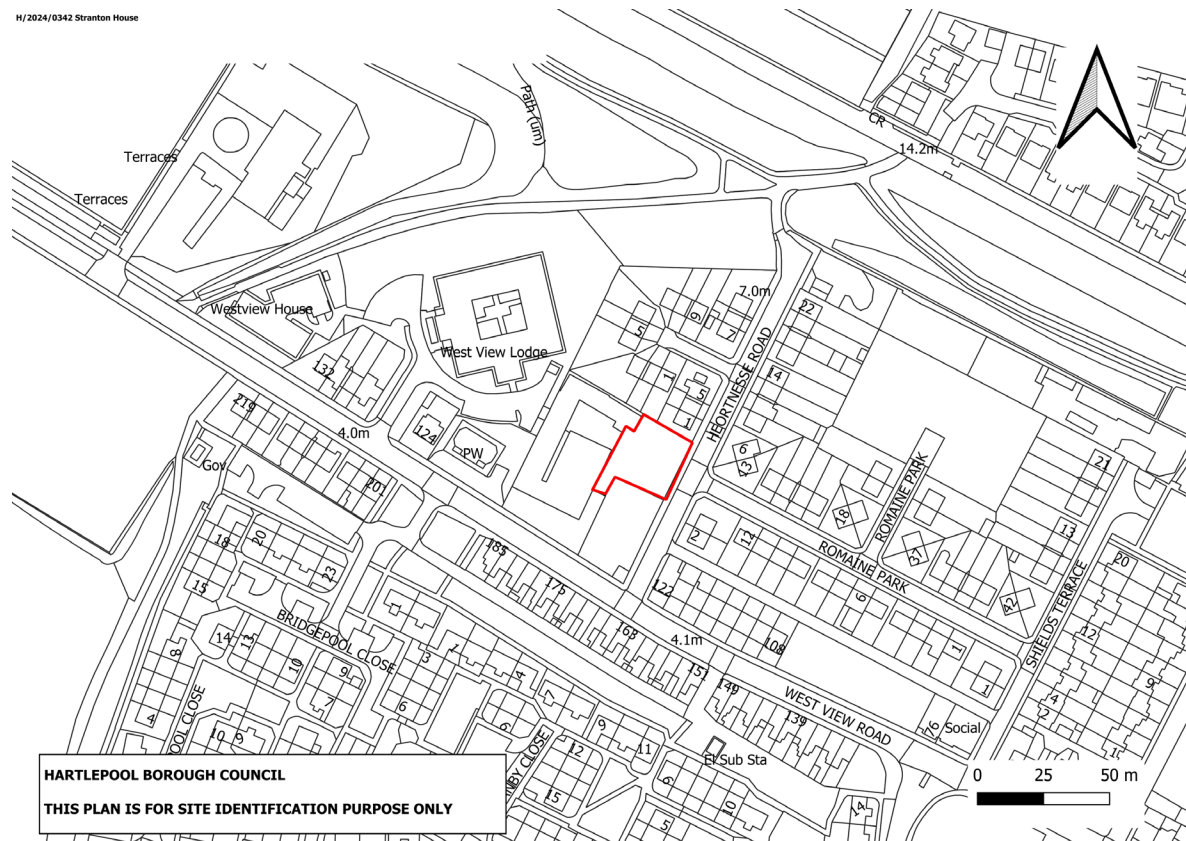
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H/2024/0342 Stranton House



No: 3
Number: H/2023/0370
Applicant: PERSIMMON HOMES TEESSIDE RADCLIFFE
CRESCENT THORNABY STOCKON ON TEES TS17
6BS
Agent: PERSIMMON HOMES TEESSIDE MR JAKE
ANDERSON RADCLIFFE CRESCENT THORNABY
STOCKON ON TEES TS17 6BS
Date valid: 07/11/2023
Development: Section 73a application for amendments to H/2020/0261
(Section 73 application for amendments to planning
permission H/2018/0493 (reserved matters) for the
erection of 373 No. dwellings pursuant to H/2013/0573
(sites A and B)) to vary condition 1 (approved plans) in
respect of an amendment to detailed landscape proposals
to reflect the implemented soft landscaping on site.
Location: FORMER BRITMAG LTD OLD CEMETERY ROAD
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The application site has a detailed site history. The following applications are considered to be most relevant to the current application:

H/2005/5254 - An outline application for residential development open space and associated means of access was refused. The applicant appealed the decision, and a public local inquiry took place in November and December 2009. Prior to this in November 2008, it was directed that the application be called in for the Secretary of State's (SoS) own determination (because of an outstanding objection from Natural England). The SoS disagreed with the Planning Inspector's recommendation for refusal, and the appeal was allowed, subject to conditions (decision dated 25/03/2010).

H/2011/0005 - Variation of conditions on approval H/2005/5254, application approved 14/10/2011.

H/2013/0573 - Variation of conditions and legal agreement on planning application H/2011/0005 to allow for the removal of the requirements for a buried long stop, the delivery of properties to level 3 of the code for sustainable homes, the requirements to deliver 10% renewable energy on site and 10% of affordable housing within each phase of the development, approved 09/10/2014. This application in effect formed a

new outline planning approval to which the subsequent reserved applications are pursuant. A S106 Agreement was completed securing a number of financial contributions and obligations towards improvements to the Brus Tunnel, coastal footpath/cycleway, ecological mitigation, off site recreational areas and maintenance of public open space areas, sand dunes works and towards the Spion Kop Cemetery wall scheme.

H/2014/0470 - Reserved matters (appearance, landscaping, layout and scale) for the erection of 373 No. dwellings within Phase 1 pursuant to H/2013/0573 (Sites A and B), approved 18.12.2014. The permission has been implemented and the site is now completed (by Persimmon Homes) and dwellings occupied, approved 18/12/2014.

H/2016/0399 - Reserved matters application (appearance, landscaping, layout and scale) for the erection of 110 No. dwellings within Sites C and D, pursuant to outline planning permission H/2013/0573, approved 22/12/2016.

H/2018/0493 - Variation of condition No. 1 of planning application H/2014/0470 for reserved matters (appearance, landscaping, layout and scale) for the erection of 373 No. dwellings within Phase 1 pursuant to H/2013/0573 dated 9 October 2014 (Sites A and B) in respect of the substitution of housetypes, minor amendments to the layout, and incorporation of 2 no. electrical substations, approved 26/06/2020.

H/2020/0068 - Section 73 application for variation of condition 1 of reserved matters approval H/2016/0399 (relating to appearance, landscaping, layout and scale for the erection of 110 No. dwellings within Sites C and D, pursuant to outline planning permission H/2013/0573) to allow for the substitution of house types on plots 62, 74, 78 and 83, erection of electricity substation between plot 53 and 54 with associated changes to parking layout for plots 54 and 55, approved 10/07/2020.

H/2020/0261 - Section 73 application for amendments to planning permission H/2018/0493 (for variation of condition No.1 of planning approval H/2014/0470 reserved matters for appearance, landscaping, layout and scale) for the erection of 373 No. dwellings within phase 1 pursuant to H/2013/0573 (sites A and B) substitution of house types, minor amendments to the layout and incorporation of 2 No. electrical substations) comprising amendment to site layout and substitution of house types on phase 3. Approved 30/04/2021.

H/2020/0362 - Section 73 application for variation of condition Nos. 1, 3 and 4 of planning approval H/2020/0068 (relating to the substitution of house types on plots 62, 74, 78 and 83, erection of electricity substation between plot 53 and 54 with associated changes to parking layout for plots 54 and 55) to allow for substitution of house types on plots (59, 60, 63, 64, 65, 74, 78, 79, 80, 83, 84, 85, 87 and 88 (Site C) and 16, 21, 22, 23, 24, 26 and 27 (Site D), amendment to parking arrangement for plot 54 and parking provision for plot 56, approved 21/01/2021.

PROPOSAL

3.3 The application seeks planning permission under Section 73a of the Town and Country Planning Act 1990 for amendments to H/2020/0261 (which was a Section 73 application for amendments to planning permission H/2018/0493

(reserved matters) for the erection of 373 No. dwellings pursuant to H/2013/0573 (sites A and B)) to vary condition 1 (approved plans) in respect of an amendment to detailed landscape proposals to reflect the implemented soft landscaping on site.

3.4 The proposed amendments to the approved landscaping include:

- The planting of trees and landscaping within the front garden areas of 34 dwellings, 22 of which are different to the approved plans, compared to the planting of 149 trees within the front garden areas of the approved plans;
- The planting of trees and landscaping within the front garden of an additional 4 properties;
- The planting of 19 additional trees within the public open space within Phase 3 of the development.

3.5 The applicant has submitted a supporting Cover Letter which indicates that in respect of the planting within the front gardens of properties, some homeowners have objected to the planting of soft landscaping at the front of their properties, whilst in other cases it is not possible to implement soft landscaping. After being made aware that there were issues with the soft landscaping on site, the applicant has indicated that they have entered into correspondence with occupants of the purchased dwellings and queried if any amendments could be made to rectify discrepancies with the approved plans on such plots. In response, many occupants of affected properties declined the option to have landscaping implemented within the boundaries of these plots.

3.6 In respect of the planting within open spaces, the applicant has indicated that the approved landscaping had been implemented under the original approved plans. Much of the soft landscaping had died due to contextual factors relating the site's location, and therefore delivering soft landscaping as per the approved plans is no longer seen as feasible.

3.7 At the request of the case officer following objections received from the Council's Arboricultural Officer and Planning Policy team that of the approved 115 trees of mixed species to be planted, the initial submission proposed to only plant 46 trees, which is 40% of the original figure, and that no extra trees have been proposed on open spaces in mitigation for this. In response, the applicant has undertaken further communication with occupants of the dwellings and sought to plant additional trees within open spaces and to the front gardens of four dwellings, for a total of 56 trees, and amended plans have been received in this respect.

3.8 The applicant advised "while providing the additional landscaping would be the most desired outcome, the feasibility of the site and residents declining landscaping prevent this from being accomplished."

3.9 The application has been referred to planning committee as more than three objections have been received, in line with the Council's Scheme of Delegation.

SITE CONTEXT

3.10 The application site constitutes a residential development on the site of the former Britmag works off Old Cemetery Road. This application site relates to Sites A and B of the originally approved outline application, H/2013/0573.

3.11 The application site lies immediately adjacent to the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI), which is also a component part of Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site. The application site also lies in close proximity to the Durham Coast SSSI.

3.12 The site is accessed from Old Cemetery Road and construction of the residential development is complete with the dwellings occupied.

PUBLICITY

3.13 The application has been advertised by way of notification letters to 18 residential properties and local ward councillors, site notice and press advert. Reconsultation letters have been issued twice on receipt of amended landscaping plans and supporting information. To date, there have been five objections (including more than one from the same address).

3.14 The concerns raised are:

- The planting died within a few months;
- Plants unsuitable for coastal site;
- Poor planting has a detriment on the visual amenity of the site;
- Management fee for open spaces and sand dunes should be reduced;
- Landscaping is not in keeping with approved plans.

3.15 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=159810>

3.16 The period for publicity has expired.

CONSULTATIONS

3.17 The following consultation replies have been received:

HBC Arboricultural Officer: The proposed amendment to the detailed landscape proposals means a significant reduction in the number of trees that were originally proposed for the site. Originally 115 trees of mixed species were to be planted on the site providing a good range of biodiversity, biosecurity and visual amenity to the site. Now under the amended plans it is proposed to only plant 46 trees, 40% of the original figure. No extra trees have been proposed on open spaces in mitigation for this. The vast majority of the street trees that were designated to be in the front gardens have been excluded from these new plans after a failure of implementation of the original scheme. These amended plans do not conform to Para 131 of the NPPF which states all new streets should be tree lined.

Update 20/12/2023 following discussions with the applicant:

I appreciate the acknowledgment of the historical context related to previous iterations of the NPPF during the original application. It's essential to highlight that the original application proposed its "new streets" to be tree-lined as evidenced by the previous approved plans even though not required by the NPPF of the time. It's concerning that in 2023, when it is a requirement for new streets that the plans are being varied to no longer provide this feature. The interpretation of what constitutes a "new street" appears to hinge on context and opinion. During my visit to the site in January 2023, the road wasn't complete, although I agree it was in use and had been for a while, as stated by the agent. This nuanced understanding of the term "new street" is crucial in assessing the compliance of the plans with the NPPF requirements.

Understanding that residents may not favour tree planting in their gardens at this stage, it's worth emphasizing that such considerations should ideally have been established when the developer had control of the plots. I'm keen to learn which residents are open to having trees in their front gardens and whether the possibility of relocating proposed street trees to the front gardens of willing residents, including a choice of species, has been explored. Given the nature of the variation application, this seems like a plausible avenue for compromise.

Expressing concern over the significant reduction in the number of trees, I find it perplexing that a mitigation strategy wasn't pursued, such as an increase in planting on open space instead of the current reduction in open space planting. The removal of at least 9 trees from the original approved plans for open spaces lacks justification, and I urge the provision of reasoning for this adjustment.

Having visited the site three times in 2023, including once with the council's enforcement officer and representatives from Persimmon, I'm sceptical about the potential progress from a further site visit.

However, I don't decline the request for a site visit and will attend if requested. In conclusion, I firmly believe that, at the very minimum, the trees initially intended for open spaces should be included within this variation application. Additionally, I propose that the option of a tree in the garden of each plot be offered to all residents as an opt-in service. While this may not fully restore the original tree count, a 40% reduction is, in my opinion, unacceptable.

Update 03/03/2025 following amended landscaping and further justification from the applicant:

The Section 73 application has reached an impasse due to ongoing discrepancies regarding tree planting.

Throughout the application process, there has been significant confusion over which trees were to be included, and areas originally designated for planting have been prematurely transferred to a management company without the required planting

being in place. Retrospectively enforcing these planting requirements would now result in additional costs for residents.

The shortfall in tree planting is a direct consequence of poor implementation by the applicant. However, given the current situation, a pragmatic approach is necessary to reach a workable resolution. The applicant has taken steps to amend the plans by increasing planting in other areas of the development, though the overall number of trees remains lower than originally approved. The initial application proposed 115 mixed-species trees across the site, whereas the current phase now includes only 56.

The development will not comply with the National Planning Policy Framework (NPPF) requirement for tree-lined streets. Changes made by homeowners to their frontages have rendered certain areas unsuitable for retrospective tree planting, as the trees were not established before residents moved in.

While this outcome is far from ideal, we have worked with the applicant to secure the best possible compromise under the circumstances.

HBC Ecology: No objection

I have assessed the four submitted drawings (Revisions G) which will replace the originally conditioned ones and, as they do not impact upon the site's wider biodiverse habitat creation, I have no objection.

Update 04/06/2024 following amended justification:

No objection.

I have read the letter dated 22/05/2024 submitted by Persimmon and I have no issues with the proposed soft landscaping amendments.

Update 03/03/2025 following amended landscaping and justification:

The Ecology Section has no concerns and defers to the Authority's Landscape Architect. The 'what has changed' note mentions a Nutrient Statement. I cannot see this on the planning portal and am not sure why one would be needed.

Update 17/03/2025 following amended Nutrient Neutrality details (HRA attached, summarised):

The NBC result shows no excess nutrients to mitigate. Seaton Carew WwTW is used for foul water. Surface water run-off was dealt with when the application received planning approval. The current and post-approval land use is the same (residential).

The project is compliant with the Habitats Regulations.

HBC Landscape Architect: There are no landscape and visual issues with the proposed amendments.

Update 29/05/2024 following justification from applicant:

The key issue was the reduction in tree planting within the amended planting as outlined in previous comments of Arb. officer. Some additional tree planting has now been provided.

Update 13/09/2024 following amended landscaping:

There are no landscape and visual issues with the proposed variation.

Update 14/02/2025 following amended landscaping and justification:

A statement of planting has been provided outlining the site history with regard to landscape establishment.

Defer to Arb. Officer comments with regard to revisions to tree planting.

HBC Traffic and Transport (including updated comments received 05/06/2024 and 04/20/2024): There are no highway or traffic concerns.

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

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

HBC Public Protection: No comments to make.

Tees Archaeology: We have no objection to the proposed variation.

Cleveland Police: I've had a look through the planting list for the proposed landscape amendments. There is a good use of defensive planting types. I don't have any other comments to pass with regard to the development.

Update 12/09/2024 following amended justification:

In relation to this application, my colleague Steve Davies initially commented on this application from a police position as subsequently did Gerry McBride.

In addition to their comments I would add the below and offer applicant the opportunity to contact me for any additional assistance/input I can offer. Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

I would like to make you aware that Cleveland Police operate the Secured By Design initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2024 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour.

Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

The National Planning Policy Framework 2023 paragraph 92(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion

The National Planning Policy Framework 2023, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

Local Plan section Q5: Relating to Safety & Security states, The Borough Council will seek to ensure that all developments are designed to be safe and secure. Developers will be expected to have regard to the following matters, where appropriate:

- 1) Adhering to national safety and security standards as set out by central government.
- 2) Be developed in a way that minimises crime and the fear of crime, amongst other things, incorporating Secured by Design principles as appropriate. Proposals relating to residential development should be in accordance with the Residential Design SPD.

Another material consideration is Section 17 of The Crime and Disorder Act 1998. Further information on the Secured By design initiative can be found on www.securedbydesign.com

Although not an SBD requirement, Hartlepool along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

Strong consideration should also be given in relation to the provision of On- Site Security throughout the lifespan of the development. There is information contained

within the Construction Site Security Guide 2021 also on the SBD website that may assist.

Cleveland Fire Brigade: Our records have been updated accordingly. Please contact us if you have any queries.

Northern Powergrid: No objection, records attached.

Northern Gas Networks: We do not object to your planning application.

PLANNING POLICY

3.18 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

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

CC1: Minimising and adapting to climate change
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
SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2024)

3.20 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:

PARA 001: Introduction
PARA 002: Permission determined in accordance with development plan
PARA 003: Introduction
PARA 007: Achieving sustainable development
PARA 008: Achieving sustainable development
PARA 009: Achieving sustainable development
PARA 010: Achieving sustainable development
PARA 011: The presumption in favour of sustainable development
PARA 012: The presumption in favour of sustainable development
PARA 039: Decision-Making
PARA 048: Determining Applications
PARA 060: Enforcement
PARA 091: Promoting healthy and safe communities
PARA 125: Achieving well-designed places
PARA 128: Achieving well-designed places
PARA 131: Achieving well-designed places
PARA 161: Planning for Climate Change
PARA 231: Implementation

HBC Planning Policy comments: Comparing the approved Revision E plans to the implemented/existing Revision G plans, the soft landscaping is significantly reduced (widespread reduction/removal of tree and shrub planting) and the development is of a poorer quality as a result. The lost landscaping means that the degree of multifaceted benefits that should've been associated with this planting is much reduced.

I disagree with HBC Landscape Architect's comment that there 'are no landscape and visual issues with the proposed amendments' - this comment is hard to understand and should be queried.

I do not consider that the amended landscaping scheme meets the requirements of Local Plan policy NE1, the Residential Design SPD (Section D) or NPPF paras 130 or 131. The amendments would materially diminish the quality of the approved development, contrary to NPPF para 135.

Update 11/02/2025 following amended landscaping:

No extra comments on this one for us, amendments appear to relate to landscape and not the principle of development.

PLANNING CONSIDERATIONS

3.21 The application relates to a Section 73 application for the variation of condition 1 of planning permission H/2020/0261 in respect of an amendment to detailed landscape proposals to reflect the implemented soft landscaping on site. It is considered that the principle of the development has been established through implemented planning permission H/2014/0573 and subsequent variations. The Council's Planning Policy section have confirmed that the amendments do not relate to the principle of development. As such the principle of development is considered to be acceptable.

3.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the visual amenity of the application site and character and appearance of the area (including landscaping), amenity and privacy of neighbouring land users, highway and pedestrian safety and access and flooding and drainage. These and all other planning and residual matters are set out in detail below.

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

3.23 Policy QP4 (Layout and Design of Development) of the Local Plan 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.

3.24 Policy NE1 (Natural Environment) of the Local Plan requires all development ensures that the character, distinctiveness and quality of the Borough's landscape is protected and, where appropriate, enhanced. Policy NE3 (Green Wedges) of the Local Plan requires mitigation measures to be provided and enhancement of the green infrastructure network.

3.25 Para 131 of the NPPF seeks to ensure that all new streets should be tree lined. 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.

3.26 The proposed amendments to the approved landscaping is considered to be a significant reduction in the number of trees that were originally proposed for the site. Originally 115 trees of mixed species were to be planted on the site providing a good range of biodiversity, biosecurity and visual amenity to the site. It is understood that the majority of the street trees that were designated to be in the front gardens have been excluded from the plans through this amendment application after a failure of implementation of the original scheme. Whilst it is acknowledged that occupants of the dwellings may not favour tree planting in their gardens at this stage, it is worth emphasising that the trees should ideally have been established when the developer had control of the plots.

3.27 The Council's Arboricultural Officer was consulted on the application and initially confirmed that the lack of tree planting and justification for such omission was unacceptable. In addition, the Council's Arboricultural Officer noted that the removal of at least 9 trees from the original approved plans for open spaces lacks justification, and requested the provision of reasoning for this adjustment. In response, and as detailed above, the applicant sought to justify the proposals by way of submitting a supporting Note that explains the rationale for excluding some trees from both the front gardens of properties and from the public open space areas through Phases 1 and 2, indicating that the management of landscaping in these

areas is now within a management company and the additional planting would result in additional costs for occupants of the dwellings within the residential development.

3.28 It is considered that the shortfall in tree planting is a direct consequence of poor implementation by the applicant. However, given the current situation, a pragmatic approach is considered necessary to reach a workable resolution. The applicant has sought to increase planting in other areas of the development, however, despite this, the overall number of trees remains lower than originally approved. The initial application proposed 115 mixed-species trees across the site, whereas the current phase now includes only 56.

3.29 In view of this shortfall, the Council's Arboricultural Officer considers that the development will not comply with the requirement under paragraph 131 of the NPPF (2024) for tree-lined streets. The interpretation of what constitutes a "new street" appears to hinge on context and opinion. The agent contends that the street is not "new" and that, on this basis, paragraph 131 of the NPPF (2024) would not apply.

3.30 The Council's Arboricultural Officer acknowledges that changes made by homeowners to their frontages have rendered certain areas unsuitable for retrospective tree planting, as the trees were not established before residents moved in. While this outcome is far from ideal, it is considered that the applicant has endeavoured to secure the best possible landscaping scheme under the circumstances. In view of this, the Council's Arboricultural Officer and the Council's Landscape Architect have confirmed no objections to the proposed amendments.

3.31 Notwithstanding the amendments to the landscaping, there have been no amendments to the design of individual house types or plots and the overall layout remains the same as that approved through H/2020/0261. The relationship between the neighbouring properties remains similar and achieves the requisite minimum separation distances as set out in Policy QP4 and the Council's Residential Design Guide SPD

3.32 Overall, whilst it is disappointing that the proposals result in a significant reduction in the amount of trees compared to the approved landscaping plans through the parent approval H/2020/0261, and the proposal would have conflicts with Policies NE1 and QP4 of the Hartlepool Local Plan (2018) and paragraph 131 of the NPPF (2024), it is considered, in this instance, that the resulting landscaping would not be so significant as to warrant a reason to refuse the application.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.33 It is considered due to the modest nature of the proposals and satisfactory separation distances are maintained, in line with the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019), that the proposed amendments to the scheme would not have any appreciable impact on the amenity or privacy of neighbouring properties and/or future occupiers. No objections have been received from the Council's Public Protection team. Hours of construction/deliveries and a construction management plan were secured through separate planning conditions on the approved outline application and remain applicable to the current application.

3.34 In view of the above it is considered that the proposed amendments are acceptable with respect to the impact on the amenity and privacy of neighbouring land users, and is in accordance with policy QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2024).

HIGHWAY AND PEDESTRIAN SAFETY AND ACCESS

3.35 The proposed amendments to the scheme does not increase the number of dwellings to be provided on site and the access to the development remains unchanged. The Council's Traffic and Transport section have been consulted on the application and have raised no objection to the proposed amendments in terms of highway safety, access or parking. The proposal is therefore acceptable in this respect.

3.36 The Council's Countryside Access Officer has been consulted and raises no concerns or objection to the proposed amended landscaping. It is not considered that the changes will affect any present or future pedestrian walkways. The new coastal walkway/cycleway will not be affected by the proposed changes to the development. The proposal is therefore acceptable in this respect.

FLOODING AND DRAINAGE

3.37 The Council Food Risk Officer and Northumbrian Water have been consulted and raised no concerns or objection to the proposal. The proposal is therefore acceptable in these respects.

OTHER PLANNING MATTERS

3.38 With respect to matters relating to contaminated land, archaeology and ecology, no concerns or objections have been received from technical consultees as these matters have been addressed through previous planning conditions and legal obligations that remain applicable. The application is therefore considered to be acceptable with respect to these matters.

3.39 Cleveland Police have responded to consultation on the application to confirm that the proposed landscaping is acceptable from a security and safety perspective, and have provided advice in respect to Secured by Design initiatives, which can be relayed to the applicant by way of an informative.

3.40 The parent applications had a number of planning conditions, some of which being pre-commencement, details of which have been submitted and agreed to discharge those conditions through the appropriate application. Details to support the current S73 application reflect the amendments (and agreed conditions) to ensure continued compliance with the conditions of H/2014/0470 and H/2020/0261. A planning condition is to be secured on this approval to ensure that the other conditions attached to the original permission (H/2014/0470) and subsequent S73 (H/2020/0261) shall continue to apply to this permission.

3.41 The proposal relates to amendments to the landscaping for a previously

approved housing scheme it is not considered that it will in itself have any significant effect on the adjacent Special Protection Area/SSSI in terms of any additional nitrate pollution or recreational disturbance.

PLANNING OBLIGATIONS

3.42 The original approval (H/2013/0365) was subject to a Section 106 Agreement which secured a number of planning obligations and financial contributions. With regard to matters which are not part of this application, a report was presented to Members at Planning Committee in October 2019 which highlighted a number of changes to the original s106 legal agreement, these changes can be summarised as follows:

- A) Variation to bus stop contribution
- B) Variation to ecology mitigation contributions/obligations
- C) Deletion of 'insurance of sand dunes' covenant/obligation
- D) Replacement of existing clauses to allow for s73 variations to approved schemes

3.43 Discussions are ongoing regarding the need for a Deed of Variation to the S106 legal agreement and this requirement is reflected in the recommendation.

CONCLUSION

3.44 It is considered that on balance the proposal is acceptable and is therefore recommended for approval subject to the conditions set out below and the completion of an associated deed of variation.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.45 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.46 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.

3.47 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the completion of a deed of variation binding S73 applications (if required) and the conditions below:

1. The development hereby permitted shall be carried out in accordance with the plans and details:

Dwg. No. BM-HF-01, Highway Features,
Drainage Strategy at Britmag Hartlepool September 2014, prepared by
Persimmon Homes (Teesside) Limited, received by the Local Planning
Authority on 7th October 2014;

Dwg. No. SGD-01 Plans & Elevations (Single/Double Garage),
Dwg. No. SGD-02 Plans & Elevations (Triple Garage),
Dwg. No. SGD-03 Plans & Elevations (Quad Garage),
Dwg. No. SGD-03 Plans & Elevations (Garages 6 Block), received by the
Local Planning Authority on 28th November 2014;

Dwg. No. C969407-Y001S12 Rev A,
Dwg. No. MPT-GF-WD01 Rev C Plans & Elevations (Greyfriars),
Dwg. No. MPT-MS-WD01 Rev E Plans & Elevations (Moseley),
Dwg. No. MPT-MD-WD01 Rev D Plans & Elevations (Morden),
Dwg. No. MPT-HB-WD01 Rev B Plans & Elevations (Hanbury),
Dwg. No. MPT-AN-WD01 Rev B Plans & Elevations (Alnwick),
Dwg. No. MPT-CCA-WD01 Rev B Plans & Elevations (Clayton Corner),
Dwg. No. MPT-CD-WD01 Rev B Plans & Elevations (Chedworth),
Dwg. No. MPT-CDF-WD01 Rev B Plans & Elevations (Chedworth Front
Balcony),
Dwg. No. MPT-CDR-WD01 Rev D Plans & Elevations (Chedworth Rear
Balcony),
Dwg. No. MPT-HT-WD01 Rev B Plans & Elevations (Hatfield),
Dwg. No. MPT-RF-WD01 Rev B Plans & Elevations (Rufford),
Dwg. No. MPT-RFF-WD01 Rev B Plans & Elevations (Rufford Front Balcony),
Dwg. No. MPT-RFR-WD01 Rev D Plans & Elevations (Rufford Rear Balcony),
Dwg. No. MPT-WS-WD01 Rev C Plans & Elevations (Winster),
Dwg. No. MPT-WSR-WD01 Rev D Plans & Elevations (Winster Rear
Balcony),
Dwg. No. MPT-RS-WD01 Rev B Plans & Elevations (Roseberry),
Dwg. No. MPT-RSF-WD01 Rev B Plans & Elevations (Roseberry Front
Balcony),
Dwg. No. MPT-RSR-WD01 Rev D Plans & Elevations (Roseberry Rear
Balcony),
Dwg. No. MPT-SU-WD01 Rev D Balcony) Rev D Plans & Elevations (Souter),
received by the Local Planning Authority on the 5th December 2018;

Dwg. No. AD-WD-01 Plans & Elevations (Ashdown),
Dwg. No. AM-WD-01 Rev B Plans & Elevations (Alnmouth),
Dwg. No. BH-WD-01 Rev D Plans & Elevations (Burnham),
Dwg. No. CWC-WD-01 Rev D Plans & Elevations (Charnwood Corner),
Dwg. No. CW-WD-01 Rev D Plans & Elevations (Charnwood),
Dwg. No. DM-WD-01 Rev D Plans & Elevations (Delamare),
Dwg. No. DY-WD-01 Rev D Plans & Elevations (Danbury),
Dwg. No. GW-WD-01 Rev E Plans & Elevations (Greenwood),
Dwg. No. MS-WD-01 Rev C Plans & Elevations (Marston),
Dwg. No. SN-WD-01 Rev G Plans & Elevations (Saunton),
Dwg. No. SW-WD-01 Rev C Plans & Elevations (Sherwood),
Dwg. No. WF-WD-01 Rev C Plans & Elevations (Whinfell),

Dwg. No. WL-WD-01 Rev E Plans & Elevations (Whiteleaf), received by the Local Planning Authority on 2nd October 2020;

Dwg. No. HPL-MPT-MAS-000 Rev Y-STP (Phase Master Plan),
Dwg. No. HPL-MPT-001 Rev Y-STP Phase 1 (Master Plan Overrides),
Dwg. No. HPL-MPT-002 Rev Y-STP Phase 2 (Master Plan Overrides),
Dwg. No. HPL-MPT-003 Rev Y-STP Phase 3 (Master Plan Overrides),
Dwg. No. HPL-MPT-000 Rev Y STP Location Plan,
Dwg. No. SR1732/FE03-1 Rev E Drainage Feasibility (1 of 2),
Dwg. No. SR1732/FE03-2 Rev E Drainage Feasibility (2 of 2), received by the Local Planning Authority on 5th March 2021;

Dwg. No. HPL_MPT_LOC_001 (Site Location Plan, at a scale of 1:2500),
Dwg. No. HPL_MPT_LOC_002 (Site Location Plan, at a scale of 1:2500),
Dwg. No. 2433/10 Rev F Detailed Landscape Proposals - Phase 3 (1 of 3)
Dwg. No. 2433/11 Rev F Detailed Landscape Proposals - Phase 3 (2 of 3)
Dwg. No. 2433/12 Rev F Detailed Landscape Proposals - Phase 3 (3 of 3)
Dwg. No. 2433/6 Rev H Detailed Landscape Proposals (3 of 6)
Dwg. No. 2433/7 Rev H Detailed Landscape Proposals (4 of 6)
Dwg. No. 2433/8 Rev H Detailed Landscape Proposals (5 of 6)
Dwg. No. 2433/9 Rev H Detailed Landscape Proposals (6 of 6), received by the Local Planning Authority on 4th September 2024;

Dwg. No. HPL_MPT_LOC_003 Rev B (Site Location Plan, at a scale of 1:2500), received by the Local Planning Authority on 2nd December 2024.
For the avoidance of doubt.

2. This approval relates solely to this Section 73 application for the variation of condition 1 (approved plans) of planning permission H/2020/0261 (decision dated 30th April 2020) to allow for amendments to the approved landscaping (as described in the application forms and approved plans). The other conditions attached to the original permission (H/2014/0470) and conditions attached to (H/2020/0261) shall continue to apply to this permission and shall be complied with.
For the avoidance of doubt.
3. Notwithstanding the submitted details, all planting, seeding or turfing comprising the approved details of landscaping shall be carried out in the first planting season following the date of this decision for areas already completed or occupied, or following completion or first occupation (whichever is sooner), for areas under construction, of the development hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of the amenities of the area and to ensure a satisfactory form of development.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=159810>

3.50 Copies of the applications are available on-line:

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

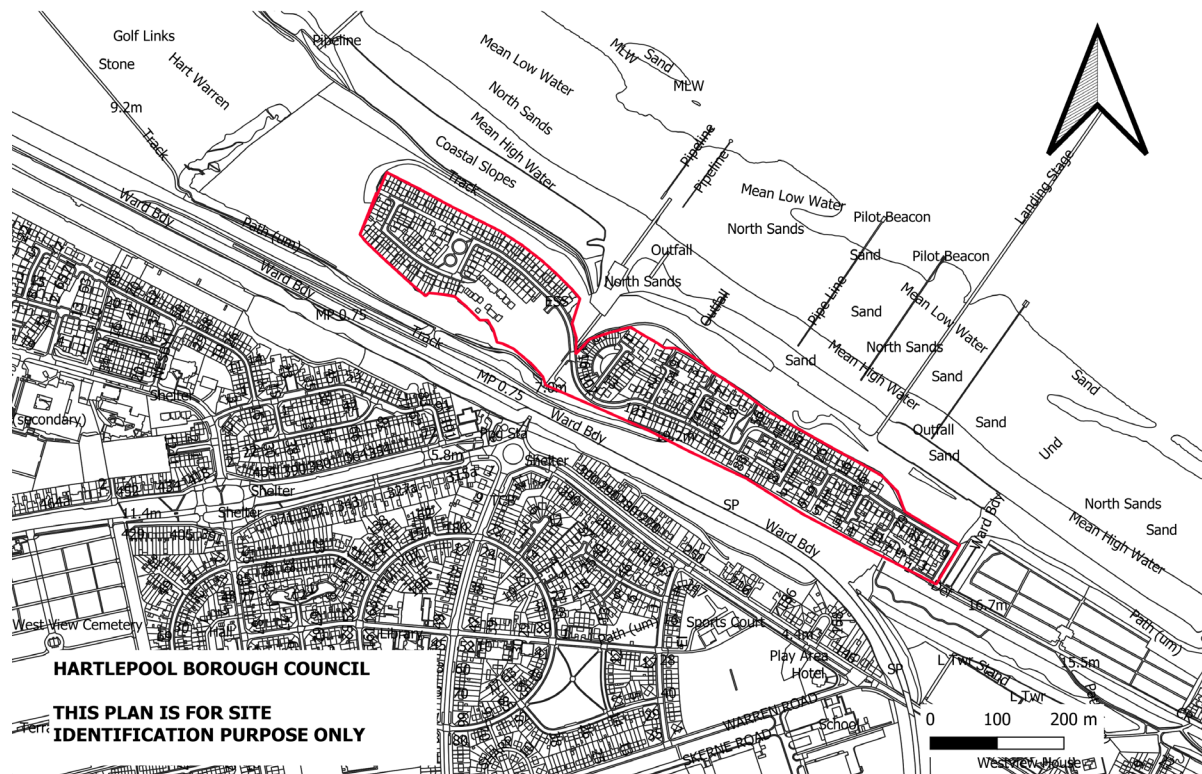
CONTACT OFFICER

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H/2023/0370 Former Britmag Ltd
Old Cemetery Road



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

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

PLANNING COMMITTEE

28 May 2025



Report of: Assistant Director (Neighbourhood Services)

Subject: UPDATE ON ENFORCEMENT ACTIONS

1. PURPOSE OF REPORT

- 1.1 To update members with regard to enforcement actions that have been taken.
- 1.2 The following enforcement actions have been taken within this reporting period:
 - 1. An Enforcement Notice has been served in respect of the erection of a front boundary wall at a residential property at The Beaumont, Wynyard.
 - 2. An Enforcement Notice has been served in respect of the replacement of the roof and change of materials from natural slate to fibre cement slate at a non-residential institution building in Regent Street.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

28 May 2025



Report of: Assistant Director – Neighbourhood Services

Subject: Hartlepool Local Development Scheme (LDS) 2025

1. PURPOSE OF REPORT

- 1.1 To update members with regard to the endorsement of the Hartlepool Local Development Scheme (LDS) 2025.
- 1.2 In December 2024 the Secretary of State for The Ministry of Housing, Communities and Local Government (MHCLG) requested that all local planning authorities (LPA's) produce an up to date timetable for when they intend to commence a new Local Plan or update an existing Local Plan. The Government requested that the timetable is set out in the Local Development Scheme (LDS).
- 1.3 The Government requested that LPA's submit their LDS to MHCLG by 6th March 2025.
- 1.4 On 27th February 2025 a report on the Hartlepool Local Development Scheme was discussed at Neighbourhood Services Committee. The report and attached LDS set out that the Hartlepool Local Plan allocates sufficient land for housing, retail, industry etc. for a 15-year period (2016 – 2031), that it is currently sound and fit for purpose, and unless that changes it is not necessary to commence a new Local Plan until January 2028 so that the plan can be ready for adoption in 2031.
- 1.5 The LDS with the Local Plan timetable contained within it was agreed and the Hartlepool LDS was submitted to MHCLD within the specified time frame.
- 1.6 The full Neighbourhood Services Committee report and Local Development Scheme can be viewed on line
([27.02.25 Neighbourhood Services Committee Agenda \(5\).pdf](#)).
- 1.7 By way of a summary the key points are set out below: -

Why the Hartlepool Local Plan is considered to be robust and fit for purpose

- 1.8 The 2023/2024 Authorities Monitoring Report (AMR) sets out how the local plan is performing and concludes that there is no need to update the local plan or commence a new one at this current time as all policies are performing as intended.
- 1.9 In December 2024 an updated National Planning Policy Framework (the 2024 NPPF) was issued and one significant change was to the standard methodology for calculating housing need. When applying the new standard methodology, the baseline housing need figure for Hartlepool is 360 per year.
- 1.10 The current local plan housing targets are higher than the 360 baseline, therefore the current Local Plan is deemed to be robust as it seeks to achieve a higher figure than that calculated by the new standard methodology and nothing else in the updated 2024 NPPF would lead officer to consider than the Hartlepool Local Plan needs updating prior to 2028.
- 1.11 The Council can currently demonstrate a 5.4 year housing land supply, (based on the Local Plan figures and not the 360 lower figure) this indicates that the Local Plan is performing as it should, ensuring a steady supply of housing.

Why January 2028 appears a sensible commencement date

- 1.12 Current Government intention is that new Local Plans should be adopted within 30 months of commencement. This 30-month (2.5 year) timeframe is challenging, however the local plan timeframe within the LDS ensures that the necessary preparations are undertaken prior to commencement of the local plan.

Any reasons put to Neighbourhood Services Committee on why HBC may commence a LP prior to 2028.

- 1.13 Officers will continue to monitor the 2018 Hartlepool Local Plan annually and provide information and recommendations in the AMR. Officers will continue to monitor housing data and the five year housing land supply. Officers will continue to monitor changes in legislation and guidance and the strategic vision of the Council.
- 1.14 If monitoring indicates that the 2018 Hartlepool Local Plan is not sound then officers will engage with members and put forward an updated LDS with a revised timeframe for Local Plan delivery.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

28th May 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 the outcome of a planning appeal that has been determined in respect of the 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 original application was refused, against officer recommendation, at the Planning Committee of 6th November 2024.
- 1.3 The appeal was allowed. A copy of the Inspector's decision (dated 07/05/2025) is attached (**Appendix 1**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1 – Inspector's Decision

Planning Inspectorate

Appeal Decision

Site visit made on 3 April 2025

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Appeal Ref: APP/H0724/W/24/3358229**117 York Road, Hartlepool TS26 9DL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ashley Johns of Team Tilly Leisure Ltd against the decision of Hartlepool Borough Council.
 - The application Ref is H/2024/0053.
 - The development proposed is change of use from a shop into an LGBT+ bar / nightclub.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from a shop into an LGBT+ bar / nightclub, at 117 York Road, Hartlepool TS26 9DL, in accordance with the terms of the application, Ref H/2024/0053, subject to the conditions in the attached schedule.

Preliminary Matters

2. The submitted evidence suggests that the use as a bar / nightclub has commenced. At the time of my visit the building was laid out internally in accordance with the plans on which the Council made its decision. I have therefore determined the appeal based on these plans.
3. The updated version of the National Planning Policy Framework (the Framework), which came into force on 12 December 2024, introduces no changes that would materially affect the outcome of this appeal.

Main Issues

4. The main issues are whether the proposal would:
 - have an acceptable effect on the living conditions of nearby occupiers, with regard to noise and disturbance;
 - make adequate provision for waste storage; and
 - unacceptably increase the potential for crime and fear of crime in the area.

Reasons*Living conditions*

5. The appeal site comprises a mid-terrace building fronting York Road, a busy commercial thoroughfare. Whilst the building is arranged over two storeys with additional attic space, only the ground and first floors are accessible and form part of the proposal. The neighbouring ground floor units along York Road are

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Appeal Decision APP/H0724/W/24/3358229

- occupied by a variety of predominantly commercial uses, with upper floors accommodating a mix of uses, including some residential. To the rear, the building opens directly on to a service lane, which runs between the commercial properties of York Road and the terraced residential properties on Johnson Street. The rear of these residential properties can also be accessed from the lane.
6. Policy RC2 of the Hartlepool Local Plan, May 2018 (the HLP), relates to development within Hartlepool town centre, as defined by the policies map. The site lies within, though on the edge of, the designated town centre, whereas the Johnson Street dwellings to the rear are outside of this boundary.
 7. Policy RC2 identifies the town centre as a focus for food, drink, and nightclub uses. It states that businesses are not permitted to operate between 11.30pm and 7:00am unless located within the 'late night uses' area identified on the map. Although the appeal site lies outside that area, both main parties agree that the proposed use would not operate during those restricted hours.
 8. The main bar, seating and dancefloor areas are situated towards the front of the building facing York Road. The rear is primarily designated for storage and service functions, including the kitchen, toilets and storerooms. Whilst patrons may have access to these areas, it appears that most noise-generating activity would be concentrated at the front of the premises.
 9. Other than the solid door at ground-floor level, the only opening I observed on the rear elevation was a first-floor window serving a storeroom. However, the submitted plans propose this to be blocked up. Whilst concerns have been raised regarding the proximity of the rear elevation to the Johnson Street dwellings, the proposal includes no physical extensions to the property. The premises could be lawfully occupied by an alternative commercial use, and I have been directed to no specific policies concerning separation distances for changes of use.
 10. Given these considerations, the design and layout of the development incorporates reasonable measures to mitigate potential noise and disturbance at the rear of the property, particularly in relation to the nearest neighbouring residential properties. Although there may be some noise associated with activity to the front of the property, this would be commensurate with its town centre location, and it would not operate outside of the general operational hours for this part of the town centre. Moreover, whilst it is acknowledged that the use has been operating without formal consent, no substantive evidence has been presented to demonstrate specific instances of noise or disturbance affecting nearby occupiers.
 11. For these reasons, I conclude that the proposed development would have an acceptable effect on the living conditions of nearby occupiers in terms of noise and disturbance. It would therefore accord with Policies RC2, QP4 and QP6 of the HLP, which together seek to direct suitable development to the town centre, to minimise noise and disturbance, and to ensure compatibility with neighbouring uses. It would also accord with the relevant provisions of the Framework, which have similar aims.

Waste storage

12. The proposal does not include any dedicated waste storage facilities. Instead, it is proposed that waste be stored externally in the rear lane during operational hours and moved internally to the rear 'lobby' area when the premises are not in use.

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13. Many of the buildings along York Road extend to the edge of the rear lane. At the time of my visit, several neighbouring properties had substantial bins stored externally within the lane.
14. However, the lane is reasonably wide, and even where bins were present, there appeared to be sufficient space for vehicles to manoeuvre without significant obstruction to deliveries or collections. Moreover, given that external bin storage is already a common practice in the lane, I am not persuaded that the occasional presence of bins associated with the appeal property – likely similar in scale to those of neighbouring premises – would result in any notable harm with respect to health, safety, or fire risk.
15. The lane is accessible from both the north and south via South Road and Thornton Street respectively. Lockable gates are located at both ends, though they were open at the time of my visit. Whilst I note concerns regarding the security of external bin storage, the presence of these gates provides an opportunity for the area to be secured via additional means, should occupiers choose to do so. Furthermore, as external bin storage is already an established practice in the lane, I do not find a modest increase in this use to raise any meaningful crime-related concerns.
16. For these reasons, I conclude that the proposed waste storage arrangements for the development would be acceptable and would accord with Policy QP5 of the HLP, which seeks to ensure development is safe and secure, and minimises the fear of crime. It would also accord with the relevant provisions of the Framework, which have similar aims.

Crime and fear of crime

17. In addition to the issue of waste storage, the Council also raises concerns that introducing another drinking establishment to the area may lead to an increase in crime and antisocial behaviour. In support of this, data from Cleveland Police has been cited, highlighting the number of reported crimes in the vicinity of the appeal site. Whilst these figures indicate that the area has experienced a notable level of reported crime, the information provided offers little insight into the specific nature of these incidents or any direct connection to the appeal site or the proposed use.
18. I acknowledge the reference to a recent complaint of antisocial behaviour outside the appeal premises, as well as the observations from interested parties regarding the conduct of patrons, including one incident where a crime reference number has been provided. Whilst I do not dispute these reports, the details regarding the nature and severity of the incidents are limited, and it is unclear whether any arrests were made. I also note the comments from the Council's Trading Standards and Licensing Manager, who confirmed that a premises licence was granted without objection from the police, and that no complaints had been received regarding the operation at the time the planning application was determined.
19. On this basis, there is limited evidence to substantiate claims of serious or sustained criminal or antisocial behaviour, or that the proposal would lead to an increase in such activity. Moreover, given the site's town centre location in an area that naturally attracts group activity and gatherings, some level of crime is to be expected, irrespective of the proposed development. In light of the evidence, I am

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not persuaded that the proposed development would lead to an unacceptable increase in such occurrences.

20. For these reasons, I conclude that the proposed development would not unacceptably increase the potential for crime and fear of crime in the area. It would therefore accord with Policies QP4 and QP5 of the HLP, which together seek to ensure development integrates with neighbouring land uses, is safe and secure, and minimises the fear of crime. It would also accord with the relevant provisions of the Framework, which have similar aims.

Other Matters

21. I note the comments of interested parties regarding the front door opening outward on to the street and potentially obstructing pedestrians. However, the submitted plans confirm that the shop front would feature an inward-opening door. Should the appeal be allowed, these details would be secured via condition to ensure the development would not impede pedestrian movement.

Conditions

22. The Council has provided a list of suggested conditions that I have reviewed against the tests set out in the Framework and the Planning Practice Guidance. To ensure compliance with these tests, I have made minor amendments to the wording of some conditions, and omitted others where they were not necessary.
23. As the development has already commenced, the standard time limit condition is not necessary. In the interests of certainty, and to prevent the unauthorised use of certain parts of the building, it is necessary to impose conditions specifying approved plans and preventing the second floor being used as part of the development.
24. A condition requiring the submission of external materials for the proposed shop front works is necessary to safeguard the character and appearance of the area.
25. Several conditions are also necessary to protect the living conditions of neighbouring occupiers. These include a requirement to block up the remaining rear-facing window within a specified timeframe, as well as restrictions on the hours of opening, deliveries, and construction activities.
26. The Council has proposed a condition requiring the submission of a noise insulation scheme to safeguard the living conditions of nearby occupiers. However, the suggested condition does not reference any specific measures, construction standards, or target noise levels that this scheme should achieve. As drafted, it lacks precision, and in my view would not be enforceable. Furthermore, considering my conclusions regarding the living conditions of nearby occupiers and the practical measures secured through other conditions, including those limiting operational hours, I am not convinced that this additional condition would be necessary.
27. The Council has also suggested a condition removing permitted development rights associated with changes of use. However, no substantive evidence has been presented to justify this restriction. Given the site's town centre location and its context among a diverse range of commercial uses, I do not find the imposition of this condition to be necessary.

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Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR