



## NOTICE OF MEETING

<b>Meeting:</b>	<b>Planning Committee</b>
<b>Date and Time:</b>	<b>Wednesday, 9 October 2019 at 7.00 pm</b>
<b>Place:</b>	<b>Council Chamber, Civic Offices, Fleet</b>
<b>Telephone Enquiries to:</b>	<b>Mrs Sabrina Cranny, 01252 774131 <a href="mailto:committeeservices@hart.gov.uk">committeeservices@hart.gov.uk</a></b>
<b>Members:</b>	<b>Ambler, Blewett, Cockarill, Delaney, Kennett, Oliver (Chairman), Quarterman, Radley, Southern, Wheale, Worlock</b>

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

---

## AGENDA

**COPIES OF THIS AGENDA ARE AVAILABLE IN LARGE PRINT  
AND BRAILLE ON REQUEST**

- 1 At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- 2 The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording – please see our protocol on [Attending and Reporting Meetings](#).**

**1 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 11 September 2019 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 DEVELOPMENT APPLICATIONS**

To accept updates via the Addendum and to consider the planning report/schedule from the Head of Regulatory Services as attached. **Paper B**

**Date of Despatch: 1 October 2019**

*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 COMMITTEE

**Date and Time:** Wednesday, 11 September 2019 at 7pm

**Place:** Council Chamber, Civic Offices

**Present:**

## COUNCILLORS

Oliver (Chairman)

Ambler, Blewett, Crampton (substitute for Southern), Delaney, Kennett, Oliver, Quarterman, Wheale, Worlock

### Officers:

Emma Whittaker	Planning Manager
Tola Otudeko	Shared Legal Services
Adam Maskill	Tree Officer
Gill Chapman	Committee Services

## 13 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 10 July 2019 were confirmed and signed as a correct record.

## 14 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Cockarill and Councillor Southern, substituted by Councillor Crampton.

## 15 CHAIRMAN'S ANNOUNCEMENTS

None.

## 16 DECLARATIONS OF INTEREST

None declared.

## 17 OBJECTION TO TREE PRESERVATION ORDER (ORD/19/00003) REGARDING THE HECKFIELD WOODLAND TREE PRESERVATION ORDER, 2019

The Committee considered one letter of objection relating to a Tree Preservation Order (TPO) served on land adjacent to Heckfield Place.

Members considered the reduced area, whether there were any precedents (of Hampshire County Council getting its own way), and that Hampshire could, in the future, put in an application to fell some trees which would be considered on its own merits.

**DECISION**

That TPO ORD/19/00003 be confirmed with modifications to extent of WI as per the TPO Plan and Schedule.

**18 DEVELOPMENT APPLICATIONS**

Item No: 101 - 19/01442/HOU - 7 Broome Close, Yateley, GU46 7SY had been withdrawn prior to the meeting.

The meeting closed at 7.12 pm



## **1. INTRODUCTION**

This agenda considers planning applications submitted to the Council, as the Local Planning Authority, for determination

## **2. STATUS OF OFFICER'S RECOMMENDATIONS AND COMMITTEE'S DECISIONS**

All information, advice, and recommendations contained in this agenda are understood to be correct at the time of preparation, which is approximately two weeks in advance of the Committee meeting. Because of the time constraints, some reports may have been prepared before the final date for consultee responses or neighbour comment. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting or where additional information has been received, a separate "Planning Addendum" paper will be circulated at the meeting to assist Councillors. This paper will be available to members of the public.

## **3. THE DEBATE AT THE MEETING**

The Chairman of the Committee will introduce the item to be discussed. A Planning Officer will then give a short presentation and, if applicable, public speaking will take place (see below). The Committee will then debate the application with the starting point being the officer recommendation.

## **4. SITE VISITS**

A Panel of Members visits some sites on the day before the Committee meeting. This can be useful to assess the effect of the proposal on matters that are not clear from the plans or from the report. The Panel does not discuss the application or receive representations although applicants and Town/Parish Councils are advised of the arrangements. These are not public meetings. A summary of what was viewed is given on the Planning Addendum.

## **5. THE COUNCIL'S APPROACH TO THE DETERMINATION OF PLANNING APPLICATIONS**

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This means that any discussions with applicants and developers at both pre-application and application stage will be positively framed as both parties work together to find solutions to problems. This does not necessarily mean that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.

The development plan is the starting point for decision making. Proposals that accord with the development plan will be approved without delay. Development that conflicts with the development plan will be refused unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Local Plan taken as a whole; or
- Specific policies in the development plan indicate that development should be restricted.

Unsatisfactory applications will however, be refused without discussion where:

- The proposal is unacceptable in principle and there are no clear material considerations that indicate otherwise; or
- A completely new design would be needed to overcome objections; or
- Clear pre-application advice has been given, but the applicant has not followed that advice; or
- No pre-application advice has been sought.

## **6. PLANNING POLICY**

The relevant development plans are, the Hart District Local Plan including first alterations, retained Policy NRM6 of the South East Plan the Hampshire, the Odiham Neighbourhood Plan, the Rotherwick Neighbourhood Plan, the Winchfield Neighbourhood Plan, the Portsmouth, Southampton, New Forest National Park Minerals and Waste Core Strategy, and the saved policies of the Hampshire, Portsmouth and Southampton Minerals and Waste Local Plan.

Although not necessarily specifically referred to in the Committee report, the relevant development plan will have been used as a background document and the relevant policies taken into account in the preparation of the report on each item.

## **7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE**

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. Where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

The Government has also published the Planning Practice Guidance which provides information on a number of topic areas. Again these comments, where applicable, are a material consideration which need to be given due weight.

## **8. OTHER MATERIAL CONSIDERATIONS**

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. Relevant considerations will vary from circumstance to circumstance and from application to application.

Within or in the settings of Conservation Areas or where development affects a listed building or its setting there are a number of statutory tests that must be given great weight in the decision making process. In no case does this prevent development rather than particular emphasis should be given to the significance of the heritage asset.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act . The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

Matters that should not be taken into account are:

- loss of property value
- land and boundary disputes
- the impact of construction work
- need for development (save in certain defined circumstances)
- ownership of land or rights of way
- change to previous scheme
- or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks, means of escape in the event of fire etc.). - The fact that a development may conflict with other legislation is not a reason to refuse planning permission or defer a decision. It is the applicant's responsibility to ensure compliance with all relevant legislation.
- loss of view
- matters covered by leases or covenants
- property maintenance issues
- the identity or personal characteristics of the applicant
- moral objections to development like public houses or betting shops
- competition between firms,

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

## **9. PLANNING CONDITIONS AND OBLIGATIONS**

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.”

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under. In such cases the Council will use a condition rather than seeking to deal with the matter by means of a planning obligation.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

## **10. PLANNING APPEALS**

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. Reasons for refusal must be

- Complete,
- Precise,
- Specific
- Relevant to the application, and
- Supported by substantiated evidence.

The Council is at risk of an award of costs against it if it behaves “unreasonably” with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal
- Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable
- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage

- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations
- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn

Statutory consultees (and this includes Parish Council's) play an important role in the planning system: local authorities often give significant weight to the technical advice of the key statutory consultees. Where the Council has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. Where the statutory consultee is a party to the appeal, they may be liable to an award of costs to or against them.

## **11. PROPRIETY**

Members of the Planning Committee are obliged to represent the interests of the **whole** community in planning matters and not simply their individual Wards. When determining planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

## **12. PRIVATE INTERESTS**

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Covenants or the maintenance/ protection of private property are therefore not material planning consideration.

## **13. OTHER LEGISLATION**

Non-planning legislation may place statutory requirements on planning authorities, or may set out controls that need to be taken into account (for example, environmental legislation, or water resources legislation). The Council, in exercising its functions, also must have regard to the general requirements of other legislation, in particular:

- The Human Rights Act 1998,
- The Equality Act 2010.

## **14. PUBLIC SPEAKING**

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

Speakers are limited to a total of three minutes each per item for the Parish Council, those speaking against the application and for the applicant/agent. Speakers are not permitted to ask questions of others or to join in the debate, although the Committee may ask questions of the speaker to clarify representations made or facts after

they have spoken. For probity reasons associated with advance disclosure of information under the Access to Information Act, nobody will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

**15. LATE REPRESENTATIONS**

To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further or new representations no new additional information will be allowed to be submitted less than 48 hours before the Committee meeting, except where to correct an error of fact in the report. Copies of individual representations will not be circulated to Members.

**16. INSPECTION OF DRAWINGS**

All drawings are available for inspection on the internet at [www.hart.gov.uk](http://www.hart.gov.uk)

**Item No: 101**

**19/01970/CA**

**Page: 7 – 9**  
**No objection**

South Warnborough Lodge Lees Hill South Warnborough Hook Hampshire RG29 1RQ

Fell old beech tree.

---

**Item No: 102**

**19/01223/FUL**

**Page: 10 – 18**  
**Grant**

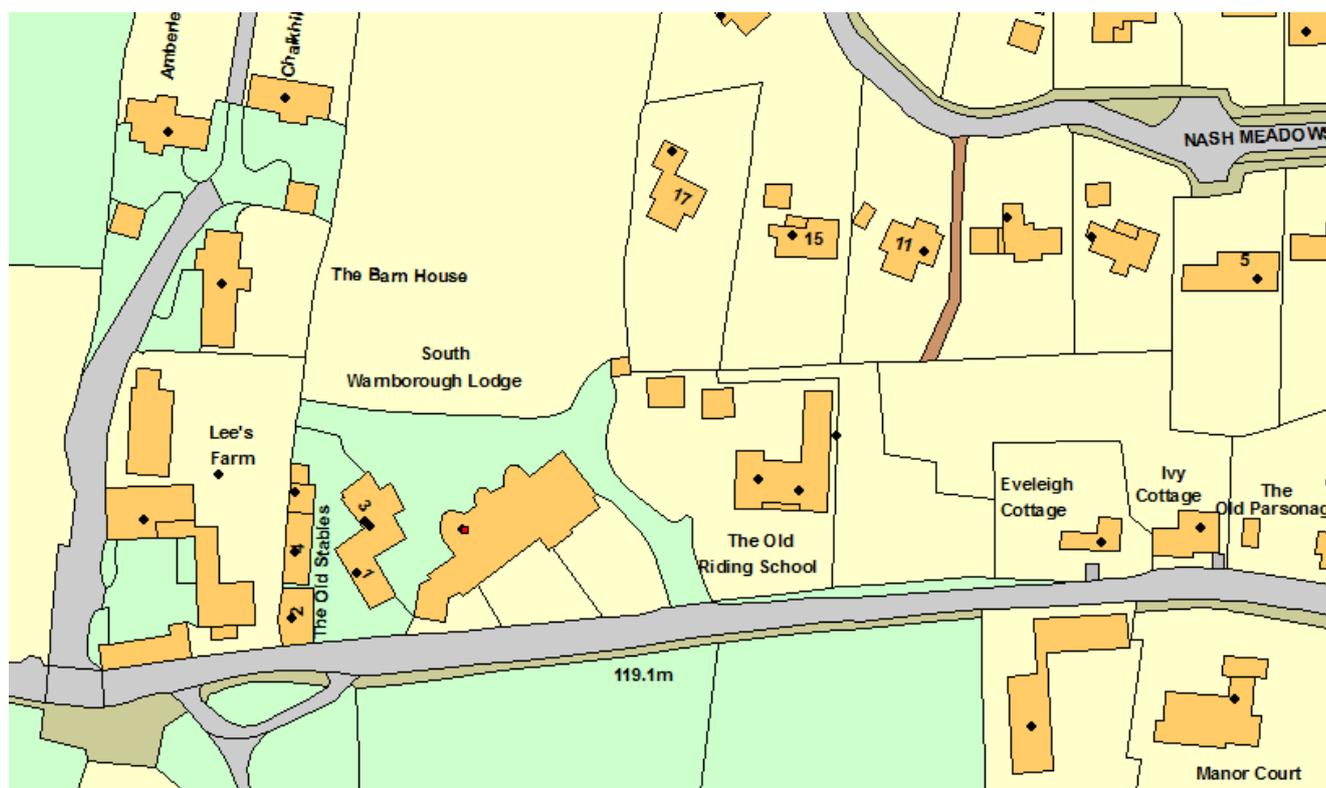
CO-OP 20 Kings Road Fleet Hampshire GU51 3AD

Installation of two new external cold rooms in car parking area, refuse storage and enclosure of existing yard area (Plant Layout and Plant Noise Impact Assessment received 30.07.2019).

---

**COMMITTEE REPORT  
ITEM NUMBER: 101**

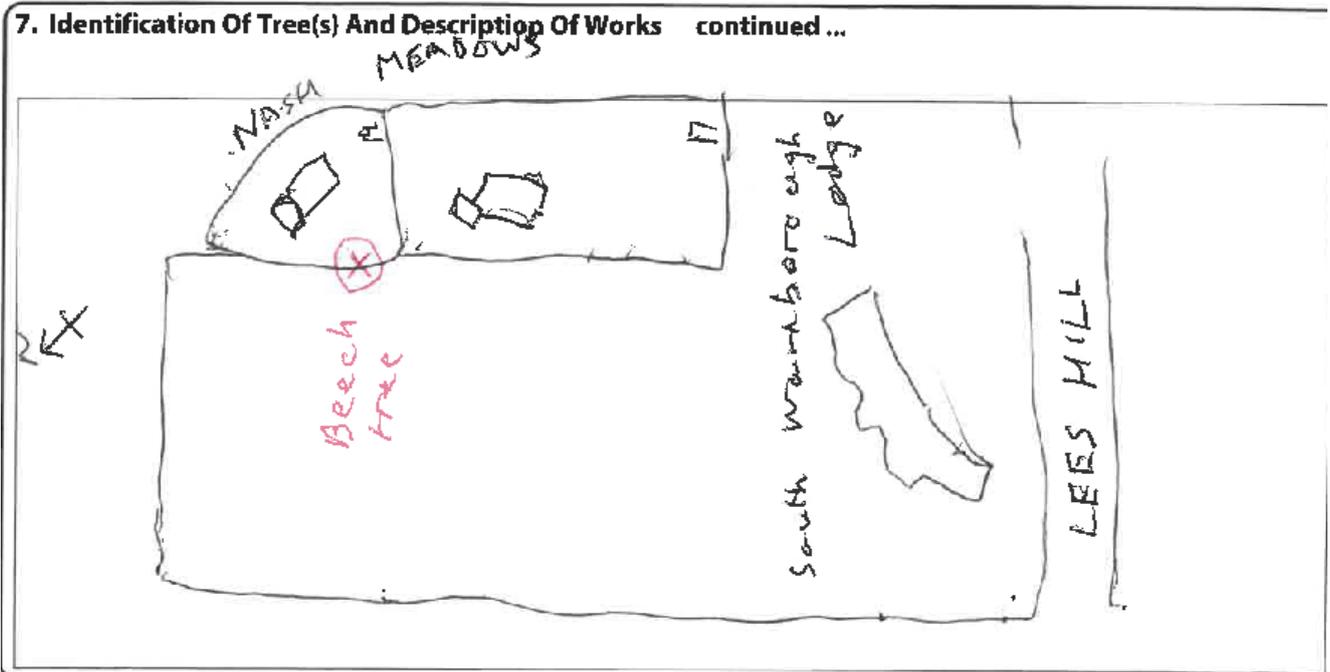
APPLICATION NO.	19/01970/CA
LOCATION	<b>South Warnborough Lodge Lees Hill South Warnborough Hook Hampshire RG29 1RQ</b>
PROPOSAL	Fell old beech tree.
APPLICANT	Mr John Kennett
CONSULTATIONS EXPIRY	
APPLICATION EXPIRY	14 October 2019
WARD	Odiham
RECOMMENDATION	<b>No Objection</b>



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. **Please Note: Map is not to scale**

---

Site Plan



## **Background**

The tree is protected by the South Warnborough Conservation Area. This s211 notice has been brought to Planning Committee as the applicant is a District Councillor. As such, officers do not have delegated authority to determine the application. In considering such notifications, the Council may allow the works to take place by raising no objection, prevent the works from taking place by serving a Tree Preservation Order, or negotiate an acceptable specification with the applicant.

## **Neighbour Comments**

None.

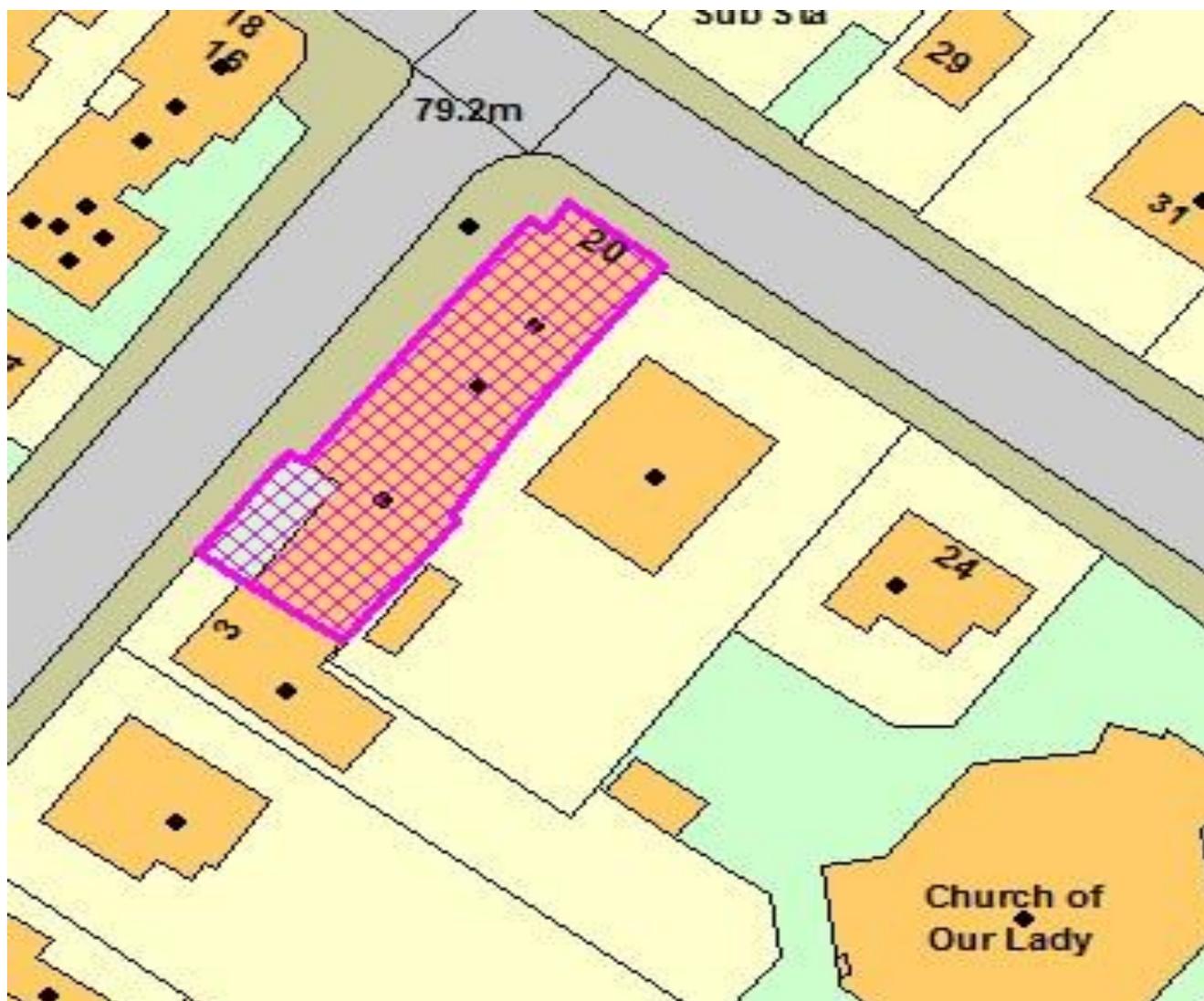
## **Considerations**

The notification mature Beech tree is located in the rear garden of no.19 Nash Meadows. Measuring approximately 29m in height with a crown spread of 18m and a DBH of 124cm. Upon inspection the upper canopy was displaying signs of die back coinciding with a number of large secondary branch failures throughout the canopy. One of the branches has destroyed the neighbouring fence. Significant colonisation of a parasitic fungus *Kretzschmaria deusta* were clearly apparent at the base of the tree. Often attributed to the ceramic-like failure of trees at the butt, frequently resulting in catastrophic failure. Due to the trees location in close proximity to the dwellings of no.19 and no.17 Nash Meadows it would be inappropriate to protect the tree with a Tree Preservation Order.

## **Recommendation - No Objection**

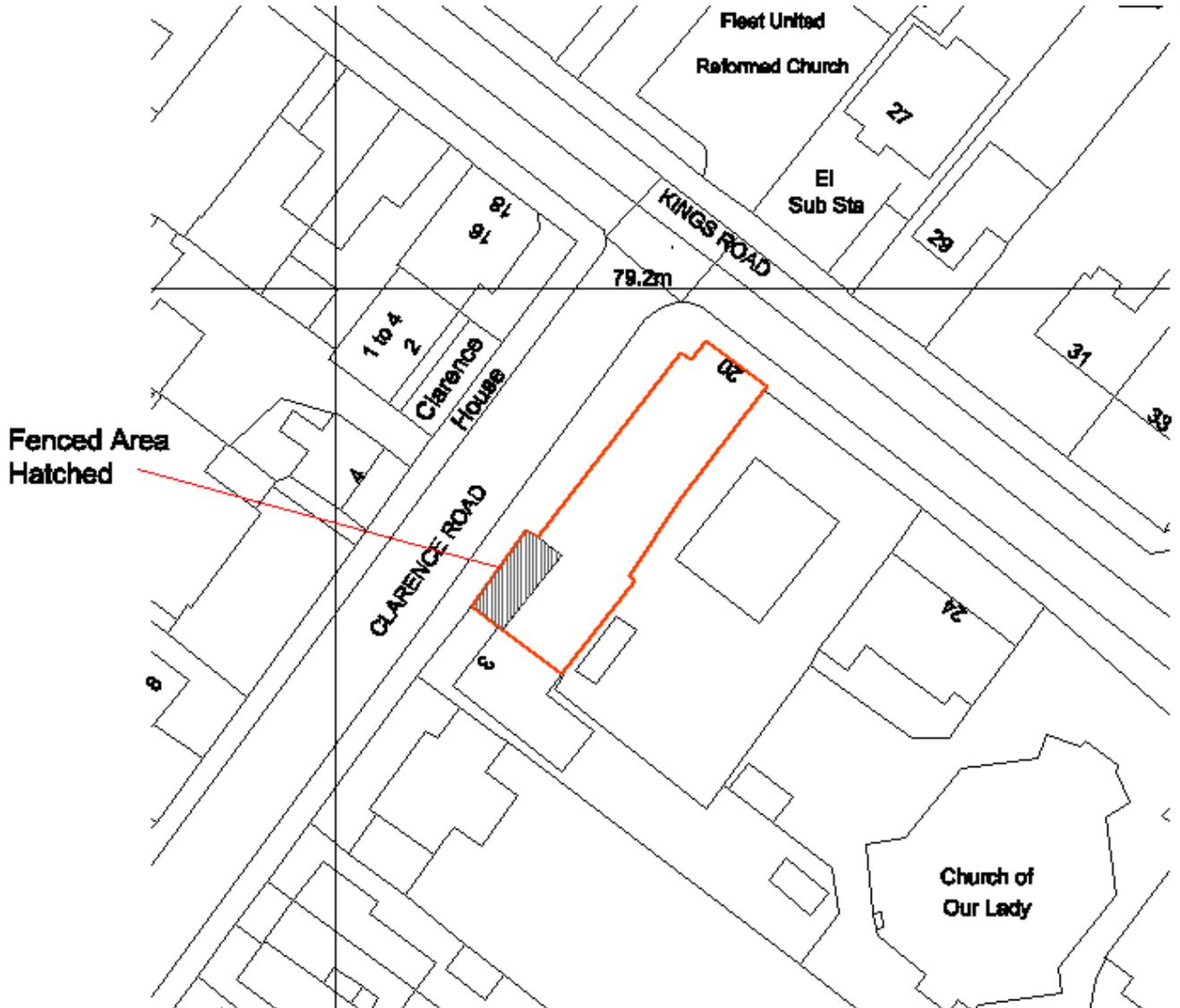
**COMMITTEE REPORT ITEM  
NUMBER: 102**

APPLICATION NO.	19/01223/FUL
LOCATION	<b>CO-OP 20 Kings Road Fleet Hampshire GU51 3AD</b>
PROPOSAL	Installation of two new external cold rooms in car parking area, refuse storage and enclosure of existing yard area (Plant Layout and Plant Noise Impact Assessment received 30.07.2019)
APPLICANT	C/O Agent Mr Christopher Jackson
CONSULTATIONS EXPIRY	21 August 2019
APPLICATION EXPIRY	8 August 2019
WARD	Fleet Central
RECOMMENDATION	<b>Grant</b>

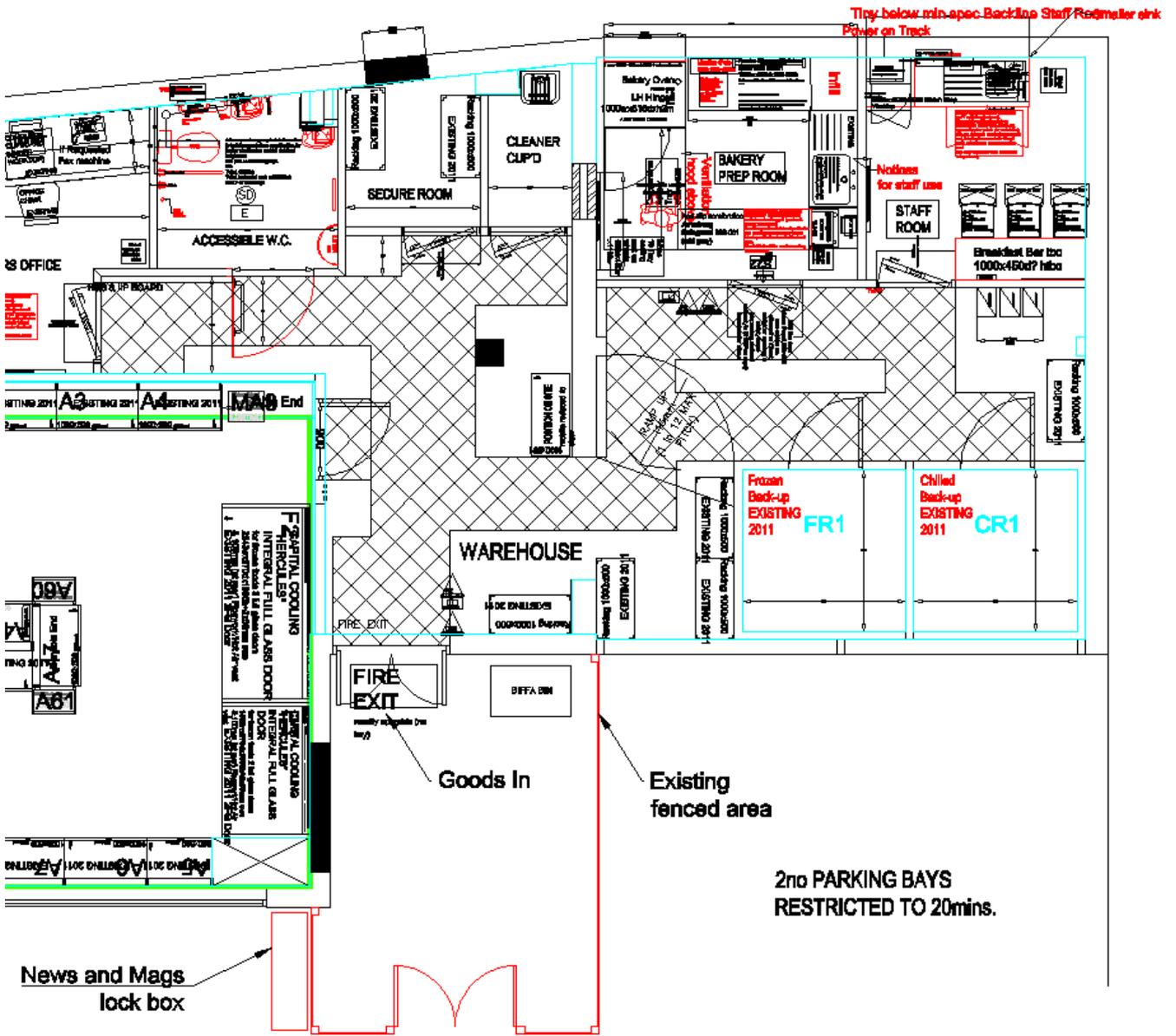


Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. **Please Note: Map is not to scale**

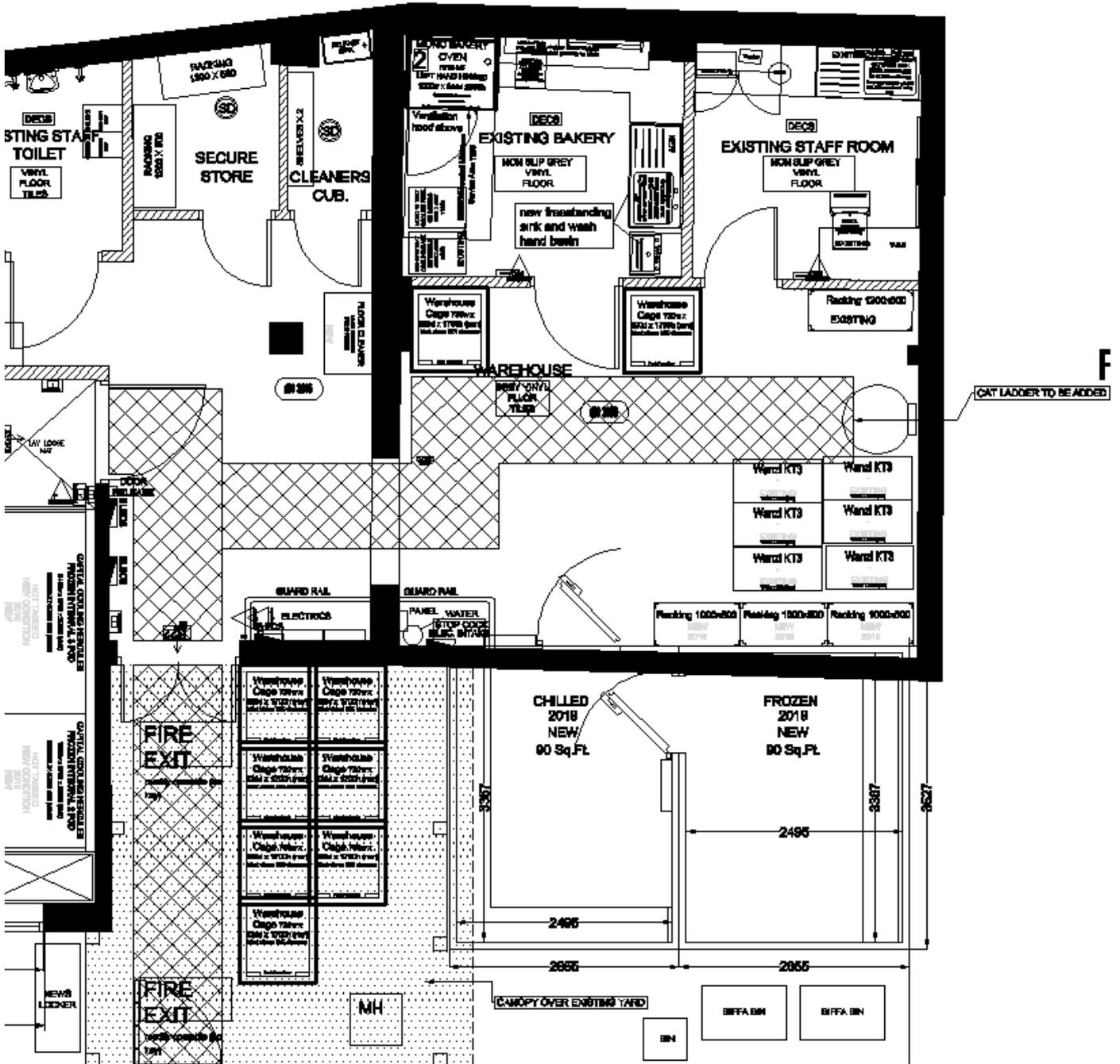
Block Plan



Existing Plans



Proposed Plans



## **Background**

A Ward Councillor requested referral of this application to Planning Committee so that Members can carefully consider the reduction in car parking and potential associated highways impacts, which is a particular concern to residents.

## **The Site**

The application site is located at the junction of Kings Road and Clarence Road in Fleet, to the south-west of Kings Road.

The site is occupied by a detached part three, part two and part single storey building occupied by a Co-operative food supermarket. The store has a quoted gross floor area of 284.6 square metres.

The application site is located within the defined settlement area of Fleet.

Surrounding development comprises a mix of residential, commercial and community facilities.

## **Planning History**

69/02948/F - Change of use of ground floor to shop from living accommodation - Refused 31.03.1969

69/02948/F1 - Change of use of ground floor & extension to shop - Approved 01.07.1969

70/02948/F3 - Erection of garage & storeroom - Approved 19.05.1970

72/02948/F4 - Change of use from shop with living accommodation to shop with self-contained flat - Approved 03.11.1972

73/02948/F5 - Change of use from storeroom over existing garage to new office & W.C - Refused 01.05.1973

73/02948/F6 - Change of use of flat to office accommodation - Refused 21.06.1973

78/05219/HD - Extension to form shop & garage - Approved 28.12.1978

79/06361/HD - Additional shop & garage accommodation - Approved 21.11.1979

11/00843/FUL - Replace existing shopfront and install new automatic sliding door. Increase width of opening at the rear and include an ATM in the shopfront. Form 2 new parking bays at the rear and fenced area. Doors and window blocked up as indicated on the submitted plan - Approved 24.05.2011

11/00844/FUL - Install mechanical plant within building at first floor level. Provide new attenuated louvres in existing window openings - Approved 06.07.2011

## **Proposal**

The application seeks permission to locate two new external cold rooms on the site of two existing on-site car parking spaces accessed from Clarence Road and an existing refuse storage area and for the enclosure of an existing yard area to create a storage area.

The two proposed cold rooms would be located alongside one another and each would have gross external dimensions of 2.655 metres by 3.367 metres and would have a height of 2.6 metres. The cold rooms would be located close to the boundary with 3 Clarence Road, a two-storey dwelling attached to the existing staff room, bakery and warehouse building serving the Co-Op unit.

To the north-east of the proposed cold rooms it is intended to provide an open-sided roofed enclosure to house warehouse cages and to provide a cover over the fire escape route. The yard would be roofed with a timber flat roof with felt finish supported on 6 timber posts. A new 1.8 metre high close boarded timber fence with a gate to the service yard would be provided to the back edge of the footway to Clarence Road to enclose the covered yard area and the forecourt area to the front of the cold rooms and this forecourt area would be used for bin storage.

## **Consultee Responses**

### **Fleet Town Council**

Loss parking, would result in loss of all on-site parking -Policy GEN1 vii), breaches original planning condition. There already exists on-street parking problems, especially during delivery periods and loss of onsite parking will only exacerbate this situation.

Cold rooms in immediate vicinity of the neighbouring house will have fans/generators in close proximity to bedroom windows. Equipment will operate 24 hours a day and will therefore subject the neighbours to unacceptable levels of noise at night.

Refuse store moved, not alternative arrangements provided.

### **Environmental Health (Internal)**

No objection, subject to the implementation of measures discussed in the Noise Report.

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

Whilst two car parking spaces will be removed from the site, there is a lay-by with 2 car parking spaces adjacent to the property, as well as on-street parking on neighbouring roads.

### **Neighbour Comments**

Four letters of representation have been received within the consultation period from three local residents (from Church Road and Clarence Road) and the Fleet & Church Crookham Society.

The concerns raised relate to loss of car parking and consequent highway safety concerns and additional noise nuisance.

A further letter of objection was received outside the consultation period also raising the above concerns.

### **Hart District Council Local Plan (Replacement) 1996 – 2006**

- |      |   |  |
|------|---|--|
| GEN1 | - | General policy for development         |
| GEN4 | - | General Design Policy                  |
| GEN6 | - | Policy for noisy, unneighbourly devel. |
| URB2 | - | Business Development - General         |
| URB6 | - | Expansion of Employment Uses           |
| URB9 | - | Retail Local Needs                     |
| T14  | - | Transport and Development              |

### **Other Material Considerations**

#### **Fleet Neighbourhood Plan 2018-2032**

Policy 10 - General Design Management  
Policy 19 – Parking

#### **Hart Local Plan: Strategy and Sites 2016-2032**

SDI - Sustainable Development  
ED4 - Town, District and Local Centres  
NBE10 - Design  
NBE12 - Pollution  
I3 – Transport

## **Considerations**

The main considerations in the determination of this application are considered to comprise the principle of the development, design issues, potential noise generation and car parking/highways safety considerations.

### Principle of Development

The application site is located within the defined settlement area of Fleet where there is a presumption in favour of sustainable development. The proposal relates to the expansion needs of a local business and to a site which has been in retail use for a number of years, although the current occupier only began trading from the site in 2011.

Policy URB9 of the Local Plan confirms that the provision or improvement of local shops to serve the day-to-day needs of local residents and workers will be permitted, subject to other policies of the Plan, where they are satisfactory in their siting and design, readily accessible to local people by means of transport other than the private car and would result in no material harm to residential amenity.

The principle of the development is therefore considered to be acceptable subject to consideration of other material issues discuss below.

### Design/ Appearance

The proposed cold rooms, yard enclosure and boundary fencing are functional in appearance, but the cold rooms would not be particularly intrusive in the street scene as they would be obscured from view by new close boarded fencing along Clarence Road and by the existing brick boundary wall between the application site and 3 Clarence Road.

Only a small part of the top of the structures would be visible from public viewpoints and would be viewed in the context of the existing two-storey flat roofed building with a large ventilation grille that is in use as a bakery, staff room, warehouse and plant room, and the single storey flat roofed retail unit. The roof to the covered yard area would be slightly higher than the cold rooms but would be lower than the flat roofed retail areas. Therefore the design/appearance would not affect the streetscene in a detrimental manner as the plant enclosures and canopy in timber represent adequate materials for the residential setting of Clarence Road.

### Impacts on Neighbours

One of the concerns originally raised in this regard by Council and local residents is the noise that would arise from the plant associated with the cold rooms, the necessary updates to the existing plant located at first floor at the rear of the subject premises and their implications with neighbouring residential amenity.

The applicant has submitted a plant noise report which has been assessed by officers from Regulatory Services. Officers have raised no objections to the installation of the proposed plant equipment despite its proximity to residential properties. This as a result of the low noise emissions that would arise from the proposed equipment as they would be within acceptable parameters and would not represent a nuisance for immediate neighbours (not even at night when background noise is lower).

Officers only recommend that all the measures considered in the report are fully implemented, as such a planning condition would be suggested as part of the recommendation of this planning application. Therefore, the noise that may be created by the proposed plant/machinery would not result in detrimental conditions for neighbouring residential amenity.

### Loss of Car Parking

The provision of two parking bays on the subject premises was granted planning permission (ref: 11/00843/FUL) in 2011. It is noted the planning permission does not contain any planning condition requiring future retention of the parking spaces and therefore they could be removed at any time by the applicant. Furthermore, the Highway Authority has been consulted and raised no objection on the basis that there is a lay-by for two vehicles adjacent to the subject premises as well as parking availability on neighbouring roads.

The four public representations received raise concerns about the loss of the 2 parking spaces stating that they are used throughout the day. It is worth pointing out that 5 spots checks by officers have been carried out at different dates throughout the processing of the application at business hours and have not revealed a high level of parking around the subject premises. Officers have only seen the spaces being occupied on one of the spot checks. The situation may change after business hours.

In practical terms, it is easier for any driver to park on the lay-by or along the road (on street parking spaces) to do their shopping than parking on the subject bays. There are on-street spaces provided close to the application premises in both Kings Road (restricted to 30 minutes on Mondays to Saturdays between 8am and 6pm) and Clarence Road (restricted to 30 minutes on Mondays to Saturdays between 9am and 5pm in the lay-by and to 1 hour on Mondays to Saturdays between 8am and 6pm along the street).

It is also noted that the two parking bays proposed for removal only allow parking for 20 minutes at the time (less than on street parking), they appear to be not deep enough to accommodate a family saloon car (with vehicles overhanging the pavement) and have poor visibility due to the presence of boundary fencing and walling to either side which severely restricts visibility of pedestrians approaching on either side of them.

The parking bays along Kings Road at either side of the subject site are some 25m away (on average) from the entrance doors and the parking bays along Clarence Road are 60m from the intersection with Kings Road.

In terms of unsafe parking around the intersection of Clarence Road and King Road, it is noted that the public highway is all marked with double yellow lines and therefore it is a matter for parking enforcement to address and not a planning consideration relevant to the assessment of this application.

Therefore taking all of the above into account, the loss of two substandard parking bays would not result in material impacts on on-street parking in the locality or the safe operation of the public highway. The subject retail premises are minor in scale and primarily serve the needs of residents in the locality who can potentially reach the premises by sustainable modes like walking or cycling and on this basis no conflict is found with save policies and the sustainable transport objectives of the NPPF.

## **Conclusion**

The development proposed would contribute to sustain the operation of the subject retail premises, which fulfil the needs of the local residents. Alterations and improvements to retail are supported by the saved policies referred to in this report. The proposal would integrate to the character and appearance of the retail unit and would not be a discordant addition to the mixed character/appearance of the area.

The installation of additional equipment and the noise that it would create has been assessed as being within acceptable levels which would not result in material impacts on neighbouring residential amenity.

The loss of two parking bays in this instance is deemed acceptable due to existing short-term parking provision in the locality, its availability, local parking controls and the fact that the subject premises are small in nature. Therefore, the proposed development would be in accordance to saved local policies, emerging local policies, the NPPF and all other relevant material considerations in this report.

## **Recommendation – Grant**

### **Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### **REASON:**

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following plans and documents:

3499.12 Rev. a (Block Plan), 3499.11 (Proposed Ground Floor & First Floor Plan), 300200252625-R5 Rev. A (CR3 Plant Layout) and Plant Noise Impact Assessment dated 9th May 2019 and produced by Noise Solutions Ltd.

**REASON:**

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

- 3 The resulting noise levels of the external plant hereby permitted as detailed in the approved Plant Noise Impact Assessment Report dated 9th May 2019 shall not be exceeded and the mitigation measures contained therein shall be fully complied with at all times with during the operation of the equipment.

**REASON:**

In the interest of residential amenity of neighbouring occupiers in the locality and to satisfy saved policy GEN1 of the Hart District Local Plan.

**Informatives**

- I. The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: The applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.

## **PLANNING COMMITTEE**

**Date and Time:** Wednesday, 9 October 2019 at 7pm

**Place:** Council Chamber, Civic Offices

**Present:**

### **COUNCILLORS**

Oliver (Chairman)

Ambler, Cockarill, Delaney, Kennett, Quarterman, Southern, Wheale, Worlock

### **Officers:**

Peter Lee	Planning Manager
Miguel Martinez	Planning Officer
Kevin Wale	Tree Officer
Debbie Berry	Shared Legal Services
Sabrina Cranny	Committee Services

## **19 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 11 September 2019 were confirmed and signed as a correct record.

## **20 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Radley and Councillor Blewett.

## **21 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that the next Planning meeting would be observed for a peer review. The aim would be to see how well Planning matters were being conducted. Members were invited to send any issues to Emma Whittaker.

## **22 DECLARATIONS OF INTEREST**

Councillor Kennett declared an interest. He confirmed he would not participate in Item 101 - 19/01970/CA as it referred to a tree on his property.

## **23 DEVELOPMENT APPLICATIONS**

Members accepted updates via the Addendum and considered the planning report from the Head of Regulatory Services as attached.

The meeting closed at 8.00pm

**HART DISTRICT COUNCIL  
DEVELOPMENT APPLICATIONS**

**Decisions/Recommendations 9 October 2019**

**Item No: I01 - 19/01970/CA - South Warnborough Lodge Lees Hill South  
Warnborough Hook Hampshire RG29 1RQ**

Fell old beech tree.

This application was brought to Committee as the applicant is a District Councillor.

Members considered the application and discussed the following:

- That no objections had been received from members of the public or the Parish Council.
- The position of the tree on the plan.
- If the tree was to fall it would crush two neighbouring houses.

**DECISION - NO OBJECTION**

**Notes:**

*Councillor Kennett left the room for this item, not participating in the debate or vote.*

**Item No: I02 - 19/01223/FUL - CO-OP 20 Kings Road Fleet Hampshire GU51  
3AD**

Installation of two new external cold rooms in car parking area, refuse storage and enclosure of existing yard area (Plant Layout and Plant Noise Impact Assessment received 30.07.2019).

A Ward Councillor requested referral of this application to Planning Committee so that Members can carefully consider the reduction in car parking and potential associated highways impacts, which is a particular concern to residents.

Members considered the application and discussed the following:

Noise

- Environmental Health had reviewed the submitted noise survey and advised the noise level associated with the proposed development would be acceptable.
- Consideration was given to how much noise the new units would generate. A proposed condition was considered to be appropriate and enforceable.

Parking

- What the parking situation was prior to the two spaces being allocated to the CO-OP.
- The Kings Road is busy as is the CO-OP.

- Hampshire Highways have raised no objections.
- There are no planning conditions in previous permissions stating that the two parking spaces have to be retained.

#### Machinery

- The exact location of the proposed new machinery was discussed.

Members voted on the application:

FOR: Ambler, Cockarill, Kennett, Oliver, Quarterman, Southern (6)

AGAINST: Wheale (1)

ABSTAINED: Delaney, Worlock (2)

The recommendation was therefore carried.

**DECISION – GRANT** as per Officer recommendation, with the addition of an Informative relating to proposed extract equipment associated with the development.

#### Conditions

- 1 The development hereby permitted shall be begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following plans and documents:

3499.12 Rev. a (Block Plan), 3499.11 (Proposed Ground Floor & First Floor Plan), 300200252625-R5 Rev. A (CR3 Plant Layout) and Plant Noise Impact Assessment dated 9th May 2019 and produced by Noise Solutions Ltd.

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

- 3 The resulting noise levels of the external plant hereby permitted as detailed in the approved Plant Noise Impact Assessment Report dated 9th May 2019 shall not be exceeded and the mitigation measures contained therein shall be fully complied with at all times with during the operation of the equipment.

Reason: In the interest of residential amenity of neighbouring occupiers in the locality and to satisfy saved policy GEN1 of the Hart District Local Plan.

#### Informatives

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: The applicant was advised of the necessary information needed to process the application and,

once received, the application was acceptable and no further engagement with the applicant was required.

- 2 The applicant is reminded any external alterations to the plan room, to accommodate larger louvres or other openings associated with additional internal equipment to support the cold rooms hereby approved, are not covered by this planning permission. They would be the subject of a further application for planning permission.

*Notes:*

*Mr West spoke against the recommendation.*