

## **PLANNING COMMITTEE**

**Date and Time:** Wednesday 13 January 2021 at 7.00 pm

**Place:** Council Chamber

**Present:**

Ambler, Blewett, Cockarill, Delaney, Dorn, Oliver (Chairman), Quarterman, Radley, Southern and Worlock

**In attendance:**

**Officers:** Jaggard, Lee, Martinez, Shared Legal Services, Whittaker and Wood

### **39 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of 9 December 2020 were confirmed and signed as a correct record.

### **40 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Kennett, substituted by Councillor Dorn.

### **41 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised Members that site visit restrictions will continue during the current Covid-19 lockdown. The Planning Team will work with planning applicants to find alternative methods to assess sites and to keep the planning process going.

### **42 DECLARATIONS OF INTEREST**

None declared.

### **43 OBJECTION TO ORD/20/00007 "THE MILD MAY COURT TREE PRESERVATION ORDER, 2020"**

Members considered an objection which related to the Mildmay Court Tree Preservation Order (TPO).

Members sought clarification on the following:

- The justification for a tree preservation order (TPO) for these trees and
- the reason for the initial request.
- The benefit of having extra protection for the trees in the future.
- Whether work can continue without hinderance to keep the trees
- healthy with a TPO in place.

## **DECISION**

That TPO ORD/20/00007 be confirmed.

Ms Sarah Golley spoke against the Tree Preservation Order

## **44 DEVELOPMENT APPLICATIONS**

Members accepted updates via the Addendum and considered the planning report from the Head of Place.

### **Item no: 101 - 20/01539/FUL - 28 Finns Business Park, Bowenhurst Lane, Crondall, Farnham GU10 5HP**

The Committee was asked to consider retrospective planning permission for the construction of a new dwelling on the application site.

Members discussed:

- The need to look carefully at the background of this application and the possible consequences of refusing planning permission for the current occupants.
- Would permission have been granted if the Council had been approached in the first instance.
- Whether the proposed dwelling would have a likely adverse effect on the Thames Basin Heaths Special Protection Area (TBHSPA) given that prior to its demolition there was a converted building that had secured the appropriate mitigation.
- The visual impact of the new building compared to the previous building.
- The internal levels if the building in relation to the potential surface water flooding issue.
- Whether the building would be appropriate accommodation for the future.
- The impact on the surrounding business park which is a designated Locally Important Employment Site (LIES) if this application was approved.
- Whether the site was suitable in terms of the environment (eg noise) and whether it was a sustainable location.
- That the demolition of the building extinguished any fall-back position.
- That it was not appropriate to grant a personal permission.

Members debated:

- That the Planning Committee did not have the delegated powers to grant planning permission as the proposal represented a Departure to the Development Plan.
- That the proposal was a material Departure to the Development Plan as it was contrary to policies SS1 and ED3 of the Plan. It was the view of the

Planning Committee that whilst this was a Departure to the Development Plan that the fact that there was previously a dwelling was material and that this weighed in favour of approving an exception to Policy.

- The need to understand the Policy implications of rejecting this Application.
- The perceived risk to the property from surface water flooding in the area.
- Environmental Health Officer's report in relation to noise complaints in that location.
- Whether by granting this Application could this set a precedent for future applications.
- It was the view of the Committee that although the demolition of the original building extinguished the approved residential use of the site and any fall-back position, the fact that there was a previous dwelling at the site that had secured appropriate mitigation against the impact on the TBHSPA meant that this dwelling would not have a likely adverse effect on the TBHSPA.

After a vote, Members were against refusing the application.

The Chairman proposed an alternative Recommendation to refer to Full Council to grant planning permission subject to:

- The Application being advertised as a **Departure** and no further issues being raised subject to the Secretary of State referral.
- The Recommendation is subject to conditions to be drafted by the Chairman of the Planning Committee and the Planning Ward Councillor and subject to the Applicant satisfying the surface water flooding issue by providing additional information.
- The material reason for the departure is based on the fact is that there was
- previously a dwelling here and the Committee felt there is an exceptional
- circumstance upon which to have a departure to the recently adopted Hart District Local Plan.
- If the advertisement of the departure raises new material considerations that
- need to be take into account, there will be a need to bring it back to Full Council or Planning Committee depending on what it is.

## **DECISION**

That the application be **referred to Full Council as a Departure** from the adopted Hart Local Plan – Strategy and Sites 2016-2032 with the following recommendation:

## **RECOMMENDATION A:**

That Full Council delegates Authority to the Head of Place Services to **GRANT** planning permission, subject to;

- No issues or material considerations being raised by any interested parties or consultees that have not already been addressed following the completion of the requisite Departure advertisement period
- Receipt of appropriate technical information to clarify that the dwelling is appropriately protected from internal flooding (including the addition of any required conditions)
- Consultation with Natural England in relation to the Appropriate Assessment does not raise any new matters or objections which further consideration by the Planning Committee

AND subject to the following planning conditions:

1. The development hereby permitted shall be retained in accordance with the following plans:  
PL16 Rev. A (Block Plan), PL19 Rev. A (Unit 28- proposed), PL20 Rev. A (Utility/ Store Details and Bin Store Details), A1 Rev. A (Block Garden Sketch Plan), A1 Rev. A (Front & Side Garden Sketch Plan), A1 Rev. A (Back Garden Sketch Plan)

REASON: To ensure that the development is carried out in accordance with the approved details and in the interest of proper planning.

2. Notwithstanding the provisions of Classes A, B, D, E and F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent order revoking and re-enacting that Order with or without modifications), no enlargement, improvement or other alteration to the dwellinghouse hereby approved under these classes shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

REASON: In order that the Planning Authority can properly consider the effect of any future proposals on the character of the locality and amenity of neighbouring properties in accordance to policy NBE9 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006, the NPPF 2019 and policy 3 of the Draft Crondall Neighbourhood Plan 2017-2032.

3. The car parking area to the front of the dwelling hereby approved shall be retained for the parking of vehicles and shall not be used for any other purpose. Access to the parking area shall be always maintained to allow this area to be used for vehicular parking.

REASON: To ensure that the development retains adequate parking and to satisfy policy INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the NPPF 2019.

**RECOMMENDATION B:**

That the Head of Place be granted delegated authority to **REFUSE** planning permission by 31st March 2021 if no technical information has been submitted to address flooding issues or if the technical information submitted and assessed to ensure the dwelling is appropriately protected from internal flooding is not to the satisfaction of the Local Planning Authority on the following ground:

- 1 In the absence of satisfactory information to the contrary, the dwelling would be at risk of internal flooding from future flooding events as a result of its timber construction and recorded flooding levels of 300mm above the ground immediately surrounding it. As such the retention of the dwelling is contrary to policy NBE5 of the adopted Hart Local Plan and Sites 2016-2032, paragraph 155 of the National Planning Policy Framework (2019) and policy 6 of the draft Crondall Neighbourhood Plan 2017-2032.

Note: Mr Ben Finn spoke in favour of the Application.

The meeting closed at 9.31 pm