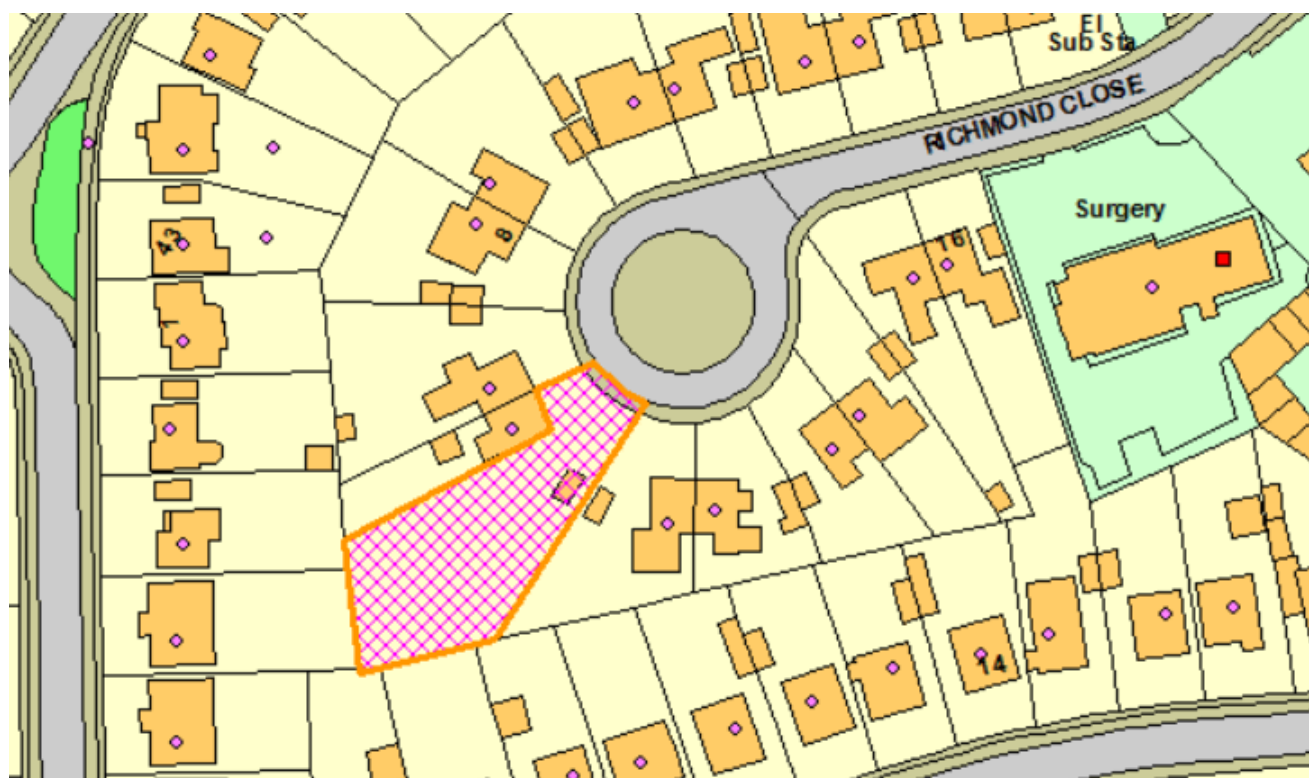


**COMMITTEE REPORT  
ITEM NUMBER:**

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APPLICATION NO.	22/02554/FUL
LOCATION	<b>10 Richmond Close Fleet Hampshire GU52 7UJ</b>
PROPOSAL	Demolition of an existing garage and erection of a 3 bedroom detached bungalow
APPLICANT	Port
CONSULTATIONS EXPIRY	28 November 2022
APPLICATION EXPIRY	29 December 2022
WARD	Church Crookham East
RECOMMENDATION	<b>REFUSE</b>

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## **BACKGROUND**

This planning application is brought to Planning Committee at the request of Councillor Radley who has asked it to be referred for the following reason:

“I note that a similar application for a bungalow on this site has been turned down before. As bungalows are considered to be an important housing type and are explicitly called out in the Fleet Neighbourhood Plan, I feel it is important that if this application is up for refusal that planning committee get to debate the harm deemed to be so caused.”

## **Description of Site**

The application site comprises a parcel of land and garage forming part of the garden area for No. 10 Richmond Close. It is located within a residential area and situated on a circular cul-de-sac.

## **Proposal**

Demolition of an existing detached garage and the erection of a detached bungalow. The proposed bungalow would measure 5.5m in height, 7.2m in width and 11.9m in depth.

## **Planning Policy**

The site is within the Settlement Policy boundary of Fleet.

### National Planning Policy Framework (2021)

Section 2 (Achieving sustainable development)  
Section 4 (Decision-making)  
Section 5 (Delivering a sufficient supply of homes)  
Section 9 (Promoting sustainable transport)  
Section 11 (Making effective use of land)  
Section 12 (Achieving well-designed places)  
Section 14 (Meeting the challenge of climate change, flooding and coastal change)  
Section 15 (Conserving and enhancing the natural environment)

### Hart Local Plan (Strategy & Sites) 2032 (HLP32)

SD1 Sustainable Development  
SS1 Scale and Distribution of New Housing  
H6 Internal Space Standards for new Homes  
NBE2 Landscape  
NBE3 Thames Basin Heath Special Protection Area  
NBE4 Biodiversity  
NBE5 Managing Flood Risk  
NBE6 Water Quality  
NBE7 Sustainable Water Use  
NBE9 Design  
NBE11 Pollution  
INF3 Transport

### Saved Policies of the Hart District Council Plan (Replacement) 1996 - 2006

GEN1 General Policy for Development

## South-East Plan

Saved Policy NRM6 - Thames Basin Heath Special Protection Area

## Fleet Neighbourhood Plan 2018-2032 (FNP32)

Policy 10 General Design Management Policy  
Policy 10A Design Management Policy related to Character Areas  
Policy 17 Thames Basin Heath Special Protection Area Mitigation  
Policy 19 Residential Parking

## Other material considerations

National Planning Policy Framework 2021  
Planning Practice Guidance (PPG)  
National Design Guidance (NDG)  
Technical Housing Standards - nationally described space standard (DCLG 2015)  
Planning Technical Advice Note: Cycle and Car Parking in New Development (August 2022)  
Hart Urban Characterisation and Density Study (2010)  
Hart Climate Change Action Plan  
Criteria to access Council owned or controlled Suitable Alternative Natural Greenspace (SANG) dated 1 October 2020.

## **CONSULTEES RESPONSES**

### **Hampshire County Council (Highways)**

No objection.

### **Streetcare Officer (Internal)**

Hart District Council operates a kerbside waste collection service. This is operated via wheeled containers, which must be left adjacent to the nearest adopted highway for collection on the specified waste collection day.

The proposed development will be required to leave wheeled containers on Richmond Close for collection by 0630hrs on the specified collection day and removed from the bin collection point and returned back to the property as soon as possible following collection.

### **Fleet Town Council**

This is a modification to an earlier application that was in principle supported by FTC especially as it was a bungalow, but Hart refused due to the impact on local character. The property has now been reduced in size so should overcome Hart's objection

The only issues are that:

there will be extensive front parking both for the new property and the existing bungalow which will have to pave over its front garden

the extensive paved area to the rear of the bungalow should be reduced where possible to reduce the impact of run-off

There is reference to the use of soakaways which should be replaced with more modern SUDS drainage. There may be the need for some infiltration testing to determine the size of the SUDS tank

The proposed water butts have very limited impact in periods of wet weather with frequent rainfall

NO OBJECTION in principle subject to modification of drainage system to SUDS

### **Drainage (Internal)**

No objection subject to condition.

## **PUBLIC COMMENTS**

None received.

## **Relevant Planning History**

22/01359/FUL - Demolition of an existing garage and erection of a 3-bedroom detached bungalow. Refused 26.08.2022.

The application was refused for the following reasons:

1. The proposal would fail to integrate into the established open and spacious character of the area and would not be sympathetic to the spacing, siting and proportions of the pattern of development in the locality. The proposal therefore would fail to sustain or improve the visual amenity/qualities of the area. As such, the proposed development would be contrary to the requirements of Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032, Policy GEN1 of the Saved Policies of the Hart District Council Plan 2006, Policy 10 of the Fleet Neighbourhood Plan and Section 12 the National Planning Policy Framework (2021).
2. The site is located within 5km of the Castle Bottom to Yateley and Hawley Commons Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of any evidence that the test of 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 TBHSPA. As such, the proposed development is contrary to Saved Policy NRM6 of the South East Plan, Policies NBE3 and NBE4 of the Hart Local Plan (Strategy and Sites) 2032 and Policy 17 of the Fleet Neighbourhood Plan.

The current submission has been reduced in size from the previous submission, the previous footprint measured 8.3m by 14.85m whereas the proposed footprint within the current submission would be 7.2m by 11.9m. This represents a 30% reduction in footprint.

## **Assessment**

### Principle of Development

Planning law requires that applications for planning permission must have regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan for the area is the Hart Local Plan (Strategy & Sites) 2032, the Hart District Local Plan (Replacement) 1996-2006 Saved Policies and the Fleet Neighbourhood Plan 2018-2032. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which Local Planning Authorities (LPAs) must also

have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

In providing for sustainable development, the NPPF requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs.

The NPPF requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. The Housing Land Supply in Hart, set out in the HLS22 document shows the Council currently has a housing land supply of 10.9 years and a Housing Delivery Test result of 210%.

The site is located within the Settlement Policy Boundary for Fleet as established by Policy SS1. This policy supports the principle of new residential development which contributes towards social, economic, and environmental wellbeing. The policy also outlines the Council's housing needs requirement to provide 7,614 dwellings and associated infrastructure over the plan period to 2032.

The principle of development is deemed acceptable subject to a detailed assessment of the proposed physical built form, having regard to other relevant policies of the Local Plan.

#### Impact on the character of the area/ design

Policy GEN1 of the Saved Local Plan Policies and Policy NBE9 of the HLP32 state that all developments should seek to achieve a high-quality design and positively contribute to the overall appearance of the local area and are in keeping with the local character by virtue of their scale, design, massing, height, prominence, materials, layout, landscaping, siting and density.

Section 12 (Achieving well-designed places) of the NPPF seeks to ensure well designed places. In particular, Paragraph 130 of the NPPF states that developments should add to the overall quality of the area in the long term and should be visually attractive, sympathetic to the local character and establish a strong sense of place. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy 10 of the FNP32 also supports good design that respects the character areas as identified in the Council's Urban Design and Density Study.

The Hart Urban Characterisation and Density Study (UCDS) identifies the site as being within the Church Crookham Estates Neighbourhood Area G: '1960s/1970s housing estates' which is described as having:

- Large estates built around curvilinear street layout
- Mostly semi-detached properties with some terraces
- One or two storeys, with a high percentage of bungalows
- Normally consistent use of materials within the individual estates
- These include red or orange brick with tile hanging or weatherboarding to the front elevation, or bay windows and white painted render
- A common building line with the buildings either facing the street or in groups with gables to the street
- Long narrow plots are the most common type

The UCDS gives further design guidance for Area G which states:

- These areas have a high degree of architectural uniformity and most of the houses are semi-detached
- Extensions will 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

The character of the area is generally one of semi-detached bungalows situated within modest plots with generous spacing on each side of nearby properties which creates an open, spacious feel to the residential area. Whilst there are some examples of side extensions and detached garages within the locality, these are modest in their size and retain a significant portion of the important visual gaps between the edge of the enlargement/development and the side boundary.

In terms of the proposed design of the bungalow, it would be acceptable in terms of external design. The proposed bungalow has been reduced in size from 8.3m by 14.85m in the previous refusal to 7.2m by 11.9m within the current submission and has been re-sited further forwards within the plot, although it would still sit behind the building line of both numbers 10 and 11.

Whilst this reduction in size is welcomed, and more reflective of the footprint of the adjacent bungalows, the infilling nature of the proposal and the manner the land would be curtailed to create a separate plot would result in the proposed bungalow having a tight siting against the side boundaries resulting in a cramped appearance. It is noted that No.10 differs from the rest of the properties in the locale as it has a much larger gap between the neighbouring properties boundary at No.11. However, the loss of openness between properties and the proximity against the boundaries would be uncharacteristic of the properties in the locality.

The proposal would not be in keeping with the established character and appearance of the locality. The detached bungalow would disrupt the rhythm of the area and appear incongruous and uncharacteristic within this specific urban context, which consists of pairs of semi-detached bungalows located around the close with large gaps between properties.

The proposal would therefore fail to integrate into the established open and spacious character of the area and would not be sympathetic to the pattern of semi-detached dwellings in the locality. The proposed development would be contrary to the requirements of Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032, Policy GEN1 of the Saved Policies of the Hart District Council Plan 2006, Policy 10 of the Fleet Neighbourhood Plan and Section 12 the National Planning Policy Framework (2021).

### Residential Amenity

Local Plan Policy GEN1 emphasises that sustainable development should be permitted provided that the proposal does not result in any material loss of amenity to adjoining neighbours, among other considerations.

The Council adopted the Nationally Described Space Standards for dwellings within Policy H6 of the HLP32. The space standards set out the minimum gross internal floor areas for dwellings as well as requiring certain minimum sizes of bedrooms. The proposed dwelling would measure approximately 184sqm which would significantly exceed the NDSS minimum standards for a single-storey 3 bedroom 4-person dwelling (74sqm) as required by Policy H6 of the HLP32.

In relation to outlook and access to natural light, the positioning of openings within the

proposed dwelling would result in satisfactory amenity levels for the proposed future occupiers. This is due to the provision of habitable room windows for adequate natural light and outlook.

In addition, the shape and size of private amenity space to serve the new dwelling whilst cramped in its form compared to the character of the area, would be sufficient to meet recreational and domestic needs of future occupants including drying clothes, children's play amongst other activities. Whilst the resultant amenity space for No.11 would be reduced, it would be comparable with other dwellings within the vicinity (in particular the adjoining property No.12) and as such is considered sufficient to meet recreational and domestic needs of the occupants.

#### Impact on neighbouring amenities

- 10 Richmond Close

Number 10 Richmond Close sits to the west of the application site and the proposed bungalow would sit approximately 1.1 metres from the shared boundary. The side elevation of No.10 features two doors and two windows serving non-habitable rooms (bathroom and W/C). Therefore, the proposed development would not result in any adverse impacts in regard to loss of light to any habitable rooms and would not result in any overbearing impacts to the occupants of No.10. The proposed bungalow would feature two side windows, one serving a bathroom and one being a secondary window to serve the kitchen/ living room. Given the windows would be located at ground floor level, they would be largely screened by the boundary fencing and therefore not present any adverse impact, the relationship would be comparable with garden usage as there would be no first-floor overlooking.

- 11 Richmond Close

Number 11 Richmond Close sits to the east of the application site and the proposed bungalow would sit approximately 1.1 metre from the shared boundary and approximately 7 metres to number 11's side elevation. Given the distances, and the single-storey nature of the proposed development, it would not result in any unacceptable overbearing or loss of light impacts to the occupants of No.11. The proposed bungalow would feature two side windows, one serving an en-suite and one serving a bedroom. Given the windows would be located at ground floor level, they would be largely screened by the boundary fencing and therefore not present any harmful overlooking impact.

It is noted that additional vehicular movements would occur close to numbers 10 and 11 during the construction phase and once the dwelling is occupied. Vehicular movements already occur in close proximity to No.11 as it is the current parking area for No.10 and therefore it is considered that the additional vehicular movements for one new dwelling would not be to an unacceptable level such as to warrant a separate reason for refusal. Conditions concerning construction hours, delivery hours and that space is made available for parking construction vehicles on site could have been adequately addressed by condition had all other matters been acceptable. Such conditions would have been reasonable and necessary to ensure minimal disturbance for existing residential neighbours during construction works if all other matters were considered acceptable.

#### Parking, highways and refuse

Policy INF3 of the HLP32 supports development that promotes the use of sustainable transport modes prioritising walking and cycling, improves accessibility to services and supports the transition to a low carbon future. Among other requirements, this policy seeks to provide safe, suitable, and convenient access for all potential users of development.

Saved Policy GEN1 of the Local Plan 2006 and Policy INF3 of the HLP32 state that all developments should provide appropriate parking provision in accordance with the Council's parking standards.

The proposed development would generate additional traffic movements due to the creation of an additional dwelling intensifying the number of vehicular movements along the local highway network from the construction phase onwards. The modest scale of the development with a net gain of a single dwelling is not considered to create a significant or adverse impact upon the free flow of traffic and highway safety. Paragraph 111 of the NPPF 2021 is clear that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. These would not be the case here.

The proposed dwelling would utilise the existing dropped kerb serving the site and the proposal includes for it to be extended to allow extended vehicular access across the frontage of No.10. The Local Highway Authority have raised no objection to the proposal but have advised that a highway license will be required for the installation of the dropped kerb. This is a separate regime to the planning consideration process.

The Council's Cycle and Car Parking in new development Technical Advice Note (TAN) came into effect on 4th August 2022. The car parking standards are as follows:

- 2 bed home: 2 allocated spaces and 0.5 unallocated;
- 3 bed home: 2 allocated spaces and 1 unallocated OR 3 allocated spaces and 0.5 unallocated

A standard parking space should measure 2.5m x 5m in line with the TAN. The submitted plans show two proposed parking spaces for No.10 (2-bed property) and three proposed parking spaces for the proposed bungalow (3-bed property). Therefore, the number of allocated parking spaces is in accordance with the TAN. Whilst there is a shortfall in the number of unallocated parking spaces it should be highlighted that the TAN provides advice and is not an adopted policy document, and therefore the weight attributed to this is limited. The shortfall in unallocated parking is not considered sufficient grounds to refuse the development and there is no evidence that this shortfall could not be accommodated on the public highway.

It is noted that the existing soft landscaped frontage for No.10 would be altered into hardstanding to provide space for vehicular parking, however these works could be undertaken under permitted development rights afforded by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), without the need for express planning permission. This would be subject to the materials used being porous which, if all other matters had been acceptable, would have been included as a suitably worded condition.

In accordance with the Cycle and Car Parking TAN a 3-bedroom property should provide 4 cycle spaces. Cycle storage is indicated on the submitted site plan. The TAN states that at least one space must be provided in close proximity to the front door of the property. Based on the submitted details, the size and location of the cycle parking provision is considered acceptable. The provision of the cycle parking could have been secured by way of condition had the application been otherwise acceptable.

#### Refuse and recycling storage and collection

Hart District Council operates a kerbside waste collection service. This is operated via wheeled containers which must be left adjacent to the nearest adopted highway for collection on the



specified waste collection day. Bin storage provision has been illustrated on the submitted site plan and is considered acceptable.

### Flooding and drainage

Policy NBE5 of the HLP32 requires that a sequential approach is applied to account for all sources of flooding thus directing new development away from areas at highest risk or alternatively demonstrating that development is flood resilient and resistant. This requires taking advice from the Environment Agency and Lead Local Flood Authorities to ensure that risks of flooding are adequately managed, whilst also accounting for future climate change.

Policy NBE5 of the HLP32 is considered in conjunction with Policy NBE6 (Water Quality) and Policy NBE11 (Pollution) which seeks to ensure that new development does not pose any unacceptable risk to water quality, water courses, ground water sources or the natural environment.

This site is in Flood Zone 1 with a low risk of Main River and Groundwater flooding. It is considered that, if all other matters had been acceptable then it would have been appropriate to include a suitably worded planning condition requiring further details of the surface water drainage strategy. Details would be sufficient via condition as the development would be unlikely to experience adverse surface water flooding events or lead to an increased risk of flooding elsewhere.

### Biodiversity

Policy NBE4 of the HLP32 states that all developments should protect and enhance biodiversity. Local Planning Authorities have a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity, which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

The Council's Biodiversity Officer has confirmed no objections to the proposed development. If all other matters were considered acceptable, a condition would have been imposed to secure incorporation of habitat features, and landscaping with ecological qualities, and protection measures during construction to secure net gain in line with Policy NBE4 of the HLP32.

### Thames Basin Heaths Special Protection Area

The Thames Basin Heaths Special Protection Area (TBHSPA) is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species. 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.

The application site is within the 400m-5km 'zone of influence' of the TBHSPA and proposes additional residential development that would, either on its own or in combination with other plans or projects, have a detrimental on the nature conservation status of the TBHSPA.

South-East Plan Policy NRM6 and HLP32 Policies NBE3 and NBE4 require adequate measures to avoid or mitigate any potential adverse effects on the SPA. The Habitats Regulations 2017 require 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 the TBHSPA.

Natural England have advised that they would have no objection subject to appropriate mitigation.

The Applicant has indicated that they intend to use Council-owned SANG. However, as the proposal is not fully policy compliant due to its conflicts with the established character of the area it conflicts with Policy NBE9 of the HLP32 and Policy GEN1 of the Hart Local Plan (Replacement) 1996 – 2006. As such it is not eligible for allocation of SANG from Council-owned land in line with 1b of the Council's 'Criteria to access Council owned or controlled Suitable Alternative Natural Greenspace (SANG)' dated 1 October 2020.

The Applicant has not demonstrated or provided sufficient information and/or evidence to enable the Council to undertake an Appropriate Assessment that would demonstrate that the proposal would not have a significant effect on the TBHSPA. Consequently, it is concluded that the proposed development would fail to meet the requirements of the Habitats Regulations and that this development would, either on its own or in combination with other plans or projects, have a detrimental impact on the nature conservation status of the TBHSPA. The application is therefore contrary to SEP Saved Policy NRM6 and HLP32 Policies NBE3 and NBE4 and unacceptable for this reason.

### Energy Efficiency

Policy NBE9 of the HLP32 sets out that development should provide buildings which are able to respond to environmental change and which minimise energy consumption through sustainable approaches to design. Policy NBE7 of the HLP32 sets out a requirement to ensure that water resources within new development are used sustainably through the imposition of a water efficiency standard of 110 litres (or less) per person per day.

Had all other matters been considered acceptable, this requirement would have been secured via condition. In addition, an informative would have been placed on the decision notice encouraging the applicant to explore all opportunities for implementing the development approved by this permission in a way which minimises impact on climate change and enhances the sustainability of the proposal.

### Equality

In terms of equality, The Equality Act 2010 legally protects people from discrimination in society. It replaced previous anti-discrimination laws (Sex Discrimination Act 1975; Race Relations Act 1976 and Disability Discrimination Act 1995) with one single Act. The public sector Equality Duty came into force on 05.04.2011 In Section 149 of the Equality Act. It means that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy and delivering services.

Due regard is given to the aims of the general Equality Duty when considering applications and reaching planning decisions in particular the aims of eliminating unlawful discrimination, advancing equality of opportunity, and fostering good relations between those who share a protected characteristic and those who do not share it. This application would not raise any issue in this regard and as it is a single-storey property it would be accessible for a wide range of residents.

### Planning balance

The site is within a sustainable location in an existing residential area. It also falls within the Fleet Settlement Policy Boundary wherein the principle of residential development is acceptable in accordance with Local Plan Policy SS1.

The provision of one dwelling would represent a benefit of the development, however the weight afforded to housing provision is very limited due to the fact that the Council can demonstrate a Housing Land Supply in excess of 10 years and a Housing Delivery Test percentage of 210%.

Economically, there would be modest benefits generated during the construction period from employment of construction workers and supplier sourcing. Following this there would be consumer spending on goods and services by the proposed occupants of the dwelling, including limited opportunities for spending within the local area, potentially benefiting the local economy.

The environmental objective would be met in relation to planting, delivering a net gain to biodiversity. The dwellings would also be required to meet energy efficient standards set out in Building Regulations as a minimum and incorporate measures to consider climate change.

In terms of the harm arising from the proposed development of the site, it would fail to integrate into the established open and spacious character of the area and would not be sympathetic to the pattern of semi-detached dwellings in the locality. This would be permanent harm to the character and appearance of the area. In addition, the proposal would cumulatively harm the Thames Basin Heaths SPA due to the lack of mitigation.

## **CONCLUSION**

This application must be determined in accordance with the policies of the development plan unless any material planning considerations indicate otherwise, and it is therefore necessary to consider if there are any overriding public benefits that would result from the development that would outweigh the identified harm.

In balancing the relevant matters, the conflicts arising with the HLP32 and NPPF in terms of character weigh against the development and are considered to outweigh the benefits as outlined above when considered against the Local Plan and Framework as a whole.

The application is recommended for refusal.

### **Reasons for Refusal:**

1. The proposal would fail to integrate into the established open and spacious character of the area and would not be sympathetic to the pattern of semi-detached dwellings in the locality. It would result in a cramped appearance and would be contrary to the requirements of Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032, Policy GEN1 of the Saved Policies of the Hart Local Plan (Replacement) 1996-2006, Policy 10 of the Fleet Neighbourhood Plan 2018-2032 and the aims of Section 12 of the National Planning Policy Framework (2021).
2. The site is located within 5km of the Castle Bottom to Yateley and Hawley Commons Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of any evidence that the test of 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 TBHSPA. As such, the proposed development is contrary to Saved Policy NRM6 of the South East Plan, Policies NBE3 and NBE4 of the Hart Local Plan (Strategy and Sites) 2032 and Policy 17 of the Fleet Neighbourhood Plan

2018-2032.

## **INFORMATIVE**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the proposed development was deemed to be unacceptable in many respects and no further additional information was requested nor could the scheme be amended to address the Council's specific concerns without significantly changing the nature of the proposal. The development was therefore determined on the basis of the information provided.