

PLANNING COMMITTEE AGENDA



Wednesday 18 January 2017

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Cook, Fleming, James, Lawton, Loynes, Martin-Wells, Morris and Robinson.

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 30 November.

3.2 To confirm the minutes of the meeting held on 14 December.

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

1. H/2016/0443 – Eldon Grove Primary School – Fence and Gates (page 1)
2. H/2016/0491 – Eldon Grove Primary School – Extension (page 8)
3. H/2016/0539 – Elwick Windmill, Benknowle Lane (page 14)

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*
- 5.2 Appeal at 76 Church Street (H/2016/0089) – *Director of Regeneration and Neighbourhoods*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



7. **FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the next scheduled meeting.

The next scheduled meeting of the Committee will take place on Wednesday 15 February 2017 commencing at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

30 November 2016

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

Present:

Councillor: Stephen Akers-Belcher (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, Marjorie James, Brenda Loynes, George Morris and Jean Robinson

Officers: Peter Devlin, Chief Solicitor
Jim Ferguson, Planning Team Leader (DC)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Senior Planning Officer
Jo Stubbs, Democratic Services Officer

61. Apologies for Absence

Apologies were submitted by Councillors James Black, Rob Cook, Trish Lawton and Ray Martin-Wells.

62. Declarations of interest by Members

None.

63. Confirmation of the minutes of the meeting held on 16 November 2016

Minutes confirmed.

64. Assistant Director (Economic Growth and Regeneration)

The Planning Services Manager was congratulated on his recent appointment as Assistant Director (Economic Growth and Regeneration).

65. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number:	H/2015/0354
Applicant:	Mr Brett Wilkinson 25a Parkview West Industrial Estate HARTLEPOOL
Agent:	David Stovell & Millwater 5 Brentnall Centre Brentnall Street MIDDLESBROUGH
Date received:	21/12/2015
Development:	Outline planning application with some matters reserved for residential development (up to 52 dwellings) with associated access and highway works and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas.
Location:	Land at Hart Reservoir Hart Lane HARTLEPOOL

A member noted that there was no reference in the 106 agreement to the developer funding the cost of additional street lighting as part of the development. The Senior Planning Officer confirmed that this would be covered by the developer under Planning Condition no 7. The member also referred to the developer's intention to lower the waterline and asked what impact this would have on the ecology, particularly feeding bats given the likelihood of the water freezing would be greater. The Planning Team Leader advised that the ecologist had examined the application and was happy with the ecological implications. He also noted that bats, tended mainly to hibernate in winter and so any impact would be limited. The Senior Planning Officer also highlighted that there had been lots of positive consultation between the developer, the Council's engineer and the Environment Agency regards flooding and drainage issues at the site. Following a query from a Member the Senior Planning Officer confirmed that the number of dwellings had been capped at 52. A member asked what materials would be used to fill in the bottom of the reservoir. The Senior Planning Officer indicated that the final details of this had not yet been agreed but would be covered under Planning Condition no 17.

Members voted in favour of the application by a majority.

Decision:	Minded to APPROVE subject to the completion of a legal agreement securing contributions towards primary education (£153,780) and secondary education (£95,329.00), built sports provision (£13,000) and green infrastructure/footpath links (£4,000), an obligation requiring the provision of on-site affordable housing (9 dwellings equating to the full 18%); requiring the provision and
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implementation of a scheme of ecological mitigation measures (household information packs, provision of SANGS); securing a local labour agreement; a scheme for the provision, maintenance and long term management of the nature reserve, car park, public open space, landscaping, waterbodies, play facilities, reservoir structures and permissive footpaths

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with amended plan Dwg No(s) HL/13/001/001/D (Location Plan) and HL/13/001/002/D (Existing Site Plan) both plans date received 10th December 2015 by the Local Planning Authority and amended plan Dwg No(s) 15.04/P100_PO (Rev PO)(Proposed Site Plan) and Boho One Proposed Site Plan at scale of 1:1000@A1 both plans date received 7th September 2016 by the Local Planning Authority.
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 52 no. dwellinghouses (C3 use class). This shall include a minimum of 5 plots with single storey dwellings i.e. bungalows.
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with drawing ref. 15.04/P100_PO (Rev PO)(Proposed Site Plan) date received by the Local Planning Authority 7th September 2016 including the retention of the upper and lower reservoir water bodies.
To ensure a satisfactory form of development and in the interests of protecting/enhancing biodiversity and bat habitat.
6. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a detailed scheme for the provision of a segregated right turning lane, ghost island and widening of Hart Lane (to be provided on a 1:500 scale plan, minimum) has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation

measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

7. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a scheme for highway mitigation measures has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to extend the 40mph speed limit along Hart Lane (in the vicinity of the proposed access), the relocation of existing highway signage and street lighting, and a system of new street lighting suitable for a 40mph road from the proposed site access to the point where the existing street lighting commences at the roundabout adjacent to High Throston Golf Club. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. To enable the Local Planning Authority to control details and in the interests of highway safety.
8. Notwithstanding the submitted plans and Transport Assessment, no development shall take place until a detailed scheme for the provision of 2.4 metre x 120 metre sight lines (minimum) in both directions at the site entrance, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include appropriate measures for works to existing landscape features to facilitate the sight lines, which shall be maintained for the lifetime of the development. The scheme shall also demonstrate a minimum 6 metre radii at the junction with Hart Lane. No dwelling shall be occupied until the requisite sight lines and junction radii have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved. To enable the Local Planning Authority to control details and in the interests of highway safety.
9. The proposed car park, roads, junction radii, footpaths and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority. In order to ensure the roads are constructed and maintained to an acceptable standard.
10. No development shall take place until a detailed design scheme for the provision of the proposed internal highway network including roads, footpaths, verges, and bridges and associated street furniture and infrastructure has been submitted to and approved in writing by the

Local Planning Authority. No dwelling shall be occupied until the internal highway network has been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

11. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

12. Notwithstanding the submitted information and the measures outlined within the RAB Consultants Flood Risk Assessment Version 5.0 (date received 22nd April 2016), no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. The scheme shall demonstrate biodiversity enhancement. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent the increased risk of flooding, and to ensure underground tanks have the capacity for the carriage way and residential plots and ensure future maintenance of the surface water drainage system.

13. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

14. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
 - i) all previous uses
 - ii) potential contaminants associated with those uses

- iii) a conceptual model of the site indicating sources, pathways and receptors
 - iv) potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.

15. Prior to the occupation of the dwellings hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.
16. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out

in accordance with the requirements of the report.

To ensure any site contamination is satisfactorily addressed.

17. Notwithstanding the submitted information, no development shall take place until a detailed design scheme for the modification of both the upper reservoir and lower reservoir (both to be retained in their modified form as water bodies) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include materials, methodology and testing regimes, and a timetable for implementation of the proposed works. No dwelling shall be occupied until the modification works to the lower reservoir have been completed in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be implemented as approved and shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

18. No development shall take place until a scheme, and delivery timetable, for the provision and management of a buffer zone alongside the watercourse and ponds has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and a named body responsible for management plus production of a detailed management plan
- details of any proposed footpaths, fencing, lighting and any other associated infrastructure.

In the interests of protection biodiversity and to ensure a satisfactory form of development.

19. No development shall take place until a detailed scheme and timetable for ecological measures (in respect of the works to convert the upper reservoir to a nature reserve) has been submitted to and approved in writing by the local planning authority. The scheme shall take into account the ecological recommendations set out within Appendix 1 of the submitted Planning, Design and Access Statement Revision B (dated 16th December 2015) including biodiversity enhancement through habitat creation and enhancement, and to prevent harm to protected species including bats. No dwelling shall be occupied until the ecological measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority or unless an alternative timescale for implementation is agreed in writing with the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

- To enable the Local Planning Authority to control details and in the interests of highway safety.
20. No dwelling shall be occupied until a scheme for the provision of bat and bird roosting features within at least 10% of the buildings and bird and bat boxes throughout the site, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.
In the interests of biodiversity compensation and to accord with the provisions of the NPPF.
21. No development shall take place until both an Arboricultural Impact Assessment and an Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site including the Deciduous Woodland, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme and any Reserved Matters application(s) shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, unless a variation to the scheme is agreed in writing with the Local Planning Authority. 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 adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.
22. Prior to the commencement of development, a detailed scheme of soft landscaping, hedge, tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall make provision for the use of native species and demonstrate habitat creation. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning

Authority gives written consent to any variation.

In the interests of visual amenity and to ensure a satisfactory form of development.

23. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area and highway safety.
24. No development shall take place until details of play facilities, public open space and street furniture to be provided on site (including the location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment, siting and provision of waste bins), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appropriate pedestrian gate and boundary enclosure to the proposed children's play area(s). The play facilities, public open space and street furniture shall thereafter be provided in accordance with the approved details, to the satisfaction of the Local Planning Authority.
In the interests of visual amenity, highway and pedestrian safety, and to ensure a satisfactory form of development.
25. The external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
To enable the Local Planning Authority to control details of the proposed development and in the interests of visual amenity.
26. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan 2006 and to ensure

- that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.
27. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.
To ensure a satisfactory form of development.
 28. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter and prior to the occupation of any individual dwelling, the development shall be carried out in accordance with the approved details.
In the interests of visual amenity and the amenity of the occupiers of the site.
 29. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site (and the additional street lighting along Hart Lane), including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
 30. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.
To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
 31. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and

records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

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

The site is of archaeological interest.

32. Prior to the commencement of development, details of proposed interpretation panels/boards (providing information on the retained features of the reservoir) 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 occupation of any dwellings on the site.

In the interests of visual amenity and heritage assets.

33. Prior to the commencement of development, a scheme showing how the energy demand of the development and its CO2 emissions would be reduced by 10% over the maximum CO2 emission rate allowed by the Building regulations Part L prevailing at the time of development, shall be first submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall be constructed in line with the approved scheme.

In the interests of promoting sustainable development.

34. No development shall commence until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy. Before the development is occupied the renewable energy equipment, detailed in the approved report, shall be installed.

In the interests of promoting sustainable development.

35. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the approved Construction Management Plan. To avoid excessive noise and disturbance to the occupants of nearby properties.

36. The dwellings hereby approved shall not exceed two and a half storeys in height.

In the interests of visual amenity.

37. 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) and notwithstanding the agreed details under condition 28, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
38. Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) and garages hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
39. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.

The Committee considered representations in relation to this matter.

66. 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.

67. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access

to Information) (Variation) Order 2006.

Minute 67 – (Update following Site Visit) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

- 68. Update following Site Visit** (*Author*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Further information is provided in the closed minutes.

Decision

Information is provided in the closed minutes.

The meeting concluded at 10:20 am

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

14 December 2016

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

Present:

Councillor: Trisha Lawton (In the Chair)

Councillors: Allan Barclay, Rob Cook, Marjorie James, Ray Martin-Wells and Jean Robinson

In accordance with Council Procedure Rule 4.2 Councillor Christopher Akers-Belcher was in attendance as substitute for Councillor Stephen Akers-Belcher

Officers: Andrew Carter, Assistant Director, Economic Growth and Regeneration
Hayley Martin, Solicitor
Jim Ferguson, Planning Team Leader (DC)
Daniel James, Senior Planning Officer
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Peter Frost, Highways, Traffic and Transport Team Leader
Kieran Bostock, Principal Engineer (Environmental Engineering)
Fiona McCall, Planning Officer
Angela Armstrong, Principal Democratic Services Officer

69. Apologies for Absence

Apologies for absence were received from Councillors Stephen Akers-Belcher, Sandra Belcher, Brenda Loynes and George Morris.

70. Declarations of interest by Members

None.

71. Confirmation of the minutes of the meeting held on 30 November 2016

Due to the unavailability of the minutes they were deferred to the next meeting of the Committee.

72. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number: H/2016/0186

Applicant: Mr George Ward

Agent: STEVE HESMONDHALGH AND ASSOCIATES MR C STOCKLEY 24 PARSONS COURT WELBURY WAY AYCLIFFE BUSINESS PARK

Date received: 17/05/2016

Development: Erection of a single dwelling

Location: The Homestead Cresswell Drive HARTLEPOOL

In response to concerns expressed by a Member, the Principal Engineer informed Members that the private drain had been assessed and was deemed acceptable in relation to the condition and size of the drain for the development. A Member sought clarification on the response from the Cleveland Fire Authority (CFA) as a statutory consultee and whether the CFA's full response was available for Members' consideration. The Planning Team Leader confirmed that the CFA's full response was included within the report. The Agent (Craig Stockley) addressed the Committee indicating that the applicant has responded positively to all the issues that had been raised.

The Committee considered representations in relation to this matter.

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 (drg no S288 PL 001 Location Plan, drg no S288 PL 003 Proposed Site Plan, drg no S288 PL 004 Block Plan, drg no S288 PL 005 Floor Plans, drg no S288 PL 006 Elevations) and details received by the Local Planning Authority on 03/05/2016 and the additional plans (drg no S288 PL 009 Proposed Sections, drg no S288 PL 010 Proposed Sections) received on the 17/05/2016.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

4. Notwithstanding the submitted details, no development shall commence until surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented at the time of development.
To ensure the development does not cause surface water flooding.
5. Structural details of the retaining walls, including surcharge loading details and materials, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter proceed in accordance with the details so approved.
To ensure the retaining walls are structurally adequate.
6. Notwithstanding the submitted details and prior to the commencement of development, a scheme of tree protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify which trees are to be removed and retained, and the protection during construction works proposed for all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development.
Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
7. Notwithstanding the submitted details, a detailed scheme of soft landscaping and shrub / tree planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken and be implemented in accordance with the approved details and programme of works.
All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development hereby approved or an alternative timescale agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity and to ensure a satisfactory form of development.
8. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

9. The proposed first floor bedroom window(s) facing Greenacre shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent, which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s). The application of translucent film to the window would not satisfy the requirements of this condition.
To prevent overlooking.

Number:	H/2016/0382
Applicant:	MR P CHARLTON, Fuller Crescent, Norton, Stockton on Tees
Agent:	D D Design Limited, Mr Darren Dugdale, 95 Wheatlands Park, REDCAR
Date received:	22/09/2016
Development:	Change of use from florist shop to micro pub and external alterations including installation of door to rear, replacement window to side, and rendering
Location:	2 THE FRONT, HARTLEPOOL

The applicant, Peter Charlton, informed the Committee that all the comments received had been positive and that the neighbours supported the development adding that it would be a traditional pub in a vintage style with great views of the coast. A Member commented that he supported the application as it would give the area a much needed lift.

The Committee considered representations in relation to this matter.

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 application details received by the Local Planning Authority on 22/09/16, the Site Location Plan as shown on Drawing Number 15.077.01 received by the Local Planning Authority on 31/08/16, and the amended plan Drawing Number 15.077.02B received by the Local Planning Authority on 25/11/16.
For the avoidance of doubt.
3. Notwithstanding the submitted details, within 2 months of the date of this decision notice, final details of the proposed new timber panel door on the west elevation shall be submitted to the Local Planning Authority for approval. The details shall include scaled elevation drawings and a sample of the

proposed final colour. The door installed shall be in accordance with the details so approved.

In the interests of visual amenity and to protect and enhance the character and appearance of the conservation area.

4. Before the use of the premises commences the premises shall be soundproofed in accordance with a scheme, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
 5. The premises shall only be open to the public between the hours of 10:00am and 11:00pm on any day including Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
 6. No live music, karaoke or other amplified speech shall be played/performed on the premises at any time.
In the interests of the amenities of the occupants of neighbouring properties.
 7. The delivery of products to be sold/consumed on the premises shall only be carried out between the hours of 9:00am and 7:00pm on any day.
In the interests of the amenities of the occupants of neighbouring properties.
 8. The emptying of waste bins containing glass bottles shall only take place between the hours of 9:00am and 7:00pm on any day.
In the interests of the amenities of the occupants of neighbouring properties.
 9. Notwithstanding the submitted details and prior to the building being brought into use, a scheme to agree a designated smoking area shall be submitted to the Local Planning Authority for approval in writing. The scheme shall thereafter be implemented in accordance with the approved details and shall thereafter be retained at all times for the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
 10. Drinks shall not be removed from the building in open containers.
To ensure that any drinking activities take place within the building on the site and not within the rear yard or in public areas or other areas in the vicinity of the site.
 11. Notwithstanding the submitted details, within 6 months of the date of this decision notice, the building shall be re-rendered in accordance with a scheme to be first submitted to and approved by the Local Planning Authority.
In the interests of visual amenity and to protect the character and appearance of the Seaton Conservation Area.
 12. This permission relates only to the ground floor of the premises as detailed on the approved plans (Drawing 15.077.02B).
For the avoidance of doubt and in the interests of the amenity of neighbouring properties.
-

Number: H/2016/0353

Applicant: RAINES ESTATES PROPERTIES LTD, COATHAM DRIVE, HARTLEPOOL

Agent: ASP Associates, 8 Grange Road, HARTLEPOOL

Date received: 26/08/2016

Development: Change of use of former care home to 13no. residential flats including the erection of a single storey extension at the rear, external alterations, and provision of in curtilage car parking

Location: 9-11 HUTTON AVENUE, HARTLEPOOL

Decision: Minded to **APPROVE** subject to the completion of a legal agreement securing contributions towards built sports provision (£3,250) and green infrastructure (£3,250)

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 plan No 1919 Rev A (Site Location Plan) received 12th August 2016 by the Local Planning Authority; and amended plans 1919/1 Rev B (Existing Floor Plans), 1919/2 Rev B (Existing Elevations), 1919/4 Rev B (Proposed Floor Plans) and 1919/5 Rev B (Proposed Elevations) all plans received 26th October 2016 by the Local Planning Authority; and amended plans 1919/3 Rev B (Existing Site Plan), 1919/6 Rev C (Proposed Site Plan), AMS TPP (Arboricultural Method Statement Tree Protection Plan), AIA TPP (Arboricultural Impact Assessment Tree Protection Plan) and AIA EXI (Arboricultural Impact Assessment Existing Trees Shown On Existing Layout) all plans received 9th November 2016 by the Local Planning Authority.
For the avoidance of doubt.
3. No development shall take place until the agreed scheme for the protection during construction works of all trees (identified to be retained) within and adjacent to the site has been completed in accordance with the measures stipulated within the 'All About Trees' Arboricultural Method Statement (date received 9th November 2016) and as annotated on plans 1919/6 Rev C (Proposed Site Plan) and AMS TPP (Arboricultural Method Statement Tree Protection Plan), both plans received 9th November 2016 by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Any trees which are to be removed (other than those identified within the Arboricultural Impact Assessment, date received 9th November 2016), become seriously damaged or die as a result of the 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 visual amenity and to protect those trees on site and adjacent to the site that are considered to be of amenity value.

4. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of any development on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision, shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the flats. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area and protected trees.

5. Notwithstanding the submitted details, a detailed scheme of soft landscaping and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme shall provide screening to the proposed rear car parking area and must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures, and be implemented in accordance with the approved details and programme of works.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first occupation of the flats hereby approved or an alternative timescale agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to ensure a satisfactory form of development.

6. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.

7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

8. Development shall not commence until a detailed scheme for the disposal of surface water from the development (car parking area and associated hard standing) hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
9. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination to external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
10. Prior to the commencement of the development hereby approved, the building (and 13no. flats) shall be provided with noise insulation measures, details of which shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the flats. The noise insulation scheme, as approved, shall be implemented in full prior to the flats hereby approved being occupied and shall be retained thereafter during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties within the development.
11. Notwithstanding the submitted plans and prior to the development hereby approved being brought into use, full details of secure and covered cycle parking shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the details so approved and provided prior to the occupation of any of the flats.
To ensure a satisfactory and sustainable form of development.
12. Notwithstanding the submitted information and prior to the occupation of the 13no. flats hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.
In the interests of the amenities of the occupants of neighbouring properties and to ensure a satisfactory form of development.
13. The development hereby approved shall operate solely in accordance with the working layout as set out on plan 1919/6 Rev C (Proposed Site Plan) received 9th November 2016 by the Local Planning Authority including car parking and access/egress to/from the site.
For the avoidance of doubt.
14. The development hereby approved shall be used as 13no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.
15. 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. To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

73. Update on Current Complaints (*Director of Regeneration and Neighbourhoods*)

Members were referred to 20 current ongoing issues currently being investigated.

Decision

The update report was noted.

74. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 75 – Complaint Cases to be Closed – *Director of Regeneration and Neighbourhoods* – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6).

Minute 77 – Potential Enforcement Action This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras ???).

75. Complaint Cases to be Closed (*Director of Regeneration and Neighbourhoods*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6)

The report sought Members' authority to close an outstanding complaint case. Further detail is included within the exempt section of the minutes.

Decision

The case file referred to in the report was closed with no further action to be taken.

76. 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.

77. Potential Enforcement Action (*Director of Regeneration and Neighbourhoods*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment (para 6).

A Member expressed concerns in relation to ongoing developments in the town. Further details were included within the exempt section of the minutes.

Decision

Further details were included within the exempt section of the minutes.

The meeting concluded at 10.35 am

CHAIR

No: 1
Number: H/2016/0443
Applicant: MS J DEVILLE ELDON GROVE HARTLEPOOL TS26 9LY
Agent: Mr Darren Pearson Hartlepool Borough Council Property Service Division Civic Centre HARTLEPOOL TS24 8AY
Date valid: 21/10/2016
Development: Erection of security fence and gates
Location: ELDON GROVE PRIMARY SCHOOL ELDON GROVE HARTLEPOOL

PURPOSE OF REPORT

1.1 A valid 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 Due to the development receiving an objection and the site being Hartlepool Borough Council owned land, the application must be considered by Members at planning committee.

PROPOSAL

1.3 Planning permission is sought for the replacement of the boundary fence/wall on the western side of the school with an approx. 2m high green powder painted metal fence and gates. The replacement fence would follow the same line as the existing boundary treatment with the pedestrian and vehicular entrance points also remaining in the same positions. There would also be some minor works to the existing hedge adjacent to the fence to facilitate the replacement.

SITE CONTEXT

1.4 The application site is Eldon Grove Primary School located towards the southern end of Eldon Grove, Hartlepool. The site consists of mainly single storey brick built buildings with a pitched slate roof, play areas and car parking. The western boundary is largely formed by a metal fence situated on top of a low brick wall with a total height of approx. 2m. This then changes to a green metal fence partially on Eldon Grove wrapping round onto Elwick Road. The main vehicular and pedestrian entrances to the school are both on the western side from Eldon Grove. To the north are tennis grounds operated by Eldon Grove Bowling and Tennis Club. To the south is Elwick Road. To the east are rear gardens of properties on Belmont Gardens. To the west beyond the highway are residential properties and further grounds of the Eldon Grove Bowling and Tennis Club.

PUBLICITY

1.5 The proposal has been advertised by way of a Site Notice, 3 Councillor Notification letters and 31 Neighbour Notification letters. One objection has been received with comments as follows:

Before I can support the plans for a new security fence, I would like to seek more information and assurances of how the current trees and hedging will be affected. As the hedging provides a hugely positive aspect to the front of the school, as opposed to a 2 metre high security fence.

I have no objection to the proposed new fencing around the playground as it would offer extra security to the children and seek assurances only for the area in front of the school as my property looks directly onto it.

1.6 Copy Letters A

CONSULTATIONS

1.7 The following consultation replies have been received:

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

HBC Arboriculture Officer: The hedge being privet is of no high value but does soften the boundary to the school. Looking at this on plan and on site there will be minimal loss of amenity as a result of the proposed fencing/access works. I therefore have no objections to the proposal.

PLANNING POLICY

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

National Policy

1.9 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of

previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

1.10 The following paragraphs are relevant to this application:

PARA 002: Primacy of Development Plan
 PARA 006: Contribute to the achievement of sustainable development
 PARA 007: 3 dimensions of sustainable development
 PARA 009: Sustainable development
 PARA 011: Planning law and development plan
 PARA 012: Statutory status of development plan
 PARA 013: NPPF is material consideration
 PARA 014: Presumption in favour of sustainable development
 PARA 017: Role of planning system
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development.

1.11 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 GEP12: Trees, Hedgerows and Development

PLANNING CONSIDERATIONS

1.12 The material planning considerations in regard to the above proposal are the impacts on visual amenity, trees and landscaping, neighbour amenity, highway safety and crime and disorder.

Visual amenity

1.13 In relation to the visual impact, the proposal has potential to alter the character of the street scene. The replacement fence is noted to differ from the existing boundary treatment which is approx. 1.7m in height and is formed by a pale brown metal fence sitting on top of a low brick wall. The replacement fence would have a green powder painted finish and would be slightly higher at approx. 2m. This is however considered to be of an appropriate design given the use of similar fencing at educational sites within Hartlepool. It is also considered that the retention of the existing access points would contribute to the functionality of the school site in terms of accessibility. Overall, given the design, appearance and positioning of the replacement fence, it is not considered that the proposal would have a significant detrimental effect on visual amenity, in accordance with Saved Policies GEP1, GEP2, GEP3 and GEP12.

Trees and landscaping

1.14 The works would involve some changes to the existing hedge on the western boundary. Saved Policy GEP12 is of relevance and states that the retention of existing trees and hedgerows will be sought within development sites. Where trees and hedgerows which contribute to the street scene are lost through development, their replacement (where practical) will be required.

1.15 Consultation with HBC Arboriculture Officer raised no objections to the proposal. Whilst it is recognised that the works would result in some changes to the existing hedge, this impact would be minimised (where possible). Given the type/quality of hedge and its overall contribution to the character of the area and street scene, it is not considered appropriate to use a condition to fully retain this hedge. Overall, the impact on landscaping is considered to be acceptable, in accordance with Saved Policies GEP1 and GEP12.

Neighbour amenity

1.16 One objection has been received in relation to the proposal. Comments stated that the existing hedge provides a positive aspect to the front of the school.

1.17 Whilst it is recognised that the hedge provides an element of soft landscaping and additional screening of the school, given the separation distance from this property and the fact that the hedge would be partially retained, it is not considered that there would be any undue impact on the amenity of this neighbour, in particular on privacy and outlook.

1.18 In relation to the impact on other properties to the west along Eldon Grove, given the separation from the site by the highway and the existing boundary treatments of these dwellings, it is not considered that the proposal would adversely affect the amenity of these neighbours.

1.19 In relation to the impact on the Eldon Grove Bowling and Tennis Club grounds to the north and west, given the nature of the proposal and the separation distances, it is considered unlikely that there would be any undue impact on amenity.

1.20 In relation to the impact on properties on Belmont Gardens, it is noted that these dwellings have rear gardens adjoining the eastern boundary of the school site. Given the location of the works, the screening and separation distances, it is considered unlikely that the proposal would adversely affect the amenity of these neighbouring properties.

1.21 Overall, given the nature of the proposal, the separation distances, and the scale/design of the replacement fence, it is not considered that the proposal would unduly affect the amenity of any neighbouring properties in terms of overbearing, overshadowing, loss of privacy or loss of outlook, in accordance with Saved Policy GEP1.

Highway safety

1.22 Consultation was undertaken with HBC Traffic and Transport with no objections received. The proposal is therefore considered to have no adverse impact on highway safety, in accordance with Saved Policies GEP1, GEP2 and GEP3.

Crime and disorder

1.23 Saved Policy GEP3 is of relevance and states that the Council will have regard to the need for development to incorporate features and/or measures to reduce crime and the fear of crime, including the location of walls, fences, footpaths and landscaping to eradicate blind spots.

1.24 Given that the replacement fence would be located in the same position as the existing, would be slightly greater in height, and would involve the partial removal of the existing hedge, the works are considered to have the potential to improve security and natural surveillance to and from the school. There would also be replacement gates also at 2m which would offer additional security if locked out of school opening hours. The impact on crime and disorder is considered to be acceptable, in accordance with Saved Policies GEP1 and GEP3.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.25 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.26 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. These have been considered as part of the relevant material planning matters above.

REASON FOR DECISION

1.27 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. It is not considered that the proposal would have a significant detrimental impact upon visual amenity including any trees and hedgerows, no undue impact on neighbour amenity, and no adverse impact on highway safety or crime and disorder.

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 permitted shall be carried out in accordance with the application details received by the Local Planning Authority on 04/10/16 and the plan (Proposed Plans, Elevations & Location Plan Drawing No. 707/41/2001 Rev. B) received by the Local Planning Authority on 21/10/16.

For the avoidance of doubt.

BACKGROUND PAPERS

1.28 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

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ELDON GROVE PRIMARY SCHOOL



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 22.12.16
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0443	REV

No: 2
Number: H/2016/0491
Applicant: MS J DEVILLE ELDON GROVE HARTLEPOOL TS26 9LY
Agent: Hartlepool Borough Council Mr Darron Pearson Property Services Civic Centre Victoria Road Hartlepool TS24 8AY
Date valid: 07/11/2016
Development: Erection of a single storey extension
Location: ELDON GROVE PRIMARY SCHOOL ELDON GROVE HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

2.1 A valid 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 Due to the development receiving an objection and the site being Hartlepool Borough Council owned land, the application must be considered by Members at planning committee.

PROPOSAL

2.3 Planning permission is sought for the erection of a single storey extension to the front of the school to form a larger dining area. The extension would project approx. 4.1m from the original front wall and have a width of approx. 13.2m. The eaves height would be approx. 2.5m with the overall flat roof height at approx. 3.4m. Large windows would be added on the western (front) elevation with a smaller window on the south elevation. Double doors would be added on the northern side. Brickwork, windows, doors and roof materials would all be to match the existing building.

SITE CONTEXT

2.4 The application site is Eldon Grove Primary School located towards the southern end of Eldon Grove, Hartlepool. The site consists of mainly single storey brick built buildings with a pitched slate roof, play areas and car parking. The main vehicular and pedestrian entrances to the school are both on the western side from Eldon Grove. To the north are tennis grounds operated by Eldon Grove Bowling and Tennis Club. To the south is Elwick Road. To the east are rear gardens of properties on Belmont Gardens. To the west beyond the highway are residential properties and further grounds of the Eldon Grove Bowling and Tennis Club.

PUBLICITY

2.5 The application has been advertised by way of a Site Notice, 3 Councillor Notification letters, and 31 Neighbour Notification letters. One response was received with the following comments:

Our property is directly opposite the proposed extension and already within viewing distance of the hall and Kitchen.

Should the extension be approved this will have a direct impact on our privacy and we would like to see the current hedging retained and grown larger if possible.

2.6 Copy Letters **B**

CONSULTATIONS

2.7 The following consultation replies have been received:

HBC Public Protection: Not object.

PLANNING POLICY

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

National Policy

2.9 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

2.10 The following paragraphs are relevant to this application:

PARA 002: Primacy of Development Plan

PARA 006: Contribute to the achievement of sustainable development

PARA 007: 3 dimensions of sustainable development
PARA 009: Sustainable development
PARA 011: Planning law and development plan
PARA 012: Statutory status of development plan
PARA 013: NPPF is material consideration
PARA 014: Presumption in favour of sustainable development
PARA 017: Role of planning system
PARA 196: Primacy of the Development Plan
PARA 197: Presumption in favour of sustainable development.

2.11 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design

PLANNING CONSIDERATIONS

2.12 The material planning considerations in regard to the above proposal are the impacts on visual amenity, neighbour amenity and crime and disorder.

Visual amenity

2.13 In relation to the visual impact, the proposed extension would be located at the front of the main school building meaning it would be visible from Eldon Grove. There is however an existing hedge along the western boundary which would provide some screening. It is also noted that the south western corner of the extension would be built within approx. 1.3m of this boundary. However, the remaining western side elevation would maintain a separation of approx. 3.2m from this boundary. Also of note is the positioning of the existing school which is set back from the boundary fence, which in itself is set back from the highway. The design of the extension is considered acceptable. Given the screening, overall scale, design and positioning of the proposal, there is considered to be no significant detrimental impact on the street scene in terms of dominance of massing. The visual impact is considered to be acceptable in accordance with Saved Policies GEP1, GEP2 and GEP3.

Neighbour amenity

2.14 In relation to the impact on neighbour amenity, one response was received raising concerns regarding the proposal. These are detailed above in section 2.05. In relation to the overall impact on no.46 Eldon Grove, this property is noted to be opposite the area where the proposed extension would be built. A number of new windows would therefore face towards this property. There is however a hedge along the front boundary of this property and a hedge along the western boundary of the school. The property is also separated from the school by the public highway. Given the relationship in terms of the use of the extension as a dining hall, the level of screening, the separation distance, the intervening public highway and overall

scale, design and positioning of the proposal, there is considered to be no undue impact on the amenity of this neighbour, in terms of outlook, privacy or loss of light.

2.15 In relation to the impact on other properties along Eldon Grove including the Eldon Grove Bowling and Tennis Club, again given the level of screening by boundary treatments, the separation distances, and overall relationship and scale/design of the proposal, there is considered to be no undue impact on amenity.

2.16 In relation to the impact on neighbouring properties on Belmont Gardens, the proposed extension would be entirely obscured by the existing main school building. There is therefore considered to be minimal impact on the amenity of these neighbours.

2.17 In relation to the impact on neighbouring properties to the south along Elwick Road, given the separation distance, overall relationship, and the scale and design of the proposal, there is considered to be no undue impact on amenity.

2.18 Overall, there is considered to be no undue impact on neighbour amenity in terms of overbearing, overshadowing, loss of privacy or loss of outlook, in accordance with Saved Policy GEP1.

Crime and disorder

2.19 The proposed extension would be built at the front of the school within the existing boundary fence. Whilst the extension would include the addition of two double doors allowing access to/from the hard standing play area, given the height of the existing fence and lockable gates, there is considered to be no detrimental impact in relation to crime and disorder, in accordance with Saved Policies GEP1 and GEP3.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.20 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.21 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. These have been considered as part of the relevant material planning matters above.

REASON FOR DECISION

2.22 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. It is not considered that the proposal would have a significant detrimental impact upon visual amenity, neighbour amenity or crime and disorder.

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 permitted shall be carried out in accordance with the application details and the Location Plan Drawing No. 707/40/9001 received by the Local Planning Authority on 07/11/16, and the amended plan (Proposed Plans and Elevations Drawing No. 707/40/2001 Rev. A) received by the Local Planning Authority on 30/11/16.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

BACKGROUND PAPERS

2.23 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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ELDON GROVE PRIMARY SCHOOL



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 22.12.16
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0491	REV

No: 3
Number: H/2016/0539
Applicant: MRS A HASSALL BENKNOWLE LANE ELWICK
HARTLEPOOL TS27 3HF
Agent: SUMMERHOUSE ARCHITECTS MR DAVID MACK MILL
FARM MIDDLESBROUGH ROAD GUISBOROUGH
TS14 6RW
Date valid: 14/12/2016
Development: Erection of storage building (resubmitted application)
Location: ELWICK WINDMILL BENKNOWLE LANE ELWICK
HARTLEPOOL

PURPOSE OF REPORT

3.1 A valid 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 is a resubmission of a scheme which was considered by Planning Committee on 24th August 2016 (ref H/2016/0283). The original application was refused by Planning Committee, against officer recommendation, as it was considered that the proposal would have a detrimental impact on the setting of the grade II listed Windmill due to its size / scale and location contrary to policy HE10 of the Hartlepool Local Plan (2006) and paragraph 132 of the NPPF.

3.3 Planning permission and listed building consent for the residential use of the Windmill were approved in 1992 (H/FUL/300/92 & H/LBC/301/92). In 2000 planning permission and listed building consent were obtained for the extension of the Mill. (H/FUL/0067/00 & H/LBC/0068/00). The 2000 approvals were subject to a section 106 agreement and various conditions requiring the recording, reinstatement, restoration and storage of various elements of the Mill and its original machinery.

3.4 The Windmill was previously in a derelict state and the consents above have brought the building back into use.

3.5 Alterations and the erection of a chimney stack were also approved in 2006 (H/2005/5960 and H/2005/5965).

PROPOSAL

3.6 Planning permission is sought for the erection of a storage/garage/workshop building in the vicinity of the Mill. It should be noted that it does sit outside the domestic curtilage of the host property. The structure is proposed to be positioned to the north east of the Mill adjacent to Benknowle Lane. The dimensions of the

building are 15.9m x 6.6m (approximately). The roof proposed is dual pitched with an eaves height of 2.5m and a ridge height of 5.35m (approximately). The building is of an agricultural design the materials proposed are rustic facing brickwork, pantiles and timber doors.

3.7 The applicant purchased the property in 2015 with the intention to carry out works to the tower to bring it back to a usable condition as part of their home. The mill tower is structurally stable, however it is in a poor condition due to water ingress. The works to the tower do not form part of this application however they are the reason for the proposed building. The works required are anticipated to take a number of years and the proposed building would be used as a secure equipment store and workshop for the duration of the works. The applicant intends to investment in the equipment required (most notably scaffolding) to allow them to have control over the timing of the works.

3.8 The application has been referred to the Committee due to the previous refusal.

SITE CONTEXT

3.9 The application site is located on Benknowle Lane, to the west of the A19. The site is to the north east of Elwick Windmill which is a grade II listed building. The windmill has been previously extended and it is relatively isolated in a rural setting. The site where the building is proposed is a grassed area which is used for the grazing of animals.

3.10 To the south east across a grassed area are out buildings associated with the Old Mill. To the east across a paddock is Mill House a residential property. To the north is Benknowle Lane beyond which are agricultural fields. To the west and south are agricultural fields. To the west, beyond the agricultural fields there is Benknowle Farm House and associated structures.

PUBLICITY

3.11 The application has been advertised by way of neighbour letters (10), site notice and press advert. To date, no objections have been received.

3.12 The period for publicity for the press advert expires on 27/01/2016. It is proposed that a decision on the application shall be delegated to the Assistance Director of Economic Growth and Regeneration subject to the consideration of any further representations received before the expiry of the publicity period.

CONSULTATIONS

3.13 The following consultation replies have been received:

HBC Public Protection – No objections.

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

HBC Engineers – No comments.

HBC Conservation – Previous comments from the original application would apply. (Outlined below).

The proposal is the construction of an outbuilding for the storage of materials in connection with restoring and maintaining Elwick Wind Mill which is a grade II listed building.

As the site is within the boundary of a listed building attention should be paid to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give great weight to the asset's conservation (para 132, NPPF).

The wind mill was previously in a derelict state and consents were granted in 2001 to restore the mill and construct an extension to the side of the tower to provide living accommodation. The living accommodation was completed and occupied and some works took place to restore the mill, the most substantial being the installation of a cap and fantail to the tower. Aside from this the brickwork to the mill remains in a poor state of repair with evidence that this is resulting in water ingress into the mill. In addition the machinery from the mill has for some time being strewn about the wider site.

The construction of the building would allow materials to be stored in order to maintain the building. In addition it would be an opportunity to store the machinery indoors until a long term solution can be found which will enable it to return to the mill for storage.

Whilst the building is substantial it is set against the rural back drop of Hartlepool where it is not unusual to find farm buildings such as this. It is located parallel to the boundary of the site which should enable views towards the mill when approaching the lane to be retained. In addition it is set a suitable distance away from the building that it would not compromise the immediate setting of the structure.

It is considered that the proposal will support the continued sustainable use of the building which is consistent with its conservation. No objections.

HBC Countryside Access Officer – Public Footpath No.9, Elwick Parish runs along the lane, past this property, from the A19, westwards, joining another public footpath at a footbridge. I would remind the applicant that at no time is it allowed for machinery, equipment, material or contractor vehicles to use the lane as a storage or a parking facility as this would be classed as obstructing the public footpath/public highway. To work out the logistics of this development, it would be useful for the developer/contractor to contact me and discuss the best way forward during any construction.

HBC Arboricultural Officer – No comments received.

HBC Landscape Architect - Having reviewed the documentation submitted for the above application I can confirm there are no objections on landscape or visual impact grounds. The design decision to develop the storage building as an agricultural style unit is supported and the simple, functional design of the building is appropriate for the location. It is evident that the provision of the building will support the continued restoration and maintenance of the Grade II listed building.

Tees Archaeology – As was the case with the previous application in relation to this site, there are no known archaeological constraints on the development and we have no objection to it or further comment to make.

Elwick Parish Council – No comments received at the time of writing this report.

PLANNING POLICY

3.14 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

3.15 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1 – General Environmental Principles
 GEP3 – Crime Prevention by Planning and Design
 HE8 – Works to Listed Building (Including Partial Demolition)
 Rur1 – Urban Fence
 Rur7 – Development in Countryside

National Policy

3.16 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

Paragraph 17 – Core Planning Principles
 Paragraph 56 – Ensuring Good Design
 Paragraph 126 – A Positive Strategy for the Historic Environment
 Paragraph 128 – Heritage Assets
 Paragraph 129 – Significance of Heritage Assets
 Paragraph 131 – Viable Uses Consistent with Conservation
 Paragraph 132 – Weight Given to Assets Conservation
 Paragraph 134 – Harm to Heritage Asset
 Paragraph 137 – Opportunities for new development
 Paragraph 196 – Primacy of the Development Plan
 Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, visual amenity and the impact on the listed building, neighbour amenity and highways.

THE PRINCIPLE OF THE DEVELOPMENT

3.18 The application site is located beyond the urban fence within a rural setting. As the proposed building is to be used in conjunction with an existing dwelling in part to facilitate the conservation of the listed building the principle of the development is considered to be acceptable subject to an assessment of all material planning considerations including the impact on the grade II listed building.

VISUAL AMENITY AND IMPACT ON THE LISTED BUILDING

3.19 Whilst the building proposed is substantial in size it is located within a rural setting where it is expected to find farm buildings of this type. The proposal also has an agricultural style with large openings and materials which are more traditional in nature. The position of the building adjacent to Benknowle Lane and the curtilage of the mill is considered to be acceptable as it will not result in an isolated structure within the middle of a field/holding. The proposal will be visible from Benknowle Lane, however it will be screened to some extent by hedging (approximately 1.5 – 2m high). Views from the A19 will be limited due to trees/vegetation and land levels.

3.20 As the site is within the boundary of a listed building attention should be paid to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the asset's conservation (para 132, NPPF).

3.21 The Council's Heritage and Countryside Manager was consulted on the proposal. It was reiterated that it is not unusual to find farm type buildings such as this in the area. It was also commented that as it is located parallel to the boundary of the site this should enable views towards the mill when approaching the lane to be

retained. In addition it is set a suitable distance away from the mill that it would not compromise the immediate setting of the listed building. It was concluded that the proposal will support the continued sustainable use of the building which is consistent with its conservation consequently there were no objections to the proposal.

3.22 The Council's Landscape Architect had no objections to the proposal on landscape or visual impact grounds. It was commented that the design decision to develop the storage building as an agricultural style unit is supported and the simple, functional design of the building is appropriate for the location. It is evident that the provision of the building will support the continued restoration and maintenance of the Grade II listed building.

3.23 In summary it is considered that the visual impact of the proposal on the surrounding area and listed Mill is acceptable and in accordance with saved policy GEP1 of the Hartlepool Local Plan 2006.

NEIGHBOUR AMENITY

3.24 As outlined above the site is relatively isolated and in a rural setting. More than adequate separation is maintained between the proposal and surrounding properties. The nearest neighbouring property is Mill House which is approximately 75m from the proposed building to the west. A greater distance will be maintained between the proposed structure and the buildings to the south east which are associated with the Old Mill. To the west and north of the site there are agricultural fields.

3.25 Due to the separation distances which are maintained, it is considered that the proposal would not create any significant overshadowing or any overbearing impact on neighbouring properties. The proposal would not create any significant loss of privacy or other amenity to neighbouring properties. The proposal is considered to be in accordance with saved policy GEP1 of the Hartlepool Local Plan.

HIGHWAYS

3.26 The Council's Traffic & Transport section were consulted on the application. No objections or concerns were raised. The proposal is therefore considered to be acceptable in terms of highway safety.

CONCLUSION

3.27 With regard to the above planning considerations and the relevant policies of the Hartlepool Local Plan 2006, the proposal is considered to be acceptable and is recommended for approval subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.29 There are no Section 17 implications.

REASON FOR DECISION

3.30 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 and subject to the consideration by the Assistant Director of Economic Growth and Regeneration of any further representations received before the expiry of the publicity period.

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 (drg no S279 PL 001 Location Plan, drg no S279 PL 003 Proposed Site Plan, drg no S279 PL 005 Proposed Plan & Elevations) and details which had been received by the Local Planning Authority at the time the application was made valid on 14/12/2016.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. The building hereby approved shall only be used for purposes incidental to the use of the dwelling house (Elwick Windmill) and no trade or business shall be carried out therein. It shall not be used as a separate dwelling.
In the interest of neighbour amenity and highway safety.

BACKGROUND PAPERS

Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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ELWICK WINDMILL, BENKNOWLE LANE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 22.12.16
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0539	REV

POLICY NOTE

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the relevant document.

ADOPTED HARTLEPOOL LOCAL PLAN 2006

GEP1 (General Environmental Principles) - States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2 (Access for All) - States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3 (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP12 (Trees, Hedgerows and Development) States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

HE8 (Works to Listed Buildings (Including Partial Demolition))

States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

Rur1 (Urban Fence) - States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur7 (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

13. The National Planning Policy Framework is a material consideration in determining applications.

14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

17: within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

126. LPA's should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment.

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should

take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

137. LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

197: In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

PLANNING COMMITTEE

18 January 2017



Report of: Director of Regeneration and Neighbourhoods

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. An investigation has commenced in response to a complaint regarding non-compliance with conditions relating to car parking provision at a community centre on Masefield Road.
2. An investigation has commenced in response to a complaint regarding non-compliance with conditions relating to the provision of wheel wash facilities and hours of work at a housing development site at Tunstall Farm.
3. An investigation has commenced in response to a complaint regarding the extension of parking areas at a village green in Dalton Piercy.
4. An investigation has commenced in response to a complaint regarding redevelopment works not being carried out in accordance with the approved plans at the site of a former public house in Warrior Drive.
5. An investigation has commenced in response to a complaint regarding the display of advertising boards and banners at a housing development at Middle Warren.
6. An investigation has been completed in response to a complaint regarding the running of a piano school business at a residential property in Linden Grove. It was found that the piano school being run at the property was of a low level and as such did not result in a material change of use of the property as a residential dwelling.
7. An investigation has been completed in response to a complaint regarding the untidy condition of an area of land at Green Street. As

a result of the helpful co-operation of the site owner, the appearance of the site has now been brought to an acceptable standard.

8. An investigation has been completed in response to a complaint regarding the increase in height of a rear boundary wall at Friar Terrace. Upon visiting the property, no evidence of an increase in height of a rear boundary wall at the property was observed.
9. An investigation has been completed in response to a complaint regarding the demolition of a timber garage, demolition of front boundary fence and erection of front boundary wall, re-roof and installation of rooflights, and installation of replacement uPVC windows at a residential property in Clifton Avenue. A valid planning application seeking to regularise the development works has since been received.
10. An investigation has been completed in response to a complaint regarding the untidy condition of a residential property in Broomhill Gardens. The external appearance of the property has now been significantly improved, it is therefore considered that no further action is justified.

2. RECOMMENDATION

Members note this report.

3. CONTACT OFFICER

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PLANNING COMMITTEE

18 January 2017



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL AT 76 CHURCH STREET HARTLEPOOL –
APPEAL REF: APP/H0724/W/16/3152211 –
CHANGE OF USE OF GROUND FLOOR TO HOT
FOOD TAKEAWAY AND A RESIDENTIAL FLAT
OVER FIRST AND SECOND FLOOR (H/2016/0089)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above appeal.
- 1.2 The appeal is allowed. A copy of the decision is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of the appeal.

3. CONTACT OFFICER

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3.2 AUTHOR

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Appeal Decision

Site visit made on 28 October 2016

by **Caroline Jones BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th December 2016

Appeal Ref: APP/H0724/W/16/3152211

76 Church Street, Hartlepool TS24 7DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T Bates against the decision of Hartlepool Borough Council.
- The application Ref H/2016/0089, dated 7 March 2016, was refused by notice dated 16 May 2016.
- The development proposed is described as 'change of use: ground floor - as hot food takeaway first and second floor - living accommodation for applicant'.

Decision

1. The appeal is allowed and planning permission is granted for change of use of ground floor to hot food takeaway and residential flat over first and second floor at 76 Church Street, Hartlepool, TS24 7DN in accordance with the terms of the application, Ref H/2016/0089, dated 7 March 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. Notwithstanding the description of development given on the application form, set out above, in granting planning permission I have used that from the Council's decision notice and the appeal form as I consider it clearly and more properly describes the proposed development.
3. The original applicant was Mrs Krishna Jeyasiri Sagayamalar. There is before me, however, formal agreement from the applicant that the appellant is Mr T Bates and I have used this name in the banner heading above accordingly.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the health and wellbeing of local residents;
 - ii) the effect of the proposal on parking and highway safety;
 - iii) the effect of the proposal on the character and appearance of the area; and
 - iv) whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to external space.

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Reasons

Health and well being

5. The Council is concerned that the use of the ground floor unit as a takeaway would introduce an additional A5 use into an area which suffers from higher than average child and adult obesity levels. As such, it asserts that the proposal would have a detrimental impact on the health and wellbeing of local residents contrary to paragraph 17 and 171 of the National Planning Policy Framework (the Framework) which states, amongst other things, that planning should take account of, support and understand local strategies to improve health, social and cultural wellbeing. The Council has no adopted or emerging local policy on this matter.
6. I appreciate the concerns raised by the Council's Health Improvement Team and I have noted the statistics from the National Obesity Observatory. I acknowledge that, as a whole, Hartlepool has a higher number of HFTs than the national average and that within this particular ward child obesity levels are higher than the average for England.
7. Nonetheless, the Council has stated that approximately 3% of all floor space in the Church Street late night area is operational as a HFT. To my mind, this modest number does not suggest that there is a proliferation of HFTs in this locality. Whilst I have taken into account the concerns raised by the Council's Health Improvement Team, I have also considered the Planning Officer's recommendation and agree with that summary. There is no substantive evidence before me to suggest that the addition of one HFT in this location could be attributed to any material decline in health and well-being of local residents. Given the absence of any policy support based on well researched information, and the absence of any clear cause or link to the proposal and a decline in health and well-being, there is insufficient justification to dismiss the appeal on these grounds.
8. I therefore conclude on this issue that the proposal would not materially harm the health and wellbeing of local residents and find no conflict with paragraph 17 or 171 of the Framework in this regard.

Parking and highway safety

9. The appeal site is located on a relatively busy main road. I noted at my site visit that there are a number of off street parking bays located on Church Street, some very close to the appeal site, which allowed parking for a maximum of 30 minutes between 8am and 6pm and unrestricted parking thereafter. Dedicated residents parking is located to the rear of the property as well a public car park within a short walking distance.
10. HFTs are likely to rely on a rapid turnover of short stay customers arriving by car. I note that the Highway Authority has stated that given the typical time required for parking at such a premises the HFT would result in a minimal impact on parking and traffic. From my own observations on site I am satisfied that there is sufficient parking either on Church Street or within the public car park to the rear to cater for the level of car parking likely to be needed. Given the above, I can see no reason why the proposal would result in indiscriminate parking to the detriment of highway safety.

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11. I therefore conclude that the proposal would not have an adverse impact on highway safety and find no conflict with Policy GEP1 of the HLP in this regard, which seeks, amongst other things, to ensure development is acceptable in terms of road safety.

Character and appearance

12. The appeal property would have access to a rear yard which exits onto the rear service lane. The Council's Waste Management Team has stated that refuse collection is made from the rear lane where waste bins would be located on collection days. I noted at my site visit that a number of waste bins were located along the rear lane although I am not aware if it was a bin collection day. The appellant has stated that waste bins would continue to be located within the rear yard and has provided details of commercial bins to demonstrate that they could be accommodated. The Council's Waste Management Team has not raised any concerns with this area being used for the storage of waste bins and in the absence of evidence to the contrary there is no reason to believe that the proposal would lead to the likely storage of bins outside of the site.
13. I therefore conclude that the proposal would not have an adverse impact on the character and appearance of the area and find no conflict with Policy GEP1 of the HLP in this regard, which seeks, amongst other things, to ensure development takes account of its relationship with the surrounding area.

Living conditions

14. The Council is concerned that should refuse storage be located within the rear yard area, access to the residential units and the rear of the ground floor unit would be restricted with a consequent detrimental effect on the amenity of future occupiers. Whilst I accept the yard is narrow, given its size it is more akin to a passageway and would be unlikely to be used as external amenity space. Having regard to the submitted details of the commercial bins, I am satisfied that they would be of a size to allow free passage within the yard. Furthermore, I note from the plans that access to the residential unit would also be available through the front of the property and not restricted solely to the rear yard.
15. I therefore conclude that the proposal would not materially harm the living conditions of future occupiers with regard to external space and find no conflict with Policy GEP1 of the HLP and paragraph 17 of the Framework in this regard, which seek, amongst other things, to protect residential amenity.

Other matters

16. The site lies within the CSCA and there are a number of listed buildings in the locality. I note that the Council does not consider that the proposal would have an adverse effect on the setting of the listed buildings or the character and appearance of the CSCA subject to final details of the proposed extraction equipment. Given the minimal external changes and the intervening distance to the listed buildings, I agree with the Council that the proposal would not materially harm the character or appearance of the CSCA or the setting of the nearby listed buildings. Hence, both the setting of the nearby listed buildings and the character and appearance of the CCA would be preserved.

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Conditions

17. Having regard to the Framework, and in particular paragraph 206, I have considered the conditions suggested by the Council. The conditions I shall impose are based on those suggested by the Council but with some variation to the wording in the interests of precision or clarity. As well as the standard time limit condition I have imposed a condition requiring that the development is carried out in accordance with the approved plans in order to provide certainty. Conditions relating to opening hours, extraction equipment and noise insulation are necessary in order to protect the amenity of neighbouring and future occupiers.
18. I do not consider a condition confirming that external alterations are not authorised necessary as the extent of development permitted is clearly defined on the approved plans and any further works requiring permission would, in any case, require an application to the Council.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR

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SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan (all dated 9th March 2016) and Indicative Flue Details – Extract/Ventilation System (received 12th April 2016).
- 3) The premises shall only be open for customers between the following hours: Mondays to Saturdays 1000 hours to 0100 hours on the following morning and Sundays and Bank Holidays 1300 hours to 2300 hours.
- 4) Before the use hereby permitted commences, equipment to control ventilation, the emission of fumes and smell from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the permitted use continues.
- 5) Before the use hereby permitted commences, the building shall be provided with noise insulation measures, a scheme for which shall be first submitted to and approved in writing by the local planning authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the ground floor hot food takeaway and the residential unit above. The noise insulation scheme shall be implemented in full and retained for so long as the permitted use continues.