

## **PLANNING COMMITTEE**

**Date and Time:** Wednesday 14 December 2022 at 7.00 pm

**Place:** Council Chamber

**Present:**

Oliver (Chairman), Blewett, Coburn, Forster, Kennett, Makepeace-Browne and Southern

**In attendance:**

**Officers:**

Mark Jaggard, Executive Director - Place  
Ann Greaves, Legal Services Manager  
Peter Lee, Planning Team Leader  
Miguel Martinez, Principal Planner  
Natalie Jarman, Principal Planner  
Jenny Murton, Committee Services and Members Officer

### **43 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting on 19 October 2022 were confirmed and signed as a correct record.

### **44 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillors Cockarill, Quarterman, Radley and Worlock.

Councillor Coburn was a substitute for Councillor Worlock.

### **45 DECLARATIONS OF INTEREST**

In relation to Item 12, Councillor Forster declared a non-pecuniary, non-competitive interest, due to his work on EV infrastructure.

Some Members briefly discussed knowing some people in the public gallery, but this was considered an interest that did not need to be declared.

### **46 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that Item 11, relating to an application for a Lawful Development Certificate at 21 Elvetham Bridge, Fleet, had been withdrawn, so would not be considered by the Committee.

The Executive Director – Place gave an update on Wingate Lane, Long Sutton (known as Big Meadow).

The Council had not received financial contribution towards the provision of affordable homes so had sought and obtained an injunction at the High Court, on Friday 9 December 2022. This injunction prohibits the developers from allowing the fifth dwelling to be occupied until payment is received.

The outcome of this injunction will continue to be monitored and the Council will continue working with developers to resolve the issue.

The work of Officers and Shared Legal Services on this case was commended.

The Chairman asked if the Council could claim back costs for the injunction and it was confirmed that it could not.

Members asked if the fifth dwelling had been sold. The Executive Director – Place confirmed there had been a recent site meeting with some Members and it was clear the property was unoccupied.

#### **47 UPDATE ON LOCAL VALIDATION REQUIREMENTS LIST**

The Chairman explained that he had attended a Planning (Action) Sub-committee on 7 November 2022, along with Councillors Cockarill and Quarterman.

The Planning Team Leader explained that Local Planning Authorities are required to publish information listing what is required to accompany planning applications so that we can “validate” them. The Validation list comprises of two parts, the National List (the requirements are prescribed in legislation) and the Local List (local discretion).

At this Sub-committee meeting the Members confirmed their agreement to re-adopt the Council’s Local Validation Requirements, as previously agreed on 11 November 2020 and adopted on 16 November 2020.

The Local Validation Requirements will continue to be used in their existing form for a further two years.

The Members verbally noted the update on the Local Validation Requirements List.

The Chairman highlighted that in future he would prefer this item to come to a Planning Committee meeting, which is the usual process, rather than a Sub-committee meeting.

#### **48 DEVELOPMENT APPLICATIONS**

The planning reports from the Executive Director – Place were considered and the updates via the Addendum were accepted.

**49 21/02877/FUL - THE BELL PH, THE BURY, ODIHAM, HOOK, HAMPSHIRE, RG29 1LY**

The Principal Planner summarised the application for the change of use of a public house to form 2 x two-bedroom dwellings with associated internal and external alterations (following part demolition of external toilet block).

Members considered:

- Site constraints for parking provision, how car parking patterns between a residential development and a public house would differ, and the implications of such changes for residents living in the locality.
- How the building was marketed once it was designated as an Asset of Community Value.
- The marketing methods used for the sale of the Public House – it was debated whether there was a ‘For Sale’ sign erected at the site or not.
- How the Parish Council and Odiham Society were communicated with regarding the sale of the building.
- When the premises stopped functioning as a public house – this was confirmed as March 2020.

The Legal Services Manager highlighted that the decision regarding an Asset of Community Value is different to the application decision that the Committee would be required to make at the meeting.

Members questioned the speakers on:

- The length of time the community may need to acquire resources for the building – this was confirmed as six months.
- The effect the pub closing has had on the local community.
- How the Balance of Harm scores were determined by the Odiham Society in their objection letter.
- How busy the pub had been prior to its closure in 2020.
- How many other pubs in Odiham have had to close recently.
- The marketing of the pub and how this has been done.
- Possible grants that may be available for Assets of Community Value.
- The price of the building – this was confirmed as £500,000.

Members debated:

- The history of the pub.
- Lack of parking provision at the site and the potential car parking impacts that changes of use to the building may cause to existing residents.
- The type of insulation and further work that may be needed to retain the building. This was deemed partly a Building Control issue but was relevant to the Listed Building Consent application.
- The terms of the NPPF in that it “promotes retention of community facilities”.
- The marketing process of the building and the amount of time given for it.
- The viability of local pubs in the Hart area.

- What the Council could do to ensure that the pub's ongoing restoration work is done in a timely way.
- Ongoing costs to maintain the building.
- Paragraphs 363 and 366 from Hart's current Local Plan were also discussed.

A Member stressed their disappointment that there was no official site visit undertaken by the Committee.

The Executive Director – Place reminded the group of the Parking Standards in the Technical Advice Note on 'Cycle and Car Parking in new Development', that were adopted by Cabinet in August this year. These standards are neither maximum nor minimum, but a guide as to the appropriate quantum of parking to be provided. However, where different standards are used, planning applications must include information to demonstrate that the functional parking needs of the development will be accommodated.

The Legal Services Manager provided advice to Members on considerations they need to take under the planning regime, a summary on the Asset of Community Value legislation and briefly discussed the Local Authority powers under a Listed Building Repairs Notice.

Members undertook a recorded vote for the officer's recommendation and the results were:

*For: None*

*Against: Blewett, Coburn, Forster, Kennett, Makepeace-Browne and Southern*

*Abstention: Oliver*

Officer's recommendation to Grant, subject to planning conditions was not carried.

Members proposed a revised motion to Refuse.

Reasons for refusal:

1. The proposal would result in the loss of a community facility, and it has been neither satisfactorily demonstrated that the premises have been appropriately marketed nor that it is no longer required or not viable. As such the proposal is contrary to policy INF5 of the Hart Local Plan (Strategy & Sites) 2032, policy 13 of the Odiham & North Warnborough Neighbourhood Plan 2014 – 2032 and the guidance contained in the NPPF.
2. The proposal would not provide appropriate car parking to meet the needs of the development and would be contrary to policy INF3 of the Hart Local Plan (Strategy & Sites) 2032 and 'saved' policy GEN1 of the Hart District Local Plan (Replacement) 1996 - 2006.

Members undertook a recorded vote for the revised motion, and **Refuse** was carried. The results were:

*For: Blewett, Coburn, Forster, Kennett, Makepeace-Browne and Southern*

*Against: None*

*Abstention: Oliver.*

## **DECISION – Refuse**

*Notes:*

*There was no site visit.*

*Cllr Angela McFarlane spoke for Odiham Parish Council against the application.*

*Helen Tyler spoke against the application.*

*Richard Murray spoke for the application.*

### **50 21/02878/LBC - THE BELL PH, THE BURY, ODIHAM, HOOK, HAMPSHIRE, RG29 1LY**

Members clarified that this was an application for Listed Building Consent to allow the alterations to the listed building, which would enable the change of use application to be implemented, which was considered previously in Item 7. Given that the application was refused this application was no longer necessary.

Members noted that the officer's report had identified that the proposed works would cause some harm to the physical fabric of the building, albeit this harm would be at the lowest level on the spectrum of harm set out in the NPPF.

Members considered the harm was no longer justified as the change of use planning application had been refused.

Members unanimously voted Against the officer's recommendation, and Grant, subject to planning conditions was not carried.

Members proposed a revised motion to **Refuse**.

Reason for refusal:

The impact of the works proposed would cause 'less than substantial' harm to the designated heritage asset. The information provided to support the proposal fails to clearly and convincingly justify that the harm that would be caused to the significance of the listed building, would be the minimum required to secure the least harmful viable use of the building, and the harm would not be outweighed by public benefit.

As such, the proposal would therefore fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act, paragraphs 197, 199 and 200 of the National Planning Policy Framework and would conflict with the heritage aims of Hart Local Plan (Strategy & Sites) 2032 Policy NBE8.

Members unanimously agreed For the revised motion, and **Refuse** was carried.

### **DECISION – Refuse**

*Notes:*

*There was no site visit.*

*There were no speakers.*

### **51 22/00234/FUL - THE BELL PH, THE BURY, ODIHAM, HOOK, HAMPSHIRE, RG29 1LY**

The meeting was adjourned at 20:58 and resumed at 21:03.

The Principal Planner summarised the application as change of use of an outbuilding into a two-bedroom dwelling, with associated internal/external alterations and first floor external balcony (following demolition of external deck/stairs and single storey extension).

Members briefly questioned the interior of the building and whether it was original.

The Executive Director – Place referenced paragraph 366 of the Hart Local Plan 2032, which accepts that in some circumstances community facilities can be wholly or partly lost when no longer required or viable. However, in light of the decisions on the main building, the comments heard from speakers on this building and from members, the position is that this part of the community facility is required.

Members unanimously voted Against the officer's recommendation.

Officer's recommendation to Grant, subject to planning conditions was not carried.

The Chairman proposed a revised motion to Refuse.

Reasons for refusal:

1. The building subject to this proposal, which is integral to the functioning of the main building as a public house, and by reason that it has not been satisfactorily demonstrated that the premises have been appropriately marketed, nor that it is no longer required or not viable, the proposal is contrary to policy INF5 of the Hart Local Plan (Strategy & Sites) 2032,

policy 13 of the Odiham & North Warnborough Neighbourhood Plan 2014 – 2032 and the guidance contained in the NPPF.

2. The proposal would not provide appropriate car parking provision to meet the needs of the development and would be contrary to policy INF3 of the Hart Local Plan (Strategy & Sites) 2032 and ‘saved’ policy GEN1 of the Hart District Local Plan (Replacement) 1996 – 2006.

Members unanimously voted For the revised motion, and **Refuse** was carried.

### **DECISION – Refuse**

*Notes:*

*There was no site visit.*

*Cllr Angela McFarlane spoke for Odiham Parish Council against the application.*

*Helen Fleming spoke against the application.*

### **52 22/00229/LBC - THE BELL PH, THE BURY, ODIHAM, HOOK, HAMPSHIRE, RG29 1LY**

Members clarified that this was an application for Listed Building Consent to allow the alterations to the listed building, which would enable the change of use application to be implemented which was considered previously at this meeting. Given that the application was refused, this application was no longer necessary.

Members noted that the officers report had identified that the proposed works would cause some harm to the physical fabric of the building, albeit this harm would be at the lowest level on the spectrum of harm set out in the NPPF.

Members considered that the harm was no longer justified as the change of use planning application had been refused.

Members proposed a revised motion to Refuse.

Reason for refusal:

The impact of the works proposed would cause ‘less than substantial’ harm to the curtilage listed heritage asset. The information provided to support the proposal fails to clearly and convincingly justify that the harm that would be caused to the significance of the building would be the minimum required to secure the least harmful viable use of the building, and the harm would not be outweighed by public benefit.

As such, the proposal would therefore fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act, paragraphs 197, 199

and 200 of the National Planning Policy Framework and would conflict with the heritage aims of Hart Local Plan (Strategy & Sites) 2032 Policy NBE8.

Members unanimously agreed For the revised motion, and **Refuse** was carried.

### **DECISION – Refuse**

*Notes:*

*There was no site visit.*

*There were no speakers.*

#### **53 22/02181/LDC - 21 ELVETHAM BRIDGE, FLEET, HAMPSHIRE, GU51 1AF**

This item had been withdrawn.

#### **54 21/02937/FUL - PENN CROFT FARM, PENN CROFT, CRONDALL, FARNHAM, GU10 5PX**

The Principal Planner summarised the application for the installation of an energy storage facility comprising of battery containers, fencing, switching station, kiosk and associated works. It was confirmed that the application was a departure from the development plan.

Members questioned:

- The proposed site and access track and whether there were existing rights of way in the vicinity.
- The amount of traffic that would need to get to the site - this was confirmed as minimal once the site was operational.
- The technology proposed for the batteries - this was confirmed as Lithium based.
- The basis on which noise assessment investigations were needed or had been carried out.
- If noise assessments had or could consider low frequency levels of noise and the distances these could potentially be heard from.
- The life cycle of the units and when they would need to be replaced.
- The approximate weight of the batteries and the type of vehicles or equipment that would be needed to transport them.

Members debated:

- How schemes like the proposed one supported the objectives of the Council's Climate Emergency declaration.
- The possible threat of vandalism to the site, due to its remote location, and whether CCTV would be or is installed.



Members undertook a recorded vote on the Officer's recommendation to: Refer to Full Council with a recommendation to GRANT, subject to conditions (as amended on the Addendum in respect of condition 2. This was carried.

The results were:

*For: Blewett, Coburn, Kennett, Makepeace-Browne, Oliver and Southern.*

*Against: None*

*Abstention: Forster*

**DECISION – Refer to Full Council with a recommendation to GRANT, subject to conditions.**

*Notes:*

*There was no site visit.*

*Rebecca Lock OBO SSE Energy Solutions spoke for the application and Richard Calderone (from SSE Energy Solutions) answered questions.*

The meeting closed at 10.00 pm