



1. INTRODUCTION

This agenda considers planning applications submitted to the Council, as the Local Planning Authority, for determination

2. STATUS OF OFFICER'S RECOMMENDATIONS AND COMMITTEE'S DECISIONS

All information, advice, and recommendations contained in this agenda are understood to be correct at the time of preparation, which is approximately two weeks in advance of the Committee meeting. Because of the time constraints, some reports may have been prepared before the final date for consultee responses or neighbour comment. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting or where additional information has been received, a separate "Planning Addendum" paper will be circulated at the meeting to assist Councillors. This paper will be available to members of the public.

3. THE DEBATE AT THE MEETING

The Chairman of the Committee will introduce the item to be discussed. A Planning Officer will then give a short presentation and, if applicable, public speaking will take place (see below). The Committee will then debate the application with the starting point being the officer recommendation.

4. SITE VISITS

A Panel of Members visits some sites on the day before the Committee meeting. This can be useful to assess the effect of the proposal on matters that are not clear from the plans or from the report. The Panel does not discuss the application or receive representations although applicants and Town/Parish Councils are advised of the arrangements. These are not public meetings. A summary of what was viewed is given on the Planning Addendum.

5. THE COUNCIL'S APPROACH TO THE DETERMINATION OF PLANNING APPLICATIONS

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This means that any discussions with applicants and developers at both pre-application and application stage will be positively framed as both parties work together to find solutions to problems. This does not necessarily mean however, that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.

The Local Plan is the starting point for decision making. Proposals that accord with the Local Plan will be approved without delay. Development that conflicts with the Local Plan will be refused unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- (i) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Local Plan taken as a whole; or
- (ii) Specific policies in the Local Plan indicate that development should be restricted.

The Council will grant planning permission where it is satisfied that it will achieve a positive outcome that meets a recognised planning purpose.

Unsatisfactory applications will however, be refused without discussion where:

- (i) The proposal is unacceptable in principle and there are no clear material considerations that indicate otherwise; or
- (ii) A completely new design would be needed to overcome objections; or
- (iii) Clear pre-application advice has been given, but the applicant has not followed that advice; or
- (iv) No pre-application advice has been sought.

6. PLANNING POLICY

All planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. If the development plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the development plan. Where there are other material considerations, the development plan will be the starting point, and other material considerations will also be taken into account. One such consideration will be whether the plan policies are relevant and up to date.

The relevant development plans are, the Hart District Local Plan including first alterations, retained Policy NRM6 of the South East Plan the Hampshire, Portsmouth, Southampton, New Forest National Park Minerals and Waste Core Strategy, and the saved policies of the Hampshire, Portsmouth and Southampton Minerals and Waste Local Plan.

Although not necessarily specifically referred to in the Committee report, the relevant development plan will have been used as a background document and the relevant policies taken into account in the preparation of the report on each item.

The Localism Act 2011 also introduced a system of Neighbourhood Plans which are prepared by a local community for its area. These are subject to independent examination and public referendum. Where passed they become part of the development plan for the area concerned.

Emerging plans gather weight as they progress through the varying processes towards adoption. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. Refusal of planning permission

on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.

7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. These statements cannot make irrelevant any matter that is a material consideration in a particular case. Nevertheless, where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

The NPPF is a material consideration in determining applications. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development with its economic, social and environmental roles. All three aims should be sought jointly and simultaneously. The presumption in favour of sustainable development in decision making means:

- (i) approving development proposals that accord with the development plan without delay; and
- (ii) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

The NPPF indicates that the policies for the supply of housing land in a local plan will not be considered up to date where the Council cannot demonstrate a 5 year supply of deliverable housing land.

The Government has also published the Planning Practice Guidance which provides information on a number of topic areas. Again these comments, where applicable, are a material consideration which need to be given due weight.

8. OTHER MATERIAL CONSIDERATIONS

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned. Much will depend on the nature of the application under consideration, the relevant planning policies and the surrounding circumstances. All the fundamental factors involved in land-use planning constitute a material consideration. This includes such things as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure. Relevant considerations will vary from circumstance to circumstance and from application to application.

Within or in the settings of Conservation Areas or where development affects a listed building or its setting there are a number of statutory tests that must be given great weight in the decision making process. In no case does this prevent development rather than particular emphasis should be given to the significance of the heritage asset.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming. However, provided a consideration is material in planning terms, it will be taken into account, notwithstanding the fact that other regulatory machinery may exist.

Matters that should not be taken into account are:

- ✘ loss of property value
- ✘ land and boundary disputes
- ✘ the impact of construction work
- ✘ need for development (save in certain defined circumstances)
- ✘ ownership of land or rights of way
- ✘ change to previous scheme
- ✘ or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks, means of escape in the event of fire etc). - The fact that a development may conflict with other legislation is not a reason to refuse planning permission or defer a decision. It is the applicant's responsibility to ensure compliance with all relevant legislation.
- ✘ loss of view
- ✘ matters covered by leases or covenants
- ✘ property maintenance issues
- ✘ the identity or personal characteristics of the applicant
- ✘ moral objections to development like public houses or betting shops
- ✘ competition between firms,

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9. PLANNING CONDITIONS AND OBLIGATIONS

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.”

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under. In such cases the Council should use a condition rather than seeking to deal with the matter by means of a planning obligation. Where a condition requires a matter to be dealt with prior to development commencing (also known as a ‘Grampian’ condition) it is a legal requirement to explain why the matter has be dealt with before, rather than at a later stage in development.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the **Community Infrastructure Levy Regulations 2010** and as policy tests in the **National Planning Policy Framework and Planning Practice Guidance**. In particular the **Planning Practice Guidance** sets out minimum thresholds where, with the exception of mitigation of the effects of development on European sites, such as the **Thames Basin Heaths Special Protection Area**, obligations should

In all cases, including where tariff style charges are sought, the Council must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

Planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms

The Government is clear that obligations must be fully justified and evidenced.

10. PLANNING APPEALS

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. It is the Council's responsibility to produce evidence to show clearly, why the development cannot be permitted. Reasons for refusal must be

- Complete,
- Precise,
- Specific
- Relevant to the application, and
- Supported by substantiated evidence.

Appeals are administered by the Planning Inspectorate - an executive agency reporting to the Secretary of State. Appeals are considered by written representation, hearings, and public inquiries. In planning appeals, it is normally expected that both parties will pay their own costs.

The Council is at risk of an award of costs against it if it behaves unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal
- Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable
- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage
- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations
- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn

Statutory consultees (and this includes Parish Council's) play an important role in the planning system: local authorities often give significant weight to the technical advice of the key statutory consultees. Where the Council has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. Where the statutory consultee is a party to the appeal, they may be liable to an award of costs to or against them.

Interested parties who choose to be recognised as Rule 6 parties under the inquiry procedure rules, may be liable to an award of costs if they behave unreasonably.

11. THE ROLE OF THE SECRETARY OF STATE

The Secretary of State has reserve powers to direct the council to refer an application to him/her for decision. This is what is meant by a 'called-in' application. In general, this power of intervention is used selectively and the Secretary of State will not interfere with the jurisdiction of the Council unless it is necessary to do so.

12. PROPRIETY

Members of the Planning Committee are obliged to represent the interests of the **whole** community in planning matters and not simply their individual Wards. When determining

planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

13. PRIVATE INTERESTS

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Covenants or the maintenance/ protection of private property are therefore not material planning consideration.

14. OTHER LEGISLATION

Non-planning legislation may place statutory requirements on planning authorities, or may set out controls that need to be taken into account (for example, environmental legislation, or water resources legislation). The Council, in exercising its functions, also must have regard to the general requirements of other legislation, in particular:

- The Human Rights Act 1998, which incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property). All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.
- The Equality Act 2010 which replaced previous discrimination legislation. This puts a duty on public bodies, such as the Council, to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. The aim is for public bodies to consider the needs of all individuals in their day to day work, in developing policy, in delivering services, and in relation to their own employees.

The need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics;
- meet the needs of people with protected characteristics; and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

15. PUBLIC SPEAKING

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where

the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

Speakers are limited to a total of three minutes each per item for the Parish Council, those speaking against the application and for the applicant/agent. Speakers are not permitted to ask questions of others or to join in the debate, although the Committee may ask questions of the speaker to clarify representations made or facts after they have spoken. For probity reasons associated with advance disclosure of information under the Access to Information Act, nobody will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

16. LATE REPRESENTATIONS

To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further or new representations no new additional information will be allowed to be submitted less than 48 hours before the Committee meeting, except where to correct an error of fact in the report.

17. INSPECTION OF DRAWINGS

All drawings are available for inspection on the internet at www.hart.gov.uk

Item No: I01

17/01731/HOU

**Page: 10 – 17
Grant**

13 Hearmon Close Yateley Hampshire GU46 6XD

Erection of a front porch

Item No: I02

17/01785/FUL

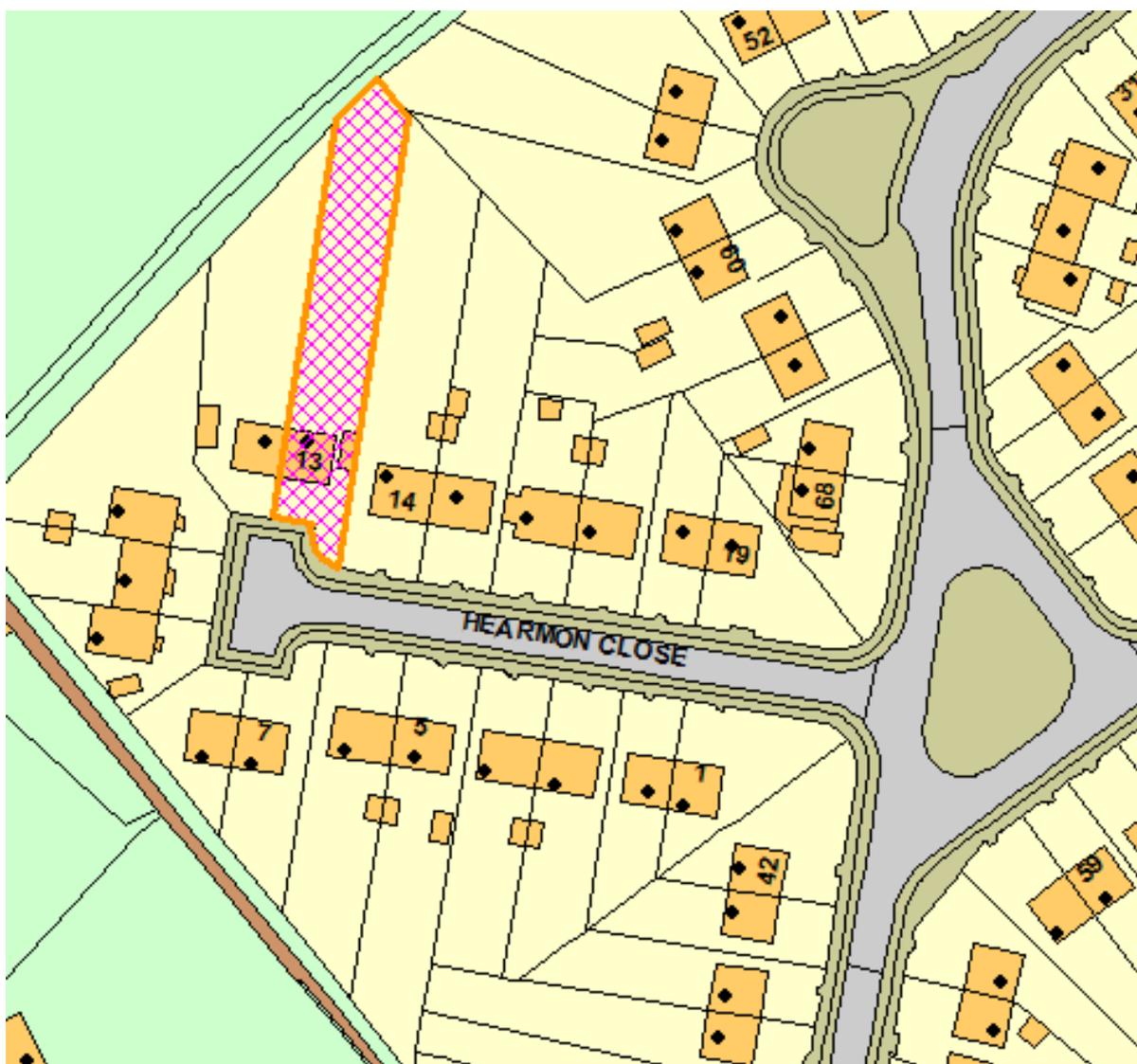
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Grant**

Mattingley Church Mattingley Green Mattingley Hook RG27 8LA

Removal of existing shed used for garden storage, and its replacement with a slightly longer shed to provide garden storage plus a composting toilet suitable for disabled use.

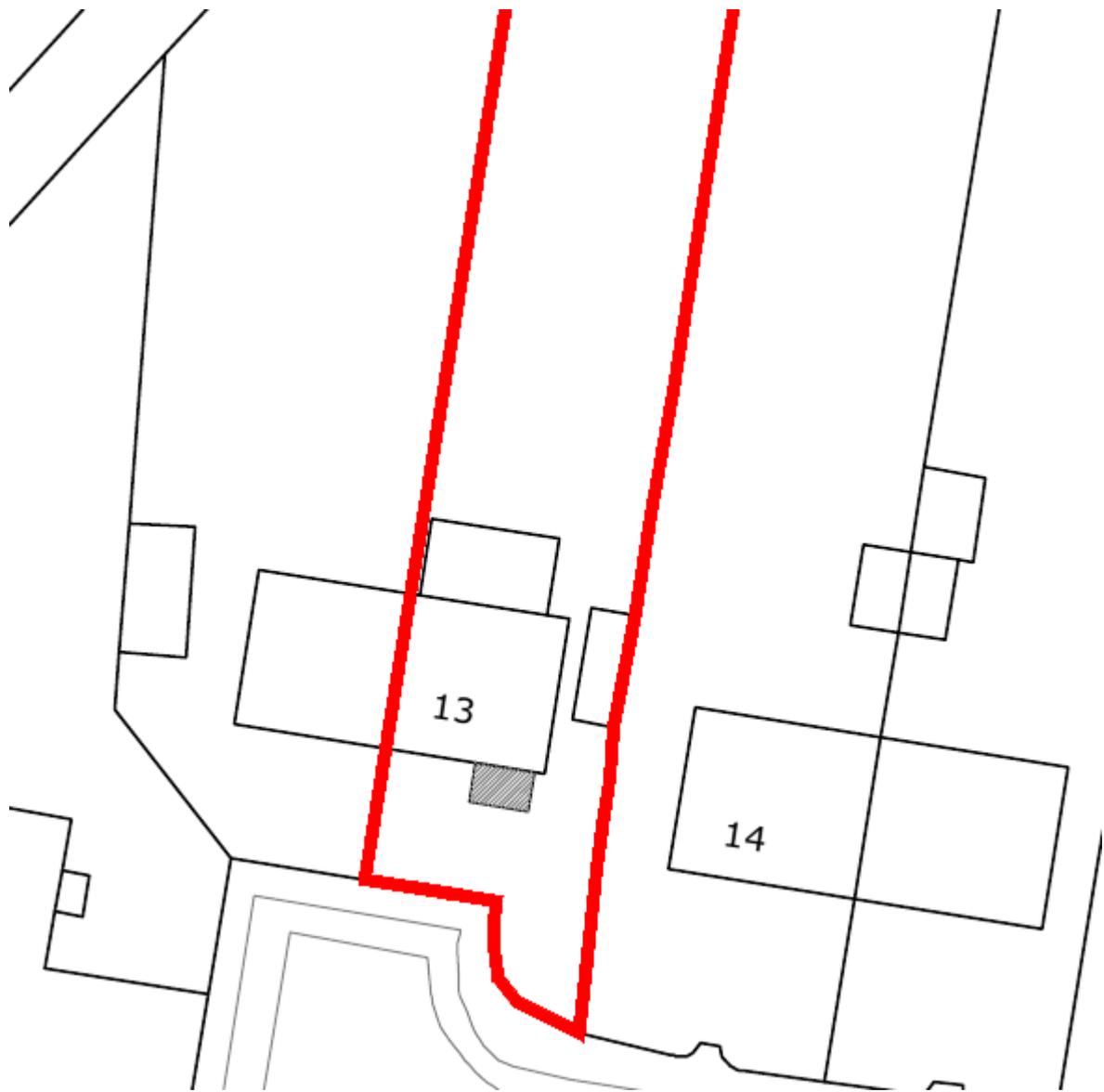
**COMMITTEE REPORT
ITEM NUMBER: 101**

APPLICATION NO. 17/01731/HOU
LOCATION **13 Hearmon Close Yateley Hampshire GU46 6XD**
PROPOSAL Erection of a front porch.
APPLICANT Mr Parrott
CONSULTATIONS EXPIRY 18 August 2017
APPLICATION EXPIRY 8 September 2017
WARD East Yateley
RECOMMENDATION **Grant**

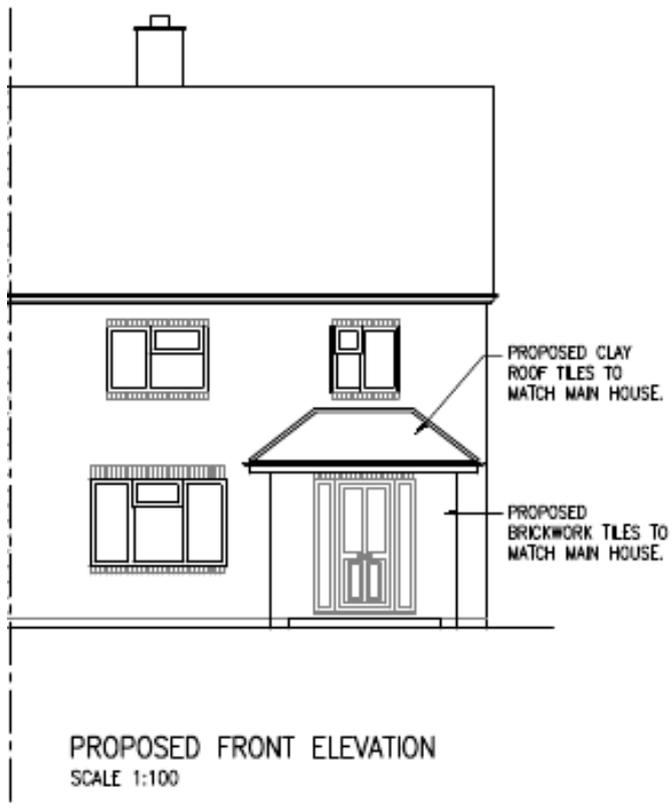
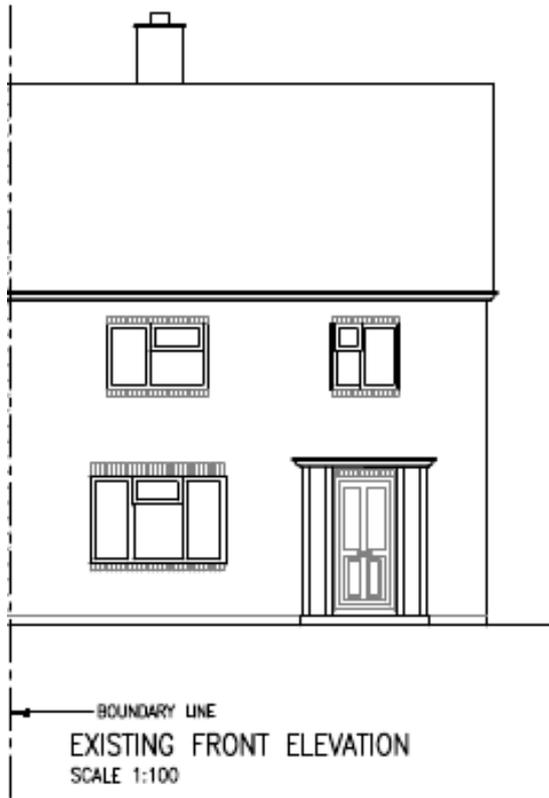


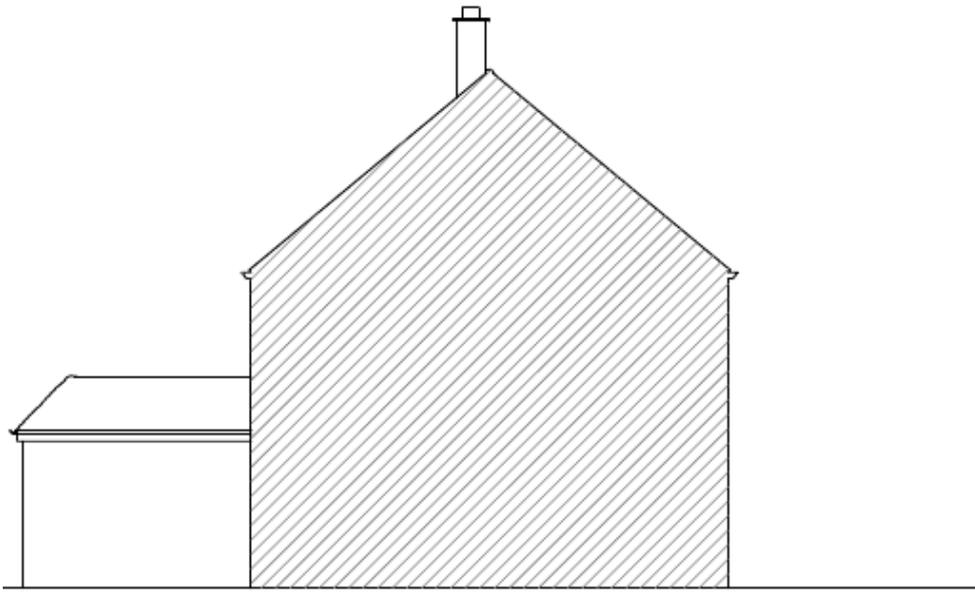
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Site Plan

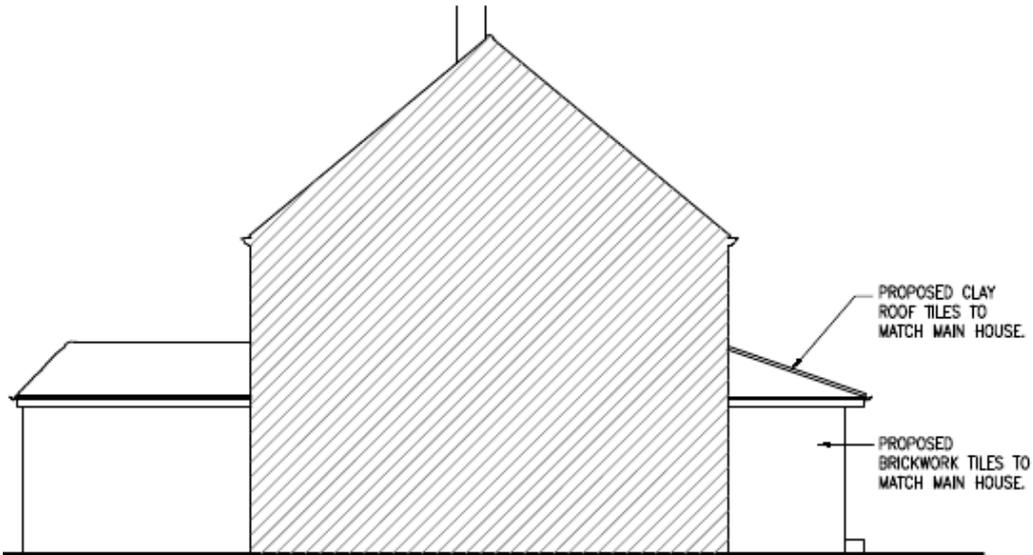


Elevations





EXISTING SIDE ELEVATION
SCALE 1:100



PROPOSED SIDE ELEVATION
SCALE 1:100

BACKGROUND

The application is brought to Planning Committee as a member of staff in Regulatory Services lives adjacent to the application site.

THE SITE

The application site comprises a two storey semi-detached dwellinghouse situated within the Urban Settlement of Yateley. The general area comprises of dwellings (two storey and bungalows) which are similar in character, appearance and design as the application site.

The dwelling is built of red brick and concrete tiles and has a pitched roof. The dwelling and the adjoining semi are set slightly further back within their plot than the others within the area.

The frontage is part laid to lawn with a low brick wall and part tarmacked with vehicular access is situated to the side of the site.

PROPOSAL

The proposal is for the erection of a front porch.

The proposed porch has dimensions of 1.8m in depth, 2.7m in width and 3.2m in height.

Under Class D of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) planning permission is not required for the erection of a porch subject to complying with the following criteria;

- The ground area (measured externally) does not exceed 3 square metres.
- Any part of the structure would exceed 3 metres in height.
- The structure would be within 2 metres to any boundary of the curtilage of the dwellinghouse with a highway.

The proposed porch would not be within 2 metres to any boundary but would however exceed 3 metres in height and the ground area would exceed 3 square metres. For these reasons planning permission is required.

PLANNING HISTORY

16/00525/PRIOR - Notification of a Proposed Larger Home Extension for a ground floor rear kitchen extension. Prior Approval Not Required 11.04.2016.

CONSULTEES RESPONSES

Yateley Town Council

No objection subject to adequate off street parking being identified.

NEIGHBOUR COMMENTS

No letters of representation have been received.

Hart District Council Local Plan (Replacement) 1996 – 2006

GEN1	-	General policy for development
GEN4	-	General Design Policy
URBI	-	Definition of Areas
URBI6	-	Extensions
T14	-	Transport and Development

CONSIDERATIONS

Principle

The site lies within the urban settlement of Yateley as defined by saved policy URBI, where there is a presumption in favour of development, subject to compliance with the National Planning Policy Framework (NPPF) and the relevant saved Local Plan policies.

Design and character of the area

Saved Policies GEN1(i), GEN4 and URBI6(i) permit development where the proposal is well designed, is in keeping with the local area and sympathetic to the existing dwelling. The NPPF advises the LPA to take account of the character of different areas and attaches great weight to the importance of good design (para. 17).

The proposal involves the erection of a front porch to be constructed from brickwork and concrete roof tiles to match those used on the host dwelling. It was observed on site visit, that there are other examples within the area of similar alterations to the frontages of the neighbouring dwellings.

The proposed porch is considered to be a modest addition which is sympathetic to the main dwellinghouse. It is considered that the proposal would not give rise to any detrimental impacts to the character of the local area.

Therefore the proposal is considered acceptable in terms of design and appearance and would comply with saved policies GEN1 and URBI6.

Neighbour amenity

Saved Policies GEN1(iii) and URBI6(iii) permit development where there would be no material loss of amenity to adjoining residential uses. The NPPF advises that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings (para. 17).

The proposed porch is to be located approximately 3.7m from the common boundary with the neighbouring property No. 12 and approximately 3m from the common boundary with

the neighbouring property No. 14. Given these distances along with the modest dimensions of the proposed porch, it is considered that it would not give rise to any adverse impacts on the amenities of adjoining neighbours.

Given these circumstances, it is considered that there would be no material loss of amenity to any neighbour by virtue of loss of light, privacy or visual intrusion

Therefore the proposal would comply with saved policies GENI and URB16.

Parking

Saved Policies GENI (vii requires that developments have adequate arrangements for the parking and servicing of vehicles.

The Town Council have raised no objections subject to adequate off street parking being identified. The on-site parking is located along the side of the dwelling not directly in front as the frontage is mostly laid to lawn and as such the proposed porch would not impede on the available space for parking.

The proposal is therefore not considered to give rise to any detrimental implications on highway safety. The proposal therefore complies with saved Local Plan policies GENI (vii) and T14.

CONCLUSION

The design and appearance is acceptable and there would be no harm to the street scene or material loss of amenity to the neighbouring properties and the parking arrangements would remain adequate. Therefore the proposal would comply with the relevant saved Policies of the Local Plan and national planning guidance.

Therefore, the application is recommended for approval.

RECOMMENDATION - Grant

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour, texture and bond, those on the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual relationship of the new development with the existing building and to satisfy saved policy GENI of the Hart District Local Plan.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans and documentation;

Site and Location Plan - reference I 600-001A

Existing and Proposed Ground Floor Plan - reference I 600-002A

Existing and Proposed Front and Side Elevations - I 600-003A

Existing and Proposed Rear and Side Elevations - I 600-004A

Reason: To ensure that the development is carried out in accordance with the approved details

INFORMATIVES

- 1 You may require Building Regulations Consent and we advise that you should contact Building Control on 01252 398715.
- 2 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operatives vehicles should be normally arranged on site.
- 3 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: The applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.

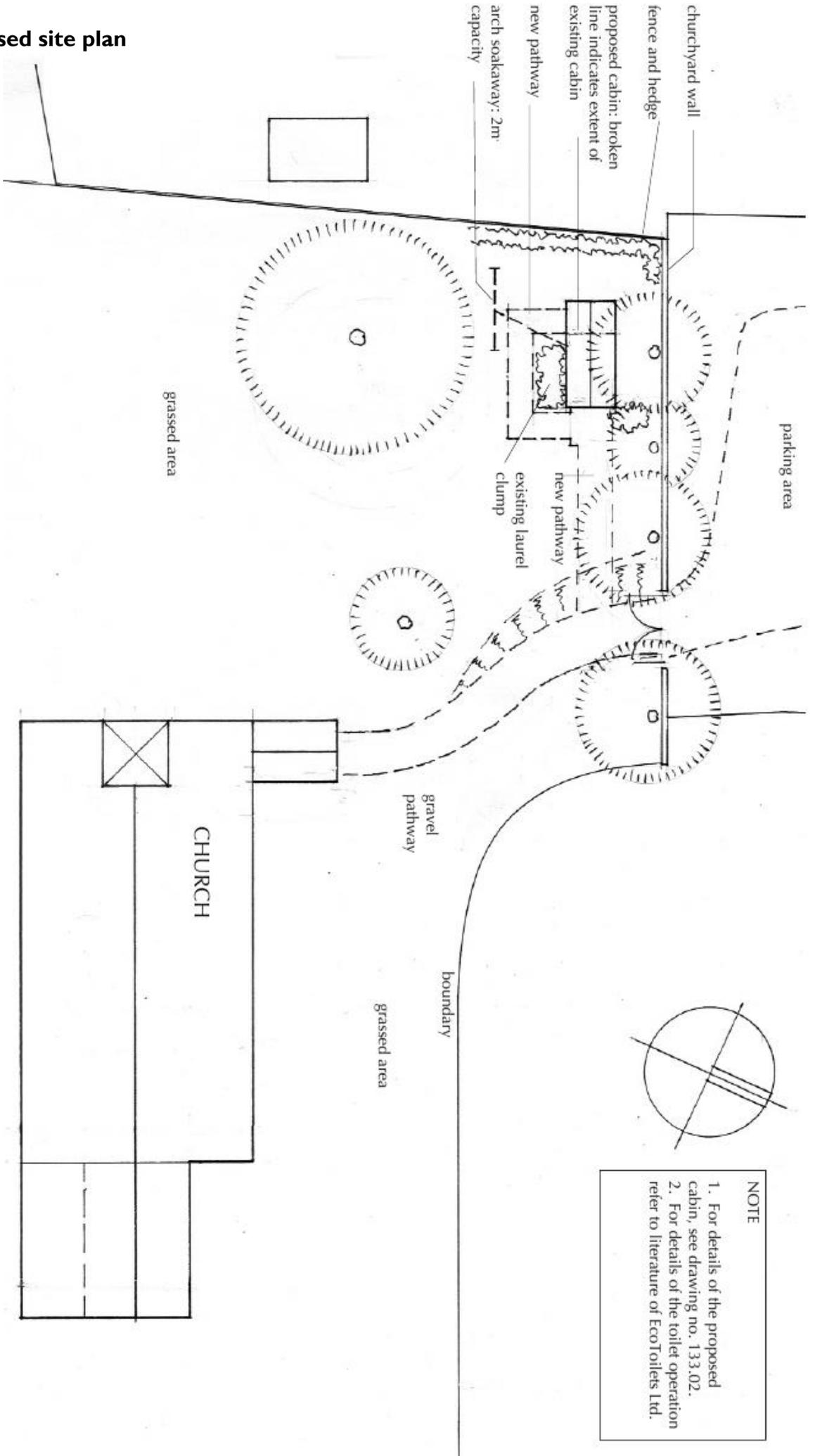
**COMMITTEE REPORT
ITEM NUMBER: 102**

APPLICATION NO.	17/01785/FUL
LOCATION	Mattingley Church Mattingley Green Mattingley Hook RG27 8LA
PROPOSAL	Removal of existing shed used for garden storage, and its replacement with a slightly longer shed to provide garden storage plus a composting toilet suitable for disabled use.
APPLICANT	Mrs Carolyn Hazell
CONSULTATIONS EXPIRY	21 August 2017
APPLICATION EXPIRY	15 September 2017
WARD	Hartley Wintney
RECOMMENDATION	Grant



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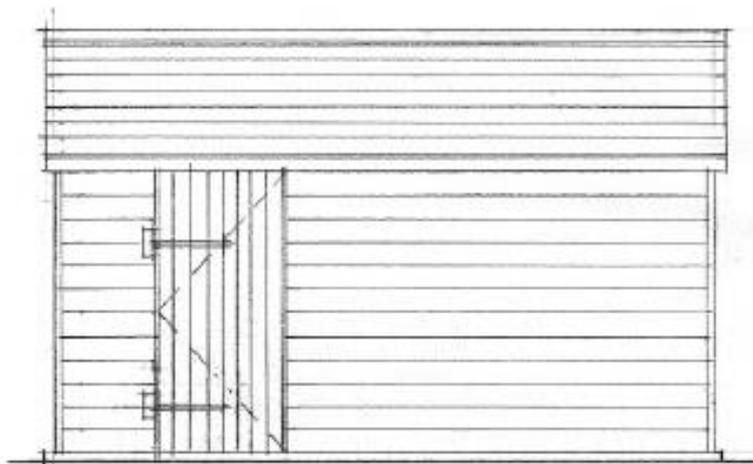
Proposed site plan



NOTE

1. For details of the proposed cabin, see drawing no. 133.02.
2. For details of the toilet operation refer to literature of EcoToilets Ltd.

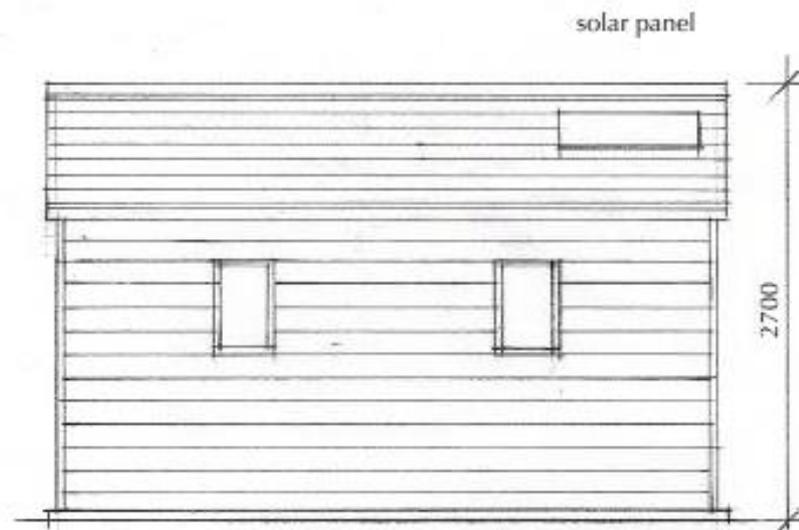
Proposed structure



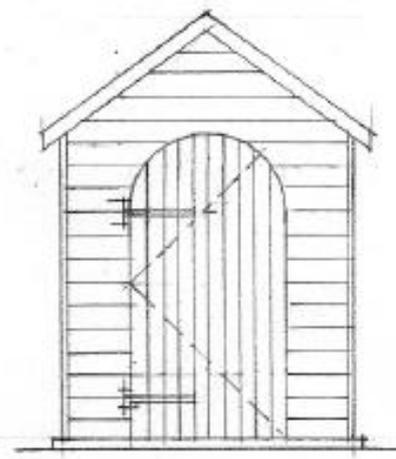
SOUTH ELEVATION



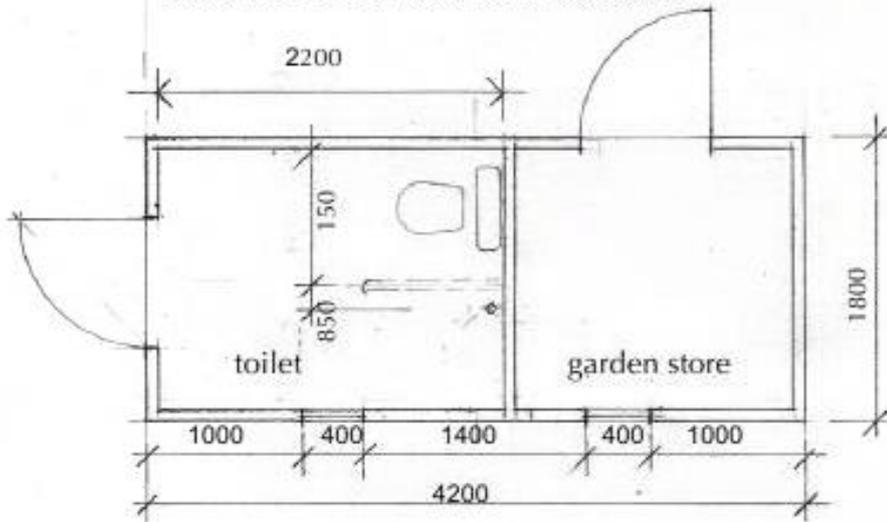
WEST ELEVATION



NORTH ELEVATION (to parking area)



EAST ELEVATION (to entrance path)



PLAN

SCHEDULE OF MATERIALS

Roof
Cedar shingles.

Walls
Lapped treated softwood boarding;
150mm between joints; preservative
stained.

Doors
Stained softwood boarded: v-jointed
t&g; 100mm between joints;
preservative stained to match walls.

THE SITE

The proposal is for a replacement wooden structure adjacent to the front boundary wall of Mattingley Church churchyard, forward of the Church building. Mattingley Church is a grade I listed building, listed in 1961. The current structure is within the curtilage of the church, however is not attached to it or any boundary treatment, and having not been in situ when the church was listed, is not itself a listed structure.

The site is within the Mattingley Conservation Area and Article 4 Direction and is within the defined settlement boundary of Mattingley.

The existing structure would be removed and replaced with a slightly larger wooden structure, which would house a toilet and store. A pathway would also be provided, for access.

PROPOSAL

Replacement of an existing shed with a wooden structure containing a toilet and store.

CONSULTEES RESPONSES

Mattingley Parish Council

Further to an initial response in support of this application, the Parish Council has subsequently been made aware of a number of objections from local parishioners, some of whom are directly affected by the proposal.

While the Parish Council has no objection in principle to a disabled toilet being sited within the church grounds, it considers that the views of residents who will be affected by the proposal should be considered. These chiefly concern the location, functionality and control of this facility, and the Parish Council wishes that the applicant discusses and resolves these issues with the residents concerned prior to any approval being given.

Environmental Health (Internal)

This Department would raise NO objection subject to maintenance of the Environmental permit Ref EPR/FB399WB

Tree Officer (Internal)

This proposal would have no lasting adverse implications for amenity trees.
No objection.

NEIGHBOUR COMMENTS

10 objection comments were received, regarding:

- ~ development contrary to local policies and national legislation
- ~ impact on quality of life
- ~ detrimental impact on the character of the local area and on local residents
- ~ cleaning and maintenance concerns, vermin and flies
- ~ amount of use by non-churchgoers
- ~ noise and disturbance
- ~ loss of privacy

- ~ visual impact
- ~ future use
- ~ requirement for the toilet
- ~ the appropriateness of the facility in a churchyard
- ~ less obtrusive locations are available

7 support comments were received.

POLICY AND DETERMINING ISSUES

The site has been identified as having significant archaeological interest. The Archaeology and Historic Buildings Record (AHBR), maintained by Hampshire County Council, is an index to the known archaeology sites and finds, historic buildings, designed and historic landscapes, parks and gardens and industrial monuments of Hampshire. It also holds records on archaeological fieldwork and excavations.

Article 4 Directions are issued by the Council in exceptional circumstances where specific control over development is required, primarily where the character of an area of acknowledged importance would be threatened. The presence of an Article 4 Direction does not preclude development but simply requires planning permission to be secured from the Council before any specified works take place.

Conservation Areas are designated by the District Council. New development is allowed within Conservation Areas but in considering whether to grant planning permission for new development or to allow demolition within a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Listed Buildings are designated by the Secretary of State for Culture, Media and Sport. In considering whether to grant listed building consent for any works, special regard must be taken of the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Hart District Council Local Plan (Replacement) 1996 – 2006

GEN1	-	General policy for development
GEN4	-	General Design Policy
GEN12	-	Design Against Crime
CON8	-	Trees, Woods & Hedgerows Amenity Value
CON13	-	Conservation Areas General Policy
CON17	-	Listed Buildings Extension-Alteration
RUR2	-	Devl. in open countryside General
RUR30	-	Informal Recreation Facilities

CONSIDERATIONS

Design and setting

The structure would replace an existing wooden structure at the front of the churchyard, and would occupy the existing footprint, with an increase of 2.3 square metres on this. The structure would measure 1.8m in width, 4.2m in length and 2.7m in height. There would be a single door in the front (east) elevation, a single door in the side (south) elevation and two small windows on the side (north) elevation. The north roof slope would feature a solar panel.

The structure would be constructed of lapped sawn boarding, stained pale grey. The roof would be constructed of cedar shingles, the doors would be softwood vertical boarding, stained pale grey and the window frames would be softwood, painted green.

The structure would serve a garden store and toilet, the toilet would be at the front of the structure, with the store behind. They would be accessed separately.

The structure would be accessed by a purpose-built path from the main pathway to the church, surfaced in bonded gravel.

The structure would be positioned at the front of the churchyard, approximately 4.6m from the boundary wall of the churchyard and 6.9m from the side boundary. It would be approximately 40m from the grade I listed church.

The design is considered to be appropriate to the function of the structure. The path would enable the toilet to be accessed by wheelchair users and internally the design would allow for use by visitors with impaired mobility.

Impact on neighbouring properties and the Conservation Area

The structure would be similar in appearance to the existing structure and, though slightly longer in length, would have no greater visual impact on neighbouring properties than the existing structure, however in order to provide additional screening, the addition of soft landscaping will be conditioned. In terms of impact on the Conservation Area, the principle of lengthening the existing shed is acceptable. Design and location is acceptable given that it is a sensitive replacement of a shed already in existence already in that location.

In terms of loss of privacy to adjacent dwellinghouses, the door to the toilet would be located some 17m from the boundary of the closest residence and would face away from it. The window serving the toilet would be conditioned to be glazed with obscure glazing, and both this and the window serving the tool shed would face north, towards the parking area. Given the separation distance to the closest residence, and the presence of boundary planting, potential overlooking from people waiting to use the toilet would not be considered a reason for refusal of the application.

Impact on the listed church

Due to its design, appearance and position, the structure would have no greater impact on the heritage asset than the existing structure.

Noise, disturbance and pollution

Concerns have been raised regarding the potential for non-church users accessing the toilet, leading to noise and disturbance. The agent for the application provided a comprehensive response to the objectors, indicating that the toilet will be locked when not in use and will be made available upon request, which would alleviate the possibility of non-church goers accessing the facility. As the toilet would only be available upon request, it is not anticipated that the provision of this facility would lead to an increase in vehicular traffic or associated parking / access issues.

A fan would run continuously for ventilation, however this would be of the type used for cooling computers, so would be of low noise level.

The Environmental Health department have raised no objections to the proposal in terms of noise or potential for pollution. The application was supported by a permit from the Environment Agency for the disposal of liquid waste to groundwater via a trench arch adjacent to the structure. There are no graves where the infiltration outlet would be positioned, and would be in a location already occupied by a structure of almost the same footprint, so the proposal would involve the least disturbance of graves than one in an alternative position.

Design against crime

Access to the toilet would be controlled by keyholders, thereby reducing the likelihood of the toilet being used inappropriately. There is no reason to suggest that the toilet would be any more likely to be broken into than the existing shed.

Impact on protected trees

The structure would be located adjacent to mature yew trees, however the nature of the development of the structure means that there would be no adverse impact adjacent trees and the Tree Officer has raised no objections to the proposal. The Landscape Architect has suggested that the path is constructed without digging; details for the construction of the footpath and soakaway will be secured by condition to ensure that there is no adverse impact on the adjacent trees roots.

Rural facility

Saved policy RUR30 allows for the development of informal recreation facilities. The proposed toilet would provide a service to users of the church, necessitated by the cessation of previous arrangements involving the use of a local resident's toilet. In this way, it would provide a rural facility to visitors to the church in the absence of other toilet facilities.

Other Matters

Concerns were raised about:

~ Cleaning and maintenance concerns, vermin and flies. The Environmental Health team have raised no objections, subject to maintenance of the Environmental Permit, adherence

to which will be secured by condition.

~ Future use. The anticipated level of use is unlikely to lead to further development of this type in the future.

~ Requirement for the toilet. The current arrangements are coming to an end, prompting the requirement for a separate toilet facility which has access for the mobility impaired.

~ The appropriateness of the facility in a churchyard / less obtrusive locations are available. The site is already used for a storage shed, the proposed structure would not have an unacceptable visual detrimental impact and would be more accessible than a facility positioned further away.

~ Water table. The site is not with in flood zone, however the water table is reported to be high. The EA permit allows the discharge of low volumes of liquid waste, however.

CONCLUSION

The proposal is acceptable in terms of design, appearance and impact and is recommended for conditional approval.

RECOMMENDATION - Grant

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Proposed site plan ref 133.01

Proposed toilet cabin 133.02

Provision of Toilet support statement by CTA dated October 2016

Reason: To ensure that the development is carried out in accordance with the approved details.

- 3 No development shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with approved details.

Reason: To ensure that the external appearance of the building(s) is/are satisfactory and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 4 The first floor window in the north elevation serving the toilet shall be glazed with obscure glass only and retained as such.

Reason: To prevent overlooking of an adjoining property/adjoining properties and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 5 The approved facilities shall be solely ancillary to the use of the church and at no time shall be used separately or independently.

Reason: To prevent the establishment of a separate use and to satisfy saved policy GEN I in the Hart District Local Plan.

- 6 No development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority.

Hard details shall include the construction of the path and details of hard surfacing.

Soft landscape details shall include a planting plan and schedules of plants, noting species, planting sizes and proposed densities where appropriate.

Details shall further include a proposed timetable for planting and laying out of hard surfaces.

Reason: To ensure the provision of amenity afforded by appropriate landscaping and to satisfy saved policy GEN I of the Hart District Local Plan.

- 7 Hard and soft landscaping works shall be fully carried out in accordance with the approved details, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice. The Council shall be notified in writing of the completion of the scheme or any agreed phase of such scheme.

Any trees or plants which, within a period of five years after approved completion, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Council gives its written consent to any variation.

Reason: To ensure the provision of amenity afforded by appropriate landscaping and to satisfy saved policy GEN I of the Hart District Local Plan.

- 8 The development hereby approved shall take place in accordance with the requirements of the Environment Agency permit ref EPR/FB3999WB, dated 23/05/2017.

Reason: To prevent the risk of contamination and to satisfy saved policy GEN I in the Hart District Local Plan.

INFORMATIVES

- 1 You may require Building Regulations Consent and we advise that you should contact Building Control on 01252 398715.
- 2 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out

between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operatives vehicles should be normally arranged on site.

- 3 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: The applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.
- 4 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010, bats are a protected species and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to www.naturalengland.org.uk or contact Natural England (S.E. regional office) on 0238 028 6410.