



NOTICE OF MEETING

Meeting: Planning Committee

Date and Time: Wednesday 14th July, 2010 at 7.00 pm

Place: Council Chamber, Civic Offices, Fleet

Telephone Enquiries to: (01252) 774203 (Mrs P Jackson)
email: patricia.jackson@hart.gov.uk

Members: Cockarill (Chairman), Ambler, Appleton, Axam, Billings, Blewett, Evans, Gorys, Henderson, Kennett, Maughan, Parker, Radley J E, Simmons, Simpson, Southern, Street and Wheale

G Bonner
Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

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AND BRAILLE ON REQUEST**

I. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 9th June 2010 are attached to be confirmed and signed as a correct record. **(Paper A)**

2. APOLOGIES FOR ABSENCE

3. CHAIRMAN'S ANNOUNCEMENTS

4. DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL)

5. SUMMARY OF PLANNING APPEAL DECISIONS

A Summary of Planning Appeal Decisions is attached for information. **(Paper B)**

6. S106 UNILATERAL UNDERTAKING – BERKELEY HOMES, HITCHES LANE, FLEET

A report from the Head of Planning Services is attached. **(Paper C)**

RECOMMENDATION

That the Planning Committee recommends to Cabinet with respect to the April 2004 and 2005 Hitches Lane, Fleet Berkeley Homes development S106 Unilateral Undertakings that:

- minor alterations to the wording of the deliverability of the Community Plan as recommended by Capital Board in December 2008 and as set out in paragraph 3.1 of this report be agreed;
- on a without prejudice basis, Cabinet agree to a request from Berkeley Homes to defer in the short term, implementation of the revised triggers for the provision of infrastructure but only on those terms as set out in paragraphs 4.3 and 4.4 above; and the triggers for implementation for the works outlined above in paragraphs 4.3 and 4.4 be reviewed again if necessary in the light of circumstances at the beginning of 2012.

7. DEVELOPMENT APPLICATIONS

A planning report/schedule from the Head of Planning Services is attached. **(Paper D)**

Date of Despatch: 6th July 2010

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. Any recommendation either to take or not to take enforcement action has been assessed to make sure that the decision is compatible with the Act. If there is a potential conflict, this will be highlighted in the individual report on the relevant item.

PLANNING COMMITTEE

14 JULY 2010

SUMMARY OF PLANNING APPEAL DECISIONS

1.0 Purpose of the report

- 1.1 To ask the Planning Committee to NOTE the decisions of either the Secretary of State or the relevant Inspector in relation to appeals determined in the last month. The report sets out the reasoning of the more important appeals and summarises decisions for the remainder. Where costs awards are made (either for or against the Council) these decisions are highlighted.

2.0 Officer Recommendation

- 2.1 It is RECOMMENDED that the report be noted.

3.0 Policy Implications

- 3.1 None.

4.0 Financial Implications

- 4.1 None

Location:	Dorneys, Chequers Lane, Eversley Cross
Proposal:	Change of use from highway verge to residential garden and erection of 1.5m close board fencing along boundary
Application Ref:	07/02884/COU
Method of determination:	Delegated
Officer Recommendation:	Refused
Decision:	Allowed
Costs:	Not applicable

Location:	1A Cedar Avenue, Blackwater, GU17 0JE.
Proposal:	Erection of two bedroom end of terrace house on land adjacent to 1A Cedar Avenue.
Application Ref:	09/02554/FUL
Method of determination:	Delegated
Officer Recommendation:	Refused
Decision:	Dismissed
Costs:	Not applicable

Location:	Cross Farm House, Crondall Road, Crookham Village
Proposal:	The demolition and rebuilding of an existing barn and erection of new barn to form rural workshops
Application Ref:	09/00249/FUL
Method of determination:	Committee
Officer Recommendation:	Grant permission
DECISION:	Allowed
Costs:	Full costs awarded to appellant

PLANNING COMMITTEE

DATE OF MEETING: 14 JULY 2010

TITLE OF REPORT: S106 Unilateral Undertaking – Berkeley Home, Hitches Lane, Fleet

Report of: Head of Planning Services

1.0 PURPOSE OF REPORT

1.1 To ask Planning Committee to recommend to Cabinet with respect to the April 2004 and 2005 Hitches Lane, Fleet Berkeley Homes development S106 Unilateral Undertakings that:

- minor alterations to the wording of the deliverability of the Community Plan as recommended by Capital Board in December 2008 and as set out in paragraph 3.1 of this report be agreed;
- on a without prejudice basis, Cabinet agree to a request from Berkeley Homes to defer in the short term, implementation of the revised triggers for the provision of infrastructure but only on those terms as set out in paragraphs 4.3 and 4.4 below; and
- the triggers for implementation for the works outlined below in paragraphs 4.3 and 4.4 be reviewed again if necessary in the light of circumstances at the beginning of 2012.

2.0 BACKGROUND

2.1 In April 2004 a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 for development that was to take place on land at Hitches Lane, Fleet was submitted to the Council. The development comprised 300 dwellings, community leisure facilities, country park, sports pitches, transitional open space, incidental open space, associated highway works, and off-site junction improvements. In April 2005 a Deed of Supplement to vary the April 2004 Unilateral Undertaking was agreed. The purpose of the Unilateral Undertakings was to ensure the delivery of certain key infrastructure obligations.

2.2 Development has started on site. Indeed, a large number of dwellings (around 70), including many affordable units, are ready for occupation. The development therefore, has reached a critical stage where to continue to proceed with the delivery of certain infrastructure obligations at this time, may prejudice decisions that are still to be made on future strategic development that could possibly be pursued through the emerging Local Development Framework (LDF). This could result in the loss of opportunity to secure much wider and more comprehensive community benefits.

3.0 THE PROPOSALS

3.1 Capital Board

In December 2008 Capital Board agreed a request that the April 2004 Undertaking be amended to delete reference to the following:

- Community Trust

- Community Plan
- Village Crèche
- Village Minibus
- Village network
- Community Police Officer
- Transfer of land for community buildings

Under the current Section 106, a maximum of £40,000 is due to set up the community trust in addition to ongoing residents contributions. Capital Board agreed that this should be deleted and a fixed sum of £20,000 paid to support and organise community events and to provide concessions for local residents to use facilities at the site.

3.2 Recent Section 106 Request

More recently, the developer, Berkeley Homes has requested that some of the initial triggers to provide certain infrastructure obligations be deferred; possibly until 2016:

SECTION 106 PROVISION	BERKELEY HOMES REQUEST
a) The transitional open space is currently due to be laid out for the 1 st occupation of the development.	Provision should be moved to the 100 th occupation in line with the current Country Park obligations
b) By 1 st occupation, Berkeley Homes are currently committed to provide an access road, parking area and capped water supply to the allotment land (the allotment land is not required to be provided in the current undertaking at this time).	Provision should be moved to 1 st January 2016
c) By the 50 th occupation, Berkeley Homes are currently committed to the provision of land and buildings for a Health Care Centre. They request that this obligation is moved to 1 st January 2016	Provision should be moved to 1 st January 2016
d) By the 50 th occupation community recycling facilities are to be provided near the community building.	Provision should be moved to 1 st January 2016
e) By the 100 th occupation, Berkeley Homes are to have completed the laying out of the sports pitches (including the ATP & MUGA) and commenced the start of the 21" month maintenance period. The obligation also involves providing written notice of the practical completion of the sport pitches.	Obligation is moved to 1 st January 2016
f) No less than 6 months prior to the end of the maintenance period, Berkeley Homes are to offer a formal transfer of the allotment land to the	Obligation is moved to 1 st January 2016

Council.	
g) By the 150 th occupation, Berkeley Homes is due to have practically completed the community building.	Obligation is moved to 1 st January 2016
h) Berkeley Homes are required to transfer the allotment land at the end of the 24 month maintenance period.	Obligation is moved to 1 st January 2016
i) No less than 6 months prior to the end of the maintenance period, Berkeley Homes is currently obliged to execute a transfer of the Country Park to a residents group determined by the Council and Berkeley Homes.	Obligation is moved to 1 st January 2016
j) No less than 6 months prior to the end of the maintenance period, Berkeley Homes is currently obliged to transfer the sports pitch land to a residents group determined by Berkeley Homes or the Council.	Obligation is moved to 1 st January 2016
k) With regard to the triggers and payments currently associated with the end of the 24 month maintenance periods for the Country Park and SANGS land, Berkeley Home's thoughts are:	Once these facilities are laid out in accordance with the current triggers, a legal body should be formed by Berkeley Homes to receive the first, second, third and fourth Country Park management contributions. Berkeley Homes would then manage this fund and the Country Park until its future transfer post 2016 with the remaining funds
l)	Finally, Berkeley Homes believe they may need to add a new clause within the agreement that would allow them to alter the approved layout of the Country Park and SANGS land should this be required to accommodate any revised open space/or sports pitch strategy as a result of any revised applications on the sports pitch land or transitional land.

m)

4.0 CONSIDERATIONS

4.1 The proposed amendments were discussed and agreed by Capital Board in December 2008 have little consequences and are reasonable in the light of current circumstances. It is therefore recommended that these amendments be agreed.

4.2 The scale of the proposed amendments proposed by Berkeley Homes with respect of the other obligations as set out in the Section 106 are all not however, necessarily acceptable. The principle of deferring some of the triggers pending a

review of the strategic development options through the LDF Core Strategy process has some merit. It allows the Council in considering future strategic develop options to take into account all possible options to include wider benefits associated with enhanced Leisure and Sport Centre opportunities, including the provision of a new 25/50m swimming pool, and also the possible delivery of additional land for the expansion of Calthorpe Park School. To proceed with many of the current S106 triggers in the current circumstances would undoubtedly result in future options being restricted and hence the alternative opportunity to deliver possibly far reaching community benefits may be lost.

4.3 A deferral of the triggers to 2016 is too long and inappropriate. Any deferral of the triggers should be no later than the end of 2012 when the position can then be subject to further review. Furthermore, any agreement for deferral at this time should not be taken as agreement that land to the west of Fleet along Hitches Lane has been confirmed as comprising the Council's preferred option for strategic growth. A deferral at this stage is simply to enable the opportunities to be considered through the LDF Core Strategy process and consultation even if that were only to result in this possible strategic option being subsequently ruled out. Only the following amendments to the current S106 Unilateral Undertaking therefore, are recommended:

- a) By the 100th occupation, or by the end of 2012, whichever is the later, the transitional open space must be laid out
- b) By the end of 2012 Berkeley Homes must have provided an access road, parking area and capped water supply to the allotment land, and to have provided the allotments themselves, and commenced the start of the 24 month maintenance period
- c) By the 50th occupation, or by the end of 2012, whichever is the later, Berkeley Homes must have provided land and buildings for a Health Care Centre
- d) By the 50th occupation, or by the end of 2012, whichever is the later, Berkeley Homes must have provided the community recycling facilities on land near the community building
- e) By the 100th occupation, or by the end of 2012, whichever is the later, Berkeley Homes must have completed the laying of the sports pitches (including the ATP & MUGA) and commenced the start of the 21 month maintenance period. The obligation also involves providing written notice of the practical completion of the sport pitches
- f) By the 150th occupation, or by the end of 2012, whichever is the later, Berkeley Homes must have practically completed the community building

4.4 In addition, the current S106 Unilateral Undertakings should be amended to require:

- a) No less than 6 months prior to the end of the maintenance period, Berkeley Homes must offer to transfer the allotment land to Fleet Parish Council
- b) Berkeley Homes to then transfer the allotment land to Fleet Parish Council at the end of the 24 month maintenance period with rights of access and parking, along with access to the capped water supply
- c) No less than 6 months prior to the end of the maintenance period, to transfer the sports pitch land (including the ATP & MUGA) to the District Council
- d) No less than 6 months prior to the end of the maintenance period, Berkeley Homes to execute a formal transfer of the Country Park with rights of access

- and parking, to the District Council
- e) With regard to the triggers and payments currently associated with the end of the 24 month maintenance periods for the Country Park and SANGS land, once these facilities are laid out in accordance with the current triggers, Berkeley Homes to make all Country Park management contributions to the District Council.

5.0 FINANCIAL IMPLICATIONS

- 5.1** If the above terms are agreed there should be no significant financial implications for the Council.

6.0 MANAGEMENT OF RISK

- 6.1** Whilst there are no direct risks associated with these proposals there may be a loss of opportunity to secure wider community benefits if the recommendations contained within this report are not accepted.

7.0 CONCLUSION

- 7.1** It is recommended that Planning Committee recommends to Cabinet with respect to the April 2004 and 2005 Hitches Lane, Fleet Berkeley Homes development S106 Unilateral Undertakings that:
- minor alterations to the wording of the deliverability of the Community Plan as recommended by Capital Board in December 2008 and as set out in paragraph 3.1 of this report be agreed;
 - on a without prejudice basis, Cabinet agree to a request from Berkeley Homes to defer in the short term, implementation of the revised triggers for the provision of infrastructure but only on those terms as set out in paragraphs 4.3 and 4.4 above; and
 - the triggers for implementation for the works outlined above in paragraphs 4.3 and 4.4 be reviewed again if necessary in the light of circumstances at the beginning of 2012.

Contact Details: Daryl Phillips, Head of Planning Services



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 more than two weeks in advance of the Committee meeting. Because of the time constraints, some reports may have been prepared in advance of 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. The Planning Addendum report will also set out a report of the Viewing Panel visit (see below).

A decision is made only when the Members of the Committee have formally considered and determined each application and the decision notice issued.

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).

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. PLANNING POLICY

All planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Town and Compulsory Purchase Act 2004). 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 South East Plan, the saved policies in the Hart District Local Plan including first alterations, 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 the Secretary of State has indicated that the South East Plan is to be abolished, at the time of producing this report it remains part of the Development 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.

Significant departures must be notified to the Secretary of State who will decide if it is necessary to intervene. The Council should not however, refuse planning permission for a development that accords with the development plan. Where a development represents a departure from the development plan and it is proposed to recommend that planning permission be granted, the application will be advertised as a departure and this will be highlighted in the Committee report. If the Planning Committee is then minded to grant planning permission under the Council's Constitution the Planning Committee has to refer the application to Full Council for determination.

6. OTHER MATERIAL CONSIDERATIONS

Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. They must also fairly and reasonably relate to the application concerned. The Courts are the arbiters of what constitutes a material consideration. All the fundamental factors involved in land-use planning are

included, such 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.

Matters that should not be taken into account are:

- | | |
|---|--|
| a) loss of property value | b) loss of view |
| c) land and boundary disputes | d) matters covered by leases or covenants |
| e) the impact of construction work | f) property maintenance issues |
| g) need for development (save in certain defined circumstances) | h) the identity or personal characteristics of the applicant |
| i) ownership of land or rights of way | j) moral objections to development like public houses or betting shops |
| k) change to previous scheme | l) competition between firms, |
- m) 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.

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.

In those cases where the development plan is not relevant, for example because there are no relevant policies, the planning application should be determined on its merits in the light of all the material considerations.

7. PLANNING CONDITIONS AND OBLIGATIONS

Conditions on planning permissions can only be imposed where there is a clear land-use planning justification for doing so. Conditions should be used in a way that is clearly seen to be fair, reasonable, and practicable. One key test of whether a particular condition is necessary is if planning permission would have to be refused if the condition were not imposed. Otherwise, such a condition would need special and precise justification.

Where it is not possible to include matters that are necessary for a development to proceed in a planning condition the Council can agree a planning obligation under Section 106 of the Town and Country Planning Act 1990. Planning obligations should meet the Secretary of State's policy tests. They should be:

- necessary;
- relevant to planning;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all other respects.

The use of planning obligations is governed by the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer, which are not necessary to make the development acceptable in planning terms. Planning obligations are only a material consideration to be taken into account when deciding whether to grant planning permission, and it is for the Council to decide what weight should be attached to a particular material consideration.

8. PLANNING APPEALS

Applicants have the right of appeal to the Secretary of State if an application is refused, or granted subject to conditions, or if it has not been determined within the specified period. 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. Costs can however, be awarded against the Council where it:

- (a) fails to determine a planning application in good time – the Council must have good planning reasons to explain and justify why it did not make a decision in time.
- (b) fails to carry out adequate prior investigation consistent with national policy and guidance.

- (c) prevents or delays development that should clearly be permitted having regard to the development plan, national policy statements and any other material considerations. 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.
- (d) fails to show reasonable planning grounds for taking a decision contrary to officer advice
- (e) gives too much weight to neighbour objections - the Circular highlights the advice of PPS1 - the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons that is supported by substantial evidence.
- (f) relies on unsubstantiated objections where they include valid reasons for refusal but rely almost exclusively on local opposition from third parties, through representations and attendance at an inquiry or hearing, to support the decision.
- (g) fails to show that it has considered the possibility of imposing relevant planning conditions to allow development to proceed.

The following are examples given in Government Circular 03/09 of circumstances that may lead to an award of costs against the Council:

- (a) ignoring relevant national policy – for example, the advice in PPG 8 on Telecommunications concerning health risks arising from a mobile phone base station
- (b) where a proposal is contrary to the development plan but the relevant policy has been superseded by national policy which advocates an entirely different approach. An example might be ignoring national advice in paragraph 52 of PPG 13 Transport on the use of maximum parking standards for individual developments
- (c) acting contrary to, or not following, well-established case law
- (d) persisting in objections to a scheme, or part of a scheme, which has already been granted planning permission or which the Secretary of State or an Inspector has previously indicated to be acceptable.
- (e) not determining like cases in a like manner – for example, imposing an additional reason for refusal on a similar scheme to one previously considered by the planning authority where circumstances have not materially changed
- (f) failing to grant a further planning permission for a scheme the subject of an extant or recently expired permission where there has been no material change in circumstances
- (g) refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage
- (h) imposing a condition that is not necessary, precise, enforceable, relevant to planning, relevant to the development permitted or reasonable and thereby does not comply with the advice in DOE Circular 11/95 on The Use of Conditions in Planning Permissions
- (i) requiring the appellant to enter into or complete a planning obligation which does not accord with the tests in ODPM Circular 05/2005 on Planning Obligations
- (j) not imposing conditions on a grant of planning permission where conditions could effectively have overcome the objection identified – for example, in relation to highway matters.

9. 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 local planning authorities unless it is necessary to do so. The Secretary of State has set out in Circular 03/09 the type of development proposals that directs local authorities to consult with the Secretary of State before granting planning permission.

10. 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.

11. 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.

12. 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 Race Relations (Amendment) Act 2000, which prevents discrimination directly or indirectly in any functions, carried out by public authorities.
- The Disability Discrimination Act 1995, which places a duty on all those responsible for providing a service to the public not to discriminate against disabled people by providing a lower standard of service.
- 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.

13. PUBLIC SPEAKING

The Council has a public speaking scheme, which allows 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 by invitation only. 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 per item for those speaking against the application and three minutes for the applicant /agent. Speakers are not permitted to ask questions of others or to join in the debate. For probity reasons associated with advance disclosure of information under the Access to Information Act, neither the applicant nor an objector will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

14. 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 24 hours before the Committee meeting, except where to correct an error of fact in the report.

15. INSPECTION OF DRAWINGS

All drawings are available for inspection on the internet at www.hart.gov.uk and at the Planning Development Reception area during our normal office hours.

16. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. However, in the event of an appeal, further resources will be put towards defending the Council's decision. Rarely and in certain circumstances, decisions on planning applications may result in the Council facing an application for costs arising from a planning appeal. Officers will aim to alert Members where this may be likely and provide appropriate advice in such circumstances.

Daryl Phillips
Head of Planning Services.

Background Papers

- *the individual planning application file (reference quoted in each case)*
- *the Hampshire, Portsmouth and Southampton Minerals and Waste Local Plan*
- *the Hart District Local Plan: Second Review*
- *Government advice and guidance contained in circulars, planning policy guidance notes and ministerial statements*
- *any other document specifically referred to in the report.*

Item No: I01

I0/00976/COU

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Refuse Permission

Little Bramshot Farm, Cove Road, Fleet, Hampshire, GU51 2RT

Continued use of land for the storage of caravans and campervans (Revision of 09/01293/COU).

Item No: I02

I0/01356/FUL

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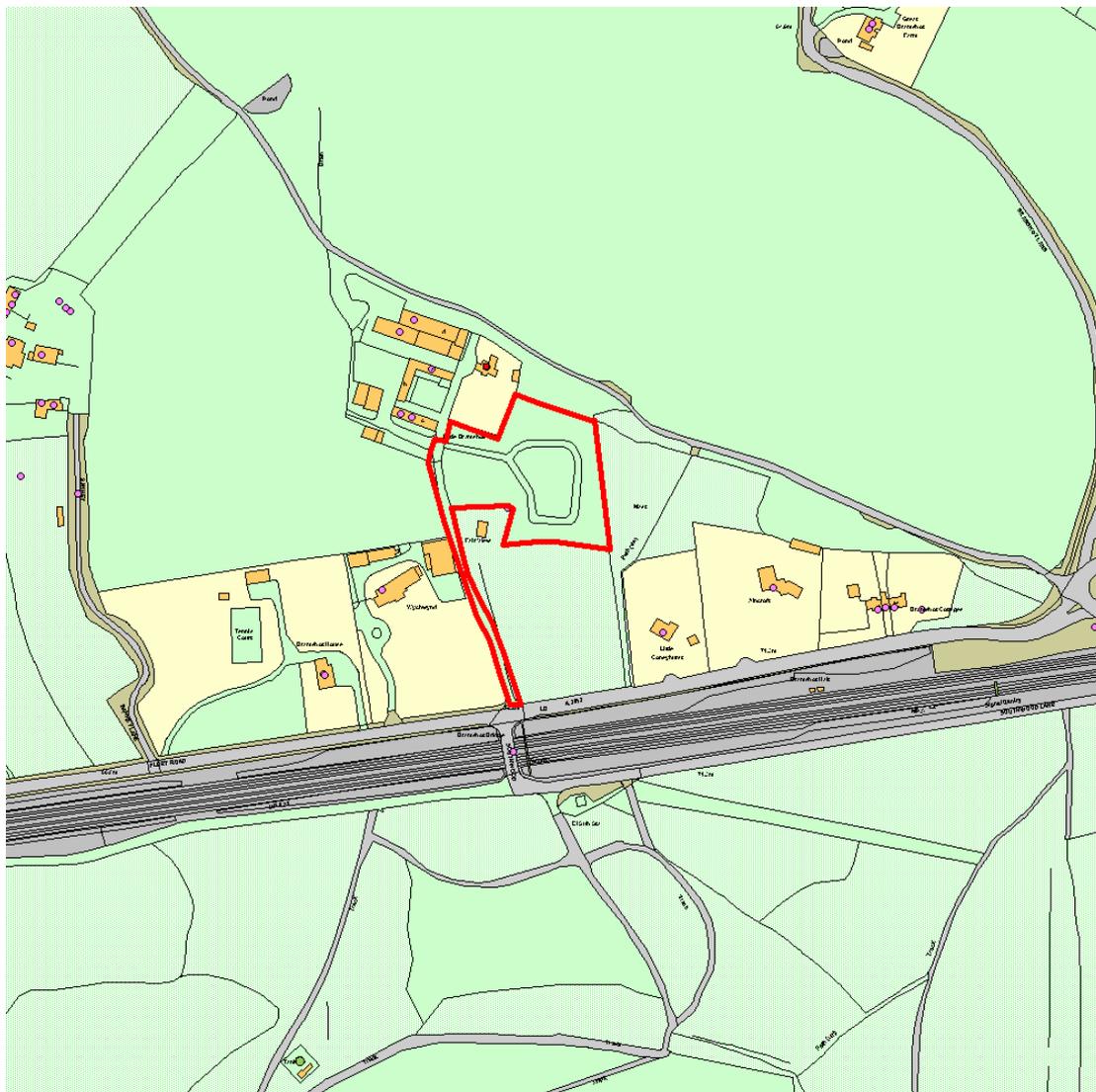
Grant Permission

Scout Hall, Monteagle Lane, Yateley, Hampshire, GU46 6NB

Erection of fenced area to the rear of the building to create outside play area, and additional rear door to building.

APPLICATION REFERENCE NO: 10/00976/COU

Site Address:	Little Bramshot Farm, Cove Road, Fleet, Hampshire, GU51 2RT
Proposals:	Continued use of land for the storage of caravans and campervans (Revision of 09/01293/COU).
Applicant:	CJM Caravans Ltd
Consultation Expiry	16th June 2010
Application Expiry	12th July 2010
Planning Committee Ward Member	Cllr Stephen Parker
Parish Council	Fleet Parish
Officer	Mrs Emma Whittaker
Recommendation:	Refuse Permission



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BACKGROUND INFORMATION

This application has been brought to the Planning Committee at the discretion of the Head of Planning Services.

THE SITE

The site lies in the open countryside between Fleet and Cove/Farnborough to the north of Cove Road. There is extensive farmland to the north, a dwelling occupied by the applicant and four commercial units under the control of the applicant to the North West, grassland to the west, a dwelling to the south west and woodland to the east. A public footpath (No. 24) runs close to the eastern side of the site. The northern side of the Cove Road frontage comprises linear low density development of mainly detached dwellings set in large plots with a limited number of isolated employment uses in former agricultural buildings to the rear.

The site is of an irregular shape and extends to approximately 0.6 hectares. It is relatively level, mainly laid to grass and contains a number of mature trees. The site is accessed from Cove Road by way of a track approximately 150 metres in length which also serves the four commercial units and the applicant's dwelling. The site currently contains approximately 87 caravans/motor vans parked adjoining a looped access way around the centre of the site. Security is maintained by a ditch created by the applicant and 1.2 metre high post and rail fence on the western boundary to the site at the northern end of the access track from Cove Road and there is a 1.8 metre timber fence along the eastern boundary.

PROPOSAL

The application seeks permission for the continued use of the land for the storage of up to 80 caravans. There are two areas shown in the application that are proposed as landscape buffers where caravans would no longer be stored. One area would be along the western boundary of the site whilst the second would be along the more exposed northern boundary. Most of the caravans that were previously sited within these two areas have now been removed. Additional landscaping is proposed along both the western and northern boundaries.

The caravan storage facility is open between 7am and 11pm, seven days a week. The applicant advises that the majority of the caravans remain on site during the winter months with peak movements during bank holidays and Easter. During the spring and summer months the owners collect their caravans for holidays; all collections and returns are by appointment only. The applicant also advised on the site visit that cleaning and repairing the caravans on the site is prohibited.

A previous application to continue to use the land for the storage of 120 caravans was refused planning permission in July 2009 and a subsequent appeal dismissed in January 2010 (09/01293/COU). The appeal was dismissed for the following reasons:

- the development would represent a significant intrusion into a large area of open countryside
- the site was open to views particularly from the north
- The development constituted an intrusion into the gap between Fleet and Farnborough, thus prejudicing the separation of the settlements in both physical and visual terms. Although the development may be relatively small in comparison with the extent of the gap, the storage use would represent a significant step in its erosion.
- Although it was recognised that caravan storage facilities within the local area were in short supply, even if storage sites are needed, the Inspector was not convinced that the site was an appropriate location to meet that need.

The overall appeal conclusion was that the caravan storage use had a harmful effect on the character and appearance of the countryside, and of the gap between Fleet and Farnborough. The development would therefore conflict with Local Plan policies RUR 2 and CON 19.

CONSULTATIONS

Fleet Town Council: No Objection

- request, that to protect the surrounding areas, the site is operated in accordance with any planning approval and its conditions.
- Upon a site visit, noted that there were 3 caravans situated on each of the 2 areas hatched green. Fleet Town Council would like to request a condition that no caravans be stored in this area.
- would like a condition that traffic does not turn right out of the site this should be a left turn only.

Highways: No objection

Hampshire County Council Rights of Way: No objection or comments to make.

PUBLIC COMMENTS

One letter of objection received raising the following main issues:

- Site has not been in operation for eight years
- Impact on wildlife
- Applicant has removed trees
- Views from adjoining property
- Poorly screened
- Site is surplus to requirements – there are a number of other local sites
- Within the strategic gap
- Access is unsuitable
- Noise and disturbance
- Crime and security

Six letters of support received raising the following main issues:

- Many people prevented from storing caravans at home (e.g. restrictive covenants)
- Caravan use is increasing
- Site is secure and well located
- Shortage of facilities in the locality

RELEVANT PLANNING POLICIES

- * South East Plan: Policies C4
- * Local Plan: Saved Policies GEN1, RUR2, RUR3, RUR33, CON19, CON23, T14, T16

MAIN ISSUES

- Principle of development
- Impact in the countryside/Strategic Gap
- Need
- Impact on neighbours
- Highways
- Other matters

CONSIDERATIONS

Principle of development

The principle of the use of the land for the storage of caravans has already been rejected by both the Council and the Planning Inspectorate in the subsequent planning appeal. There has been no material change in circumstances or planning policy since the appeal was dismissed in January 2010.

Although the applicant has reduced the area in which the caravans would be stored and as such reduced the total number of caravans to be stored on the site at any one time (a reduction of 120 to 80), it is nevertheless considered that this still does not bring the proposal in line with the policy. The policy objection is one of principle and the application cannot overcome this objection. Therefore, to grant planning permission would require the Council to depart from adopted planning policy and this should only be done in exceptional circumstances where there is overriding material justification which does not set a precedent for other undesirable development within the open countryside or the strategic gap.

Notwithstanding the very recent planning appeal decision, the applicant's agent maintains that the local/strategic gap policy in the Local Plan is outdated and should be given little weight. However, this point has already recently been test and then rejected at appeal and further more there has been no martial change in Hart's planning policy position.

The applicant agent also suggests that Rushmoor Borough Council has positively sought to remove reference to Strategic Gaps from its Core Strategy preferred options paper and that this is a new material consideration. This is correct but the change is not because Rushmoor wishes to lose the gap between Fleet and Farnborough. Rushmoor's change is solely to reflect the loss of the general Strategic Gap policies from the former Hampshire Structure Plans. An alternative policy approach is therefore required. Rushmoor is pursuing a re-worded policy which seeks still to stop development where it "leads to any physical or visual coalescence between Aldershot or Farnborough and neighbouring settlements". Essentially Rushmoor's preferred policy option would have the same role as the current gap policies. In any case, whilst the consultation to the Core Strategy at Rushmoor BC has closed, it would be premature to give any significant weight to the document. The stance taken by Rushmoor does not prejudice or weaken the gap policies contained within the Hart Local Plan although Hart will need to reflect upon its own countryside polices and the approach to be adopted within the local area through Hart's emerging LDF.

Impact in the countryside/Strategic Gap

The 2010 planning appeal decision confirmed that the use of the land for the storage of 120 caravans represented a significant intrusion into a large area of open countryside. To address this objection, this revised application seeks permission for a reduced number of caravans and also buffer area has been introduced along the western and northern boundaries. Additionally two areas within which no caravans would be stored have been introduced along these boundaries.

Undoubtedly, these changes reduce the impact of the development upon the openness of the countryside and begin to address the previous objection to this aspect of the development. It does not however, overcome the principle policy objection to the development. Furthermore, as the appeal inspector confirmed, screening should not in itself be used as a justification for allowing what is otherwise unacceptable development. The Inspector added that the use of screening "could be repeated too often elsewhere to justify inappropriate development".

In these circumstances, notwithstanding the improvements offered by the applicant, the development would still represent an intrusion into the open countryside/local gap and the alterations to proposal are not considered to have overcome the fundamental policy objection to the development.

Need

The applicant has provided no materially new information to justify the need for the development beyond that already considered by the Inspector when he dismissed the appeal.

"I have taken into account the appellant's arguments about the demand for storage facilities. The evidence has not been contested by the Council, and it does appear that, with the increasing restrictions on storing caravans within residential curtilages, together with security concerns, such facilities are in short supply within the area. However, even if storage sites are needed, I am not convinced that the appeal site is an appropriate

location to meet that need. In my opinion, the damage to the countryside and the important gap between settlements would be too great, in both physical and visual terms, to set aside. Also, I do not consider that the concerns that I have identified could be overcome by imposing planning conditions.”

The applicant has supplied however, a letter from a Commercial Agent who concludes that there are no suitable sites within built up areas; this appears principally to be due to the cost of leasing or purchasing sites. No analysis of any other sites and their suitability has been made. In fact the Commercial Agent makes it clear in his letter that if the “existing site, in a countryside location, is not considered acceptable, this only leaves alternative sites in built up areas”. Whilst the existing site was considered unacceptable by the Inspector and Council it was never concluded that the use was unacceptable in the open countryside per se, for example as part of a re-use of a rural building.

The applicant has provided some analysis of other local facilities within a 15 mile radius. They cite four additional caravan storage facilities of which two are registered with the CaSSOA (Caravan Storage Site Owners Association). If the distance is increased to 20 miles radius from the application site then there are an additional two sites registered with the CaSSOA. A letter from CaSSOA has been submitted by the applicant stating that there is insufficient storage capacity at the three registered sites in North Hampshire to cater for the demand from the local population but they do not qualify this statement by confirming how or why these sites are full. . Furthermore, they do not however refer to any registered sites in nearby Surrey or Berkshire.

The applicant has also supplied a letter from Tourism South East (the Tourist Board for the South East of England) which states that they are ‘sure that there is a demand for caravan storage facilities’ and that over the past decade the caravan and camping sector has undergone steady growth. There is however no evidence put forwards from Tourism South East to back up this assertion – it appears solely to be an expression of a personal opinion.

The applicant has also provided an appeal decision for a site in Kent whereby the Inspector considered that the evidence put forwards by third parties of a short fall for the storage of boats and caravans was persuasive. This however does not appear to have been the only reason for allowing the appeal and the context of the site seems significantly different from the current application site.

There may be some demand for sites to accommodate the storage of caravans but this was already considered by the previous planning inspector. There is no new evidence put forward by the applicant that outweighs the clear harm to the area and that would justify planning permission to be granted when it represents such a clear intrusion, visually and physically into the strategic gap. It is considered that, as the previous Inspector concluded, even if storage sites are needed, the application site is not an appropriate location to meet that need. It is therefore considered that in this instance the suggested need does not outweigh the fundamental policy concerns.

Impact on neighbours

This has previously been dealt with under the previous application and appeal where it was considered that there was no significant impact on the amenities of the neighbouring occupiers. There has not been a material change in circumstance and as such the scheme complies with the relevant local plan policies in this respect.

Highways

The issues raised by the objector and the Town Council in relation to the access onto Cove Road has already been dealt with and there has been no material change in circumstance that would result in the Council forming a different conclusion. The Highways Officer has also raised no objection to the development. It should be noted however that the applicant has already placed a ‘no right hand turn’ sign at the exit.

It is therefore considered that there are no highways issues with this appeal and the scheme complies with the relevant local plan policies in this respect.

Other matters

The Town Council has suggested that there are three caravans remaining on each of the areas shown on the site plan as zones where no caravans would be stored. It was clear from the site visit that there may be two caravans in each zone. The applicant was advised of this. However this should not be a determining factor as the situation can be rectified after the decision has been made on this application.

The objector has raised crime and security as an issue however this matter was raised during the consideration of the previous applications/appeal. There is no evidence that there are any issues with security or crime and in fact several of the people that wrote in support of the development mention how secure the site is.

RECOMMENDATION

A Refuse Permission

I In the absence of any over-riding need to outweigh the harm caused in an area of land which would otherwise be undeveloped, the development by virtue of its intrusive nature and the number of caravans, has reduced the openness of this part of the countryside which is designated as a strategic gap. As such the development is contrary to saved local plan policies RUR2, RUR3, CON19, CON23, and GEN3, South East Plan policies C4, and national planning guidance in PPS7: Sustainable Development in Rural Areas.

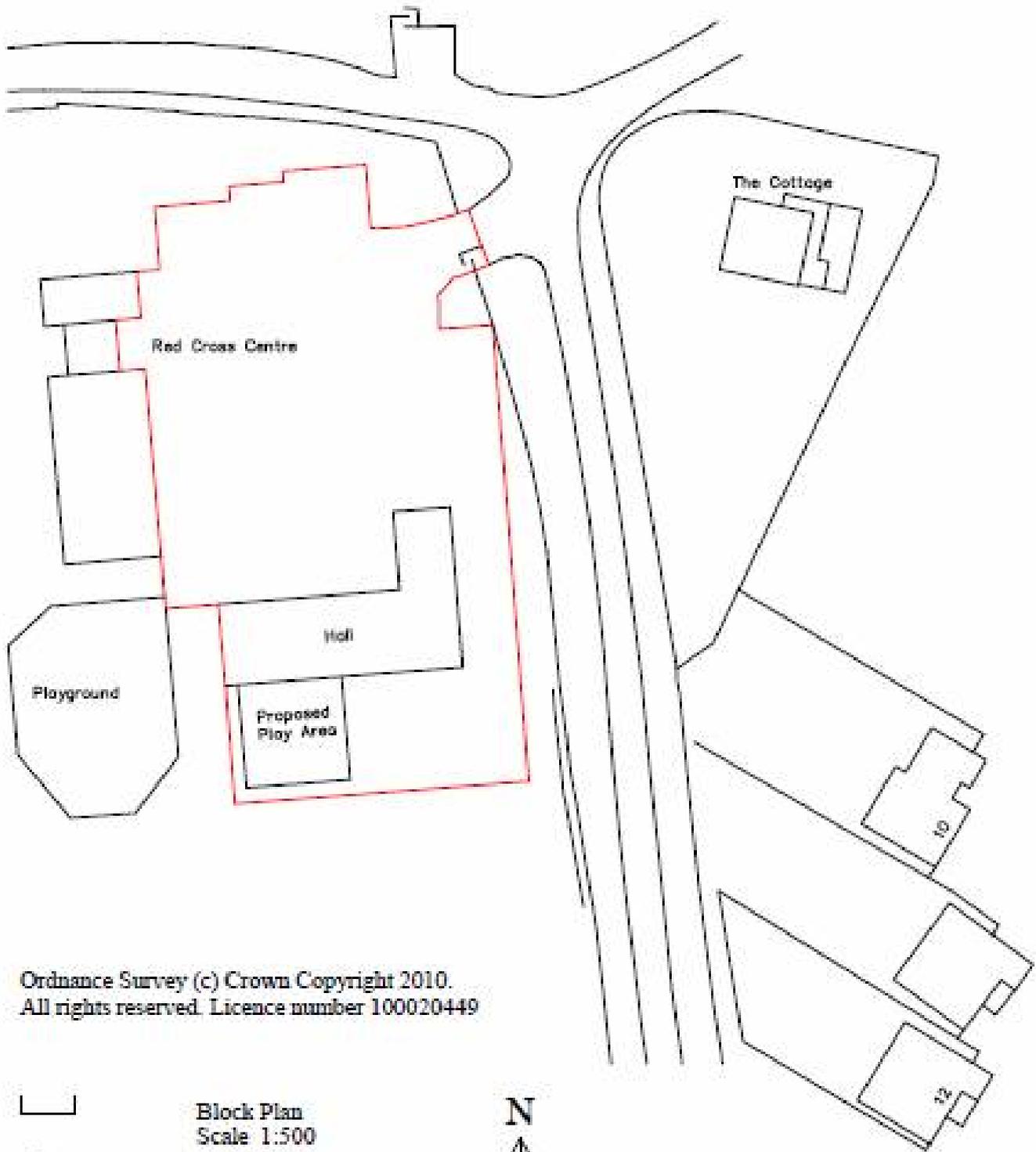
B Enforcement Action be authorised to require the use of the land for the storage of caravans to stop with 2 years for compliance.

APPLICATION REFERENCE NO: 10/01356/FUL

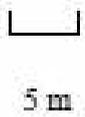
Site Address:	Scout Hall, Monteagle Lane, Yateley, Hampshire, GU46 6NB
Proposals:	Erection of fenced area to the rear of the building to create outside play area, and additional rear door to building.
Applicant:	Mrs Joanna Holton
Consultation Expiry	9th July 2010
Application Expiry	11th August 2010
Planning Committee Ward Member	Myra Billings
Parish Council	Yateley
Officer	Mrs Kerri Crutchfield
Recommendation:	Grant Permission



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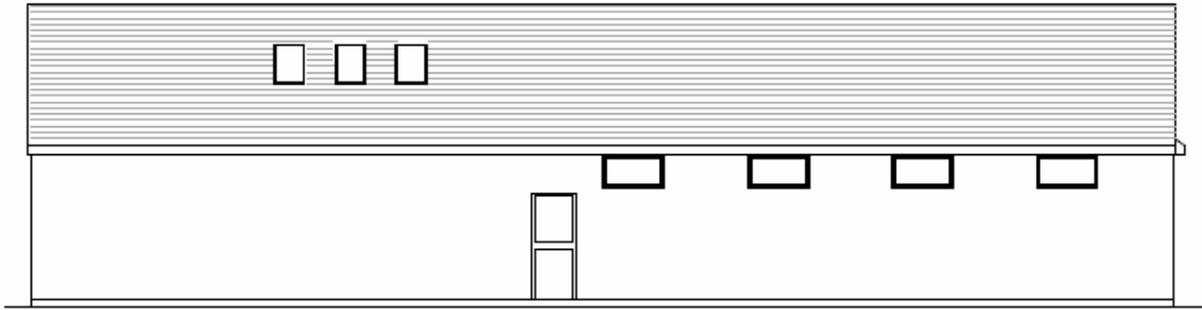
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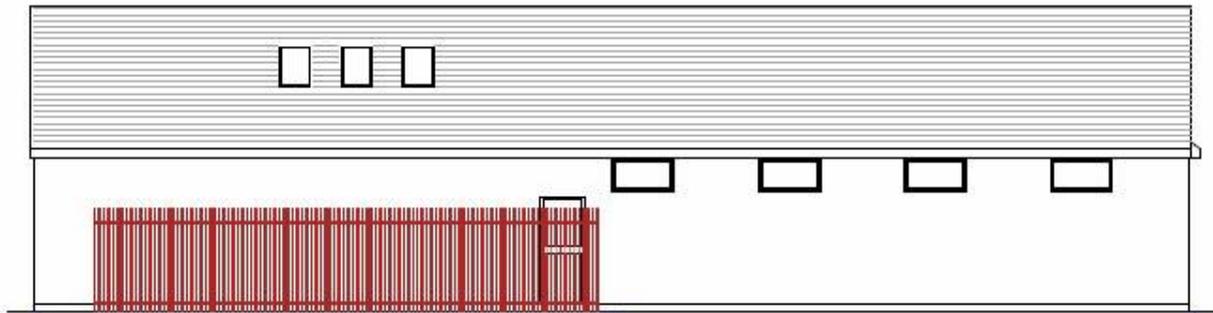
Block Plan
Scale 1:500
on A4



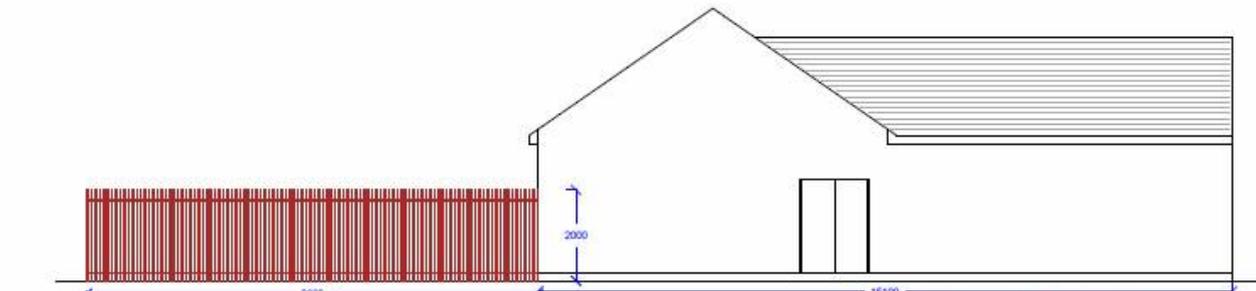
Westfields Pre-School Playgroup
Scout Hall
Monteagle Lane



Proposed Rear Elevation



Proposed Rear Elevation



Proposed Alternate Side Elevation

BACKGROUND INFORMATION

This application is brought to committee as the District Council owns part of the application site.

THE SITE

The Scout Hut is a detached building constructed of red brick and concrete roof tiles.

It is located on the west side of Monteagle Lane in Yateley and is accessed from a private road. The application site has an area of approximately 231 square metres, is largely rectangular in shape and is generally level.

To the west of the Scout Hut is a playground and to the northwest is the Red Cross Centre. There is a shared parking area to the north and south of the Scout Hut.

PROPOSALS

The application is for the erection of a fenced area to the rear of the building to create an outside play area for Westfields Pre-School Playgroup, and additional rear door to the building.

The proposed outside play area would be located on the west side of the rear elevation of the building and would measure 9.8 metres by 9.8 metres. The flooring finish to the play area would be 'Wet Pour' children safe surface. The proposed fence would be 2 metres in height, and would have a polyester powder coating in brown.

There would be a new UPVC door on the rear elevation of the Scout Hut for access to the proposed outside play area.

The proposed development would result in the loss of five parking spaces.

RELEVANT PLANNING HISTORY

HDC17096- Construction of new Scout Headquarters- permission granted 1988.

HDC17553- New Scout Headquarters- permission granted 1988.

HDC22409- Amendment of condition attached to existing consent HDC17096 for construction of additional car park with access road- permission granted 1993.

10/01356/FUL- Erection of fenced area to the rear of the building to create outside play area, and additional rear door to building- permission refused 10.06.10.

Reason for refusal: 'The proposed fence would be overly high, prominent and detrimental to the character of the local area. As such the proposal is contrary to saved policies GEN1 and GEN4 of the Hart District Local Plan (Replacement) 1996-2006.'

CONSULTATIONS

Yateley Town Council: No objection

Local Highways Officer: 'No objection. This use of the Scout Hut has been running for a significant period and I am not aware of any parking problems arising. I am also aware that overflow parking is available on the adjacent lane clear of the highway should the need ever arise.'

PUBLIC OBSERVATIONS

There has been one letter of objection received raising the following main points:

- * Poor state of adjacent lane.
- * Hedgerow and trees have been removed.

MATERIAL PLANNING POLICIES

Local Plan: Saved policies GEN1, GEN4, URBI

Local Plan Review: None relevant

MAIN ISSUES

- * Principle of development
- * Design and appearance
- * Impact on the neighbouring properties
- * Parking Provision

CONSIDERATIONS

Principle of development

The application site is located within the urban settlement boundary of Yateley wherein the principle of development is acceptable.

Design and appearance

Saved policies GEN1 and GEN4 relate generally to development and only permit such development where there is no significant adverse harm to the character of the area.

It is considered that the principle of a fenced outside play area in this location is acceptable. The additional door on the rear elevation of the building and the flooring finish are considered acceptable in design and appearance.

The height of the fence has been reduced by 0.4 metres since the last refusal (10/00783/FUL). It is considered that the proposed fence is acceptable in height, would not be detrimental to the open character of the local area, and as such overcomes the last reason for refusal. In addition it should be noted that in isolation the fence of 2 metres would be Permitted Development.

Therefore it is considered that the design and appearance of the fence would be acceptable and as such the proposal would comply with saved policies GEN1 and GEN4.

Impact on the neighbouring properties

Saved policy GEN1 (iii) permits development where there is no material loss of amenity to existing and adjoining residential uses.

The nearest residential property would be approximately 32 metres from the proposed development. It is considered that the proposed development would not be detrimental to the occupiers of any of the neighbouring properties.

Therefore the proposal would comply with saved policy GEN1.

Parking Provision

Saved policy GEN1 (vii) permits development which has adequate arrangements on site for access, servicing or the parking of vehicles.

The proposed development would result in the loss of five parking spaces. There would be 45 remaining spaces (shared parking for Red Cross Centre and Scout Hall). The Local Highways Officer has been consulted and has no objections to the proposed development. It is considered that there would still be sufficient on site parking facilities and as such that the proposed development would comply with saved policy GEN1.

OTHER ISSUES

Concern has been raised that the hedgerow and trees have been removed which would have provided screening of the fenced area. These trees were not covered by a tree protection order therefore there was no planning control over their removal.

Concern has also been raised over the poor state of the adjacent lane due to current works that are being carried out there. This is a separate issue which is not a material consideration for this planning application.

RECOMMENDATION Grant Permission

- I 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).

INFORMATIVES

I 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.

PLANNING COMMITTEE

Date and Time: Wednesday, 14th July 2010 at 7.00 pm

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS –

Cockarill - (Chairman)

Ambler	Blewett	Southern
Appleton	Evans	Street
Axam	Kennett	Wheale
Billings	Parker	

In Attendance: Councillors Healey and Radley (J R)

Officers Present:

Robert Jackson	-	Development Control Manager
Emma Whittaker	-	Principal Planning Officer
Tricia Jackson	-	Senior Committee Services Officer
Brendan Gollogly	-	Planning Solicitor (Shared Legal Services)

10. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 9th June 2010 were confirmed and signed as a correct record, subject to an amendment on page PL.4 in the first sentence. The word “approved” to be replaced by “determined”.

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gorys, Henderson, Maughan, Radley (J E), Simmons and Simpson.

Note: Councillor Appleton entered the meeting at 7.02 pm.

12. CHAIRMAN’S ANNOUNCEMENTS

The Chairman announced that the Environment Agency would attend the Planning Committee meeting on 6th September at 6.00 pm to talk about its role in determining planning applications.

13. DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL)

Councillor Billings declared a personal and prejudicial interest in Application No 10/01356/FUL – Scout Hall, Monteagle Lane, Yateley – as she was the Ward Member for the application and her grand-daughter attended meeting at the premises, and left the meeting during discussion and voting thereon.

Councillor Appleton declared a personal interest in the item under Minute No 15 – S106 Unilateral Undertaking – Berkeley Homes, Hitches Lane, Fleet – as he was a Fleet Parish Councillor.

14. SUMMARY OF PLANNING APPEAL DECISIONS

The Summary of Planning Appeal Decisions was noted.

15. S106 UNILATERAL UNDERTAKING – BERKELEY HOMES, HITCHES LANE, FLEET

Members received a report from the Head of Planning Services, the purpose of which was to request the Committee to recommend to Cabinet with respect to the April 2004 and 2005 Hitches Lane, Fleet, Berkeley Homes Development S106 Unilateral Undertakings.

It was Resolved to RECOMMEND to Cabinet as follows:

That -

- (a) minor alterations to the wording of the deliverability of the Community Plan as recommended by Capital Board in December 2008 and as set out in paragraph 3.1 of the report be agreed;
- (b) on a without prejudice basis, Cabinet agree to a request from Berkeley Homes to defer in the short term, implementation of the revised triggers for the provision of infrastructure but only on those terms as set out in paragraphs 4.3 and 4.4 set out below; and
- (c) the triggers for implementation for the works outlined below in paragraphs 4.3 and 4.4 be reviewed again if necessary in the light of circumstances at the beginning of 2012.

Paragraph 4.3

- a) By the 100th occupation, or by 30th June 2011, whichever is the later, the transitional open space must be laid out
- b) By 30th June 2011 Berkeley Homes must have provided an access road, parking area and capped water supply to the allotment land, and to have provided the allotments themselves, and commenced the start of the 24 month maintenance period

- c) By the 50th occupation, or by 30th June 2011, whichever is the later, Berkeley Homes must have provided land and buildings for a Health Care Centre
- d) By the 50th occupation, or by 30th June 2011, whichever is the later, Berkeley Homes must have provided the community recycling facilities on land near the community building
- e) By the 100th occupation, or by 30th June 2011, whichever is the later, Berkeley Homes must have completed the laying of the sports pitches (including the ATP & MUGA) and commenced the start of the 21 month maintenance period. The obligation also involves providing written notice of the practical completion of the sport pitches
- f) By the 150th occupation, or by 30th June 2011, whichever is the later, Berkeley Homes must have practically completed the community building

Paragraph 4.4

In addition, the current S106 Unilateral Undertakings should be amended to require:

- a) Berkeley Homes to then transfer the allotment land to Fleet Parish Council at the end of the 24 month maintenance period with rights of access and parking, along with access to the capped water supply
- b) No less than 6 months prior to the end of the maintenance period, to transfer the sports pitch land (including the ATP & MUGA) to the District Council
- c) No less than 6 months prior to the end of the maintenance period, Berkeley Homes to execute a formal transfer of the Country Park with rights of access and parking, to a public body
- d) With regard to the triggers and payments currently associated with the end of the 24 month maintenance periods for the Country Park and SANGS land, once these facilities are laid out in accordance with the current triggers, Berkeley Homes to make all Country Park management contributions to the District Council.

Note:

- (1) Mr R Hunt was permitted to speak in connection with allotment provision.
- (2) Councillor Appleton declared a personal and prejudicial interest (see Minute No 13).

16. DEVELOPMENT APPLICATIONS

The applications set out in the accompanying schedule were considered and decisions made as shown.

The meeting closed at 8.48pm

HART DISTRICT COUNCIL

DEVELOPMENT APPLICATIONS

Decisions/Recommendations – 11th July 2010

The following applications were determined in accordance with the recommendations contained in the report.

**10/00976/COU Little Bramshot Farm, Cove Road, FLEET
Continued use of land for the storage of caravans and
campervans (Revision of 09/01293/COU)**

Permission REFUSED for the following reasons:

A.1. In the absence of any over-riding need to outweigh the harm caused in an area of land which would otherwise be undeveloped, the development by virtue of its intrusive nature and the number of caravans, has reduced the openness of this part of the countryside which is designated as a strategic gap. As such the development is contrary to saved local plan policies RUR2, RUR3, CON19, CON23, and GEN3, and national planning guidance in PPS7: Sustainable Development in Rural Areas.

B Enforcement Action be authorised to require the use of the land for the storage of caravans to stop with 2 years for compliance.

Informative:

The applicant is reminded that the Council is currently in the process of writing its Local Development Framework (LDF) which will supersede the current Local Plan and contain future planning policy for the District. As part of the LDF the Council will be considering issues including whether the current settlement boundaries and gap policies are appropriate and the boundaries correctly drawn up. It is during the LDF process that the Council will also be considering various site allocations across the District. Consultations will be carried out at various stages during the process including with the general public and with the Parish Councils. There is more information available on the Council's website: <http://www.hart.gov.uk/index/top-planning/planning-policy.htm>.

Note:

- (1) A site visit had been made to this location.
- (2) Mr McNulty (on behalf of Dr Saad Al-Khalaf) spoke AGAINST the application.
- (3) Linda Timms spoke FOR the application.
application.

**10/01356/FUL Scout Hall, Monteagle Lane, YATELEY
Erection of fenced area to the rear of the building to create
outside play area and additional rear door to building**

Permission GRANTED subject to the following 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).

Informative:

1. 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.

Note: Councillor Billings declared a personal and prejudicial interest in this application. (See Minute No 13).