



## Development Management, Place Directorate Planning Committee Addendum 21<sup>st</sup> September 2022

### Introducing the Committee

Below is a list of the 11 members of the Planning Committee in alphabetical order:

Councillor Brian Blewett	Councillor Richard Quarterman (Chairman)
Councillor Graham Cockarill	Councillor James Radley
Councillor Steve Forster	Councillor Tim Southern
Councillor John Kennett	Councillor Jane Worlock
Councillor Makepeace-Browne	Councillor Peter Wildsmith
Councillor Alan Oliver	

### **FIRE EVACUATION OFFICERS:**

**Lead Officer:** Mark Jaggard.

**Deputy Lead Officer:** Peter Lee (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:** Aimee Harris (responsible for guiding and evacuating members of the public)

**Member Officer:** Mark Jaggard (responsible for guiding and evacuating members of the Committee)

**If you have any more comments about the Planning Committee process, please telephone the Committee Officer, Jenny Murton on (01252) 774141.**

### Chairman's Announcements

Parish and Town Council engagement evenings held by the Development Management Team in June (29<sup>th</sup>) and August (24<sup>th</sup>). These were well attended and the team received positive feedback:

"I've just come off this evenings call – I thought it was outstanding. Thank you and

your team for their time and effort...Once again, thank you for a very informative session.”

“Once again thank you all very much for a very informative meeting on Wednesday. I found it very useful and would certainly be interested in keeping in touch in future.”

Future engagement evenings with Parish and Town Councils on particular topics will follow. There will also be agents forums offered.

**ADDENDUM FOR**  
**THE PLANNING COMMITTEE OF**  
**21st September 2022**

<b>Item No:</b>	7	<b>Reference No:</b>	<b>21/02933/HOU</b>
Erection of a single storey rear extension to dwelling (part of which is completed under permitted development rights), together with alterations to the front elevation and replacement of double garage with ancillary residential accommodation.			
<b>At</b>			
35A Basingbourne Road, Fleet, GU52 6TG.			

Site Visit

Three Planning Committee Members attended - Councillor Axam (substitute for Councillor Radley), Councillor Makepeace-Brown and Councillor Southern.

Members viewed the outbuilding and site of the rear extension. Members noted that the pitched roof of the outbuilding had been removed and replaced with a flat roof. With regard to the rear extension, Members noted works to the roof structure of the existing bungalow (although this is not shown on the current plans).

Update

The application site visit has revealed a number of discrepancies between the proposal as shown on the submitted Proposed Layout plan (drawing number 1209\_001 Rev M), compared to what is currently present on site together with what the applicant has indicated are his intentions in respect of the completed development.

The main discrepancies noted are that, in respect of the ancillary outbuilding, the eaves to the flat roof are actually located around five brick courses above the top of the two windows in the front elevation of the structure, rather than being level with the top of the windows, and secondly that the building is proposed to retain the 'step' in the rear elevation of the structure rather than this being removed as shown on the submitted plan with the wall running in line with the side wall of the existing bungalow.

In respect of the rear extension to the bungalow, the element of this which has already been constructed (the kitchen/living/dining room extension) has its roof

running into the pitched roof of the bungalow above the eaves height of the existing dwelling. This means that this element cannot constitute 'permitted development' as suggested by the applicant and requires planning permission because it does not accord with the requirements of Schedule 2, Part 1, Class A.1 (d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This means that the description is incorrect as it states 'part of which is completed under permitted development rights'. This could be omitted from the description with the applicant's agreement.

Secondly, the proposed Sitting Room rear extension would also have its roof running into the sloping roof of the existing bungalow at the same height as the extension already constructed and would require the removal of part of the existing roof (at least two rows of roof tiles).

The applicant has today (21.09.2022) submitted amended plans (drawing number 1209\_001 Rev N) which also shows some further changes, mostly in respect of the size and location of window openings together with material changes to the footprint and height of the proposals. The effect of the changes would be to increase the floor area of the ancillary outbuilding by 2.64 square metres and to increase the height of the structure to 2.9 metres. The effect of the changes on the rear extension would be to raise the maximum height of the roof by approximately 0.4m.

The Council cannot accept these amended plans as it would not be possible to notify interested parties of the receipt and allow them adequate opportunity to review and comment on the material changes detailed in the new plans. As such, the submission plans before Members for determination remain unchanged.

#### Applicant's Comments on the Agenda Report:

The applicant considers that he removed the roof of the ancillary outbuilding in early July 2022 having received verbal confirmation from the Development Management team that he could do so.

**Officer comment:** The Council are aware that a telephone discussion took place however the Council does not agree that any 'verbal permission' to remove the roof of the unauthorised outbuilding was given by any Officer(s).

The tiles, felt and batten were all removed before 7th July 2022 which was the date the applicant was informed that he would need to undertake a bat survey. By then there was no roof to survey.

**Officer comment:** Bat issues were highlighted by the Council's Ecologist in December 2021 This said:

"Summary: More information needed. Previously the Biodiversity Officer has raised no objection regarding bats given that the property is located in a suburban setting, and they had no records of protected species relevant to this application. The property appears to be a modern (post 1960s) detached bungalow in a sub-urban location with no woodland or water within 200m, the nearest woodland being located at Basingbourne Park just under 300m away.

A building of this age in this location does not meet the trigger list for when bat surveys are appropriate so ordinarily this would not be requested for this application.

However, the trigger list is a guide and assumes that buildings are of a condition typical for a property of their age. I note there is some discrepancy between the submitted bat assessment (which states building is in a good state of repair with close fitting roof tiles, chimney flashings, eaves and bargeboards) and comments on this application with photographs which appear to show areas of the roof which are not in a good condition. If, as the photos suggest, there are a significant number of missing tiles and gaps in ridge tiles, these could offer potential roosting features for bats and therefore the likelihood of presence is increased.

Given the above and that the proposals involve major roof impact, it would be prudent to request that an initial bat survey is carried out by an experienced licensed bat ecologist to determine if there are any constraints to this application or whether further survey work and/or mitigation is required."

Therefore, the applicant has been aware since December 2021 that the Council's Ecologist requested a bat survey. The comments are still on the website today.

Within the 'Conclusion' document for the enforcement appeal relating to the unauthorised outbuilding, the applicant included: "The Council have not taken into account that the building has been opened and the possibilities of bats roosting". The Inspector's decision on the enforcement notice, upholding the Council's decision, included:

"16. The appellant suggests there is a possibility of bats roosting in the building and that complying with the notice by demolishing it could result in him committing a criminal offence. However, he has not provided any evidence of bats roosting, but refers to comments from neighbours of bats being in the area. Should bats be found the appellant would need to obtain specialist advice and, if necessary, a licence for roost relocation prior to demolition. However, the possibility of these circumstances arising does not render the notice requirements excessive in terms of remedying the breach of planning control."

Upon receipt of the appeal decision against the enforcement notice, the Council reiterated that a bat survey was required.

The applicant has also indicated that "the trusses became dangerous" and a Building Control Officer advised him to remove the trusses for safety reasons and he followed his instruction. The applicant further indicates that he "contacted a few ecologists but none were able to offer a retrospective survey."

**Officer comment:** The Council has not requested a retrospective survey. An ecologist could provide a current survey of the current bungalow and outbuilding.

The applicant also indicates that one of the Ecologists they contacted asked that he send a request to Planning to ask for clarification of what was required, which he did on 11 August 2022, but says that he did not receive a response.

**Officer comment:** The Council provided clear responses to this point via emails on 22 August 2022 and 23 August 2022 and within a response sent on 6 September 2022. The agenda report sets out the legal duties and policy requirements for protected species.

### **Speaker Details**

Speaking Against the Application: Mr Owen Davies

Speaking For the Application: Mrs Sonia Laurent

<b>Item No:</b>	8	<b>Reference No:</b>	22/01343/HOU
Demolition of existing conservatory and garage and erection of a two-storey side extension and single storey home office/store			
<b>At</b>			
Woodland Villa, Cricket Green Lane, Hartley Wintney, Hook, Hampshire RG27 8PH			

### **Site Visit**

Three Planning Committee Members attended - Councillor Axam (substitute for Councillor Radley), Councillor Makepeace-Brown and Councillor Southern. Members viewed the site from the front and rear gardens. Members appreciated the setting, context and proposals.

### **Update**

Update to reason for application being brought to Committee: more than 5 objections have been received and in accordance with the Council's Constitution this planning application has been brought to the Planning Committee at the discretion of the Executive Director - Place.

### **Speaker Details**

\*Speaking Against the Application: Mr Malcolm Shimmin

\*Speaking For the Application: Mr Frank Dowling OBO Applicant

<b>Item No:</b>	9	<b>Reference No:</b>	22/00778/FUL
Change of use from agricultural land to a dog walking site with associated parking			
<b>At</b>			
Land Adjacent to Damales Farm, Borough Court Road, Hartley Wintney, Hook, Hampshire			

Site Visit

Three Planning Committee Members attended - Councillor Axam (substitute for Councillor Radley), Councillor Makepeace-Brown and Councillor Southern. Members viewed the field from the farmyard. Members considered land use, sustainability and access to the site.

Update to the Committee

Further to the publication of the agenda report, the applicant has emailed the Members of the Committee. This was copied to the case officer; however, it is not a formal submission and does not provide any additional material information for the purposes of decision making. It does however raise several points of clarification regarding the published officers report. These include:

“The committee report (page 58) states that the proposal fails to satisfy any of the relevant criterion in relation to Policy NBE1 of the HLP32”. However, one of the criteria clearly does: non-residential development proposals in the countryside will only be supported where they are for small scale informal recreation facilities such as interpretation centres and car parks which enable people to enjoy the countryside Based on this, the proposal does not conflict with policies SS1, ED3, NBE1 or HK1 (contrary to the committee report reasons for refusal section)”

**Officer comment:** It is considered that the proposal would not fall within criterion k) of NBE1 (small scale informal recreation facilities). The proposed dog walking facility is a stand-alone facility. Whilst it would be located in a countryside location, it would not facilitate the use of the countryside per se. Rather, it facilitates the use of a undeveloped countryside site for a non-agricultural use that could reasonably take place in a non-countryside location.

“In the committee report reason for refusal section (page 68), it states that the proposal would conflict with policy INF3. This statement is contradicted on page 64 where it says there would be no conflict with INF3.”

**Officer comment:** Officers accept that the reference to non-compliance with Policy INF3 is erroneous and this should be removed from reason for refusal number 1.

“The planning officer also raised concerns about noise pollution and the lack of noise assessment. The Environment officer’s report states the current proposal would unlikely result in significant impact in terms of noise and that restrictions on the maximum number of dogs on site at any one time could be considered. The proposal

has been amended to restrict dog numbers, so I would be happy with that condition as well as conditions to operating times.”

**Officer comment:** Notwithstanding the Environmental Health Officer’s comments, it is not clear how much noise would be generated from the scheme. In the absence of noise information, officers are of the view that it cannot be concluded that the impacts would be acceptable.

“The committee report states It is unclear from the submission what the overall operational costs of the agricultural enterprise are, and how much profit is made from both the agricultural business and other diversification projects already undertaking, including the commercial units at White Knights Farm. In this respect, officers are unable to conclude that the proposal is truly necessary to ensure the long-term viability of the agricultural unit.

The planning officer requested a business plan for the dog field and financial projections for the overall agricultural business unit that this diversification project would support. Although I think it unfair to expect a business owner to publish their financial affairs on a council website, I nevertheless provided a summary of our existing business and a redacted business plan in the expectation it would be sufficient. The planning officer has concluded otherwise. To my agents' knowledge no other farm diversification enterprise has been required to submit such information. The farming operation barely breaks even with annual costs of circa 160K being risked on the weather (we receive no benefit in those costs). The main income for the business is the commercial units, which do not provide enough for the two families that now jointly own the property. The area of arable land to be diverted to the dog field is just 3.7% of the total arable land on the farm and will therefore have negligible impact on the arable operation, but significant positive impact on the overall business which will help us to continue farming the land. I’m afraid that if we don’t continue farming the land, it might join the ever-growing patchwork of pony paddocks across the region.”

**Officer comment:** The applicant has provided financial information; however, it is not clear from that information the contribution the other diversification activities make to the agricultural holding. The submitted information is heavily redacted and figures have not been provided to substantiate the claims made. It is also noted that the applicant considers the farming income insufficient to support the two families who own the farm. Whilst officers sympathise with the personal circumstances of the applicant, this is not material to the decision on this application.

#### Other matters

The applicant’s email also makes reference to matters of climate change, biodiversity and external lighting, all of which have been addressed within the published report.

#### **Amended reason for refusal:**

1. The proposal would result in the inappropriate development in the countryside. The site is not allocated for development within the Local Plan and there is no material planning justification for a departure from the Local Plan. As no

exceptional circumstances apply, the proposal is contrary to the aims of the Local Plan. Insufficient information has been provided to establish that the proposal would not result in the loss of productive arable agricultural land within the definition of Best and Most Versatile Land. The proposal would conflict with Policies SS1, NBE1 and ED3 of the Hart Local Plan (Strategy and Sites) 2032 and Policy HK1 of the Hook Neighbourhood Plan 2018-2032 and the aims of the NPPF 2021.

### **UPDATED RECOMMENDATION**

That the application be REFUSED for reasons 2 and 3 on the published agenda report, and with the amendments to the wording of reason 1, as set out above.

### **Speaker Details**

Speaking For the Application; Mr David Mitchell.

<b>Item No:</b>	10	<b>Reference No:</b>	<b>22/01389/AMCON</b>
Variation of Condition 2 attached to Planning Permission 19/02756/HOU dated 22/10/2020 to allow a relocation of the bin room, door to front elevation, doors to rear elevation, duplex windows to side and rear elevations, reconfiguration of windows and changes to the internal layout			
<b>At</b>			
7 Broome Close, Yateley, Hampshire, GU46 7SY.			

No update and no site visit requested.

### **Speaker Details**

No registered speakers.