



NOTICE OF MEETING

Meeting:	Planning Committee
Date and Time:	Wednesday, 12 February 2020 at 7.00 pm
Place:	Council Chamber, Civic Offices, Fleet
Telephone Enquiries to:	Mrs Gill Chapman, 01252 774141 committeeservices@hart.gov.uk
Members:	Ambler, Blewett, Cockarill, Delaney, Kennett, Oliver (Chairman), Quarterman, Radley, Southern, Wheale, Worlock

Joint 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 At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- 2 The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording – please see our protocol on [Attending and Reporting Meetings](#).**

1 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 15 January 2020 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 DEVELOPMENT APPLICATIONS

To accept updates via the Addendum and to consider the planning report/schedule from the Head of Place as attached. **Paper B**

Date of Despatch: 4 February 2020

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.



1. INTRODUCTION

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

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

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

3. THE DEBATE AT THE MEETING

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

4. SITE VISITS

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

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

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

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

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

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

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

Unsatisfactory applications will however, be refused without discussion where:

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

- No pre-application advice has been sought.

6. PLANNING POLICY

The relevant development plans are, the Saved policies Hart District Council Local Plan Replacement and First Alterations 1996 – 2006, Policy NRM6 South East Plan, Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park Minerals and Waste Local Plan 2013, Dogmersfield Neighbourhood Plan, Odiham and North Warnborough Neighbourhood Plan, Rotherwick Neighbourhood Plan, Winchfield Neighbourhood Plan, Fleet Neighbourhood Plan, Hartley Wintney Neighbourhood 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.

7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. Where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

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

8. OTHER MATERIAL CONSIDERATIONS

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. Relevant considerations will vary from circumstance to circumstance and from application to application.

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

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

Matters that should not be taken into account are:

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

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

9. PLANNING CONDITIONS AND OBLIGATIONS

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

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.”

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation. In such cases the Council will use a condition rather than seeking to deal with the matter by means of a planning obligation.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

10. PLANNING APPEALS

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. Reasons for refusal must be

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

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

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal
- Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable
- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage
- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations

- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn

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

11. 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.

12. 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.

13. 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,
- The Equality Act 2010.

14. 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.

15. 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. Copies of individual representations will not be circulated to Members.

16. INSPECTION OF DRAWINGS

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

45 Somerville Crescent Yateley GU46 6XF

Demolition of existing garage and removal of shed erection of three bedroom detached dwelling with re-use of existing vehicle access

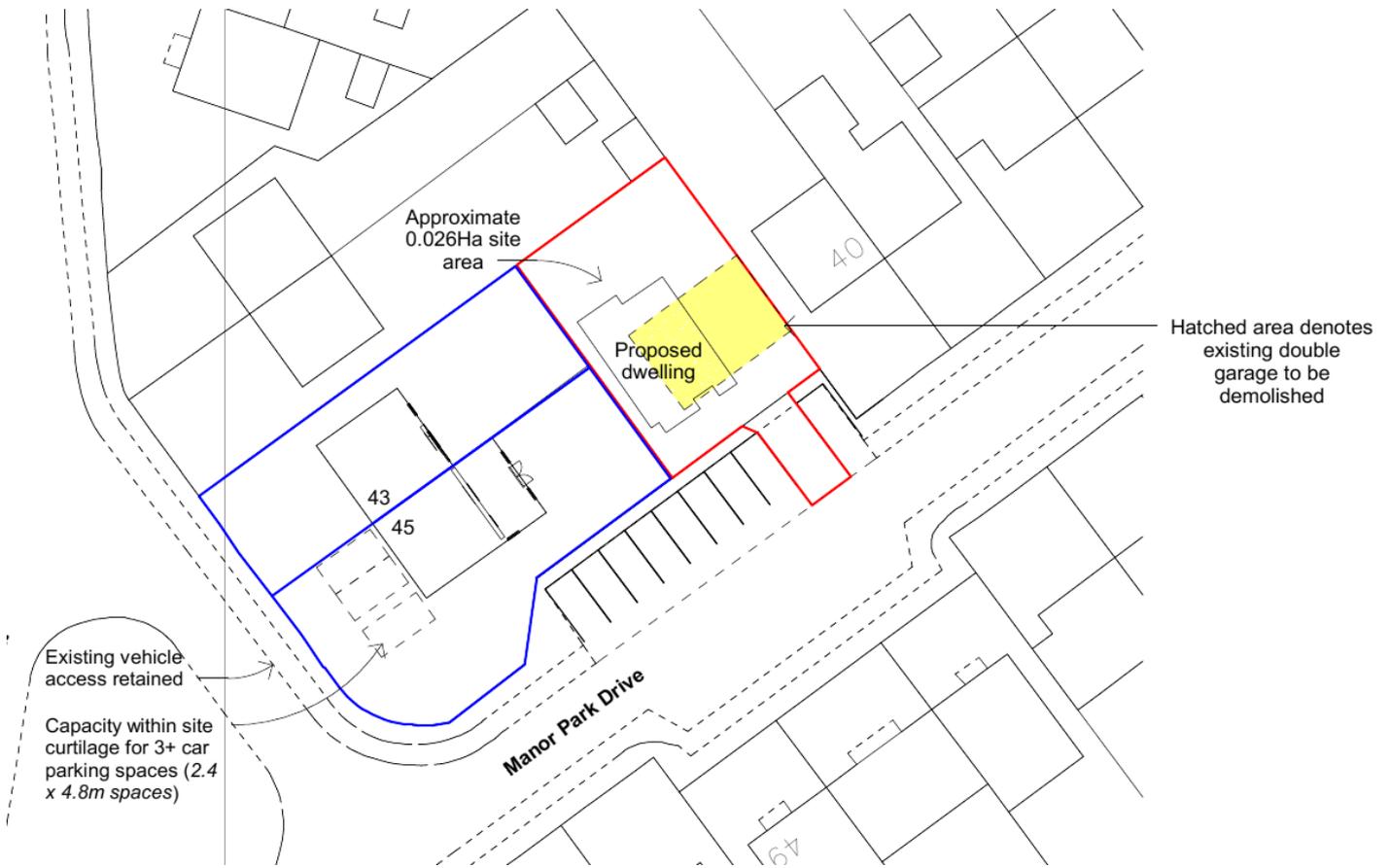
**COMMITTEE REPORT
ITEM NUMBER: 101**

APPLICATION NO.	19/02639/FUL
LOCATION	45 Somerville Crescent Yateley GU46 6XF
PROPOSAL	Demolition of existing garage and removal of shed erection of three bedroom detached dwelling with re-use of existing vehicle access
APPLICANT	Mr Nigel Hilder
CONSULTATIONS EXPIRY	10 February 2020
APPLICATION EXPIRY	29 January 2020
WARD	East Yateley
RECOMMENDATION	<p>A. That the Head of Place be authorised to GRANT planning permission subject to;</p> <p>i) The applicant securing suitable mitigation to address the impact of the development on the Thames Basin Heaths Special Protection Area; and ii) Following suitable mitigation being secure Natural England raising no objections to the Council's Appropriate Assessment AND subject to the planning conditions listed at the end of the report</p> <p>B. Should the applicant fail or secure suitable mitigation to address the impact of the development on the Thames Basin Heaths Special Protection Area AND/OR Natural England raise objections to the Council's Appropriate Assessment, the Head of Place be delegated authority to REFUSE the application for the reason listed at the end of the report</p>

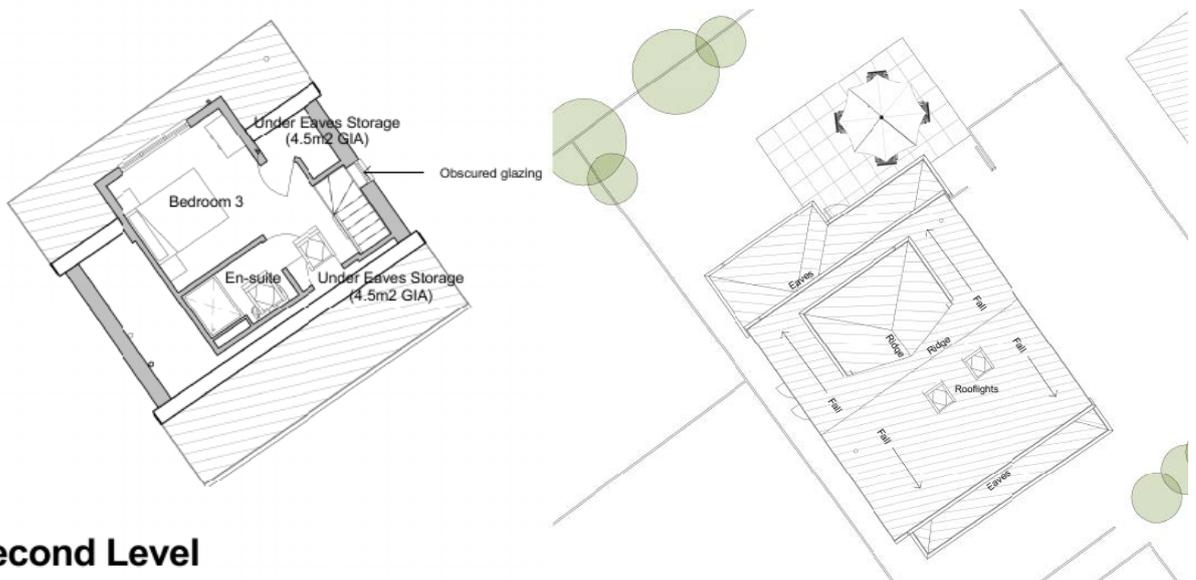


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BLOCK PLAN



PROPOSED FIRST, SECOND AND ROOF PLAN



02_Second Level

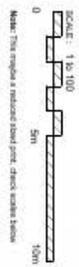
PROPOSED ELEVATIONS



Front Elevation
1 : 100



Side Elevation (Right - Flank to No.40)
1 : 100



Rear Elevations
1 : 100



Side Elevation (Left - Flank to No.45)
1 : 100

BACKGROUND

This application is being presented to Planning Committee as the land on which the access is proposed is in the ownership of Hart District Council.

THE SITE

The application site comprises of part of the rear gardens of nos. 43 and 45 Somerville Crescent and associated access to 45 Somerville Crescent, Yateley. It has a stated area of 0.03 hectares. 45 Somerville Crescent is positioned on a corner plot where Somerville Crescent meets Manor Park Drive. The site boundary fronts Manor Park Drive adjacent to no. 40 Manor Park Drive.

There is presently a large single-storey detached garage within the site, with separate access to Manor Park Drive; through a hatched area of a row of public parking spaces. The surrounding area is predominantly residential in character; comprised mainly of two-storey semi-detached properties, with terraced properties and the odd detached house.

The Hart Local Plan (HLP, 1996) identifies the site as within the Blackwater/Hawley Settlement Boundary. There are no other designations or allocations on or adjacent to the application site in the adopted or emerging local plans.

The site is also within the Thames Basin Heaths Special Protection 5km Zone of Influence.

APPLICATION PROPOSAL

The application seeks full planning permission for demolition of the existing garage and removal of shed, erection of a three bedroom detached dwelling and re-use of existing vehicle access.

BACKGROUND TO THE APPLICATION AND PLANNING HISTORY

The application has been reported to the Council's Planning Committee in accordance with Council's Constitution as the proposal involves the District Council as land owner. Part of the application site is within the Council's ownership.

Relevant planning application history to the application comprises:

19/00245/FUL - Demolition of existing garage and erection of new dwelling with re-use of existing vehicle access. Approved 11.04.2019.

18/02035/FUL - Erection of new dwelling with re-positioned existing vehicle access following demolition of existing garage. Approved 14.01.2019.

This application follows two planning permissions for similar development proposals at the site. Planning permission 18/02035/FUL was subject to a one year implementation condition has now expired. Planning permission 19/00245/FUL is also subject to a one year implementation condition, it remains extant until 11.04.2020.

As for the extant permission, the subject application is for three bedroom dwelling on the application site. However, a larger ground floor footprint is now proposed. The application proposes a projection at ground floor level to the rear of the proposed dwelling of a measured 0.8m x 3.5m over the extant permission. No other changes are proposed from the extant planning permission.

CONSULTEES RESPONSES

Drainage (Internal)

No objection subject to a condition requiring a surface water drainage scheme.

Hampshire County Council (Highways)

From a highway perspective the proposals here are the same as planning application I9/00245/FUL for which the highways authority recommended no objections. Having considered the submitted documentation Highways Development Planning would recommend no objection subject to the following conditions.

Construction method statement condition recommended.

Ecology Consult (Internal)

No objection.

The proposals will not impact on any designated sites of nature conservation value. Royal Oak Valley SINC is located south of the site but will not be affected by the proposals. The existing garage to be removed has negligible potential to support protected species.

I recommend that the proposed new dwelling incorporates swift bricks into the building design and that any landscape planting is wildlife friendly where appropriate.

Landscape Architect (Internal)

No objection to the proposals subject to a soft landscape condition for any hedge planting on the front and any small tree planting in the rear garden. Soft landscape details need to include the scientific plant name, plant size and the quantity of plants.

Submitted information that doesn't include these details is not acceptable and should not be registered. With regard to the environmental pressures of these times the planting should preferably be native species or varieties of native species as these will encourage greater biodiversity.

Streetcare Officer (Internal)

The proposed development will be required to leave wheeled containers on Manor Park Drive for collection by 06.30 on the specified collection day and removed from the highway and returned back to the property as soon as possible following collection.

Yateley Town Council

Objection. The parking provision for 45 Somerville Crescent has not been adequately addressed.

NEIGHBOUR COMMENTS

No neighbour comments received.

POLICY AND DETERMINING ISSUES

Hart District Council Local Plan (Replacement) 1996 – 2006

GEN1	-	General policy for development
GEN4	-	General Design Policy
GEN11	-	Areas affected by flooding-poor drainage
CON1	-	Nature Conserv European Designations
CON2	-	Nature Conserv Designations

- URB12 - Residential Development Criteria
- T14 - Transport and Development

South East Plan 2006 – 2026

- NRM6 - Thames Basin Heaths Special Protection Area

CONSIDERATIONS

The key planning considerations are:

Principle of development;

Design and impact on the streetscene;

Highway safety, parking and access;

Flood risk and drainage; and

Impact on the Thames Basin Heaths Special Protection Area.

The application is assessed on its own merits but extant planning permission 19/00245/FUL is a key material consideration. The development plan remains the same as for the provision permission dated 11.04.2019, the Local Planning Authority (LPA) has therefore given consideration as to whether there are any changes in material consideration since this date.

Principle of Development

The application site is situated within the settlement of Blackwater/Hawley where Saved Policy URB12 supports residential development in principle, subject to meeting the criteria of this policy. Criteria v is not relevant to this application. The proposal would not lead to the loss of any local features of note in accordance with criteria ii. Given that only one additional dwelling is proposed, the proposal does not conflict with criteria iii in relation to dwelling mix. Design and amenity are considered in the following sections of this Report.

The Draft Hart Local Plan (dHLP) is at an advanced state of preparation with adoption anticipated in April 2020. dHLP Policy SS1 states the development will be focused within defined settlements.

Section 5 of the National Planning Policy Framework (NPPF, Feb 2019) references the Government’s objective of significantly boosting the supply of homes.

The principle of residential development on this site is therefore acceptable subject to it meeting the criteria of URB12 and satisfying other relevant development plan policies and material considerations.

Design and Impact on the Streetscene

In addition to URB12, Saved Policy GEN1 permits development where, amongst other requirements, the design, scale, massing, height and prominence of the proposal is in character with the local area and is sympathetic to the existing dwelling and surrounding properties. GEN4 requires development to sustain or improve design quality.

The prevailing character of the area is of a typical 1960’s housing estate with a mixture of semi-detached two storey dwellings and semi-detached bungalows arranged around a fairly uniform layout.

The proposed two storey dwelling reflects the neighbouring properties of no. 40 Manor Park Drive and no. 45 Somerville Crescent in terms of eaves and ridge heights, building footprint, massing and external materials of red brick walls and tiled roof.

The proposed additional ground floor area (to that previously approved) would be sited to the rear of the property. It would be of a modest size (0.8m x 3.5m) and be read as subordinate to the host dwelling and not out of character with existing single storey extension in the locality.

Overall, the proposed would be in keeping with the area and streetscene and sustain urban design quality. It would therefore comply with HLP Saved Policies GEN1(i), GEN4 and URBI2(i), dHLP Design Policy NBE10 and the NPPF (para. 127).

Residential Amenity

Saved Policies GEN1(iii) and URBI2(iv) require proposals to avoid any material loss of amenity to neighboring residents. The NPPF seeks to create places with a high standard of amenity for existing and future users (para. 127(f)).

As for the extant permission, the proposed dwelling would be positioned approximately 7.3m from no. 40 Manor Park Drive. This would be a 'flank to flank' relationship. Two windows are shown on the east elevation to no. 40 Manor Park Drive at first and second floor levels. These are shown as obscure glazed and this could be secured by condition. Given the separation distance and design of the east elevation of the proposed dwelling, there would be no material loss of amenity to no. 40 Manor Park Drive.

The proposal would result in addition built form to the rear of properties on Somerville Crescent, the nearest of which would be nos. 43 and 45. The side elevation of the proposed dwelling would be located approximately 13.4m from the main rear elevations of nos. 43 and 45 Somerville Crescent and approximately 9.9m from the single storey rear extension to no. 45 Somerville Crescent. A door is shown on the west elevation facing these properties but no windows are proposed on this elevation. Given the separation distances and design of the west elevation of the proposed dwelling, there would be no material loss of amenity to nos. 43 and 45 Somerville Crescent.

Nos. 39 and 41 Somerville Crescent are located to the north west of the application, at distances of approximately 18.5m and 14m respectively at the nearest point. Given the orientation of the existing and proposed dwellings and separation distances, this relationship is acceptable. The north (rear) elevation of the proposed dwellings would face the rear portion of the rear gardens of nos. 39 and 41 Somerville Crescent. There would remain a 6m distance from the rear elevation of the proposed dwelling to the shared boundary with no. 41 Somerville Crescent (6.8m at first floor). Given the built up nature of the locality and the fact that the proposed dwelling would not directly overlook the area of rear gardens immediately to the rear of nos. 39 and 41 Somerville Crescent, there would be no material loss of amenity.

Whilst the application seeks a building of marginally greater size than previously approved, it is also noted that a number of the building relationships referenced above are the same as for the previous application which was considered acceptable.

For the reasons identified above, the proposal would not result in a material loss of amenity to adjoining residents and complies with HLP Saved Policies GEN1(iii) and URBI2(iv).

Highway Safety, Parking and Access

Saved Policies GEN1 and T14 require proposals to have adequate arrangements on site for access, servicing and parking and to not give rise to traffic flows which would cause material detriment to the amenity of nearby properties, settlements and highway safety.

The proposed access to the new dwelling would be from Manor Park Drive utilising the existing access to the garage. Three vehicular parking spaces and cycle parking (two spaces) and bin stores are proposed on-site. These parking and access arrangements are the same as for previously approved application 19/00245/FUL. There are no changes proposed to parking for existing residential properties.

Hampshire County Council Highways (HCCH) have reviewed that application and raised no objection subject to a condition requiring a construction method statement. In accordance with the relevant legislation (The Town and Country Planning (Pre-commencement Conditions) Regulations 2018), at the request of the Local Planning Authority, the applicant has written to confirm (on 02.02.2020) that the wording of the proposed pre-commencement construction method statement condition is acceptable and this is included as draft Condition 3 in the event the application is recommended for approval.

The Council's Joint Waste Client Team have raised no objection.

The Hart District Council Adopted Interim Parking Guidance (August 2008) seek 3.25 vehicular spaces and two cycle parking spaces for three bedroom dwellings in this location - Parking Zone 2. Whilst the proposed parking of three spaces is marginally below the Guidance levels, the site is reasonable well related to local facilities such as those on Reading Road approximately 200m to the north east. As such, the proposed parking provision is considered acceptable in this instance.

There are no material changes in policy and guidance that alter the LPA assessment of the proposed parking and access approved under 19/00245/FUL.

The proposed development complies with the requirements of Saved Policies GEN1 (vii) and T14 in respect of access and parking.

Flood Risk and Drainage

The application site is in Flood Zone 1 (the lowest flood risk area) and the application has submitted infiltration testing results in response to a request from the Council's Drainage Engineer.

The Drainage Engineer has no objection to the application subject to a condition requiring a surface water drainage scheme. Subject to such a condition, the proposal meets the requirements of Saved Policy GEN1 I and the NPPF in relation to flood risk and drainage.

Impact on the Thames Basin Heaths Special Protection Area

The site is within the Thames Basin Heaths Special Protection Area 5km Zone of Influence. Saved HLP Policies CON1 and CON2 seek to protect the Thames Basin Heaths Special Protection Area (SPA). 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 Habitats Regulations 2017 requires Local Planning Authorities (as the Competent Authority) to consider the potential impact that a development may have on a European Protected Site. In this case this relates to the Thames Basin Heaths Special Protection Area (TBHSPA).

Until recently the approach taken was to consider the development proposals along with any mitigation or avoidance measures when undertaking the Screening Opinion as to whether an Appropriate Assessment is required. This followed the approach applied by the English Courts in the Dilly Lane decision. However, in a recent European Court ruling (People Over Wind and Sweetman), the circumstances when mitigation measures can be considered when carrying out screening to establish if an Appropriate Assessment is required has changed. It is now clear that where the mitigation or avoidance measures are not an integral part of the development and have only been provided as a form of mitigation or avoidance then these should not to be taken into account during the screening process. In this case the payment of a contribution towards SAMM and the creation of a SANG are clearly only provided as mitigation. On that basis, and taking into the development without these mitigation/avoidance measures, it would not be possible to screen out any likely "significant impact" on the TBHSPA. As such, an Appropriate Assessment is required.

There is much evidence and continued monitoring around the provision of SANGs and the suitability/success of these in relation to the protection of the TBHSPA. Following the Sweetman judgement, Natural England has not advised that it considers that the evidence base behind the mitigation

and avoidance strategy (SANG and SAMM) is not sufficiently robust so that it meets the requirements of an Appropriate Assessment.

In this instance, the applicant has requested access to the HDC owned SANG from the Head of Environmental and Technical Services. In the event that such mitigation is secured and the Natural England confirming that they have no objection to the Council's Appropriate Assessment, the Council would be able to conclude that the proposal does not have a negative impact on the TBHSPA.

In the event that appropriate mitigation is not secured, the application would be contrary to HLP Saved Policies CON1 and CON2 and Saved Policy NRM6 of the South East Plan.

Other Matters

No objection has been raised by the Council's Biodiversity and Landscape Officers. However, the Landscape Officer has requested a planning condition to secure soft landscaping details.

Access to the dwelling would be via land in Hart District Council's ownership. The applicant completed the relevant certificate on the planning application form and served the appropriate notice on the Council as landowner. Whilst the applicant will need to ensure that the appropriate landowner consents are secured to utilise the access, this is a matter falling outside of the remit of the planning application process.

Yateley Town Council have objected on the basis that parking provision has not been adequately addressed. The proposed parking arrangements are identified on the submitted plans and have been assessed by the LPA in the relevant section of this Report.

CONCLUSION

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Planning and Compulsory Purchase Act 2004 38(6) and NPPF para. 47).

The principle of the development is supported by the development plan and material considerations. The proposed development has been assessed and found acceptable in respect of design, amenity, transport and flood risk and drainage considerations.

RECOMMENDATION

With due regard to the current position in relation to the impact on the TBHSPA, the LPA's recommendation is:

A. That the Head of Place be authorised to **GRANT** planning permission subject to;

- i) The applicant securing suitable mitigation to address the impact of the development on the Thames Basin Heaths Special Protection Area; and
- ii) Following suitable mitigation being secured Natural England raising no objections to the Council's Appropriate Assessment

AND subject to the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prioritise delivery of housing given the limited supply of SANG.

2. The development hereby approved shall be carried out in accordance with the following plan nos. and documents:

Site Location Plan 101H P2
Site Block Plan 100H P2
Proposed Ground Floor Plan & GIA Schedule 200H P2
Proposed First, Second Floor & Roof Plan 201H P2
Proposed Elevations 400H P2
Design and Access Statement (MAS Architecture, Nov 2019)

Reason: To ensure that the development is carried out in accordance with the approved plans and particulars.

3. No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved Statement. The Statement shall provide for:

- a) A programme of and phasing of demolition and construction work;
- b) The provision of facilities for contractor parking;
- c) The arrangements for deliveries associated with all demolition and construction works;
- d) Methods of demolition and construction works;
- e) Access and egress for plant and machinery;
- f) Protection of pedestrian routes during demolition and construction; and
- g) Location of any temporary site buildings, compounds, construction material and plant storage areas.

Reason: In order that the Local Planning Authority can properly consider the effect of works on the amenity of the locality.

4. Exception site clearance, no development shall take place until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles has been submitted to, and approved in writing by, the Local Planning Authority. The development shall only take place in accordance with the approved Scheme. The scheme shall provide for:

- a) Where infiltration is proposed, full infiltration tests in accordance to BRE365 (or any such replacement measure) including groundwater strikes;
- b) Detailed drawings of the proposed drainage system including details as to where surface water is being discharged;
- c) Calculations confirming that the proposed drainage system has been sized to contain the 1 in 30 storm event without flooding and any flooding in the 1 in 100 plus climate change storm event will be safely contained on site;
- d) Calculations showing the existing runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 storm events and calculations for the proposed runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 plus climate change storm events. To be acceptable proposed runoff rates and discharge volumes must be no higher than existing; and
- e) Provision of a Maintenance Plan setting out what maintenance will be needed on the drainage system and who will maintain this system going forward.

Reason: To prevent on-site and off-site flood risk from increasing from the proposed drainage system and to satisfy Saved Policy GEN1 of the Hart District Local Plan.

5. Exception site clearance, no development shall take place until full details of soft landscape have been submitted to, and approved in writing by, the Local Planning Authority.

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, proposed densities where appropriate, and a proposed timetable for planting.

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

6. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on plan no. Proposed Elevations 400H P2 and as detailed in the Application Form dated 23.09.2019.

Reason: To ensure a satisfactory design and to satisfy Saved Policies GEN1 and GEN4 of the Hart District Local Plan.

7. The windows in the east flank elevation shown on drawing no. Proposed Elevations 400H P2 shall be glazed with obscure glass only and be permanently fixed closed below a height of 1.7m above the finished floor level, and shall thereafter be retained in that form.

Reason: In order to preserve the privacy of the neighbouring dwelling and to satisfy Saved Policies GEN1 and URB12 of the Hart District Local Plan.

8. The development hereby approved shall not be occupied until the approved parking for vehicles and cycles has been provided in accordance with drawing no. Proposed Ground Floor Plan & GIA Schedule 200H P2. The parking arrangement shall be maintained at all times to allow them to be used as such.

Reason: To ensure that adequate parking is provided and to satisfy Saved Policies GEN1 and T14 of the Hart District Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning General Development (England) Order 2015 (as amended) (or any Order revoking or re-enacting this Order with or without modification) no enlargement of the existing or approved dwellinghouse, as permitted by Class A, B and E of Part I of the Second Schedule of the Order, shall be constructed without the prior written permission of the Local Planning Authority.

Reason: To ensure the retention of a satisfactory appearance to the development, to avoid overdevelopment of the site, to protect amenity of neighbouring properties and to satisfy Saved Policy GEN 1 of the Hart District Local Plan.

10. No development, working on the site or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours weekdays or 08:00 to 13:00 hours Saturdays. No development, working on the site or delivery of materials shall take place on Sundays, Bank Holidays or Public Holidays.

Reason : To protect the amenity of nearby residential occupiers and to satisfy Saved Policy GEN1 of the Hart District Local Plan.

B. Should the applicant fail to secure suitable mitigation to address the impact of the development on the Thames Basin Heaths Special Protection AND/OR Natural England raise objections to the Council's Appropriate Assessment, the Head of Place be delegated authority to **REFUSE** the application for the following reason:

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 any evidence that the test of no alternatives under Regulation 62 of The Conservation of Habitats and Species Regulations 2017 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 of the Hart District Local Plan and Saved Policy NRM6 of the South East Plan.



Planning Services

Welcome from Councillor Richard Quarterman Chairman of the Planning Committee

On behalf of the members of the Planning Committee and the officers, I would like to welcome you to this evening meeting. I should be grateful if you would ensure that your mobile phones are switched off during the meeting.

To help you get a better understanding of the way the Planning Committee works, I have listed a few points below.

How the Committee makes a decision

The Planning Committee's decision on an application can be based only on planning issues. These issues include:

- Local, regional and national policies and Government guidance;
- The design, appearance and layout of a proposed development;
- Road safety and traffic;
- The effect on the local area and local properties;
- Loss of light and overlooking;
- Nuisance caused by noise, disturbance and smell; and
- Protecting buildings and trees

The agenda

You will find copies of the agenda in the public seating area of the Council Chamber.

At the front of agenda, the planning applications being discussed are listed in order of the application number.

Extra information sheets

There may be an additional information sheet attached to this welcome letter. You should read this with the agenda. These sheets detail any comments received after the report was written, updates, comments and a list of the public speakers under each item number.

Introducing the Committee

Below is a list of the members of the Planning Committee in alphabetical order:

Councillor Simon Ambler
Councillor Brian Blewett
Councillor Graham Cockarill
Councillor Ange Delaney
Councillor John Kennett
Councillor Richard Quarterman
Councillor James Radley
Councillor Tim Southern
Councillor Sharyn Wheale
Councillor Dr Jane Worlock

Committee Procedures

The Chairman will announce the application to be discussed, a Planning Officer will then give a short presentation followed by Public Speaking if applicable.

The rules for Public Speaking are detailed in the Council's leaflet 'Public Speaking at Planning Committees'. A copy of this leaflet is available by contacting 01252 774419.

The Committee will then discuss the application and make a decision. The member in whose ward the application is located will normally open the discussions.

The committee may decide to:

1. Approve the application
2. Refuse the application
3. Defer consideration e.g. for further information or amendments or
4. Defer consideration for a site visit by a panel of Councillors (the viewing panel).

Fire Evacuation Procedure

At the beginning of the meeting the fire evacuation procedures are both displayed on the screen and read out. Please listen carefully to the instructions and follow the advice of staff in the event of the alarm sounding.

If you have any more comments about the Planning Committee process, please telephone the Committee Officer, Sabrina Cranny on (01252) 774131

ADDENDUM SHEET

FIRE EVACUATION OFFICERS:

Lead Officer: Peter Lee

Deputy Lead Officer: Sabrina Cranny (responsible for ensuring evacuations procedures are read out by the Chairman, bringing evacuation procedures and other equipment. - checking the 2nd floor only to include toilets, Members' Room, Chairman's Room)

Public Officer: Peter Lee - (responsible for guiding and evacuating members of the public)

Member Officer: Sabrina Cranny (responsible for guiding and evacuating members of the Committee)

SUMMARY OF ADDITIONAL INFORMATION AND CHANGES TO RECOMMENDATION TO BE PRESENTED AT COMMITTEE

ADDENDUM FOR THE PLANNING COMMITTEE OF 12th February 2020

Item No:	I01	Reference No:	I9/02639/FUL
Demolition of existing garage and removal of shed erection of three-bedroom detached dwelling with re-use of existing vehicle access			
At			
45 Somerville Crescent, Yateley, GU46 6XF.			

Recommendation:

Following the publication of the Agenda, the applicant has completed the relevant form and provided appropriate SANG mitigation and a financial contribution toward the SAMM project which also forms part of the required Special Protection Area avoidance measures. This has been secured under Hart District Council reference I9/02639/SANGS dated 7th February 2020.

As such the Officer Recommendation is now to GRANT planning permission in accordance with recommendation A detailed in the Agenda.

Speaker Details

No public speaking.

PLANNING COMMITTEE

Date and Time: Wednesday, 12 February 2020 at 7pm

Place: Council Chamber, Civic Offices, Fleet

Present:

COUNCILLORS

Ambler, Blewett, Cockarill, Delaney, Forster (substitute for Worlock), Kennett, Quarterman (acting Chairman), Radley

Officers:

Peter Lee	Principal Planning Officer
Tola Otudeko	Shared Legal Services
Gill Chapman	Committee Services

35 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 15 January 2020 were confirmed and signed as a correct record.

36 APOLOGIES FOR ABSENCE

Apologies had been received from Councillors Oliver, Southern and Worlock (substituted by Councillor Forster).

37 CHAIRMAN'S ANNOUNCEMENTS

None.

38 DECLARATIONS OF INTEREST

None declared.

39 DEVELOPMENT APPLICATIONS

Members accepted updated via the Addendum and considered the planning report from the Head of Place as attached.

The meeting closed at 7.10 pm

**HART DISTRICT COUNCIL
DEVELOPMENT APPLICATIONS**

Decisions/Recommendations - 12 February 2020

Item 101 - 19/02639/FUL - 45 Somerville Crescent, Yateley GU46 6XF

Demolition of existing garage and removal of shed erection of three bedroom detached dwelling with re-use of existing vehicle access. This application is being presented to Planning Committee as the land on which the access is proposed is in the ownership of Hart District Council.

Members were informed that there were no substantive changes since the previous application which had been granted, and no new guidance or planning policies had been introduced in relation to climate change and sustainability.

DECISION - GRANT

Conditions:

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prioritise delivery of housing given the limited supply of SANG.

2. The development hereby approved shall be carried out in accordance with the following plan nos. and documents:

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Reason: In order to preserve the privacy of the neighbouring dwelling and to satisfy Saved Policies GEN1 and URBI2 of the Hart District Local Plan.

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