



NOTICE OF MEETING

| | |
|--------------------------------|---|
| Meeting: | Planning (Enforcement) Sub-Committee |
| Date and Time: | Monday 6th December, 2010 at 9.30 am |
| Place: | Council Chamber, Civic Offices, Fleet |
| Telephone Enquiries to: | (01252) 774203 (Mrs P Jackson) email: patricia.jackson@hart.gov.uk |
| Members: | Parker (Chairman), Axaam, Billings, Evans, Henderson, Southern and Street |

G Bonner
Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

**COPIES OF THIS AGENDA ARE AVAILABLE IN LARGE PRINT
AND BRAILLE ON REQUEST**

1. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 13th September 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. THE SPURS, 93B KENILWORTH ROAD, FLEET

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

6. THOMAS DAY SECOND HAND CAR SALES, 71-79 ALBERT STREET, FLEET

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

7. WINCHFIELD PARK, LONDON ROAD, HARTLEY WINTNEY

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

NB : The Appendix is Confidential under Paragraphs 1, 2 and 3 of Part 1, Schedule 12A of the Local Government Act 1972 –

Paragraph 1 – Information relating to any individual.

Paragraph 2 – Information which is likely to reveal the identity of an individual.

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding the information).

Members must decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information

See Note below

Date of Despatch: 23rd November 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.

Note: A meeting of the Enforcement Panel will consider outstanding cases (including those with Legal) at the conclusion of the meeting. These will be sent electronically to Members a week before the meeting to ensure they are up-to-date.

ENFORCEMENT CASE REFERENCE NO: 10/00216/LP4

COMMITTEE REPORT ITEM NUMBER:

EXECUTIVE SUMMARY

| | |
|----------------------------|--|
| Site Address | The Spurs, 93B Kenilworth Road, Fleet, Hampshire, GU51 3AY |
| Nature of Complaint | First floor balcony encased in glass-wall removed separating room from balcony |

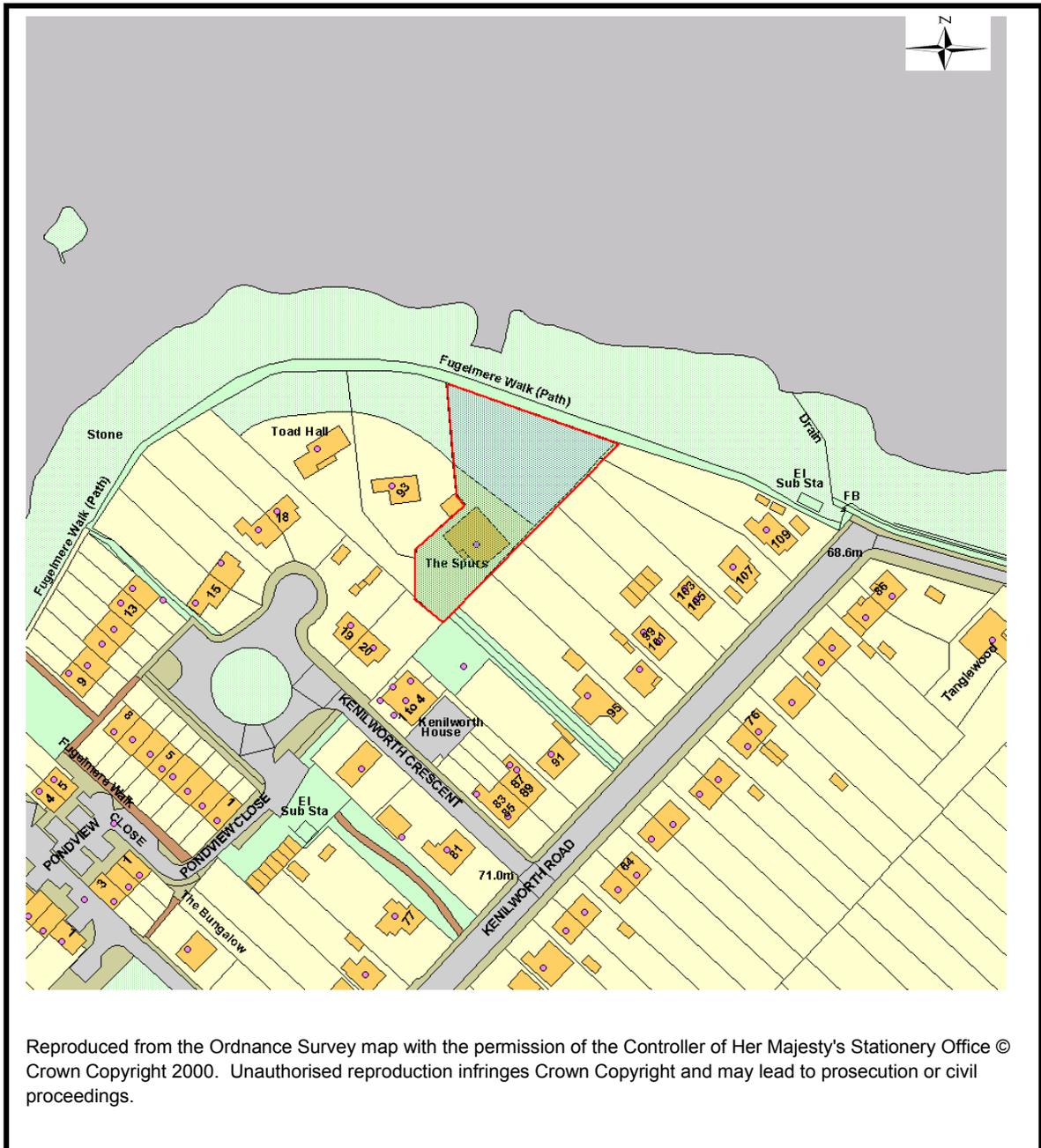
| | | | |
|------------------------|------------------------|-----------------------|----------------------|
| Date Registered | 13.08.2010 | Case Officer | Mrs Sharon Whittaker |
| Committee Date | 6th December 2010 | | |
| Ward Member | Cllr Mrs Sharyn Wheale | Parish Council | Fleet Parish |
| Date Received | 11.08.2010 | | |

| | |
|-------------------------------|--|
| Nature of Complaint | First floor balcony encased in glass-wall removed separating room from balcony |
| Officer Recommendation | To take no further action as the windows while not fitted with obscure glazing have been obscured using an opaque adhesive film and are now obscure. |

ENFORCEMENT SUB-COMMITTEE REPORT

Enforcement Ref: 10/00216/LP4

Location Map



Committee Date: 6th December 2010

**The Spurs
93B Kenilworth Road
Fleet Hampshire GU51 3AY**

1.0 BACKGROUND INFORMATION

A case was opened 13th August 2010 as a query was raised concerning the enclosure of an existing first floor balcony at The Spurs, Kenilworth Road.

This was considered at the meeting of the Sub Committee on 13th September 2010 when it was resolved that:-

That the side elevation be fitted with obscure glazing in accordance with The Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008

2.0 THE SITE

The property is a detached two story dwelling located within the settlement boundary, adjacent to Fleet Pond and the end of Kenilworth Road, Fleet.

3.0 ALLEGATION

A conservatory has been built that now encloses the first floor balcony, under The Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008, these works are classed as permitted development subject to certain conditions in that;

any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling house shall be—

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

4.0 RELEVANT PLANNING/ENFORCEMENT HISTORY

HDC - 306 Land adjacent to Limberlost, Kenilworth Road, Fleet, - Erection of house and Garage - 26th June 1974

5.0 RELEVANT PLANNING POLICIES

GEN 1, CON 3, of the Hart District Local Plan 1996 – 2006

PE 1, Hart District Councils Planning Enforcement Policy

7.0 CONSIDERATIONS

Since the last Enforcement Sub Committee meeting on 13th September 2010, the windows have been obscured using an opaque adhesive film.

Members may remember that the resolution was to fit obscure glazing. The owner looked into the matter of obscure glazing but has been informed that as the larger pane measures 2.2m by 900mm it would be a safety issue as glass that has been made obscure by etching is weakened.

The beading surrounding the window has been removed and the adhesive film placed over the whole of the glass, the beading has then been replaced making the glass obscure, as the beading has been removed this makes the adhesive film more of a permanent feature and unlikely to be easily removed.

A site visit has been conducted and photos taken, it was confirmed that nothing was visible

through the windows.

8.0 RECOMMENDATION

To take no further action as the windows while not fitted with obscure glazing have been obscured using an opaque adhesive film and are now obscure.

ENFORCEMENT CASE REFERENCE NO: 09/00207/OPERAT

COMMITTEE REPORT ITEM NUMBER:

EXECUTIVE SUMMARY

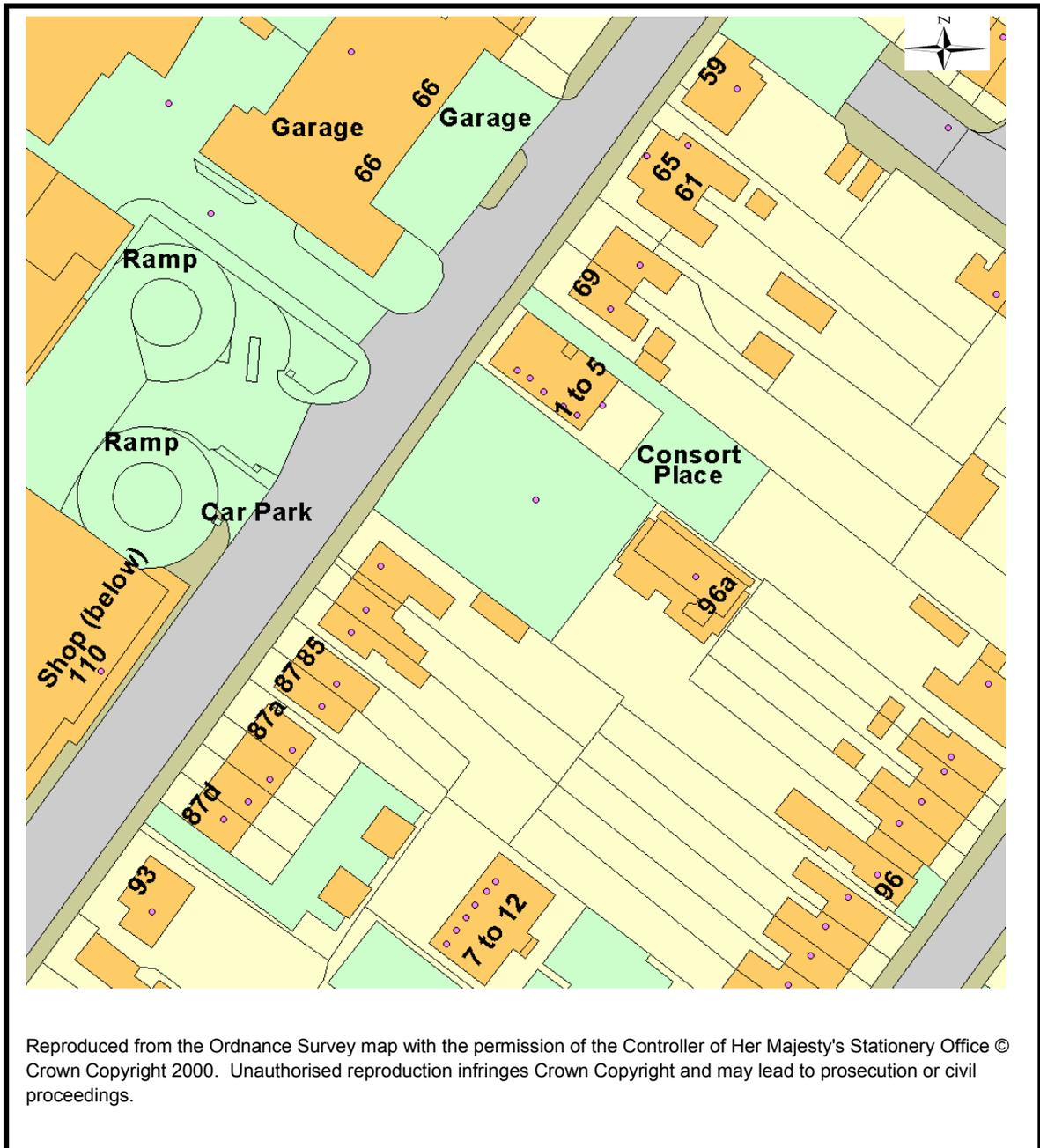
| | |
|----------------------------|--|
| Site Address | Thomas Day Second Hand Car Sales, 71-79 Albert Street, Fleet, Hampshire, |
| Nature of Complaint | Fleet Hand Car Wash operating from site. |

| | | | |
|------------------------|-------------------|-----------------------|---------------------|
| Date Registered | 05.08.2009 | Case Officer | Mrs Sylvia O'Connor |
| Committee Date | 6th December 2010 | | |
| Ward Member | Cllr Gavin Evans | Parish Council | Fleet Parish |
| Date Received | 30.07.2009 | | |

| | |
|-------------------------------|--|
| Nature of Complaint | Fleet Hand Car Wash operating from site. |
| Officer Recommendation | That the Head of Planning Services, in conjunction with the Head of Legal Services, be authorised to take enforcement action as defined in Section 171A of the Town and Country Planning Act, 1990 (as amended) to secure the cessation of the unauthorised operation with a period of compliance of 4 months. |



ENFORCEMENT SUB-COMMITTEE REPORT
Enforcement Ref: 09/00207/OPERAT
Location Map



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Committee Date: 6th December 2010

Thomas Day Second Hand Car Sales
71-79 Albert Street
Fleet
Hampshire

BACKGROUND INFORMATION

The use of the site for a hand car facility was discussed by the members of the Planning Enforcement Sub Committee at the meeting of December 7th 2009.

At the time of the meeting neither Planning Enforcement nor Environmental Health had received complaints about the car wash from members of the public.

Members resolved that it was not expedient to take formal enforcement action at that time subject to clarification by Environmental Health that there were no environmental issues in connection with waste water run off.

This clarification has not been received and since then complaints have been received from members of the public by both departments.

THE SITE

The Thomas Day Garage is located north of the centre of Fleet and comprises two distinct areas separated by Albert Street. The area to the north used to provide an under cover sales area/showroom and service centre whilst the area to the south west of Albert Street, which is the subject of this report, used to be an open sales area. This part of the site comprises an area of approximately 720 square metres.

ALLEGATION

The new owner of the site has been using the previous open car sales area to provide a hand car wash service to the general public since July 2009. The authorised use of the site was for an open car sales area. The current use is a 'sui generis' use for which any change from car sales requires an application for a change of use.

RELEVANT PLANNING/ENFORCEMENT HISTORY

There is no relevant planning or enforcement history for this site.

RELEVANT PLANNING POLICIES

Saved local plan policy GEN 6 permits development which could create noisy or noxious uses or which would generate volumes or types of traffic unsuited to the local area when :-

1. The site is not located where the proposal would have a serious adverse effect on the amenities of existing housing

or

2. The proposal incorporates adequate noise abatement measures to alleviate any material loss in amenity.

Saved local plan policies GEN I (ii) and GEN I (iii) permit development which:-

1. Avoids any material loss of amenity to existing and adjoining residential, commercial, recreational, agricultural or forestry uses, by virtue of noise, disturbance, noxious fumes, dust, pollution or traffic generation and

2. Causes no material loss of amenity to adjoining residential uses, through loss of privacy, overlooking or the creation of shared facilities.

The site is situated on the south eastern side of Albert Street which is occupied by a mix of business and residential properties. To the north east of the site is a small flatted development, Consort Place.

To the south west is a row of terraced houses of Victorian era and to the rear of the site is a small business unit. There is a public right of way which runs along the north eastern section of the site allowing pedestrian access from Albert Street to Clarence Road via a gate in the rear boundary.

REPRESENTATIONS RECEIVED

The main issues which have been raised by the complainant are:-

Trade effluent entering adjoining private residential gardens.

Noise nuisance from the jet wash and Hoover. Customers talking over the plant noise close to the adjacent residential property.

Operating times (7 days a week, 8am – 7.30pm).

No toilets for customers or staff on site.

No refuse collection arranged.

Additional traffic in an already busy point in the road.

No public liability insurance certificate displayed.

Located between two residential properties causing a negative impact.

The complainant has provided photographic evidence which appears to show waste water from the site being collected in plastic jerry cans and deposited on the ground behind the portacabin at the rear of the site. This action caused flooding to the adjoining garden.

A joint site visit took place on October 12th 2010 with representatives from Thames Water and the Environment Agency. They observed that the drain at the rear of the site was blocked and noted that the standing water had an oily sheen. Bags of silt which had been cleared from the drain were being stored at the rear of the portacabin. The workman charge at the site confirmed that the waste water was collected in plastic containers and then collected and removed by the business owner on a regular basis. The business owner asserted that he did not remove the waste water from the site when asked where the water was removed to. Clearly there is some conflict in this matter.

The Environment Agency Officer advised that it appeared that the waste water was being discharged to a surface water drain but that they would be unable to take any action unless it could be categorically proven that the waste water from the site was entering local waterways.

Thames Water also confirmed that they would not be able to take any action unless it could be confirmed that the water was discharging to foul drains and sewers.

They have written to the site owner raising the issue of the discharge of flood water at the site but at the time of writing this report there has been no reply.

CONSIDERATIONS

The site being used for the hand car wash was previously used as an open car sales area for Thomas Day Motors. It was purchased with the intention of setting up a garage and MOT centre on the opposite side of the road and continuing the use of this part of the site for the sale of second hand cars. At this time the second hand car sales has not been re-commenced and the site is being used to provide a hand car wash service. This use requires a change of use planning application by virtue of the fact that it is different from the established car sales use of the site.

The site is opposite the Local Authority run multi storey car park at the Hart Centre and as such it is

considered that the area already has a larger than average number of private vehicle movements for a residential street due to traffic going to and from the car park. This area of Albert Street is adjacent to the primary retail area of the town and within area F5 which is defined in the Hart District Local Plan as a mix of business and residential units. It is therefore considered that a business use of the site is already established. It is however difficult to establish any evidence to suggest that the current use of the site generates any additional vehicle movements in the area.

A letter was sent to the site owner on the 5th October 2009 advising him that planning permission was required for the change of use of the site and asking for the application to be submitted by no later than Monday 26th October that year. It was considered at the time that an application may have been an appropriate way of controlling possible impacts on neighbouring properties to be controlled via planning conditions. An application was never received.

Saved policies GEN 6, GEN 1(ii) and GEN 1(iii) of the Hart District Local Plan permits development which may cause noise or generate volumes of traffic unsuited to the local area where measures can be put in place to alleviate any loss in amenity. When Members last considered the unauthorised use of the site the authority had not received any formal complaints from members of the public alleging that there was a loss of amenity in the area.

In March 2010 Environmental Health received a public complaint regarding noise and water discharge at the site. An Environmental Health Officer approached the site owner and asked them to relocate the hoover and enclose it to deaden the noise. The owner was also asked to move the car wash area away from the adjacent residential property. The hoover has been encased in a small poorly built brick structure but car washing still appears to be taking place in the same location.

Planning Enforcement Policy PE 1, General Policy on Enforcing Planning Control, states that in considering whether it is expedient to start enforcement action the Council will take account of the policies in the development plan and all other material considerations and will assess whether the breach of planning control unacceptably affects amenity or causes harm to land or buildings which ought to be protected in the public interest.

Planning enforcement Policy PE 2, Initiating Enforcement Action, states that the Council will try to persuade an owner or occupier of land to remedy voluntarily any harmful effects of unauthorised development. The Council will not, however allow discussions to hamper or delay any necessary formal enforcement action to make the development more acceptable on planning grounds or to make it stop.

Government guidance provided in PPG 18 states that while it is unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice should not normally be issued solely to 'regularise' development which is acceptable on its planning merits but for which permission has not been sought. The Local Authority may consider that the development could be made more acceptable by the imposition of planning conditions, for example to control the hours of operation. If this is considered appropriate the Local Planning Authority may issue an enforcement notice which requires remedial steps to be taken to alleviate the loss of amenity which has been caused by the breach of planning control.

Last December as the Council had not previously received any public complaints about the use of the site it was considered on balance that there had not been a loss of amenity to the local area. However since then as both Planning and Environmental Health have received complaints related to the current use of the site it is considered that the balance has changed and that formal enforcement action should be taken which requires the activity to cease as both noise and flooding do not appear to be able to be controlled.

RECOMMENDATION

That the Head of Planning Services, in conjunction with the Head of Legal Services, be authorised to take enforcement action as defined in Section 171A of the Town and Country Planning Act, 1990 (as

amended) to secure the cessation of the unauthorised operation with a period of compliance of 4 months.

The use of the site as a car wash facility causes a nuisance to neighbouring residential properties by virtue of noise and disturbance and is therefore contrary to saved policies GEN 1(ii), GEN 1(iii) and GEN 6 of the Hart District Local Plan.

ENFORCEMENT CASE REFERENCE NO: 08/00242/CONDS**COMMITTEE REPORT ITEM NUMBER:****EXECUTIVE SUMMARY**

| | |
|----------------------------|---|
| Site Address | Winchfield Park, London Road, Hartley Wintney, Hook, Hampshire RG27 8HY |
| Nature of Complaint | Breach of Agricultural Occupancy condition. |

| | | | |
|------------------------|--------------------|-----------------------|----------------------|
| Date Registered | 30.09.2008 | Case Officer | Mrs Sharon Whittaker |
| Committee Date | 6th December 2010 | | |
| Ward Member | Cllr Stephen Gorys | Parish Council | Winchfield |
| Date Received | 29.09.2008 | | |

| | |
|-------------------------------|---|
| Nature of Complaint | Breach of Agricultural Occupancy condition. |
| Officer Recommendation | That the Head of Planning Services, following consultation with the Chief Solicitor, be authorised to take Enforcement Action as defined in Section 171A of the Town and Country Planning Act, 1990 (as amended) to secure compliance with condition 2 of planning permission reference 06/01589/FUL with a period of compliance of 6 months. |

ENFORCEMENT SUB-COMMITTEE REPORT

Enforcement Ref: 08/00242/CONDS

Location Map

Committee Date: 6th December 2010
Winchfield Park
London Road
Hartley Wintney
Hook
Hampshire
RG27 8HY



1.0 BACKGROUND INFORMATION

This case has been brought to the committee due to the history of enforcement complaints in the area.

Condition 2 on planning permission reference 06/01589/FUL - Erection of dwelling for agricultural worker/farm owner following demolition of existing mobile home states:

The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such a person residing with him) or a widow or widower of such a person.

Reason

The site is in an area where new dwellings are not normally permitted except when there is an overriding need in the interests of agriculture or forestry and to satisfy saved policy RUR2 of the Hart District Local Plan.

2.0 THE SITE

Winchfield Park is located to the south of the A30 in the open countryside to the west of the Odiham to Hartley Wintney Road. The overall area of the site is 33 hectares. The site is currently occupied by 2 large farm buildings, some smaller buildings and the dwelling in question. The rest of the site is agricultural land, partly enclosed by fenced paddocks. The land slopes slightly upwards to the south from the buildings to the north of the site.

3.0 ALLEGATION

Planning consent was granted for a dwelling in connection with agriculture see 06/01589/FUL. The dwelling was completed in 2009.

Under the terms of the planning permission the temporary mobile home which was on site while the agricultural enterprise was established should have been removed. However, this did not take place and a Breach of Condition Notice was served.

In response to this an application (09/02441/FUL) to remove the relevant conditions was submitted. However this was refused and an appeal dismissed in September 2010. An application (10/00963/COU) to convert the outbuilding to use as chicken shed was refused and a subsequent appeal withdrawn following the above appeal dismissal.

As part of the consideration of these applications it came to officer's attention that the occupancy of the site may not be in accordance with the occupancy condition and a Planning Contravention Notice was served. The site has planning permission in addition as a balloon launching site and it is well known that the husband occupying this land runs a balloon flying business.

Through information gathered from a Planning Contravention Notice it appears that the level of agriculture actually being carried out on the land is minimal. The landowner provided information as to the agricultural activities on site as follows:

- The land being used for grazing and cropping for hay on a rotational basis
- Cropping for hay occurs on around 20-30 acres (8.3 to 12.5 hectares) but this varies.
- The remainder area is grazed and cropped area grazed after cropping.

It was indicated that in a typical week the following hours are worked by the adult

occupiers of the premises.

- Wife – 24 hours on farm work
- Husband – 17 hours on farm work
- Husband – 25 hours on Balloon business.

The wife's agricultural activities are made up as follows:

- General management of holding – 5 hours/week
- Attending cattle – 14 hours/week
- Attending chickens – 5 hours/week

The husband's agricultural activities are made up as follows:

- Accounting – 5 hours/month (say 1 hour/week)
- Ordering/collecting feedstuffs, materials and supplies – 10 hours/month (say 2 hours/week)
- General agricultural labour – 55 hours/month (say 11 hours/week)

When the Planning Contravention Notice was completed in July 2010 there were 16 calves on site and 18 chickens.

Income from the farm work was provided. However as this is personally sensitive it falls within the exceptions to publicity in the Local Government Act and this is provided in a private appendix. However, this shows that the vast majority of the overall family earned income comes from non-agricultural activities. It is worthwhile to note that in addition to the adults living in the property there are three young children.

4.0 RELEVANT PLANNING/ENFORCEMENT HISTORY

HDC/23765 Agricultural buildings and mobile home. Permitted 10.10.94. Mobile home permitted until 10.10.96.

00/00347/FUL Continued siting of mobile home. Permitted 18.8.00 until 31.8.03.

03/01069/FUL - Demolition of mobile home and erection of replacement agricultural worker's dwelling. Approved 2003.

04/02830/FUL - Demolish mobile home and erect house for agricultural worker/farm owner. Refused 2nd February 2005.

05/01514/RETEMP - Continued stationing of agricultural worker's mobile home for a temporary period of 3 months

05/01722/FUL - Erection of dwelling for agricultural worker/farm owner following demolition of existing mobile home

05/01723/FUL- Erection of dwelling for agricultural worker/farm owner following demolition of existing mobile home

06/01589/FUL Erection of dwelling for agricultural worker/farm owner following demolition of existing mobile home. PER 10.11.2006

5.0 REPRESENTATIONS RECEIVED

Nil

6.0 RELEVANT PLANNING POLICIES

PPS7 - Sustainable Development in Rural Areas.
Local Plan: Policies GEN1, GEN4, RUR2, RUR3, RUR26

7.0 CONSIDERATIONS

Is there a Breach of planning control?

The first question is whether there is a breach of planning control, essentially whether the dwelling is being occupied in accordance with the relevant condition?

A recent appeal concerning such a condition is attached as Appendix A. Although this is an application for a Certificate of Lawful Development or Use, it is considered that this is a good analogy. In essence a different way of expressing the question of whether to grant such a Certificate would be “could enforcement action be taken?”

In that appeal the Inspector stated:

“I accept that the word ‘employed’ could include a form of hobby farming for pleasure or interest, it seems to me that the intention of the condition is that agricultural employment should be in the form of paid work, or have some form of financial benefit, so as to provide a living for a person or family. I consider that the use of the term ‘solely employed’ in the condition means someone wholly or exclusively employed or working in agriculture for a living, or a person who devotes a greater proportion of their working time to agriculture.”

As the same appeal decision continued:

“As set out in Welsh Office Circular 35/95 on the use of conditions in planning permission, it was held in *Fawcett Properties Ltd v. Buckingham County Council* [1961] A.C. 636 (page 671) that the term “dependants” means persons living in a family with the person defined (the agricultural occupant), and dependent on him (or her) in whole or in part for their subsistence and support. In this instance, it seems to me that their roles were reversed, in that Mrs Harris [one of the occupiers in that case] was financially dependent on Mr Harris’s [the other occupant in that case] earnings as an airline pilot.”

Given the income levels identified in the private appendix it is concluded that the husband is not dependent on the wife. Similarly, looking after 16 calves and 18 chickens is not “solely employed” in agriculture and there are a number of small children who need to be cared for. The husband considers that his income and activities are not relevant for this, but for the same reasons as the Inspector concluded in the above case this is not accepted. It is therefore considered that there is a breach of planning control.

Is it expedient to take enforcement action?

There are no policies in the Local Plan relating to agricultural workers dwellings. General countryside policy militates against the erection of new dwellings in the countryside. However, given the primary policy framework set out in PPS7 and Circular 11/95 allows agricultural workers dwellings where the functional and financial tests are met

On the question as to whether such conditions should be maintained in the longer term it states:

Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation

simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. ... policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.

Circular 11/95 on planning conditions states:

Where an agricultural occupancy condition has been imposed it will not be appropriate to remove it on a subsequent application unless it is shown that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the house for that purpose. This assessment will be necessary in all cases, including those where the condition was originally inappropriately imposed.... However, the fact that planning permission for a dwelling would in all probability be granted today without an agricultural occupancy condition is a material consideration....

The dwelling was granted planning permission only back in 2006.

Since 2006 the Council has continued to receive applications for agricultural workers dwellings or mobile homes as precursors for agricultural dwellings. It is therefore concluded that there remains a continuing need for such dwellings in the area generally.

As noted above the site lies within the countryside and consequently without a justification planning permission would not be granted for it. No exercise of marketing the property with an appropriate discount to reflect the condition has been undertaken and in line with Circular 11/95 it is therefore considered that it would be expedient to take enforcement action.

The effect of any notice would be to interfere in the rights of the owner to use their land as they wish. However, for reasons set out below this will not deprive any occupier of their home as it will be possible to comply with the notice by complying with the condition.

The requirements of any Notice and time period for compliance?

As set out above the breach of planning control is non-compliance with the condition restricting the occupancy of the dwelling. Consequently the requirements can and should only be to cease occupying the dwelling except in accordance with the condition. This can be the same occupiers; just with different employment.

Given the requirements it is considered that some time may be needed to re-organise the relevant employment arrangements. A six month period is considered appropriate.

8.0 RECOMMENDATION

That the Head of Planning Services, following consultation with the Chief Solicitor, be authorised to take Enforcement Action as defined in Section 171A of the Town and Country Planning Act, 1990 (as amended) to secure compliance with condition 2 of planning permission reference 06/01589/FUL with a period of compliance of 6 months.

PLANNING (ENFORCEMENT) SUB-COMMITTEE

Date and Time: Monday, 6th December 2010 at 9.30 am

Place: Committee Room I, Civic Offices, Fleet

Present:

COUNCILLORS –

Parker - Chairman

Axam Evans
Billings Southern

In Attendance: Councillors Cockarill, Crookes and Wheale

Officers Present:

Robert Jackson - Development Control Manager
Sharon Whittaker - Enforcement Officer
Sylvia O'Connor - Enforcement Officer
Tricia Jackson - Senior Committee Services Officer
Nathalie Heaselden - Shared Legal Services

17. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 13th September 2010 were confirmed and signed as a correct record.

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Henderson and Street.

19. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the results of three enforcement appeals had been received, all of which had been dismissed.

These appeals were:

Heathcroft, Stroud Lane, Blackwater

Without planning permission, the siting of two storage containers a portacabin.

208 Fleet Road, Fleet

Without planning permission the installation of a security shutter to the front window of the ground floor of the building on the land.

Ia Folly Close,,Fleet

Without planning permission, the erection of the dwelling known as Ia Folly Close.

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

Councillor Axam declared a personal interest in Minute No 22 (Thomas Day Second Hand Car Sales, 71 – 79 Albert Street, Fleet, as he had used the facility of the car wash.

21. THE SPURS, 93B KENILWORTH ROAD, FLEET

The Sub-Committee was reminded that this case had been considered at the previous meeting as a query had been raised concerning the enclosure of an existing first floor balcony. It had been resolved at that meeting that the side elevation be fitted with obscure glazing in accordance with the Town and Country Planning (General Permitted Development)(Amendment) (No 2)(England) Order 2008.

Since that meeting the windows had been obscured using an opaque adhesive film as the owner had been informed that as the larger pane measured 2.2m by 900mm, it would be a safety issue as glass that had been made obscure by etching was weakened. A site visit had been made and it had been confirmed that nothing was visible through the windows.

Members pointed out that the adhesive film had a limited life and could also be removed. Officers agreed to inform the land owner and the complainant that should the opaque film be removed or was no longer fit for purpose, it would need to be replaced. The site would also be monitored.

RESOLVED

That no further action be taken as the windows, while not fitted with obscure glazing, have been obscured using an opaque adhesive film and are now obscure.

22. THOMAS DAY SECOND HAND CAR SALES, 71-79 ALBERT STREET, FLEET

Members were advised that the use of the site for a hand car wash facility had been discussed by the Sub-Committee in December 2009.

At the time of the meeting neither Planning Enforcement nor Environmental Health had received complaints about the car wash from members of the public.

However, since that time complaints had been received by both departments from members of the public, the main areas of concern being –

- (1) Trade effluent entering adjoining private residential gardens;
- (2) Noise nuisance from the jet wash and vacuum cleaner – customers talking over the plant noise close to the adjacent residential property;
- (3) Operating times (7 days a week, 8.00am – 7.30pm);
- (4) No toilets for customers or staff on site;

- (5) No refuse collection arranged;
- (6) Additional traffic in an already busy point in the road;
- (7) No public liability insurance certificate displayed;
- (8) Located between two residential properties causing a negative impact.

RESOLVED

That the Head of Planning Services, in conjunction with the Head of Legal Services, be authorised to take enforcement action, as defined in Section 171A of the Town and Country Planning Act, 1990 (as amended) to secure the cessation of the unauthorised operation with a period of compliance of four months.

Reason: The use of the site as a car wash facility causes a nuisance to neighbouring residential properties by virtue of noise and disturbance and is therefore contrary to saved policies GEN 1(ii), GEN 1(iii) and GEN 6 of the Hart District Local Plan.

Note:

- (1) Mr Chris Hay spoke FOR the recommendation.
- (2) Mr David Burt, Lynchford Tyres, 158 Kings Road, Fleet spoke AGAINST the recommendation.

23. WINCHFIELD PARK, LONDON ROAD, HARTLEY WINTNEY

Members were advised that this case had been brought to the Sub-Committee due to the history of enforcement complaints in the area.

EXCLUSION OF THE PUBLIC

In view of the confidential nature of the Appendix attached to this item, Members decided that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

RESOLVED

That pursuant to the provisions of section 100A of the Local Government Act 1972 and, in view of the nature of the business to be transacted, the public be excluded from the meeting for the consideration of the under-mentioned on the grounds that exempt information was likely to be disclosed within the meaning of Section 100I the meaning of section 100I, paragraphs 1,2 and 3 of Part I of Schedule 12A of the Act and the specific paragraphs of Part I of Schedule 12A of the Act.

The Sub-Committee was advised that there was a breach of Condition 2 of the Planning Permission (06/01589/FUL – Erection of dwelling for agricultural worker/farm owner following demolition of existing mobile home) in that the level of agriculture being carried out on the land was minimal. It was understood that the vast majority of the overall family earned income came from non-agricultural activities.

RESOLVED

That the Head of Planning Services, following consultation with the Chief Solicitor, be authorised to take Enforcement Action as defined in Section 171A of the Town and Country Planning Act 1990 (as amended) to secure compliance with condition 2 of

planning permission (reference 06/01589/FUL) with a period of compliance of twelve months.

Note: Mr Kim Hull spoke AGAINST the recommendation.

The meeting closed at 10.47 am