



NOTICE OF MEETING

Meeting: Planning Committee

Date and Time: Wednesday, 9 January 2013 at 7.00 pm

Place: Council Chamber, Civic Offices, Fleet

Telephone Enquiries to: 01252 774141 (Martine Fullbrook)
email: martine.fullbrook@hart.gov.uk

Members: Cockarill (Chairman) Ambler, Bennison, Billings, Blewett, Clarke, Crampton, Gani, Gorys, Kennett, Lit, Morris, Murphy, Oliver, Parker, Radley JE, Southern, Wheale

Geoff 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 12 December 2012 to be confirmed and signed as a correct record. **Paper A**

2 APOLOGIES FOR ABSENCE

3 CHAIRMAN'S ANNOUNCEMENTS

4 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests.

5 PLANNING (ENFORCEMENT) SUB-COMMITTEE

To note the minutes of the meeting held on 3 December 2012. **Paper B**

6 DEVELOPMENT APPLICATIONS

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

Date of Despatch: 21 December 2012

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

Date and Time: Wednesday, 12 Dec 2012 at 7:00 pm

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS –

Cockarill - (Chairman)

Ambler

Bennison

Billings

Clarke

Crampton

Gani

Gorys

Kennett

Lit

Morris

Murphy

Parker

Oliver

Radley JE

Southern

OFFICERS:

Robert Jackson

Nathalie Heaselden

Sarah Castle

Martine Fullbrook

Development Control Manager

Planning Solicitor (Shared Legal Services)

Principal Planning Officer

Business Support Officer (Committee Services)

47 MINUTES OF PREVIOUS MEETING

The minutes of the Planning Committee held on 14th November 2012 were confirmed and signed as a correct record .

48 APOLOGIES FOR ABSENCE

None received.

49 CHAIRMAN'S ANNOUNCEMENTS

1. Planning Working party - members are to let the DC Manager know if there are any items they would like to discuss and a date for the meeting can be arranged.
2. Planning Training – members are to let the DC Manager know if there are specific areas they would like training on.

50 DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL)

Councillor Kennett declared a disclosable pecuniary interest in items 103 and 104 as he lives opposite the site.

50 POSITIVE AND PROACTIVE ENGAGEMENT: DEALING WITH APPLICATIONS AT PLANNING COMMITTEE

RESOLVED

That the Planning Committee alter its procedures so that when Members overturn an officer recommendation to grant planning permission, they do not, initially, refuse the application, rather seek to identify the issues of concern and defer the application with a view to seeking amended plans, failing which the Head of Planning Services be delegated to refuse the application.

52 DEVELOPMENT APPLICATIONS

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

53 URGENT WORKS NOTICE – 22 HIGH STREET, HARTLEY WINTNEY

RESOLVED

That subject to Cabinet approval that the Corporate Director be given delegated authority to serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to ensure the preservation of the listed building known as the 22 High Street, Hartley Wintney in the event that the owner does not make the building weather tight.

54 URGENT WORKS NOTICE – SWANN INN PUBLIC HOUSE, NORTH WARNBOROUGH

RESOLVED

That subject to Cabinet approval that the Head of Planning Services be given delegated authority to serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to ensure the preservation of the listed building known as the Swann Inn Public House, Hook Road, North Warnborough in the event that the owner does not make the building weather tight.

The meeting closed at 8.54 pm

**HART DISTRICT COUNCIL
DEVELOPMENT APPLICATIONS**

Decisions/Recommendations – 12 December 2012

**Item No: 101 12/01766/MAJOR General Wickham Court Wickham Road Church
Crookham Fleet Hampshire**

Erection of new 41 unit sheltered housing scheme for over 55's with communal accommodation, a new car park and secure landscaped gardens following demolition of existing older people's housing scheme

Members were generally happy with the scheme but were concerned about the amount of parking provision. The applicant indicated that they were willing and able to provide additional parking for adjacent dwellings within their curtilages. An additional condition was added requiring that details of additional parking to be provided within the curtilages of 2, 4 and 6 Wickham Road for those dwellings be submitted to and approved in writing by the Local Planning Authority prior to development taking place on site.

A. Approve subject to the completion of a legal agreement by 20th December 2012 to secure the following:

- a) Contributions towards Hitches Lane SANG and SAMM in the sums of £31,233.76 and £2,766.76 respectively;**
- b) Contributions towards Leisure in the sum of £13,144 towards district projects and £25,344 towards parish projects**
- c) A contribution of £62,928 towards Highways projects with FTAP**
- d) Restrictions on the age of the occupants (over 55 year olds)**
- e) 40% affordable housing on the site.**

And 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).
- 2 No development shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with approved details.
Reason: To ensure that the external appearance of the building(s) is/are satisfactory and to satisfy saved policy GEN1 of the Hart District Local Plan.
- 3 No development shall take place until full details of both hard and soft landscape have been submitted to and approved in writing by the Local Planning Authority.

Hard details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure of unbuilt open areas, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and artefacts and

structures (e.g. furniture, refuse or other storage units, signage, lighting, external services, manholes, etc.).

Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants, noting species, planting sizes and proposed densities where appropriate.

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

Reason: To ensure the provision of amenity afforded by appropriate landscaping and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 4 No development shall take place until details of the design of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority.

All excavations within 5 metres of the stem of any retained trees shall be hand dug unless the applicant has obtained written approval from the Local Planning Authority.

Reason: To avoid unnecessary damage to tree root systems and to satisfy saved policy CON8 of the Hart District Local Plan.

- 5 No development shall take place until existing and proposed site level surveys and sectional drawings showing finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the area and to satisfy saved policy GEN1 in the Hart District Local Plan.

- 6 No development shall take place on site until details of the boundary treatment for the site has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully completed before the development hereby permitted is first occupied.

Reason: In the interests of amenity and in order to preserve the appearance of the locality.

- 7 In order to comply with the Wildlife and Countryside Act 1981 (as amended) a removal strategy for the rhododendron and wall cotoneaster should be submitted to and agreed with the local authority before any clearance works on site begin.

Reason: to remove and prevent the spread of invasive non-native species

- 8 All vegetation clearance should take place outside of the bird nesting season (March to August inclusive). If this is not possible then all vegetation should be first inspected by an ecologist to ensure there are no active nests present. If an active nest is discovered then work should cease until the young have fledged.

Reason: to prevent harm to nesting birds

- 9 The mitigation as outlined in the bat report should be implemented in full in order to ensure there is no long term detrimental impact on bats. The mitigation measures include:

- Erection of bat boxes prior to development
- Pre-demolition survey
- Inclusion of detailed mitigation within the new development to include the use of bat tiles and bat bricks
- Bat friendly planting schemes
- Post construction monitoring of the roost

Reason: to prevent negative impacts on the local bat population and to protect a bat roost

- 10 No development shall take place until details of any external lighting, including hours of operation, have been submitted to and approved in writing by the Local Planning Authority. The equipment shall only be installed, operated and maintained in accordance with the approved scheme.

Reason: To protect the amenities of the area and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: to protect the amenities of the locality and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 12 The development permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding.

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

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

Reason: To ensure the provision of amenity afforded by appropriate landscaping and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 14 The approved parking facilities for vehicles shall not be used for any purpose other than the parking of motorised vehicles and access shall be maintained at all times to allow them to be used as such.

Reason: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking and to satisfy saved policy GEN1 in the Hart District Local Plan.

- 15 The approved cycle storage facilities shall not be used for any purpose other than the storage of cycles.

Reason: To ensure that the development is provided with adequate cycle storage and to satisfy saved policy GEN1 in the Hart District Local Plan.

- 16 Notwithstanding the details shown on the drawings hereby approved, full details of the bin store (plans and elevations) should be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The bin store will be built in accordance with the approved plans and be brought into use at or before first occupation.

Reason: To ensure that the development is properly planned and to satisfy saved Local Plan Policy GEN1 of the Hart District Local Plan

- 17 Notwithstanding the details shown on the plans, before the development hereby approved commences, full details of the greenhouse/storage building and shed/summerhouse as shown on the landscape plans shall be submitted and approved in writing by the Local Planning Authority. The structures shall be built in accordance with the approved details.

Reason To protect the amenity of the area and to satisfy saved Local Plan Policy GEN1 of the Hart District Local Plan

- 18 Prior to the commencement of development a meeting will be held between the appointed building contractor, the appointed arboricultural specialist and the local

authority Tree Officer to discuss and agree the position of tree protection as outlined in the agreed Arboricultural Implications Assessment and Method Statement dated August 2012.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 19 All tree protection will be put in place prior to the commencement of construction, in accordance with the agreed Arboricultural Implications Assessment dated August 2012, unless otherwise agreed writing and the local authority shall be notified that the Tree Protection has been erected.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 20 Regular monthly site monitoring will be undertaken by the appointed arboricultural specialist to ensure that the tree protection is adequate and that development is progressing in accordance with the agreed Arboricultural Implications Assessment dated August 2012. The local authority will be notified after each site visit has been undertaken.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 21 The excavation of the hard standing adjacent to tree 14 must be carried out in accordance with Appendix 1: Method Statement [Method statement for the removal of the existing hard surfaces] to avoid unnecessary harm to the adjacent tree roots. The excavation must be supervised by the appointed Arboriculturalist to ensure that they are implemented in the correct manner and to address any additional issues that may arise as a result.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 22 Before any development takes place on site, details of additional parking to be provided within the curtilages of 2, 4 and 6 Wickham Road for those dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved parking shall be provided before any development takes place on site.

Reason: To ensure adequate parking is provided in the vicinity given that the residents of these properties have been utilising the existing parking at Wickham Court and to comply with saved policy GEN1 of the Hart Local Plan.

INFORMATIVES

- I The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010, bats are a protected species and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to www.naturalengland.org.uk or contact Natural England (S.E. regional office) on 0238 028 6410.

- 2 You may require Building Regulations Consent and we advise that you should contact Building Control on 01252 774422.
- 3 There is a charge for requests for compliance of conditions. The fee, where written confirmation is required that one or more conditions imposed on the same permission have been complied with, is £25 per request for a householder development and £85 for all other development. The fee must be paid when the request is made and should be made payable to Hart District Council. The Council aims to respond within eight weeks from the date when the request and fee are received, to confirm whether the details are acceptable. Please quote the planning application reference number when submitting any details.
- 4 If construction works are delayed by more than a year from the issue of any permission then a further walk over badger survey should be undertaken to ensure badgers have not started re-using the existing outlying holes adjacent to the site.
- 5 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:
 - The applicant was advised of the necessary information needed to process the application.
 - The applicant was advised of the issues relating to community infrastructure/impact on a European site as part of the processing of the application and was assisted to complete a Section 106 Planning Obligation to address these concerns. Consequently planning permission could be granted.

B. Failing which the Head of Planning Services be delegated to REFUSE planning permission for the following reasons:

- 1 The site is located within 5km of the Bourley and Long Valley Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (SPA). In the absence of appropriate mitigation secured in perpetuity as part of the application and any evidence that the test of no alternatives under Regulation 62 of The Conservation of Habitats and Species Regulations 2010 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the SPA. As such the proposal is contrary to saved policies CON1 and CON2 in Hart District Local Plan (Replacement) 1996 -2006 (including First Alterations), and policy NRM6 in the South East Plan.
- 2 In the absence of suitable planning obligations, the proposed development does not provide for mitigation for the impacts of the development on the infrastructure of the area, in particular in the areas of open space and transport. As such the proposal is contrary to paragraph 4.6.1 and saved policies T16 and URB23 in the Hart District Local Plan (Replacement) 1996 -2006 (including First Alterations) and South East Plan policy CC7.

INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:
 - The applicant was advised of the necessary information needed to process the application.
 - The applicant was advised of the issues relating to community infrastructure/impact on a European site as part of the processing of the application and was asked to complete a Section 106 Planning Obligation to address these concerns and offered assistance in this. However, it was not completed within a reasonable period of time, of which the applicant was advised, and consequently planning permission was refused for the reasons set out above.

NOTE:

- 1 Mr Mike Shepherd, Sentinel Housing Association spoke **FOR** the Application
- 2 A site visit had been made to this location.

Item No: 102 12/02095/FUL Land Adjacent To Recreation Ground Hook Road Hook Hampshire

Create a single vehicular access direct into recreation ground and ancillary pedestrian access

Members discussed the nature of the sight lines, the amount of traffic and the use of the land.

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).
- 2 Notwithstanding the details submitted with the application, no development shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with approved details.
Reason: To ensure that the external appearance of the building(s) is/are satisfactory and to satisfy saved policy GEN1 of the Hart District Local Plan.

INFORMATIVES

- 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.

- 2 Works affecting the highway need consent from the Area Surveyor, please contact Hampshire Highways on 0845 850 4422.

Item No 103 12/02238/HOU Lees Cottage Lees Hill South Warnborough Hook RG29 IRQ

Erection of two storey rear extension and outbuildings to form garage, carports and games barn

Members discussed the effect of the proposed development on the listed building and concluded that this would subsume the original building in an unacceptable way.

Permission **REFUSED** for the following reasons:

- 1 The scale, proportion and design of the proposed extensions and outbuildings would be detrimental to the character and setting of the listed building and the character of the South Warnborough Conservation Area. As such the proposal is contrary to saved policies GEN1, GEN4, CON13 and CON17 of the Hart District Local Plan and the NPPF.
- 2 In the absence of sufficient tree protection details, it is not possible to determine, with any degree of certainty, that the proposed development would not have an adverse impact on the health of the trees on site. As such the proposal is contrary to saved policy CON8 of the Hart District Local Plan.

INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicant did not seek pre-application advice, and was advised of the issues relating to the impact on the Listed Building, character of the South Warnborough Conservation Area, and trees during the processing of the application. As the issues relating to the impact on the Listed Building and character of the conservation area could not be addressed by a minor amendment to the plans during the application process it was suggested that the application could be withdrawn and pre-application advice sought before re-submission. The applicant requested that the application is determined.

NOTE:

- 1 Councillor Kennett left the meeting for this application
- 2 Mr Robert Evans, Lees Farm, spoke **FOR** the Application

Item No 104 12/02239/LBC Lees Cottage Lees Hill South Warnborough Hook RG29 IRQ

Erection of two storey rear extension and outbuildings to form garage, carports and games barn

For discussion see item 103 above.

Permission **REFUSED** for the following reasons:

- 1 The scale, proportion and design of the proposed extensions and outbuildings would be detrimental to the character and setting of the listed building. As such the proposal is contrary to saved policies GEN1, GEN4 and CON17 of the Hart District Local Plan and the NPPF.
- 2 In the absence of sufficient details regarding the internal changes to the listed building, including an inaccurate existing first floor plan, it is not possible to determine, with any degree of certainty, that the proposed development would not have an adverse impact on the fabric of the listed building. As such the proposal is contrary to saved policy CON17 of the Hart District Local Plan.

INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicant did not seek pre-application advice, and was advised of the issues relating to the impact on the Listed Building and character of the South Warnborough Conservation Area during the processing of the application. As these issues could not be addressed by a minor amendment to the plans during the application process it was suggested that the application could be withdrawn and pre-application advice sought before re-submission. The applicant requested that the application is determined.

NOTE:

- 1 Councillor Kennett left the meeting for this application
- 2 Mr Robert Evans, Lees Farm, spoke **FOR** the Application

Item No 105 12/02249/HOU 6 Old School Close Hartley Wintney Hook Hampshire RG27 8HQ

Extension to existing attic room, to include replacement dormer window. Relocation of existing rooflights to front elevation and erection of new porch.

Members discussed the following issues

- 1 The relevance of the 45 degree “rule”, it was established that there would be a minimal loss of light at certain times of the year, but that this was insufficient to refuse planning permission
- 2 The size of the glazing in the new dormer window. An A&B recommendation was proposed in order that the size of the glazing in this window be reduced, as it was considered that the window was out of proportion with those on the existing property, located as it is within a Conservation Area and as currently submitted this element represented poor design.

A Subject to the receipt of amended plans showing a reduction in the size of the glazing in the rear elevation of the development, principally to raise the cill level, the Head of Planning Services, following consultation with the Chairman of the Planning Committee and Ward Member, be delegated to GRANT planning permission 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).
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as annotated on the approved plans and described in the application forms and Design and Access Statement dated 16.08.2012.
Reason: To ensure a satisfactory visual relationship of the new development with the existing building and to satisfy saved policy GEN1 of the Hart District Local Plan

INFORMATIVES

- 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.
- 2 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operatives vehicles should be normally arranged on site.
- 3 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:• The applicant was advised of the necessary information needed to process the application. During the process the applicant submitted supporting to plans to address concerns raised by objectors and the concerns of the Committee as to the design of the windows in the rear elevation. Consequently the application was considered acceptable.

B Failing A, the Head of Planning Services be delegated to REFUSE planning permission for the following reason:

- 1 In the opinion of the Local Planning Authority the proposed design of the window in the rear elevation is too large for the proportions of the property. As such it

represents poor design is detrimental to the appearance of the Hartley Wintney Conservation Area and contrary to saved policies GEN1 and CON13 of the Hart District Local Plan.

INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:• The applicant was advised of the necessary information needed to process the application. During the process the applicant submitted supporting plans to address concerns raised by objectors. However, they failed to address the concerns of the Committee as to the design of the windows in the rear elevation. Consequently the application was considered unacceptable.

NOTE:

- 1 Mr Phillip Turner, 5 Old School Close, spoke **AGAINST** the Application and Mr Robert Mansfield, 6 Old School Close, spoke **FOR** the application
- 2 A site visit had been made to this location.

PLANNING (ENFORCEMENT) SUB-COMMITTEE

Date and Time: Monday, 3 December 2012 at 10:00 am

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS:

Bennison (Chairman)

Blewett, Kennett, Parker and Southern

Officers Present:

Robert Jackson	Development Control Manager
Sharon Whittaker	Enforcement Officer
Nathalie Heaselden	Shared Legal Services
Martine Fullbrook	Business Support

16 MINUTES OF PREVIOUS MEETING

The minutes of the Meeting held on 10 September 2012 were confirmed and signed as a correct record.

17 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Billings

18 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements

19 DECLARATIONS OF INTEREST (PERSONAL AND PERSONAL AND PREJUDICIAL)

Councillor Parker declared a non pecuniary interest in the application as he has been advising the applicant in his capacity as her ward councillor and, although he would be speaking, he would not exercise his right to vote.

20 LITTLE BRAMSHOT FARM, COVE ROAD, FLEET, HAMPSHIRE, GU5 1 2RT 10/0007/MONIT

The applicant was requesting that the compliance period be extended until the LDF process has been completed. Her tenants' contracts start on the 1st April of each year and end on the 31st March, so a one year extension from June 2012 would allow her to enter into new contracts.

Members queried the number of caravans on the site and it was confirmed that, as the business is operating outside of planning controls, there are no controls and therefore any number of caravans could be stored on the site.

Members debated whether policy would change to the extent that a future planning application would be approved but concluded that the LDF process would take at least 2 years, and that 2 Planning Inspectors had ruled that the business is causing harm to the countryside, therefore the application for an extension to the compliance period was refused.

NOTE: Mrs Timms, the applicant, spoke against the recommendation.

RESOLVED

That, as per the officer recommendation, the deadline for compliance with the Enforcement Notice is not varied as there is nothing to indicate any change to the importance of strategic gaps in planning terms either now or in the future.

The meeting closed at 10.45



1. INTRODUCTION

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

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

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

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 saved policies in the South East Plan, 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. With the passing of the Localism Act, 2011 Parliament has expressed its intention to revoke the South East Plan and consequently weight can be given to this intention, but until it is formally revoked 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.

The Council has also approved its Local Plan: Core Strategy as a pre-Submission plan. This is therefore a material consideration in the determination of planning applications. However, it does not form part of the development plan for the purposes of section 38(6) and has less weight than the adopted policies of those documents. However, where the Local Plan: Core Strategy has a high degree of consistency with the NPPF greater weight may be given to the Local Plan: Core Strategy.

6. LOCAL FINANCE CONSIDERATIONS

Under changes introduced by the Localism Act 2011, in dealing with planning applications the Council is required to have regard to local finance considerations as far as they are material. These are defined as being any grant or other financial assistance provided by Central Government or any sum received through the Community Infrastructure Levy. It is specifically stated that this is not to alter the weight to be given to any consideration.

7. THE NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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

8. 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. | |

9. 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 to make the development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development;

It should be noted that these tests are statutory requirements of the Community Infrastructure Levy Regulations 2010.

10. 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 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 are 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 the NPPF 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.
- (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 I I/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 the NPPF set out above.
- (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.

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

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

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

13. PUBLIC SPEAKING

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

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

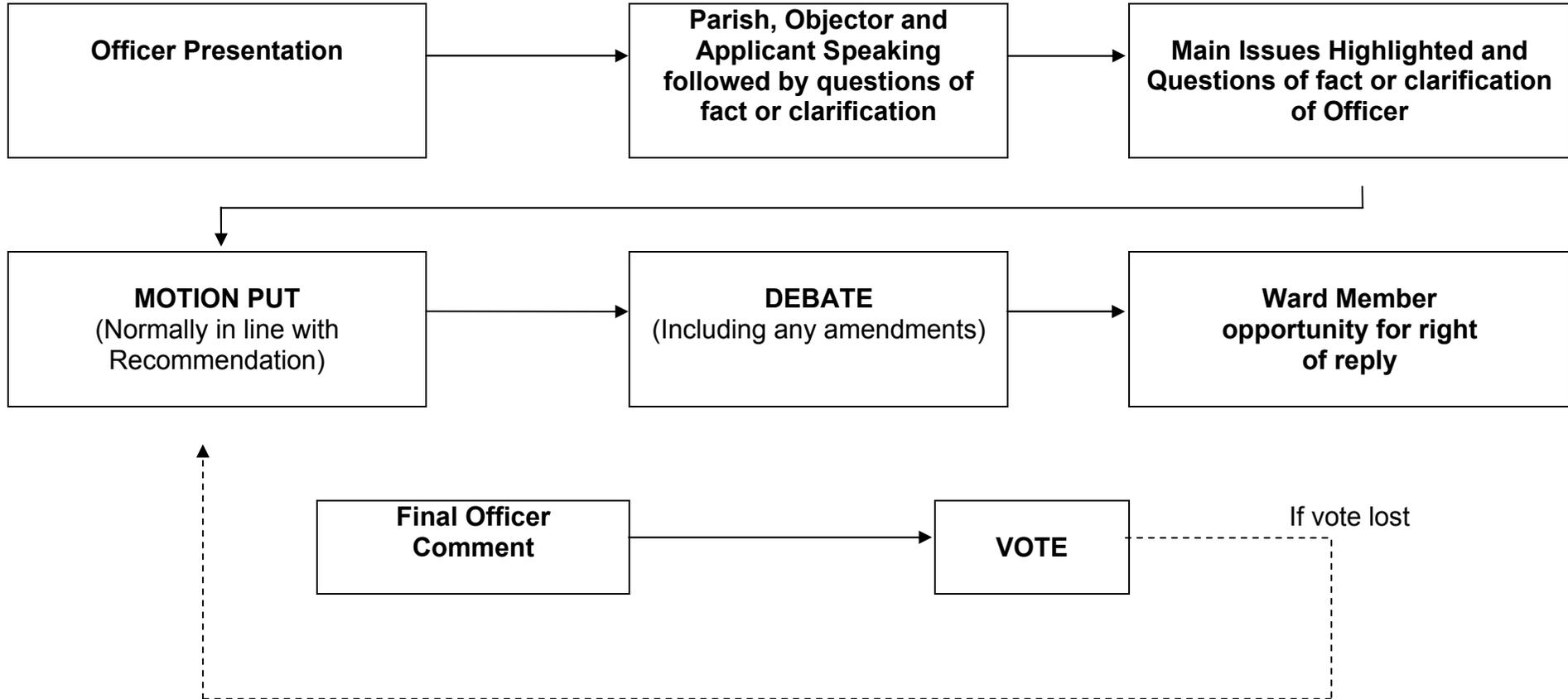
14. LATE REPRESENTATIONS

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 48 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.

Planning Committee Procedure



Item No: I01

I2/02051/MAJOR

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Approve with Pre Conditions

Riverside Farm Hares Lane Hartley Wintney Hook Hampshire RG27 8BW

Change of use from two disused stables and store room into staff accommodation in connection with the B and B and self contained holiday accommodation. Change of use from 1 1/2 disused stable/store into a second B and B bedroom with en-suite.

Item No: I02

I2/02338/HOU

Page: 16 - 24

Grant Permission

15 Sheldons Road Hook Hampshire RG27 9DL

Erection of new raised roof including dormer windows and rooflights to provide first floor accommodation

Contributions towards Community Infrastructure and Mitigation to the effects of Residential Development on European Sites

Introduction

In considering any development proposal it is necessary to consider whether it will have a planning impact. This may be an impact on policy, on the environment, amenity or the physical capacity of the infrastructure to accommodate the development, with the Council not seeking to rectify any deficiencies.

Section 106 of the Town and Country Planning Act, 1990 (as amended) allows for the completion of a legal deed, a “planning obligation”, to

- a) Restrict the development or use of the land in any specified way;
- b) Require specified operations or activities to be carried out in, on, under or over the land;
- c) Require the land to be used in any specified way; or
- d) Require a sum or sums to be paid to the authority on a specified date or dates or periodically.

This will have the effect of mitigating the effect of development to allow it to take place.

The Council’s Community Infrastructure Policy was agreed at Cabinet in December 2010 and sets out the Council’s overall approach towards the collection of contributions towards transport, education, leisure and open space, and the Thames Basins Heath SPA.

It stipulates that planning obligations would only be sought:

- a) On case by case basis, and
- b) Taking into account development viability,
- c) Where they meet the three policy test as set out in the National Planning Policy Frameworks (NPPF) as well as the CIL Regulations, and
- d) Where there are agreed projects that meet the criteria set out in the advice note issued by the Planning Inspectorate, and
- e) Where an agreed programme exists to implement the infrastructure.

The Council’s Cabinet subsequently updated the list of projects at its meeting held on 1 November 2012.

Reference should also be made to the preface to the Committee report paper which sets out information on Government Policy.

This Annex sets out the Council’s policy position in respect of contributions and should be read in conjunction with the individual reports which will set out the justification for the contribution sought in each individual case.

Thames Basin Heaths Special Protection Area

Saved local plan policies CON1 and CON2 relate to the Thames Basin Special Protection Area (SPA) and state that development which would adversely affect the nature conservation value of a site will only be permitted if it can be subject to conditions that will prevent damaging impacts on wildlife habitats or other natural features of importance on the site or if other material factors are sufficient to override the nature conservation interest. South East Plan policy NRM6 requires adequate measures to avoid or mitigate any potential adverse effects on the Thames Basin Special Protection Area (SPA).

The SPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler. The area is designated as a result of the Birds Directive and the European Habitats Directive and protected in the UK under the provisions set out in the Habitats Regulations. These bird species are particularly subject to disturbance from walkers, dog walkers and cat predation because they nest on or near the ground.

Natural England has indicated that it believes that within 5km of the SPA additional residential development in combination will have a significant effect on the SPA. Thus without mitigation any proposal is contrary to the Conservation of Habitats and Species Regulations 2010.

In April 2008 the Thames Basin Heaths Joint Strategic Partnership agreed a Thames Basin Heaths Delivery Framework to enable the delivery of housing in the vicinity of the SPA without that development having a significant effect on the SPA as a whole. The delivery framework is based on avoidance measures and the policy indicates that these measures can take the form of areas of open space known as Suitable Alternative Natural Greenspace (SANG). The policy also states that local authorities will collect developer contributions towards mitigation measures including the provision of SANGs land and joint contributions to the funding of Strategic Access Management and Monitoring (SAMM) the effects of mitigation measures across the SPA.

The Council has adopted an revised Interim Avoidance Strategy for the SPA whereby, subject to the completion of a relevant legal agreement to provide in perpetuity funding towards, depending on location the Hitches Lane or Hawley Meadows SANG, together with a payment towards SAMM, it would be possible to conclude that the development will have no likely significant impact on the SPA. The sums the Council considers appropriate to mitigate the impacts of the development and how they are calculated, are set out in the policy.

In terms of the tests set out in the NPPF, a planning obligation is necessary to make the development acceptable in planning terms by mitigating against the impact of an increase in population within 5km of the SPA. The size of contribution sought relates to the population that will be likely to occupy the development. The direct link between the contribution and the development is set out above.

Through the completion of a planning obligation it would be possible to conclude that the development will not have an adverse effect on the SPA and therefore complies with saved policies CON1 and CON2, South East Plan policy NRM6 and the CIL Regulations.

Transport

Saved Local Plan policies T14 and T16 seek to ensure that development is served effectively by public transport, cycling or walking and that improvements made necessary by development are to be funded by that development. This relates not only to physical improvements required to permit development to take place (such as sight lines at an entrance to a site), but also to the wider network, seeking to allow development provided that it could be effectively served by public transport, cycling and walking.

The Hampshire Local Transport Plan (LTP) relates to the years 2011 - 2031 and makes reference to the North Hampshire Transport Strategy (NHTS) which covers the areas administered by Hart District Council, Rushmoor and Basingstoke and Deane Borough Councils and that part of the area of Test Valley Borough Council north of the A303.

Within the Fleet/Church Crookham/Elvetham Heath area the County Council has also adopted the Fleet Town Access Plan (FTAP) as a sub-programme of NHTS.

The Hampshire wide Local Transport Plan identifies a number of key themes:

- a) Supporting the economy through resilient highways;
- b) Management of traffic;
- c) The role of public transport;
- d) Quality of life and place;
- e) Transport and growth areas

Additional development brings with it additional multi-modal transport impacts. This is additional cars, cycles and use of public transport which has an incremental impact on the transport infrastructure. In line therefore with saved policy T14 it is incumbent on developers to show how they intend the development to be served by public transport, cycling and walking. The provision of a contribution towards either NHTS or FTAP would provide that mitigation.

In terms of the policy tests in the NPPF a contribution will mitigate the effects of the development on the local transport infrastructure. The scale and kind of the contribution sought relates to the increase in transport activity. The details of the direct link between the schemes the contribution will fund and the development are set out in the Committee report.

Leisure

As part of living in a dwelling its residents will use the local leisure infrastructure to undertake recreation. The impact on infrastructure used for recreation is clearly a material planning consideration.

Some of this infrastructure is of a strategic, District-wide, nature while other is more local. At a local level the Council has determined that as a general rule the local infrastructure will be considered at the Parish level.

Even where infrastructure is of a District wide nature it is clear that the further from a development itself the less likely that the residents will use that infrastructure. Utilising visitor data, the Council has set “zones of influence” of the individual elements where it is known that residents visit and will have an impact.

In terms of the policy tests in the NPPF a contribution will mitigate the effects of the development on the leisure infrastructure. The scale and kind of the contribution sought relates to the increase in leisure activity. The details of the direct link between the projects the contribution will be spent on and the development are set out in the Committee report.

Without the necessary obligation additional development would exacerbate the existing deficiency in provision for leisure facilities within the vicinity of the site through an increase in population who would have access to the facilities. The scale of the contribution has been assessed through the Council's Leisure Strategy as being appropriate to mitigate these effects.

Education

Hampshire County Council has advised in their policy document Developers' Contributions towards Children's Services Facilities September 2010 where the availability of school places is particularly critical, contributions should be sought in relation to each individual dwelling. Hampshire County Council has confirmed that there are particular pressures on places at the primary and secondary schools in the Fleet/Church Crookham schools catchment area, and in the catchment of the Robert Mays secondary school in Odiham where any increase in population will add to the demand beyond the available capacity. Full details of the issues are set out in the Community Infrastructure Policy.

In both Fleet/Church Crookham and in Odiham programmes for the provision of additional educational facilities are well advanced. The County Council considers it preferable to invest in existing schools where achievable in building terms and where agreement can be reached with the headteacher and governors of the schools involved.

Schools are ideally organised into classes of 30 pupils across the age range of the school to support curriculum delivery relevant to the pupil year group and to meet statutory class size regulations whereby no class can be larger than 30 for pupils aged 5 to 7. It is not practical, therefore, for schools to marginally increase their capacity, have larger than ideal class sizes, or create a budget deficit due to the need to employ an additional teacher for very small increases to pupil numbers.

At a primary level as a result of this significant level of new housing in the Fleet area discussions have taken place with local schools regarding provision of additional places. At primary level the current plan is to provide additional places at the Tweseldown Infant and Church Crookham Junior schools, Tavistock Infant and All Saints CE(A) Junior schools, and Heatherside Infant and Junior schools.

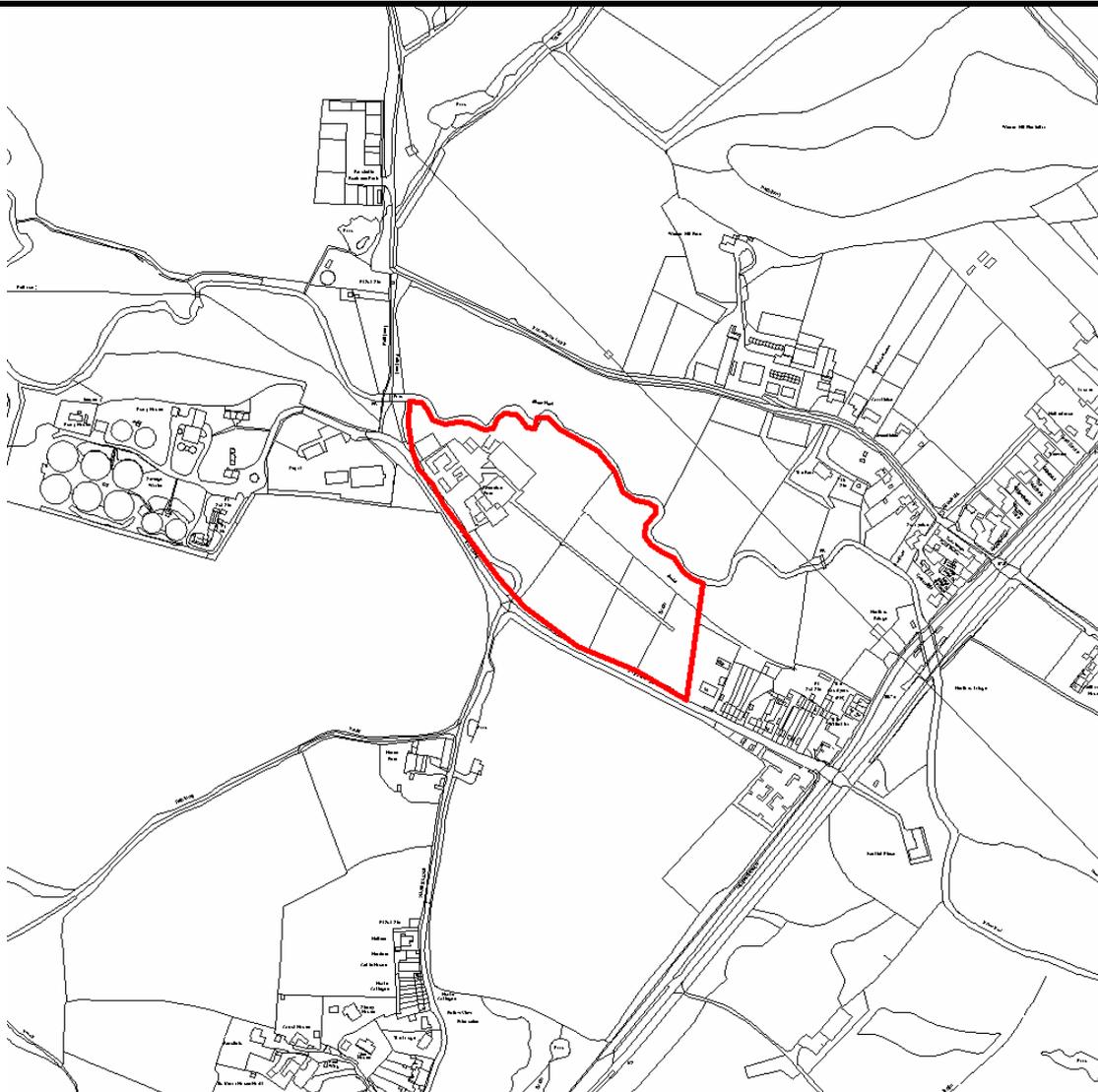
At the secondary level discussions have taken place with the headteacher of Calthorpe Park School on a planned increase in pupil numbers to reflect the need for additional places. A phased approach is being developed to reflect expected demand over the next 15 years with up to 600 additional places being provided. Additional land to the south of the school site will be required to provide the additional playing pitches required to cater for the increase in the size of school.

Similarly, there have been discussions with the headteacher of Robert Mays School on a planned increase in pupil numbers to reflect the need for additional places. Additional land to the east and west of the school site is likely to be required to provide the additional playing pitches required to cater for the increase in the size of school.

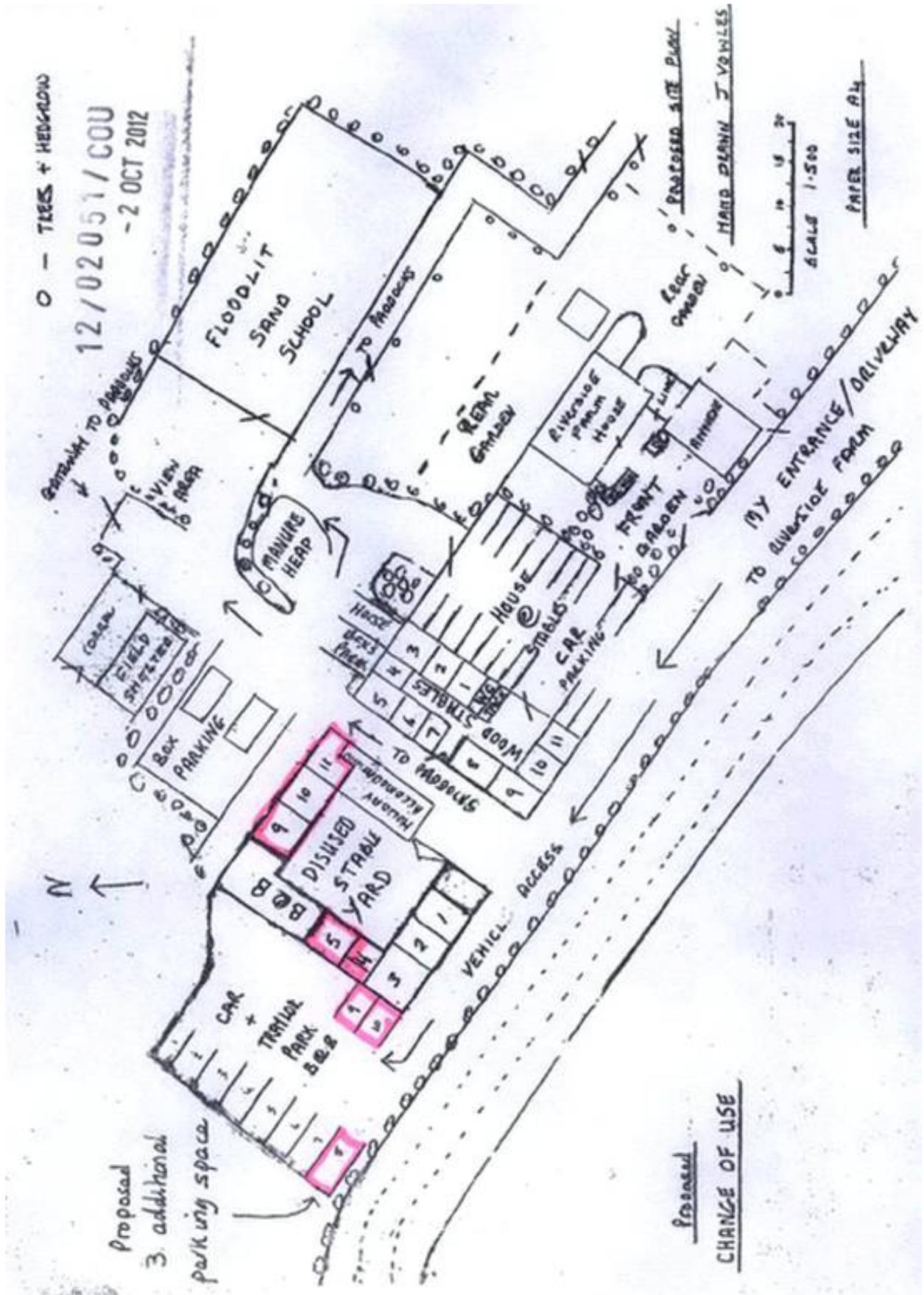
In terms of the policy tests in the NPPF a contribution will mitigate the effects of the development on the education infrastructure. The scale and kind of the contribution sought relates to the facilities being provided. The details of the direct link between the contribution and the development are set out above.

**COMMITTEE REPORT
ITEM NUMBER: 101**

APPLICATION NO.	12/02051/MAJOR
LOCATION	Riverside Farm Hares Lane Hartley Wintney Hook Hampshire RG27 8BW
PROPOSAL	Change of use from two disused stables and store room into staff accommodation in connection with the B and B and self contained holiday accommodation. Change of use from 1 1/2 disused stable/store into a second B and B bedroom with en-suite.
APPLICANT	Mrs Jacky Vowles
CONSULTATIONS EXPIRY	30 November 2012
APPLICATION EXPIRY	28 January 2013
PLANNING COMMITTEE WARD MEMBER	Cllr Tim Southern
CASE OFFICER	Mrs Kerri Crutchfield
RECOMMENDATION	Approve with Pre Conditions



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BACKGROUND INFORMATION

This application is referred to the Planning Committee for consideration at the discretion of the Head of Planning Services.

Further information has been submitted during the processing of the application:

*A full Flood Risk Assessment (FRA) was submitted on 07.11.12.

*An additional supporting statement was received on 03.12.12 providing further justification for the staff accommodation under saved local plan policy RUR5.

THE SITE

Riverside Farm is located on the northeast side of Hares Lane in Hartley Wintney outside of any settlement boundary as defined by the Local Plan.

The application site has an area of approximately 4.07 hectares. Within the site there is a dwelling including annexe accommodation, buildings and structures associated with the equestrian use of the site and grazing land.

There are a number of stables on site which are arranged in two groups. The group nearest the dwelling are the livery stables, the group to the rear were previously used for a riding school between 1995 and 2003. The riding school use has now ceased. Construction works are underway to convert some of the stables to B and B accommodation and self-contained holiday accommodation (12/01232/COU and 11/01404/COU).

Part of the application site lies within Flood Zones 2 and 3. The River Hart runs adjacent to the northeast boundary of the site.

The Hartley Wintney Conservation Area adjoins the southwest end of the site. There are public footpaths located north of the site.

To the west, at a distance of about 45 metres is the Hart District Council Depot with a civic amenity tip and sewage works immediately beyond.

PROPOSALS

This is a full application for the change of use from two disused stables and store room into staff accommodation in connection with the B and B and self contained holiday accommodation, and change of use from 1 ½ disused stable/ store into a second B and B bedroom with en-suite. The external alterations include new openings. Three additional on site parking spaces would be provided.

RELEVANT PLANNING HISTORY

12/01232/COU- Change of use of disused office, tack rooms and stable/store to self catering holiday accommodation- permission granted 2012.

11/01404/COU- Change of use of one stable into bedroom for bed and breakfast and/or riding holidays- permission granted 2012.

11/00512/FUL- Replacement and relocation of four loose wooden stables to be joined to the existing seven wooden stable block. Erection of a tack room and toilet block. Alterations to driveway and access to stable yard- permission granted 2011.

The relocation of the stables would allow for a realigned driveway, and an improved access to the existing brick built stables to the north east. The realigned driveway would allow for vehicles to drive to the rear of the stable buildings. The existing driveway leads through the yard area.

10/01253/COU- Change of use of garage to residential annexe- permission granted 2010.

05/02282/FUL- Conversion of riding school stables to three 1-bedroomed residential units- permission refused 2005.

Reasons for refusal:

- Absence of evidence that every attempt has been made to secure suitable business re-use, unnecessary development in open countryside.
- Overly reliant on private car
- Within 400 metres of SPA
- Lack of FRA

03/01723/COU- Single storey front door and lobby joining the main house to the annexe. Change of use from a games room, store and office to annexe and exchange (back) garden area- permission granted 2003.

01/00780/FUL- Relocation and additional storage space of double garage (previously approved 98/00993/OUT and not yet built)- permission granted 2001.

99/00715/FUL- Remove mobile home and replace with three stables and a store room and one additional parking space- permission granted 1999.

98/00993/OUT and 99/00162/REM- Chalet bungalow in connection with riding school & livery business- permission granted 1998/9.

This permission ties the occupation of the dwelling to a person solely or mainly employed, or last employed, in the riding school/ livery

CONSULTEES RESPONSES

Hartley Wintney Parish Council:

This is the third application for change of use on this site in 18 months changing virtually the entire stable block into accommodation in one form or other. If the staff accommodation is to be permitted and occupied this can only be acceptable if there is a strict condition that ties its use to that of the main house to prevent any potential in the future for the staff accommodation for the farm and stables to become a dwelling in its own right or to permit a further change of use from B & B and staff accommodation to residential. Its use must remain ancillary to the main farm house and not be sold or rented out separately.

Officer note: There has been various correspondence from the applicant and Hartley Wintney Parish Council regarding the suitability of the suggested condition.

The main points raised by the applicant are:

- *Previous consents for B and B and self-catering holiday accommodation are not incidental in planning terms to the main use of Riverside Farm.
- *Principle use of Riverside Farm is equestrian/livery which is a business in its own right, main house tied to this business. If the staff accommodation was tied to the main house there could be a conflict with the occupancy condition and confusion/difficulty in enforcing it.
- *Planning permission would be required to change B and B to a dwelling.
- *The applicant who currently lives in the main dwelling seeks to find a new person/family to run the equestrian side of the business and herself move into the staff accommodation to run the B and B/self catering facility.
- *Any horses that are brought to the self catering Riding holiday accommodation will be stabled within the B and B complex which has 2 stables and a store room provided for any Riding Holiday guests [which is isolated from the livery yard].
- *The livery yard is already full.
- *If a tie or an occupancy condition is to be made, it makes more logic to tie the proposed staff accommodation to the B and B and the Self Contained Holiday accommodation.

The main points raised by Hartley Wintney Parish Council are:

- *The applicant has clearly stated the use of the B and B and self catering accommodation is for use of "riding holiday guests" so it would be logical to tie the use of the staff accommodation to the main dwelling, which itself is tied to the stables as they are part of the same business. The stables are a livery yard and riding holiday customers will therefore be bringing their horses with them.
- *Policy RUR28 (iv) states that occupancy conditions and legal agreements are applied to restrict the use of the dwelling to a person solely connected or employed with the equestrian activity and to ensure the dwelling is not disposed of separately from the equestrian business.

Highways (Internal):

Hart Parking Provision Interim Guidance (August 2008) stipulates that a guest house requires 1 parking space per bedroom, and the 1 bedroom accommodation 1.75 parking spaces. It is proposed to provide an additional 3 spaces, which means the parking provision is adequate. The additional parking spaces are within an existing area of hard standing, where there is sufficient room for turning and vehicles manoeuvring to allow them to enter and exit in a forward gear. Transport Contribution The new accommodation is being used by the staff serving the B and B and the number of additional trips to the new B and B will not justify requesting a Transport Contribution. This application will not dramatically increase the number of multi-modal trips for the proposed development, therefore no transport contribution will be sought. No highway objection.

Leisure (Internal):

Using the table at 4.1 at for calculation purposes a contribution is requested in the total sum of £424 towards Hart District Council leisure infrastructure.

i.e. 1 x 1 bedroom = £424

Reference is made to The Leisure Strategy 2007 -2017 adopted by Council October 2007 and available on the Leisure and Environmental Promotion website. Individual sub paragraphs within the Strategy refer to specific elements of the Strategy. Three annex documents relevant to this Leisure Strategy identify the future district and local projects schedules and the tariff as adopted by the Hart District Council Cabinet on 2nd Dec 2010. All documents are available at www.hart.gov.uk/index/leisure.htm.

For ease of review the contribution per dwelling is reproduced in table 4.1 below and the contributions include a 5% District Council monitoring and collection fee.

TABLE 4.1

Bedrooms	Strategic district wide projects £	Local/parish areas £
1	424	849
2	848	1699
3	1272	2548
4+	1908	3822
END		

Environmental Health (Internal):

Advice Note: The proposed Bed and Breakfast operation would require registration as a food business. The applicant is advised to contact the Environmental Health Department for further information and to register.

Streetcare Officer (Internal):

No comments required.

Drainage (Internal):

No comments received.

Environment Agency South East:

The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development is proposed in such locations.

A FRA is vital if the Local Planning Authority (LPA) is to make informed planning decisions. In the absence of a FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

We note that a FRA was submitted as part of planning application reference 11/01404/COU at the same site. We would therefore advise that providing the applicant submits the FRA written by Scott Wilson, dated May 2006, to demonstrate that the site lies outside of the 1 in 100 plus climate change flood event, we would have no objections to the proposed application.

Officer note: This FRA was subsequently submitted.

Thames Water Property Services:

No objection with regard to sewerage and water infrastructure.

Natural England:

Natural England feel that the River Hart is a sufficient obstruction. If the application provides a SANG and SAMM contribution we feel that the proposal will not have a significant impact on the integrity of the SPA.

NEIGHBOUR COMMENTS

None received.

POLICY AND DETERMINING ISSUES

Flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Within Zone 3 (high risk) new development should be strictly controlled.

The development lies within 400m of the Thames Basins Heath Special Protection Area (SPA). This is an area that has been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the 'Birds Directive 1979' which provides enhanced protection given by the Site of Special Scientific Interest (SSSI) status all SPAs also hold. In most circumstances no new residential development within 400m of an SPA should be allowed.

The development lies within 500m of a Site of Special Scientific Interest (SSSI). SSSI's are designated by Natural England and are the country's very best wildlife and geological sites. They are legally protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CROW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006.

Hart District Council Local Plan (Replacement) 1996 – 2006

GEN1	- General policy for development
GEN2	- General Policy for change of use
GEN11	- Areas affected by flooding-poor drainage
RUR2	- Devl. in open countryside General
RUR3	- Devl. in open countryside Control
RUR5	- Reuse of Rural Buildings Residential
RUR13	- Business in open countryside Exceptions
CON1	- Nature Conserv European Designations
CON2	- Nature Conserv Designations
CON5	- Nature conserv Species Protected

- T14 - Transport and Development
- T16 - Improvements Made Necessary by Dev
- South East Plan 2006 – 2026**
- CC2 - CLIMATE CHANGE
- CC4 - SUSTAINABLE DESIGN AND CONSTRUCTION
- CC7 - INFRASTRUCTURE AND IMPLEMENTATION

CONSIDERATIONS

*Principle of development and impact on character of open countryside

As the application site is located within the open countryside, the proposal has to be assessed against saved policies RUR2 and RUR3 of the Hart District (Replacement) Local Plan 1996-2006. Here the aim is to protect the countryside by minimising the impact of new development, saved policies RUR2 and RUR3 have a presumption against development unless the Local Planning Authority is satisfied that it is specifically provided for by other policies in the local plan and, amongst other requirements, it can be demonstrated that the proposal would not have a significant detrimental effect on the character and setting of the countryside.

Saved policy RUR4 states that proposals for the reuse of rural buildings for community, business, industrial, recreational or tourism related activities will be permitted provided that the existing building currently enjoys a lawful use and the conversion will not result in any serious harm to the essential features or the character of the building or its immediate surrounds, and that the form, bulk and general design are in keeping with the surrounding countryside.

Policy RUR5 states that proposals for the re-use of rural buildings for residential purposes will not be permitted unless the local planning authority is satisfied that a proposal for residential use would be less harmful than a commercial use to the character of the building or the surrounding countryside and:

- a) The applicant has made every attempt to secure suitable business re-use, and the application is supported by a statement of the efforts which have been made; or
- b) Residential conversion is part of a scheme for business re-use within that particular complex of buildings.

Local Plan policy RUR13 makes provision for businesses within the open countryside providing the following criteria is met:

- i) The site already includes buildings from a previous use; and
- ii) The proposal is well related in location and design to the surrounding countryside and has no detrimental effects on landscape, historical features;
- iii) The proposal will not cause harm to the character and amenities of the area;
- iv) The site is well contained by clear boundaries; and
- v) The scale of development either on its own or cumulatively with other proposals in the area, would not result in an imbalance between work force and jobs in the parish, leading to net in-commuting to a rural area.

Saved policy GEN2 states that changes in the use of buildings will be permitted provided that the building is of permanent and substantial construction and capable of conversion without major or complete reconstruction.

Saved policy GEN1 (i) permits development where, amongst other requirements, the design, scale, materials, massing, height, and prominence of the proposal is in character with the local area and is sympathetic to the existing dwelling and surrounding properties.

Paragraph 28 of the NPPF states that planning should support economic growth in rural areas to create jobs and prosperity. It further states that sustainable rural tourism should be supported.

Principle of B and B accommodation:

The buildings are capable of conversion without major reconstruction. The site has stable buildings which are partially redundant, with a section already benefiting from permission for a change of use to B and B/ self contained holiday accommodation. The development is to be operated by the owner of the site, with no additional members of staff being employed. Therefore the scale of development either would not result in an imbalance between work force and jobs in the parish, leading to net in-commuting to a rural area. Therefore the

principle is acceptable under the terms of saved policies GEN2, RUR4 and RUR13 subject to it being shown that there would be no harm to the character of the area. The conversion of the existing stables would be no more visible from outside of the site than the existing structures are, due to the screening along the common boundaries of the site. The additional hardstanding provided to provide the car parking would be viewed in context of the existing development. Therefore it is considered that the proposal would not result in any harm to the character of the countryside.

Principle of staff accommodation:

The site is in an area where new dwellings are not normally permitted. However saved policy RUR5 allows for some re-use of rural buildings for residential purposes subject to meeting certain criteria. The applicant provided a supporting statement providing justification for the staff accommodation under this policy. This states that the buildings on either side of the proposed dwelling are being converted to holiday accommodation and therefore it is extremely unlikely that any commercial use would be compatible with the surrounding use for holiday accommodation. The size of the building would be inappropriate for any commercial use other than a small office but, as well as not being compatible with the surrounding residential uses, this commercial use would rely solely on private motor vehicles for staff and deliveries to the detriment of Riverside Farm as a rural enterprise and which is contrary to the fundamental NPPF requirements of sustainable development. The residential conversion is part of a scheme for business re-use within this particular complex of buildings. This justification is considered acceptable. Again for the reasons set out previously it is considered that the conversion would not result in any material harm to the character of the countryside.

There has been considerable discussion regarding whether the use of a condition to tie the development proposed here to the main house and equestrian uses on site is appropriate. Riverside Farm has two separate business uses: the equestrian business and the B and B/ self contained holiday accommodation. The previous consent for the B and B/ self contained holiday accommodation (12/01232/COU and 11/01404/COU) are not tied to the dwelling or equestrian use on the site. It is therefore considered that it would be unreasonable to tie the staff accommodation here proposed to the livery and existing dwelling. However in the event permission is granted it is considered that there should be a condition to tie the staff accommodation to the B and B/ self contained holiday accommodation; the applicant has confirmed in writing that they are content with a condition to this effect.

*Impact on neighbour amenity

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

The site is located in an isolated location; it is considered that the proposed development would not result in any unacceptable harm to neighbour amenity so would comply with saved policy GEN1.

*Parking and highways issues

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

Saved policy T14 states that development must have adequate provision for highway safety, access and internal layout and parking.

Hart District Council's Parking Provision Guidance stipulates that a guest house requires 1 parking space per bedroom, and the 1 bedroom accommodation requires 1.75 parking spaces. It is proposed to provide an additional 3 spaces, which means the parking provision is adequate. The additional parking spaces are within an existing area of hard standing, where there is sufficient room for turning and vehicles manoeuvring to allow them to enter and exit in a forward gear. Therefore the proposed development would comply with saved policies GEN1 and T14.

*Impact on protected species

Saved policy CON5 states that planning permission will not be granted for development that would have a significant adverse effect on plant or animal species or their habitats protected by law unless conditions are attached or planning obligations entered into requiring the developer to secure their protection.

The applicant has provided a statement which concluded that no evidence of bats or their habitat was present and therefore no harm would occur to any protected species.

An informative can be added to the decision to state that if any evidence of bats is found on site, Natural England must be informed and a European Protected Species Licence for development obtained from them prior to works continuing.

It can reasonably be concluded that no protected species would be harmed and therefore the proposal complies with saved policy CON5.

*Impact on Flood Risk

Saved policy GENI I states that development in areas liable to flood, will not be permitted, unless appropriate and satisfactory alleviation or mitigation measures are included.

The application site lies within Flood Zone 3. The Environment Agency were consulted and had no objection to the development provided that the applicant submitted the FRA submitted as part of planning application 11/01404/COU to demonstrate that the site lies outside of the 1 in 100 plus climate change flood event. The applicant has submitted this FRA, therefore the proposal would comply with the Environment Agency's advice and saved policy GENI I.

*Climate change

Policy CC2 of the South East Plan supports the need for development proposals to include sustainable development measures. Policy CC4 of the South East Plan states that the design and construction of all new development, and the redevelopment and refurbishment of existing building stock will be expected to adopt and incorporate sustainable construction standards and techniques.

The NPPF paragraph 93 states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

The applicant has not provided any evidence to show that sustainability has been addressed. However, given that the proposed development is not for a new building and instead involves the conversion of an existing building it is considered unreasonable to impose conditions requesting details of sustainability measures in this instance.

*Community Infrastructure and Mitigation

Please refer to Annex A to this report for the policy justification for contributions towards Community Infrastructure and the SPA.

SPA:

The application site is located within 400 metres of the Thames Basin Heaths Special Protected Area (SPA) which is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar, and Dartford warbler. Hart District Council's Interim Avoidance Strategy for SPA sets out two zones around the SPA: 'The Inner Exclusion Zone' and 'The Zone of Influence'. The Inner Exclusion Zone is within 400 metres of the SPA, measured as the crow flies from the SPA perimeter to the point of access on the curtilage of the dwellings. Within the exclusion zone mitigation measures are unlikely to protect the integrity of the SPA, so residential development should not be permitted. However the guidance does state that in certain circumstances the 400 metre distance may be modified to take account of physical obstructions to cat movement and human access. In this case, between the application site and the SPA there is the River Hart which is a significant physical barrier. The River Hart is bridged approximately 30 metres from the application site, by crossing the bridge, the proposed dwelling will be 430 metres away from the SPA. Natural England have agreed that the River Hart is a significant barrier and have confirmed that the application can be treated as if it is in the next band i.e. 400 metres to 5 kilometres from the SPA where residential development can take place subject to suitable mitigation. Under the Avoidance Strategy a total contribution of £4,410 towards the Hitches Lane SANG and SAMM would ensure that the development does not have a significant effect on the SPA and consequently comply with the relevant policies of the Local and South East Plans.

Transport:

This application will not increase the number of multi-modal trips therefore no transport contribution can be justified. The new accommodation is being used by the staff serving the B and B and the number of additional trips to the new B and B would be minimal.

Leisure:

At a District level the site lies in an area where visitor data indicates that future occupants would be likely to visit Hazeley Heath, Hartley Witney Common, Hitches Lane Country Park, the Basingstoke Canal and the Colt Hill Wharf club house in Odiham. There are projects relating to each of these places. As such a contribution of £424 should be sought to mitigate the effects of the development on strategic leisure provision.

Within Hartley Wintney Parish there are identified leisure projects which will mitigate the impact of the future occupiers of the development on existing leisure facilities: provision of a small multi-purpose grass sports pitch in Church View, community open space on land off Springfield Lane, and a new large sports facility including club house, cricket pitch and football pitch. Consequently a contribution of £849 would be appropriate to mitigate the impacts of the development.

CONCLUSION

It is considered that the principle of the development is acceptable under the terms of saved local plan policies GEN2, RUR4, RUR5 and RUR13. It is considered that the proposed development would be acceptable in design and would result in any material harm to the character of the countryside, neighbour amenity, flood risk, or protected species. There would be sufficient on site parking provision. Subject to the completion of a legal agreement to secure a financial contribution towards the SPA and leisure provision to offset the proposals impact the proposal would comply with the relevant saved policies of the Hart District Local Plan, relevant policies in the South East Plan, and with the NPPF.

RECOMMENDATION - Approve with Pre Conditions

A. Subject to the completion of a Section 106 Agreement by 27.01.12, to secure a financial contribution towards the Hitches Lane SANG, district leisure and open space projects, and parish leisure projects then 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).
- 2 The staff accommodation hereby permitted shall not be occupied at any time other than for purposes incidental to the B and B/ self contained holiday accommodation at Riverside Farm, Hares Lane, Hartley Wintney, Hook, Hampshire, RG27 8BW.
Reason
The site is in an area where new dwellings are not normally permitted except when the re-use of rural buildings for residential purposes meets the criteria of saved policy RUR5 of the Hart District Local Plan.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour, texture and bond, those on the existing building.
Reason
To ensure a satisfactory visual relationship of the new development with the existing building and to satisfy saved policy GEN1 of the Hart District Local Plan
- 4 No additional external lighting shall be installed on the converted stables without the prior written approval of the Local Planning Authority. Any equipment shall only be installed, operated and maintained in accordance with the approved scheme.
Reason
To protect the amenities of the area and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 5 No materials, machinery or work should encroach onto the SPA/ SSSI either before during or after demolition, construction or ongoing use.

Reason

To ensure the preservation of the adjacent SPA and to accord with the requirements of saved policy CON1.

INFORMATIVES

- 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.
- 2 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010, bats are a protected species and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to www.naturalengland.org.uk or contact Natural England (S.E. regional office) on 0238 028 6410.
- 3 The proposed Bed and Breakfast operation would require registration as a food business. The applicant is advised to contact the Environmental Health Department at Hart District Council for further information and to register.
- 4 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicant was advised of further flood risk information and further justification for the staff accommodation under saved local plan policy RUR5 during the processing of the application and submitted further information to address these concerns. Consequently the application was considered acceptable. The concerns raised by the Parish Council have been fully considered and detailed in the report. The applicant was advised of the issues relating to community infrastructure/impact on a European site as part of the processing of the application and was assisted to complete a Section 106 Planning Obligation to address these concerns

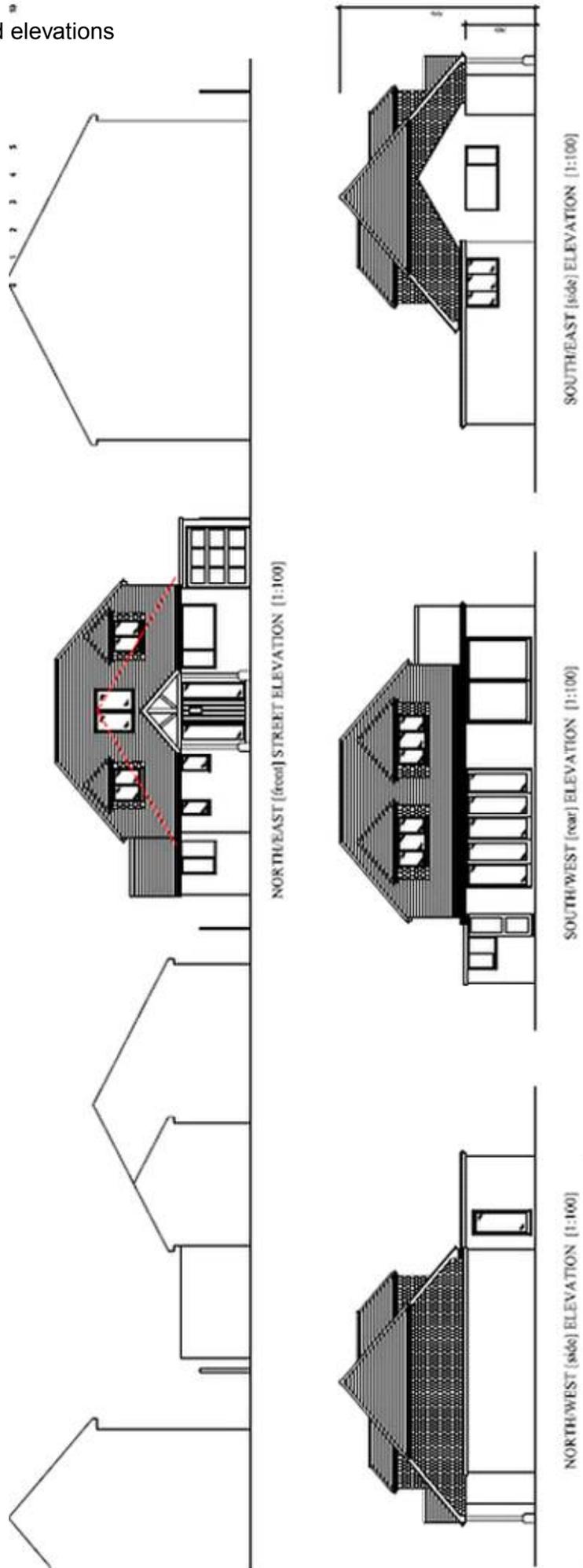
B. Should the requirements set out in A above not be satisfactorily secured, then the Head of Planning Services be authorised to REFUSE permission for the following reasons:

- 1- The site is located within 5km of the Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (SPA). In the absence of any evidence that the test of no alternatives under Regulation 62 of The Conservation of Habitats and Species Regulations 2010 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the SPA. As such the proposal is contrary to saved policies CON1 and CON2 in Hart District Local Plan, and policy NRM6 in the South East Plan.
- 2- The proposed development would exacerbate the existing deficiency in provision for leisure facilities within the vicinity of the site. As such the proposal is contrary to paragraph 4.6.1 in the adopted Hart District Local Plan (Replacement) 1996-2006, South East Plan CC7, and Hart District Council's adopted Leisure Strategy.

INFORMATIVES

- 1 The applicant was advised of the issues relating to community infrastructure/impact on a European site as part of the processing of the application and was asked to complete a Section 106 Planning Obligation to address these concerns and offered assistance in this. However, it was not completed within a reasonable period of time, of which the applicant was advised, and consequently planning permission was refused for the reasons set out above.





BACKGROUND INFORMATION

This application is brought to the planning committee at the request of Councillor Glen to consider the following issues:

*Loss of privacy to number 17.

*Loss of light and heat (summer time).

THE SITE

The application property is a detached bungalow constructed from red brick with some render and concrete roof tiles. The main roof is hipped. There is a single attached garage with flat roof on the northwest side elevation of the dwelling and a flat roof rear extension.

The application site is located on the southwest side of Sheldons Road in Hook. The application site has an area of approximately 1000 square metres, a site frontage of 12.5 metres, is rectangular in shape, and is generally level. To the front of the dwelling is a block paved driveway with shrubs. There is close board fencing and gates on the front boundary to the site. There is one Scots Pine tree to the front of the site which is covered by a tree preservation order (TPO). To the rear of the property is a substantial garden which is mostly laid to lawn with a patio area, trees and shrubs. These trees are not protected. There are bricks walls/ close board fencing on the rear and rear side boundaries of the site.

11 Sheldons Road is located southeast of the application site and is a detached bungalow constructed from pale coloured brick with tile hanging on the front gable. 7 and 9 Sheldons Road are detached two storey dwellings which are similar in design and constructed from a pale coloured brick and tiling hanging on the first floor elevations. The rest of the dwellings on the southwest side of Sheldons Road are detached two storey dwellings constructed circa 1960 and are similar in character and design. Many of them have white UPVC weatherboarding at first floor level. The dwellings on the opposite side of Sheldons Road are more traditional in appearance and are mostly two storey semi-detached dwellings.

PROPOSAL

The application is for the erection of a new raised roof including dormer windows and rooflights to provide first floor accommodation. The roof would be raised by approximately 1.5 metres so would measure approximately 7 metres at the ridge. It would have half hipped ends with two pitched roof dormer windows and a rooflight on the front elevation and two pitched roof dormer windows on the rear elevation. It would be constructed from tiles to match the existing roof with tile hanging on the gable ends.

There would also be a new porch canopy on the front elevation, two skylights on the existing flat roof single storey rear extension, and alterations to the existing window layout.

RELEVANT PLANNING HISTORY

HWR4058- Original consent for property- permission granted 1960.

HWR6478- Erection of a garage- permission granted 1973.

HDC2157- Single storey rear extension- permission granted 1976.

11/02497/HOU- Erection of rear extension, front extensions, and first floor extension, to convert existing bungalow into two storey house. Erection of rear conservatory. Render existing walls. New roof would be fitted with solar panels on the front and rear elevations and a ridgeblade (wind electricity generation)- permission refused 01.02.12.

There were front and rear extensions to the existing tandem garage and two other front extensions in front of the existing porch and bedroom 2. The first floor extension went over the entire ground floor footprint (approximately 13.6 metres wide and 12.5 metres deep) with a roof height of 9.3 metres with gable ends facing the neighbours.

Reasons for refusal:

1 The height and expanse of the proposed roof would appear out of proportion with the elevations, out of character with the local area and detrimental to the character and appearance of that area. The proposed first floor extension would adjoin the northwest side boundary of the site which would result in a cramped appearance which would be out of character with the local area and detrimental to the character and appearance of that area.

2 The proposed first floor extension would be an unneighbourly form of development which would result in an overbearing/visually intrusive impact and cause a material loss of light to the occupiers of 11 and 17 Sheldons Road. The proposed rear balcony would cause an unacceptable loss of privacy to the occupiers of 11 and 17 Sheldons Road.

CONSULTEES RESPONSES

Hook Parish Council:

No objections.

Tree Officer:

I have no objection to the proposal, subject to the comments regarding tree protection which were submitted for application 11/02497/HOU.

Previous comments for 11/02497/HOU: 'The two Scots Pines to the front of the site are covered by TPO13 which was created in 1974. The rooting area of the trees has been heavily disturbed with the laying of roads, pavements and driveways. There is a small garden area to the front of 15 Sheldons Road which will be the primary rooting area for both trees and this area should be fenced off to prevent encroachment in this area during construction. A plan needs to be submitted under condition showing the position of the protective fencing position and it should be constructed in accordance with British Standard 5837 – 2005. I have been made aware by Hampshire County Council, who inspect the Pines, that the Scots Pine to the west of the entrance gate will need to be removed on the basis that it is heavily decayed. These works are being carried out under exemption in the TPO regulations and due to the limited rooting area a replacement tree will not be planted.'

Officer comment: It should be noted that since 11/02497/HOU was refused planning consent, permission was granted to remove one of the Scots Pines (Ref: 12/00006/EXP); this work has been carried out.

NEIGHBOUR COMMENTS

Three letters of objection have been received raising the following main points:

- *Overbearing/ visually intrusive.
- *Loss of light.
- *Overlooking/ loss of privacy.
- *The first floor extension windows should be fitted with obscured glass to limit the loss of privacy.
- *There are only two bungalows in Sheldons Road changing one to a two storey dwelling reduces the overall mix of housing type in the road.
- *Design has no precedent and alters the character of the road.
- *Appears to be a re-build rather than an extension.
- *Increased heating costs from loss of light.
- *Fire hazard.
- *Breach of Human Rights Act.
- *Refer to previous objections made from 17 Sheldons Road for 11/02497/HOU (additional comments raised in this letter that have not been raised on current letter: damp problems, loss of property value, and impact on street scene)

Two letters of support have been received raising the following main points:

- *Attractive addition to the road.
- *Not dissimilar to many others in the locality.
- *Good use of space.
- *The property is one of only two single storey dwellings in Sheldons Road.

POLICY AND DETERMINING ISSUES

A tree preservation order (TPO) is made by the Council in respect of trees or woodlands. The principal effect of a TPO is to prohibit the cutting down, uprooting, topping, lopping, wilful damage, or wilful destruction of trees without the Council's permission. Protection also extends to preventing the cutting of any roots.

Hart District Council Local Plan (Replacement) 1996 – 2006

- GEN1 - General policy for development
- GEN4 - General Design Policy
- URBI - Definition of Areas
- URBI6 - Extensions
- CON5 - Nature conserv Species Protected
- CON8 - Trees, Woods & Hedgerows Amenity Value

South East Plan 2006 – 2026

- CC6 - SUSTAINABLE COMMUNITIES, CHARACTER OF EN

CONSIDERATIONS

***Principle of development**

As the property lies within the Hook settlement boundary, it is considered that the principle of an extension to a residential property is acceptable subject to compliance with development plan policies and that there is no unacceptable harm.

***Design and appearance and impact on street scene**

Saved policies GEN1 (i) and GEN4, and URBI6 permit development where, amongst other requirements, the design, scale, materials, massing, height, and prominence of the proposal is in character with the local area and is sympathetic to the existing dwelling and surrounding properties. Saved policy URBI6 (iii) allows development that does not harm the street scene.

Policy CC6 (i) of the South East Plan on 'Sustainable Communities and Character of the Environment' states that development should respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes.

The National Planning Policy Framework (NPPF) paragraph 56 states that the Government attaches great importance to the design of the built environment.

An LDF Urban Characterisation and Density Study (UCDS) has been prepared for the six main settlements in Hart District. The application property lies within the Hook historic core area as defined by the above study. The study describes the area as mostly containing two storey detached and semi-detached housing. Properties are generally constructed from red brick with tile hanging or painted weatherboarding at first floor level. There are a mixture of alignments but many buildings set gable end to the street and closely spaced, creating a strong rhythm to the frontage. The study states that extensions need to be sensitively designed to preserve the character of the area and should aim to match the existing materials and detailing, particularly roof profiles and feature materials.

Sheldons Road mostly consists of two storey dwellings therefore it is considered that the principle of a first floor extension would be acceptable. The resultant building would be 7 metres high which would appear in keeping with the roof heights of other two storey dwellings in the road. The street scene drawing provided shows that it would be lower than the adjacent 17 Sheldons Road.

Concern has been raised that there are no similarly designed properties on Sheldons Road. The design of properties on Sheldons Road varies; it is considered that the proposed design would not appear unduly

prominent or out of keeping with the street scene. The materials would match those used on the existing dwelling.

Therefore it is considered that the proposal would be acceptable in design and appearance and would comply with saved local plan policies GEN1, GEN4 and URB16, policy CC6 of the South East Plan and the NPPF.

*Impact on the amenities of neighbouring properties

Saved policies GEN1 and URB16 permits development where there is no material loss of amenity to existing and adjoining residential uses.

11 Sheldons Road is a detached bungalow which is located southeast of the application site. The application property is located further back from the highway than number 11. Therefore the proposed first floor extension would extend approximately 6.3 metres past the rear elevation of number 11. However there would be a separation distance of 4 metres and the roof would have a half hipped end, therefore it is considered that the proposal would not result in a material overbearing impact or loss of light to the occupiers of this property. There would be no windows on the side elevation so privacy would be protected.

17 Sheldons Road is a two storey detached property which is located northwest of the application site. The application property is located further back from the highway than number 11. Therefore the proposed first floor extension would extend approximately 3 metres past the rear elevation of number 17. However there would be a separation distance of 4 metres and the roof would have a half hipped end, therefore it is considered that the proposal would not result in a material overbearing impact or loss of light to the occupiers of this property. There would be no windows on the side elevation so privacy would be protected.

Concern has been raised that the rear dormer windows would result in a loss of privacy. Whilst it is acknowledged that there would be additional overlooking from the addition of a first floor, the windows would face directly down the garden of the application property therefore any views of the neighbouring gardens would be at an oblique angle therefore it is considered that it would not result in a material loss of privacy to the occupiers of this property. It should be noted that some level of overlooking of gardens is common in residential areas. Concern has also been raised that views from the dormers would be possible into the lounge of number 17. Again the windows would face directly down the garden of the application property, views would only be possible of the neighbour's lounge if persons were to lean out of the window and turn 90 degrees to face this window. Therefore it is considered that the first floor rear dormers would not result in an unacceptable loss of privacy to the occupiers of the neighbouring properties.

Concern has been raised regarding the impact on Lane End House on London Road. The rear garden of this property adjoins the southeast side boundary of the application site. The proposed extension would be 11 metres at its nearest point from the rear corner of the garden of Lane End House and 27 metres from the rear elevation of the dwelling. Whilst it is acknowledged that there would be additional overlooking from the addition of a first floor, given the separation distance it is considered that it would not result in an unacceptable loss of privacy to the occupiers of this property.

Therefore it is considered that the proposed development would not result in an unacceptable loss of amenity to the occupiers of any of the neighbouring properties so would comply with saved policies GEN1 and URB16.

*Impact on protected species

Saved policy CON5 states that planning permission will not be granted for development that would have a significant adverse effect on plant or animal species or their habitats protected by law unless conditions are attached or planning obligations entered into requiring the developer to secure their protection.

The agent has provided a statement which concluded that no evidence of bats or their habitat was present and therefore no harm would occur to any protected species.

The property is located in an urban area residential area and the foraging habitat for bats in the immediate area would appear to be sub-optimal. The property appears to be in a good state of repair. The Ecologist was consulted on the previous application and had no objections to the proposed development.

An informative can be added to the decision to state that if any evidence of bats is found on site, Natural England must be informed and a European Protected Species Licence for development obtained from them prior to works continuing.

Therefore it is considered that the application would comply with saved policy CON5.

*Impact on trees

Saved policy CON8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term.

The Scots Pine to the front of the site is covered by TPO13 which was created in 1974.

The Council's Tree Officer has been consulted and has no objections to the proposed development subject to a condition to secure appropriate tree protection fencing during the construction period. Therefore subject to condition the proposed development would comply with saved policy CON8.

*Parking provision

Saved policy GEN1 (vii) permits development which has adequate arrangements on site for access, servicing or the parking of vehicles. Saved policy T14 states that development proposals which accord with other policies of this plan will be permitted provided that they make adequate provision for internal layout and parking.

The proposed development would result in an increase from a three bedroom property to a four bedroom property.

Hart Districts Councils Parking Provision Guidance states that for a property with four or more bedrooms in this location three parking spaces are required. The existing garage would be retained. There would also be at least three parking spaces on the existing driveway.

Therefore it is considered that there would be adequate provision for the parking of vehicles and as such the proposed development would comply with Hart Districts Councils Parking Provision Guidance and saved policies GEN1 and T14.

OTHER ISSUES

Concern has been raised regarding the following topics which are not material planning issues:

- *Structural details and fire safety. These issues are considered under the Building Control legislation.
- *Property values
- *Damp problems

Concern has been raised that the proposal appears to be a re-build rather than an extension. There is no change to the ground floor footprint. The proposal is an extension to the first floor.

Concern has been raised that granting planning permission for this application would be in breach of Human Rights Act. Members are referred to the frontispiece to the Committee reports. In this case it is considered for the reasons set out in the neighbour impact section of the report that the proposal is compatible with the Act.

CONCLUSION

It is considered that the proposed development would be acceptable in design and would not result in material harm to the character of the street scene, neighbour amenity, local parking provision, trees, or protected species. Therefore the development complies with the relevant saved local plan policies, South East Plan policies, and the NPPF.

RECOMMENDATION - Grant Permission

CONDITIONS

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

Reason

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

- 2 No work shall take place until details of the means of protection, including method statement where appropriate, for the protected Scots Pine tree on the front boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The tree shall be protected in accordance with the approved details for the duration of works on the site, unless otherwise agreed by the Local Planning Authority.

Reason

To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour, texture and bond, those on the existing building.

Reason

To ensure a satisfactory visual relationship of the new development with the existing building and to satisfy saved policy GEN1 of the Hart District Local Plan

- 4 Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) (or any Order revoking or re-enacting this Order with or without modification) no additional first floor windows or openings shall be constructed in the extension hereby permitted.

Reason

In the interest of the privacy of the occupiers of the adjoining properties and to satisfy saved policy GEN1 of the Hart District Local Plan.

INFORMATIVES

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

PLANNING COMMITTEE

Date and Time: Wednesday, 9 Jan 2013 at 7:00 pm

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS –

Cockarill - (Chairman)

Ambler
Bennison
Billings
Blewett
Clarke

Gani
Gorys
Kennett
Lit
Murphy

Parker
Oliver
Southern
Wheale

In attendance:

OFFICERS:

Robert Jackson	Development Control Manager
Dave Anthony	Planning Solicitor (Shared Legal Services)
Kerri Crutchfield	Senior Planning Officer
Martine Fullbrook	Business Support Officer (Committee Services)

55 MINUTES OF PREVIOUS MEETING

The minutes of the Planning Committee held on 12th December 2012 were confirmed and signed as a correct record

56 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Crampton, Morris and Radley JE.

57 CHAIRMAN'S ANNOUNCEMENTS

It was agreed that a draft Addendum for the Planning (Major Sites) sub-Committee would be circulated on Tuesday 15 January 2013 prior to the meeting on 16 January.

58 DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL)

None.

59 PLANNING (ENFORCEMENT) SUB COMMITTEE

The minutes of the meeting held on 3 December 2012 were noted.

60 DEVELOPMENT APPLICATIONS

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

The meeting closed at 8.00 pm

**HART DISTRICT COUNCIL
DEVELOPMENT APPLICATIONS**

Decisions/Recommendations – 9 January 2013

**Item No: I01 12/02051/MAJOR Riverside Farm Hares Lane Hartley Wintney
Hook Hampshire RG27 8BW**

Change of use from two disused stables and store room into staff accommodation in connection with the B and B and self contained holiday accommodation. Change of use from 1 1/2 disused stable/store into a second B and B bedroom with en-suite.

The additional comments of the Hartley Wintney Parish Council as set out in the Addendum were considered by the Committee.

Some Members were concerned that permitting this application could eventually result in an additional dwelling in the countryside, and it was therefore proposed that condition 2 be amended to ensure that the staff accommodation is only occupied in connection with the Bed and Breakfast/ self contained holiday accommodation and the original dwelling.

Permission **GRANTED** subject to the following pre conditions:

A. Subject to the completion of a Section 106 Agreement by 27.01.12, to secure a financial contribution towards the Hitches Lane SANG, district leisure and open space projects, and parish leisure projects then 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).
- 2 The staff accommodation hereby permitted shall not be occupied at any time other than for purposes incidental to the Bed and Breakfast/ self contained holiday accommodation and dwelling known as Riverside Farm House at Riverside Farm, Hares Lane, Hartley Wintney, Hook, Hampshire, RG27 8BW.
Reason: The site is in an area where new dwellings are not normally permitted except when the re-use of rural buildings for residential purposes meets the criteria of saved policy RUR5 of the Hart District Local Plan, and to ensure that the dwelling is only occupied in connection with the equestrian and Bed and Breakfast/ self contained holiday accommodation uses on the application site.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour, texture and bond, those on the existing building.
Reason: To ensure a satisfactory visual relationship of the new development with the existing building and to satisfy saved policy GEN1 of the Hart District Local Plan

- 4 No additional external lighting shall be installed on the converted stables without the prior written approval of the Local Planning Authority. Any equipment shall only be installed, operated and maintained in accordance with the approved scheme.

Reason: To protect the amenities of the area and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 5 No materials, machinery or work should encroach onto the SPA/ SSSI either before during or after demolition, construction or ongoing use.

Reason: To ensure the preservation of the adjacent SPA and to accord with the requirements of saved policy CON1.

INFORMATIVES

- 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.
- 2 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010, bats are a protected species and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to www.naturalengland.org.uk or contact Natural England (S.E. regional office) on 0238 028 6410.
- 3 The proposed Bed and Breakfast operation would require registration as a food business. The applicant is advised to contact the Environmental Health Department at Hart District Council for further information and to register.
- 4 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicant was advised of further flood risk information and further justification for the staff accommodation under saved local plan policy RUR5 during the processing of the application and submitted further information to address these concerns. The concerns raised by the Parish Council were fully considered by the planning committee members and condition 2 as recommended by the officer has been amended to address these concerns. The applicant was advised of the issues relating to community infrastructure/impact on a European site as part of the processing of the application and was assisted to complete a Section 106 Planning Obligation to address these concerns.

If the legal agreement is not completed by 27.01.13 then the application should be refused for the reasons set out on the agenda.

- B. Should the requirements set out in A above not be satisfactorily secured, then the Head of Planning Services be authorised to REFUSE permission for the following reasons:**

- 1- The site is located within 5km of the Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (SPA). In the absence of any evidence that the test of no alternatives under Regulation 62 of The Conservation of Habitats and Species Regulations 2010 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the SPA. As such the proposal is contrary to saved policies CON1 and CON2 in Hart District Local Plan, and policy NRM6 in the South East Plan.
- 2- The proposed development would exacerbate the existing deficiency in provision for leisure facilities within the vicinity of the site. As such the proposal is contrary to paragraph 4.6.1 in the adopted Hart District Local Plan (Replacement) 1996-2006, South East Plan CC7, and Hart District Council's adopted Leisure Strategy.

INFORMATIVES

- 1 The applicant was advised of the issues relating to community infrastructure/impact on a European site as part of the processing of the application and was asked to complete a Section 106 Planning Obligation to address these concerns and offered assistance in this. However, it was not completed within a reasonable period of time, of which the applicant was advised, and consequently planning permission was refused for the reasons set out above.

NOTE:

Mrs Jacky Vowles, Riverside Farm, Hares Lane, Hartley Wintney, spoke **FOR** the Application

Item No: 102 12/02338/HOU 15 Sheldons Road Hook Hampshire RG27 9DL

Erection of new raised roof including dormer windows and rooflights to provide first floor accommodation

Members discussed the issues of overlooking and loss of light but concluded that as the dormer windows faced down the garden overlooking into the neighbouring property would be minimal and the hipped roof would reduce the impact of loss of light.

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).
- 2 No work shall take place until details of the means of protection, including method statement where appropriate, for the protected Scots Pine tree on the front boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The tree shall be protected in accordance with the approved

details for the duration of works on the site, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour, texture and bond, those on the existing building.

Reason: To ensure a satisfactory visual relationship of the new development with the existing building and to satisfy saved policy GEN1 of the Hart District Local Plan

- 4 Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) (or any Order revoking or re-enacting this Order with or without modification) no additional first floor windows or openings shall be constructed in the extension hereby permitted.

Reason: In the interest of the privacy of the occupiers of the adjoining properties and to satisfy saved policy GEN1 of the Hart District Local Plan.

INFORMATIVES

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

NOTE:

- 1 Mr Williams, Markham House, 17 Sheldons Road spoke **AGAINST** the Application and Mr Coleman, 15 Sheldons Road spoke **FOR** the application
- 2 A site visit had been made to this location.