



# NOTICE OF MEETING

<b>Meeting:</b>	<b>Planning (Enforcement) Sub-Committee</b>
<b>Date and Time:</b>	<b>Monday, 5 December 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 774141</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 5 September 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 16/00129/CONDS - LAND ADJACENT TO HATCHWOOD PLACE,  
ODIHAM**

Update on the discharge of conditions and written undertaking regarding the occupation of dwellings on the site.

**RECOMMENDATION**

That the case be considered resolved, and, that Charles Church Ltd be released from the legal undertaking as the sewerage system is now complete and fully operational.

**Date of Despatch: 24 November 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:** 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

**PLANNING ENFORCEMENT SUB COMMITTEE**

**DATE OF MEETING: 5 DECEMBER 2016**

**TITLE OF REPORT: 16/00129/CONDS – LAND ADJACENT TO HATCHWOOD PLACE, ODIHAM**

**Report of: Head of Regulatory Services**

**Planning Member: Councillor Gorys**

**1. PURPOSE OF REPORT**

This report is an update on progress in the abovementioned enforcement case and to seek authority to instruct Legal Services to release the developer from their legal undertaking.

**2. OFFICER RECOMMENDATION**

That the case be considered resolved, and, that Charles Church Ltd be released from the legal undertaking as the sewerage system is now complete and fully operational.

**3. BACKGROUND**

Members will recall that they resolved to take injunctive proceedings against Charles Church Ltd due to the failure to comply with the requirements of condition 3 of planning permission 13/02085/MAJOR in that properties were occupied at the site before the foul sewerage system was completed.

**4. CONSIDERATIONS**

The drainage system at the site has been completed and is operational; this has been confirmed by the appointed independent drainage engineer.

Your officers are satisfied that the drainage system has been completed in accordance with condition 3 of planning permission 16/00129/CONDS.

Contact Details:

Nick Steevens, Head of Regulatory Services, Ext 4296, [nick.steevens@hart.gov.uk](mailto:nick.steevens@hart.gov.uk)

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

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

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

**Present:**

### **COUNCILLORS**

Blewett (10.09 am), Morris, Oliver, Southern

**Officers:**

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

### **16 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 5 September 2016 were confirmed and signed as a correct record.

### **17 APOLOGIES FOR ABSENCE**

None.

### **18 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had agreed to an additional item – see Minute 21.

### **19 DECLARATIONS OF INTEREST**

None declared.

### **20 16/00129/CONDS – LAND ADJACENT TO HATCHWOOD PLACE, ODIHAM**

Members were updated on the discharge of conditions and written undertaking regarding the occupation of dwellings on the site.

Members considered:

- That the sewerage system was completed and that the independent consultant engineer was satisfied with the work.
- That there was one outstanding breach of condition 18 – working outside of permitted hours – that needed to be investigated further.

## **DECISION**

That the case be considered resolved, and, that Charles Church Ltd be released from the legal undertaking as the sewerage system is now complete and fully operational.

## **21 REPLACEMENT OF TREES**

Councillor Blewett entered the meeting during this item.

Officers advised members that they wished to exercise a power under Section 207 of the Town and Country Planning Act 1990 that allowed notices to be issued requiring the replacement of trees that were subject to a tree preservation order and that had been removed, uprooted or destroyed.

Following consideration of the issues, members agreed that Officers would investigate changes to the Scheme of Delegated Powers. As this required changes to the Constitution, the Chief Executive/Monitoring Officer would need to be consulted.

The meeting closed at 10.17 am