



# NOTICE OF MEETING

<b>Meeting:</b>	<b>Planning (Enforcement) Sub-Committee</b>
<b>Date and Time:</b>	<b>Monday, 5 September 2016 at 10.00 am</b>
<b>Place:</b>	<b>Council Chamber, Civic Offices, Fleet</b>
<b>Telephone Enquiries to:</b>	<b>Mrs Alison Cottrell 01252 774131</b> <a href="mailto:alison.cottrell@hart.gov.uk">alison.cottrell@hart.gov.uk</a>
<b>Members:</b>	<b>Blewett, Morris, Oliver, Southern</b>

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

## AGENDA

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AND BRAILLE ON REQUEST**

### **1 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 4 July 2016 are attached 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 MONACHUS HOUSE, MONACHUS LANE, HARTLEY WINTNEY, HOOK, HAMPSHIRE**

To update Members with the ongoing enforcement investigation and to seek authority for the recommended actions set out within the report. **Paper B**

#### **RECOMMENDATION**

Based on the above considerations the recommendation

A. **NO FURTHER ACTION** be taken with regard to:

- a) The insertion of the grilles on the front façade of the building – as the works do not constitute unauthorised works to a listed building.
- b) Painting of the portico – subject to agreement of colour and finish of the painting, the works will not constitute unauthorised works to a listed building.
- c) Internal fittings – the Council can take no further action in relation to the lack of installation of the cornices and ceiling roses which were alleged to have been removed. The Council has no evidence available to prove where these details were installed, their form or when they were removed, accordingly we cannot reasonably insist on their reinstatement.

B. **ACTION** is taken with respect to the following:

- a) The leadwork above the portico – this work is unacceptable and unauthorised. Officers will advise the developer that unless the work is revised/reinstated within one month listed building enforcement action will be taken. The reason for this action is that the work undertaken is detrimental to the character and appearance of the building and has been undertaken without the necessary consent.
- b) The internal fittings – unless suitable reinstatement is undertaken or agreed within one month, listed building enforcement action will be taken to require fire surrounds at ground, first and second floors of the property to be reinstated. The reason for this action is that the removal of the fire surrounds is detrimental to the historic character of the building.

#### **6 LAND AT CHAPEL BUNGALOW, POTBRIDGE**

To update Members on the enforcement progress in relation to land at Chapel Bungalow, Potbridge. **No paper attached.**

## **7 LAND ADJACENT TO HATCHWOOD PLACE, ODIHAM**

To update Members on the enforcement progress in relation to Hatchwood Place, Odiham. **No paper attached.**

**Date of Despatch: 23 August 2016**

### **Notes:**

A meeting of the Enforcement Panel will consider outstanding cases (including those with Legal) at the conclusion of the meeting. These will be sent electronically to Members a week before the meeting to ensure they are up-to-date.

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.

## **PLANNING (ENFORCEMENT) SUB-COMMITTEE**

**Date and Time:** 4 July 2016 at 10am

**Place:** Council Chamber, Civic Offices, Fleet

**Present:**

### **COUNCILLORS**

Blewett, Oliver, Southern

**Officers:**

Nick Steevens	Head of Regulatory Services
Sylvia O'Connor	Enforcement Officer
Wendi Batteson	Shared Legal Services
Alison Cottrell	Committee Services

### **1 ELECTION OF CHAIRMAN**

Councillor Oliver was elected as Chairman.

### **2 ELECTION OF VICE CHAIRMAN**

Councillor Southern was elected as Vice Chairman.

### **3 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 7 March 2016 were confirmed and signed as a correct record.

It was noted that the Improvement Plan had not been brought back to this meeting but that it would be brought to the next Planning (Enforcement) Sub Committee meeting.

### **4 APOLOGIES FOR ABSENCE**

None.

### **5 CHAIRMAN'S ANNOUNCEMENTS**

None.

### **6 DECLARATIONS OF INTEREST**

None declared.

## **7 INJUNCTION – OCCUPATION OF DWELLINGS IN BREACH OF CONDITION 3 OF PLANNING PERMISSION 13/02085/MAJOR (RESIDENTIAL DEVELOPMENT OF 89 DWELLINGS AND ASSOCIATED HIGHWAYS WORKS, LANDSCAPING AND PUBLIC OPEN SPACE). LAND ADJACENT TO HATCHWOOD PLACE, FARNHAM ROAD, ODIHAM, HOOK, HAMPSHIRE**

Members were informed of the urgent action authorised by the Joint Chief Executive under Ref 263 of the Hart District Council Constitution Scheme of Delegation to Officers to make an urgent decision, following consultation with the Leader of the Council, to authorise the seeking of an injunction under Section 187B of the Town and Country Planning Act 1990 with regard to the occupation of dwellings in breach of Condition 3 of planning permission 13/02085/MAJOR.

Following a report from the Head of Regulatory Services, members discussed the following:-

- That there is no intention to make people homeless but merely to ensure compliance.
- That injunctive proceedings can be secured quickly and will solve the problem of further occupation.
- That injunctive proceedings were the best and quickest way to resolve the situation going forward.
- That this would also be an effective deterrent to other developers who may be tempted to breach similar conditions.
- What would take place following imposition of an injunction and what penalty would be imposed on the developer should they then breach the injunction.
- That two properties were currently occupied and that as an interim measure, foul water was being held in a section of sewer pipe that had been capped. This was then removed from the site twice a day, by a sewage truck.
- That this interim measure of removing foul water by sewage truck would be effective for up to 12 occupied homes.
- How much work needs to take place to secure completion of the foul drainage system.
- That the pump and tank are missing and at the time of the visit, there was some doubt as to whether the tank had been ordered.
- That the required tank is a bespoke tank and would take some time to manufacture.
- That residents at Herons Way are sometimes disturbed by the sewage collection trucks if they collect late in the evening.
- Whether late evening / night sewage collection by the lorries can be prohibited to ensure residents in Herons Way are not disturbed.

### **DECISION**

Planning Enforcement Sub-Committee note the action taken by the Joint Chief Executive under Ref 263 of the Hart District Council Constitution Scheme of Delegation to Officers to make an urgent decision, following consultation with the Leader of the Council, to authorise the seeking of an injunction under Section 187B of the Town and Country Planning Act, 1990 with regard to the occupation of

dwellings in breach of Condition 3 of planning permission 13/02085/MAJOR  
(Residential development of 89 dwellings and associated highway works, landscaping  
and public open space. Land Adjacent to Hatchwood Place, Farnham Road, Odiham,  
Hook, Hampshire).

The meeting closed at 10.35am

**PLANNING ENFORCEMENT SUB COMMITTEE**

**DATE OF MEETING:** 5<sup>th</sup> September 2016

**TITLE OF REPORT:** 15/00141/CONDS - Monachus House, Monachus Lane, Hartley Wintney, Hook, Hampshire

**Report of:** Head of Regulatory Services

**Planning Member:** Cllr Southern

**1. PURPOSE OF REPORT**

1.1. This report is presented to members to provide a holistic overview of an ongoing enforcement investigation and to seek authority for the recommended actions set out within this report.

**2. BACKGROUND**

2.1. A number of complaints have been received concerning the development associated with Monachus House, High Street, Hartley Wintney. Monachus House is a Grade II listed building within the Hartley Wintney Conservation Area.

2.2. The planning history for this property is particularly extensive; there are a significant number of permissions relating to the site but the relevant planning permission to this matter is 14/02915/MAJOR with the listed building consent being 14/02916/LBC.

2.3. The building was formerly used as Hart District Council Offices, and, during the 1980s the interior of the building was radically altered. There is no evidence available to demonstrate exactly what comprised the original internal fixtures and fittings nor is there reference to the status of the interior of the building in the listing description. This makes it difficult to establish with any degree of certainty what the specific circumstances were at the time of purchase/occupation/ownership of the property by the developer.

**3. THE COMPLAINT**

3.1. The complainant has raised a number of complaints that have now been answered but the following issues remain outstanding:

- a) Alleged - Installation of grilles on the front elevation of the building (front façade).
- b) Alleged - painting of the portico on the front elevation of the building (front façade).
- c) Alleged - installation of leadwork on the portico which is not compliant with the original design (front façade).

- d) Alleged - internal fittings have not been installed or replaced as per the granted consents (including cornices, fireplaces and ceiling roses).

#### **4. CONSIDERATIONS**

##### **a) Installation of unauthorised grilles on front elevation of the building (front façade)**

There is no formal consent for the insertion of iron grilles on the front of the building. However, the works were agreed with the Council's Conservation Officer as an acceptable way to cover two holes that were left from the removal of pipes. The grilles are traditional in appearance and their approval was preferable to trying to plug and colour match with mortar or brick slips to match the adjacent brickwork.

The Conservation Officer's opinion is reinforced by the view that the installation of the grilles does not affect the character of the building due to their lack of overall impact. In visual and aesthetic terms, the grilles are insignificant in the overall visual appearance of the front façade of the building. Whilst it is acknowledge that they are "new", they are not visually incongruous or detrimental to the character and appearance of the building. The external façade of the front elevation of the building has a brick finish, and as a result the grilles are not visually discordant; the grilles are therefore, sympathetic and appropriate to the façade as a whole.

Based on these considerations no formal listed building consent was required for insertion of the grilles in this instance. There is therefore, no breach of listed building consent and as a result the works are not unauthorised work to a listed building. In addition, the work was agreed with the Conservation Officer as suitable work of repair to infill holes made by removal of existing pipework on the front façade of the property. There is therefore no basis to pursue this matter further.

##### **b) Painting of the portico on front elevation of the building (front façade)**

The approved plan I237/0109/28 P (amongst other documents) was reviewed in relation to this issue. The approved plans are however silent in respect of the finish to the portico. The painting may or may not therefore, require consent.

Due to this silence in the documents, the advice of the Conservation Officer has been sought. The Conservation Officer's view is that this is an unresolved matter. The portico might not have been painted previously, but on site this appeared not to have been the case and the masonry had been previously painted. Therefore, it would be unreasonable and beyond the Council's powers to speculate and as a result insist on the stonework being cleaned and put back to what may or may not have been its original appearance.

Discussions continue with the developer over the finish of the portico. Overall, the submitted colour samples are "stone" in colour and include several slightly different shades of stone colour varying from a greenish shade of stone to a pale golden stone. The colour samples submitted are very specific and relate to manufacturer

numbering. Nothing has yet been agreed but the sample colours under consideration are very similar to the natural stone colour of the portico.

Therefore, in terms of impact, it is proposed to repaint the portico in a stone colour which is very similar to the natural stone colour. The deliberation of specific shade of stone seems to be ongoing, but nonetheless, it is clear that the developer is not intending to actually repaint the portico in an alternative colour and appears to have accepted that prior agreement to the colour and finish is necessary to address this issue.

Whatever the case, the overall opinion is that as the colours indicated in the submitted samples are stone coloured, the repainting of the portico will not affect the character of the building as a building of special architectural or historic interest and will not materially impact on the character and appearance of the building. In this regard, subject to the repainting being undertaken in accordance with the details being discussed with the Conservation Officer, the painting does not require listed building consent.

**c) Installation of leadwork on portico not to original design on front façade**

The Conservation Officer is still in discussion with the developer over the formation of the lead over the portico, as the formation of the lead work previously on this element was akin to lead lining a sink, with a drainage hole within the depression facilitating drainage by way of a down pipe.

The original leadwork was considered by the Conservation Officer to be quite “fine” in detail and provided a refined finish to the portico. The new leadwork is not entirely sympathetic in visual terms to the overall front façade of the property. It is bulky in detail, form and appearance and as a result it is somewhat naïve in appearance. As a result of this lack of finesse in finish, due to its central location on the front façade of the building at ground floor level, the new portico leadwork forms an intrinsic and a significant focal point on this elevation of the building. In this case the view is that any alteration to this feature would have an impact on the character and appearance of the building. Based on the above, it is considered that the alteration to the portico leadwork constitute work which has a material impact on the character and appearance of the building. It is therefore work which would require listed building consent and no consent has been granted.

These works therefore, have a detrimental impact on the character and appearance of the front façade. They are unacceptable and require amelioration.

**d) Internal fittings not replaced as per consent (skirtings, architrave, cornice, fireplaces and ceiling rose)**

Due to the passage of time and lack of precise information submitted or available, it has been very difficult to establish with any precision the existence of or detailing of any of the features referenced.

This building was previously used as an office building and was extensively remodelled and was therefore devoid of the vast majority of its internal historic fixtures and fittings prior to this project. It is therefore difficult to form a view based upon sound evidence as to what was present immediately prior to the current conversion works starting.

The further question for consideration in this regard is whether the lack of these internal features has any impact on the character and appearance of the building. Internally, the building is now devoid of any original character (excepting the ground floor window shutters to the front elevation). It is perhaps speculation but there is reason to believe that at some point between 1988 and the current redevelopment scheme whatever features remained were removed without the necessary consent. Although there is no evidence to prove who removed them or when, their reinstatement would be entirely appropriate and desirable to rectify (in part) this issue.

#### **4. CONCLUSIONS**

With regard to the alleged unauthorised works to this listed buildings the view is:

- a) Installation of grilles on front façade - that listed building consent was not required for installation of the grilles. As a result, the work is not unauthorised work to a listed building and it would be entirely unreasonable for the Council to now require removal of the grilles.
- b) Painting of the portico on front elevation of the building - the repainting of the portico is not new work and subject to colour and finish will not affect the character of the building as a building of special architectural or historic interest and thus will not materially impact on the character and appearance of the building. If the repainting does take place in accordance with approved details, it will not be work requiring listed building consent.
- c) Installation of leadwork on portico not to original design - the leadwork as implemented is unauthorised work which does not have the benefit of the necessary listed building consent. In this regard the work is detrimental to the character and appearance of the building.
- d) Internal fittings not replaced as per consent - internal fittings have been removed and not replaced. In this regard specific reference is made to the former fire surrounds at ground, first and second floor level. The lack of replacement of these features is detrimental to the character and appearance of the building and therefore they should be replaced. Whilst other fittings and fixtures have been removed (these include cornice and ceiling roses) there is no evidence on which to rely to require that specific reinstatement works are undertaken.

#### **6. RECOMMENDATIONS**

6.1 Based on the above considerations the recommendation

**A. NO FURTHER ACTION** be taken with regard to:

- a) The insertion of the grilles on the front façade of the building – as the works do not constitute unauthorised works to a listed building.
- b) Painting of the portico – subject to agreement of colour and finish of the painting, the works will not constitute unauthorised works to a listed building.
- c) Internal fittings – the Council can take no further action in relation to the lack of installation of the cornices and ceiling roses which were alleged to have been removed. The Council has no evidence available to prove where these details were installed, their form or when they were removed, accordingly we cannot reasonably insist on their reinstatement.

**B. ACTION** is taken with respect to the following:

- a) The leadwork above the portico – this work is unacceptable and unauthorised. Officers will advise the developer that unless the work is revised/reinstated within one month listed building enforcement action will be taken. The reason for this action is that the work undertaken is detrimental to the character and appearance of the building and has been undertaken without the necessary consent.
- b) The internal fittings – unless suitable reinstatement is undertaken or agreed within one month, listed building enforcement action will be taken to require fire surrounds at ground, first and second floors of the property to be reinstated. The reason for this action is that the removal of the fire surrounds is detrimental to the historic character of the building.

**Contact Details:** Nick Steevens, x4296, [nick.steevens@hart.gov.uk](mailto:nick.steevens@hart.gov.uk)

## **PLANNING (ENFORCEMENT) SUB-COMMITTEE**

**Date and Time:** 5 September 2016 at 10 am

**Place:** Council Chamber, Civic Offices, Fleet

**Present:**

### **COUNCILLORS**

Blewett, Morris, Radley JE, Renshaw

**Officers:**

Nick Steevens	Head of Regulatory Services
Maxine Lewis	Enforcement Team Leader
Sylvia O'Connor	Enforcement Officer
Wendi Batteson	Shared Legal Services
Gill Chapman	Committee Services

### **8 CHAIRMAN**

In the absence of both the Chairman and Vice Chairman, Councillor Morris was elected as Chairman for this meeting.

### **9 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 4 July 2016 were confirmed and signed as a correct record.

### **10 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Oliver (substitute Radley JE) and Southern (substitute Renshaw).

### **11 CHAIRMAN'S ANNOUNCEMENTS**

None.

### **12 DECLARATIONS OF INTEREST**

None declared.

### **13 MONACHUS HOUSE, MONACHUS LANE, HARTLEY WINTNEY, HOOK, HAMPSHIRE**

Members were updated in relation to the ongoing enforcement investigation at Monachus House, a Grade II listed building within the Hartley Wintney Conservation Area. A number of complaints had been received.

The building was formerly used as Hart District Council Offices, and, during the 1980s the interior of the building was radically altered. There was no evidence available to demonstrate exactly what comprised the original internal fixtures and fittings, nor was there reference to the status of the interior of the building in the listing description. The concerns of the complainant were highlighted, particularly given their concerns relating to the cornice work. Officers highlighted that the Schedule of works referenced did not form part of the approved documents as such this made it difficult to establish with any degree of certainty what the specific circumstances were at the time of purchase/occupation/ownership of the property by the developer and led to difficulty in specifying the reinstatement work required to be undertaken in any action taken.

Members considered:

- Whether a stone portico was usually painted. Officers confirmed that this was not uncommon.
- Whether the grilles had been installed to cover areas where pipes had been removed from the front elevation. Officers confirmed this to be the case.
- Whether the fireplaces were of less importance as the floors go up. Officers confirmed that there had been marble fireplaces on ground and first floors, with wooden fireplaces on the top floor.
- Hart had approached the developers who had chosen not to voluntarily install the related features.
- Members also noted that a lowered ceiling could be seen through the first floor windows where the ceiling height appeared to be below the top of the window. Officers confirmed this issue was being investigated. It was agreed that officers would investigate further.

The recommendation was agreed and delegated powers were given to officers and members (as above) to seek resolution of the issue of first floor ceiling heights as necessary.

## **DECISION**

- 1 The complainant be advised that the case has been thoroughly reviewed.
- 2 That the following issues do not require any further action to be taken at this time:
  - a The insertion of the grilles on the front façade of the building – as the works do not constitute unauthorised works to a listed building.
  - b Painting of the portico – subject to agreement of colour and finish of the painting, the works will not constitute unauthorised works to a listed building.
  - c Internal fittings – the Council can take no further action in relation to the lack of installation of the cornices and ceiling roses which were alleged to have been removed. The Council has insufficient evidence available to prove with precision where these details were installed, their form or when they were removed, accordingly we cannot reasonably insist on their reinstatement.

- 3 That the Council resolves that the following issues require further action to be taken:
- a) The leadwork above the portico – this work is unacceptable and unauthorised. Officers will advise the developer unless the work is revised/reinstated within one month, listed building enforcement action will be taken. The reason for this action is that the work undertaken is detrimental to the character and appearance of the building and has been undertaken without the necessary consent.
  - b) The internal fittings – That officers formally write to advise the developer that unless suitable reinstatement is undertaken or agreed within one month of the date of the letter that listed building enforcement action will be taken to require fire surrounds at ground, first and second floors of the property to be reinstated. The reason for this action is that the removal of the fire surrounds is detrimental to the historic character of the building.
- 4 That Delegated Authority be given to Officers, in conjunction with the Chairman and Vice Chairman of the sub-committee to take formal action in relation to the ceiling height of the first, and any other, floors if it is deemed necessary following investigation.

#### **14 LAND AT CHAPEL BUNGALOW, POTBRIDGE**

Members were updated on enforcement progress at this site.

Three Notices had been issued in respect of conditions at the site under the provisions of Section 215 of the Town and Country Planning Act. The landowner/ occupier had lodged an appeal against the notices through the Basingstoke Magistrates Court. An order for Directions had been issued by the Court and the appeal would be heard by way of trial on 17 and 18 November 2016.

Members noted the information and expressed their thanks for the action that had been taken.

#### **15 LAND ADJACENT TO HATCHWOOD PLACE, ODIHAM**

The Committee were updated in relation to the current situation regarding enforcement at this development.

The developers had failed to comply with the planning permission in that properties were occupied at the site before the foul sewerage system was completed. Following the issue of a letter to the developers under the legal pre action protocol, Charles Church Ltd provided the Council with a formal legal undertaking that no more than 12 of the properties would be occupied prior to the completion of the foul sewerage system. This undertaking was considered to be of sufficient substance to delay continuation of the proceedings pending implementation of the system.

Work at the site was being monitored, 5 properties at the site were occupied and interim temporary arrangements were in place for the treatment of foul sewerage. No sewerage was currently being discharged in to the public system from the site.

The Council had appointed an independent drainage consultant to assist and the current arrangements were confirmed to be acceptable. Regular updates on progress would be provided by the developers who now anticipate completion in approximately mid September of 2016. When the system is complete, a full inspection will be made before reporting back at the next meeting.

Members noted the information and expressed their thanks for the action that had been taken.

The meeting closed at 10.40 am