

REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990



PART I - PARTICULARS OF APPLICATION

Application No	H/2022/0009
Proposal	Demolition of existing structure and construction of artificial nesting structures for kittiwakes and associated infrastructure
Location	THE OLD YACHT CLUB FERRY ROAD HARTLEPOOL TS24 0AE
Applicant	ANTONIOU

PART II - PARTICULARS OF DECISION

The Hartlepool Borough Council hereby give notice in pursuance of the provisions of the above Act that **PLANNING PERMISSION HAS BEEN REFUSED** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans made valid on 27/01/2022 for the following reason(s):

1. In the opinion of the Local Planning Authority, the proposed development would have the potential to result in a constraining impact on the activities of the adjacent port and the economies of the area, contrary to policies LS1 and EMP4 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposal would not result in an adverse impact on the amenity of neighbouring land users in terms of noise, contrary to policy QP4 of the Hartlepool Local Plan (2018).
3. In the opinion of the Local Planning Authority, the proposed development would result in an adverse impact on the visual amenities of the area, contrary to policy QP4 of the Hartlepool Local Plan (2018).

Date of issue: 28/06/2022

Signed



Director of Neighbourhoods & Regulatory Services

Local Policy

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
EMP4: Specialist Industries
LS1: Locational Strategy
NE1: Natural Environment
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF
PARA002: Determination of applications in accordance with development plan
PARA003: Utilisation of NPPF
PARA007: Achieving sustainable development
PARA008: Achieving sustainable development
PARA009: Achieving sustainable development
PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development
PARA012: The presumption in favour of sustainable development
PARA038: Decision making
PARA047: Determining applications
PARA055: Planning conditions and obligations
PARA056: Planning conditions and obligations
PARA110: Considering development proposals
PARA124: Achieving appropriate densities
PARA130: Achieving well-designed places
PARA134: Achieving well-designed places
PARA154: Meeting the challenge of climate change, flooding and coastal change
PARA157: Meeting the challenge of climate change, flooding and coastal change
PARA169: Planning and flood risk
PARA218: Implementation

INFORMATIVE

1.0 Statement of Proactive Engagement

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However it is has not been possible in this instance to address or overcome the identified impacts.

See also notes overleaf

NOTES FOR APPLICANTS

1. If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission or approval subject to conditions, you may appeal to the Secretary of State for Communities and Local Government in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990. Details of time limits for appeal are set out below. Almost all appeals are determined by Planning Inspectors. Appeals must be made using a form which you can get from the Secretary of State at Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://www.gov.uk/appeal-planning-inspectorate>.
The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.
 2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the District in which the land is situated, a purchase notice requiring that Council to purchase his interests in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.
 3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
- * *Householder development means development of an existing dwellinghouse or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.*

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NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application or for a minor commercial application if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- In all other cases if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.