Summary

1 This Report

Is intended to:

1.1 Report additional information relating to applications reported on the agenda for the Development Control Committee.

1.2 Set out details of people who have requested the opportunity to address the Committee.

2 Recommendation

It is recommended that:

2.1 This ‘Update Paper’ is received by the Development Control Committee as additional, relevant information for the determination of planning applications on the agenda.
DETAIL/MAIN CONSIDERATIONS

3 Background Information

3.1 Planning applications are reported to the Committee as soon as possible after the end of the consultation period. However, responses to consultations, amended plans or additional relevant information may be received after the reports are written but before the Committee meeting. This information is reported in this 'Update Paper' and will be referred to by the officer presenting the report.

4 Current Situation

4.1 Information received by the Case Officers before 10.00am today is included in this report. Any information received after 10.00am may be included but is more likely to be reported orally.

5 Financial, Legal and Personnel Implications

5.1 These are as reported on the main agenda papers unless specifically mentioned.

6 Environmental and Sustainability Considerations

6.1 These are as reported on the main agenda papers unless specifically mentioned.
**BASINGSTOKE AND DEANE BOROUGH COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE 08/08/2018**

**UPDATE**

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<td>1</td>
<td>17/02666/FUL</td>
<td>Land South Of Berry Court Solar Farm, New Road, Little London Pamber And Silchester</td>
<td>Cllr Marilyn Tucker Cllr Roger Gardiner</td>
<td>Refuse and Enforce</td>
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**Agenda Page:** 139  
**Officer Presenting:** Patricia Logie

**Parish/Town Council:** Mr P Kingston  
**Objectors:** Mr D O’Donnell, Mr R Lissman  
**In Support:** Mr D Snook, Mr I Lasseter  
**Ward Councillor:** Councillor Gardiner

**Update**

From 01/08/2018 the following Supplementary Planning Documents will be used to determine planning applications:

- Parking Supplementary Planning Document  
- Housing Supplementary Planning Document  
- Design and Sustainability Supplementary Planning Document

As a result the following SPD's of relevance to this application have been withdrawn:

- Design and Sustainability SPD, including updates and appendices (2012)

The application has therefore been reassessed in light of these new SPD's. There is no change in terms of the assessment in relation to the principle of development, layout or design. The advice contained in this document would not alter the recommended reasons for refusal in this instance.

**Community Infrastructure Requirements**

Policies of the Local Plan and the accompanying Planning Obligations for Infrastructure SPD (March 2018) seek to ensure that development does not result in an adverse effect on existing infrastructure, and makes appropriate provision to
mitigate documented impacts. It is therefore common to anticipate that development would by way of Obligation (legal agreement) make appropriate provision/improvements in line with the advice provided within the NPPF. In this regard, the proposal has been considered having consideration to the Community Infrastructure Levy (CIL) which was implemented from the 25th June 2018. The required forms have been submitted for CIL contributions to be calculated if applicable. From these forms, it would appear that the development would be exempted given the proposal has not met any of the triggers.

Public Observations

2 additional letters of objection. One from the Chair of Pamber Neighbourhood Plan.

- Photographs of the site provided prior to the change of use and creation of bunding.
- The bunds are having an adverse effect on the boundary trees and hedges.
- The bunds have potential to contain harmful materials.
- The development would be harmful to the character and appearance of the area and would block strategic views across the countryside.
- The development would erode the green space in the countryside.

Comments from the Applicant’s Agent on the report

1. Reason 2 refers to Biodiversity and the report states that the Biodiversity Officer highlights a potential issue with bats due to the security lights. However, in his comments, the Biodiversity Officer made no reference to bats. It should also be noted that the style of lights were recommended by specialist ecologists.

2. The report states that the track and the access to the site have been created to serve the site. That is not true. Both the track and the access are long-established, previously giving access to the stables and paddock when the site was used for the keeping of horses. This is clearly seen in aerial photographs dating back to at least 2005.

3. The report also wrongly asserts that the bunds were formed as a precursor to the proposed storage site. That is not correct. The bunds were formed for security reasons only and as a separate operation. Approval was then given for the formation of an agricultural compound, including a large area of hardstanding which was approved in 2016.

4. Shortly after they were formed, the bunds were inspected by the enforcement officer who confirmed they fell within PD rights. He has recently confirmed this to the applicant’s agent. They are a means of enclosure permitted under Part 2 Class A.

5. The officer states the bunds are not a means of enclosure, but those who visited on Friday will have seen that they clearly fulfil that function.

Viewing Panel

Members viewed the site and were met by the agent and the owner. The chair of the Parish Council was also in attendance. Members observed the areas for access and parking of caravans and the relationship to both the track and to Bramley Road and
observed that the fencing existed on the bund.

Members noted the bunding and asked a procedural question; as the bunds were not in the description of development could they be removed if the application was approved, and a condition placed on any approval to secure boundary details. They had noted the concern raised by the Tree officer.

The agent on site stated that the track to the site was existing and that about 90 caravans were situated on site.

The question of vehicular movements was raised and the agent stated that the 90 caravans created about 300 vehicular movements per year.

**Officer Comments**

In relation to the 2 additional letters these do not raise any new comments that are not covered in the main papers. It is noted that one of these letters is from the Chair of the Pamber Neighbourhood Plan as the site is within the red line of the emerging Pamber NP. Given the emerging status of the Pamber NP it has little weight within the planning balance.

With regard to the issues raised by the Applicant’s agent these are covered in turn below.

1) *Reason 2 refers to Biodiversity and the report states that the Biodiversity Officer highlights a potential issue with bats due to the security lights. However, in his comments, the Biodiversity Officer made no reference to bats. It should also be noted that the style of lights were recommended by specialist ecologists.*

Response: The officer also noted that the lighting issue had not been discussed within the Biodiversity response and when drafting the report discussed with the biodiversity officer. Below is extracts from that conversation;

Response to question if the lights would have an impact;

‘Dependent on the type of lighting and the strength of the lighting this scheme will have a direct adverse impact on key species bats and nocturnal species such as owls that hunt at dusk and will be utilising the hedgerow habitat corridors and the surrounding woodland. There are lots of bat records in the immediate area.’

After asking for opinion of the type and location of the lights proposed;

‘From the looks of these they might well be. I can’t see any cowling on them and at 4 metres in height the spread is going to be pretty large, the other question I would ask is do they have timers or sensors on them, or are they on continually?’

Response that they are motion sensitive and asked could bats set them off;

‘That really depends on the lighting, the motion sensor and its specification and sensitivity. Some do some don’t.’
Response to whether to include biodiversity as a reason for refusal:

‘There is not enough information to say what mitigation may be possible or necessary. On the timing point bats can be flying right up to October so there may definitely be impact in the autumn and also in the spring when nights are longer and bats are still flying. The other issue is we don’t know if these lights are impacting any roosts.’

Officers have spoken to the Biodiversity team to see if statement 1 has any impact on the reason for refusal and they have confirmed that it does not but would also suggest including the words ‘nocturnal wildlife’ as the impact may not be limited to bats. Reason for refusal 2 is therefore proposed to read;

Reason for Refusal 1
It has not been demonstrated that the application does not have a detrimental impact on local biodiversity (nocturnal wildlife) by the introduction of motion activated security lighting within close proximity of trees / hedgerows where bats have been recorded. No overriding public interest for the development has been made. The application is therefore considered contrary to Section 15 of the NPPF (2018) and Policy EM4 of the Basingstoke and Deane Local Plan 2011 - 2029 and Natural Environment and Rural Communities Act 2006.

2) The report states that the track and the access to the site have been created to serve the site. That is not true. Both the track and the access are long-established, previously giving access to the stables and paddock when the site was used for the keeping of horses. This is clearly seen in aerial photographs dating back to at least 2005.

Response: Officers visited the site in relation to application 16/01901/FUL on 01.08.2016 and photographs were taken. At this time the solar farm was complete and the reinstatement required by condition 3 of the 2015 solar farm permission had taken place (discussed on page 165 of the main papers). A photograph of this area will be displayed at the meeting.

In addition internet satellite images for the site do not demonstrate a track or access north of the hedgerow, but do show a track south of the hedgerow leading from the gate to the structure. An image will be displayed at the meeting.

With regard to the access this is discussed in the main papers on page 164 and the image referenced in the last paragraph will be shown at the meeting.

Officers consider that the track and access as currently provided are not long established. If there was a track or access (which is not evidenced) then it would have been inform and not levelled and surfaced.

3) The report also wrongly asserts that the bunds were formed as a precursor to the proposed storage site. That is not correct. The bunds were formed for security reasons only and as a separate operation. Approval was then given for the formation of an agricultural compound, including a large area of hardstanding which was approved in 2016.
Response: The agricultural prior determination is discussed at page 164 of the main papers. The bunds and hard surface were not ‘existing’ at this time but were under construction. Photographs from the officer site visit taken on 13.10.2016 in relation to 16/03922/AGPD will be displayed at the meeting.

It is noted that the applicant is now stating that the use of the land at the time of the agricultural prior determination was not agricultural.

Page 162 – 164 of the main papers discussed why the LPA consider that the bunds needed planning permission, whether the use of the land was agricultural or equestrian.

In addition this description of development proposed for the agricultural prior determination was for the building only (see page 146 of the main papers). No agricultural compound was approved.

The response to the planning contravention notice (PCN) details gates and fencing being invoiced in August 2016 and 120m of fencing in November 2016; Invoices for Shingle in June 2016, reject chalk August and November 2016, ballast November 2016, road plainings November 2016, Hedges December 2016


Application 16/03922/AGPD was approved on 17 November 2016.

These invoices show that the site was being worked on in 2016/2017, with the bunds under construction in October 2016 and the May 2017 rough chalk and road plainings would be to create the enlarged surface and the application form states that the existing use started on 1 June 2017.

It may not have been the intention at the time that the bunds were first started but the PCN responses state that the applicant ‘changed his mind when he found out that the use of the land wasn’t agricultural / Previously Developed land’. The LPA do not consider that it has been demonstrated that the bunds were completed as a separate operation and an agricultural compound established, and then a second phase of development commenced for the proposed use, the operational development would appear to have been continuous with no material break or use commenced between when the site was a field and the use that is taking place at the moment.

4) Shortly after they were formed, the bunds were inspected by the enforcement officer who confirmed they fell within PD rights. He has recently confirmed this to the applicant’s agent. They are a means of enclosure permitted under Part 2 Class A.

There have been a number of enforcement investigations on the holding. In relation to the enforcement investigation that was opened in relation to the alleged breach at this site the description of the breech was as follows;

‘Material change of use of land from agricultural to caravan storage, including laying of hardstanding and erection of fencing, without planning permission.'
Erection of earth bund without planning permission.’

The case was closed when a valid planning application was submitted and no record is on the file of the enforcement team stating that the bunds were permitted development.

Bunds have been erected elsewhere on the holding s and there are records there of the enforcement team stating that they are permitted development in this other location.

Notwithstanding this if an informal officer comment was given it is not the formal decision of the council and would not stop the council from taking action against them if considered expedient. The main papers consider the issue of whether the bunds require planning permission, having established the facts for this site, and conclude that they did (page 162).

5) The officer states the bunds are not a means of enclosure, but those who visited on Friday will have seen that they clearly fulfil that function.

Page 163 of the main papers states ‘For these reasons, as a matter of fact and degree, the bund encloses the land.’

This is not disputed and the bund does have the function of enclosure.

The second part of the test is in the words “or other means of enclosure” are governed by the ejusdem generis rule (of the same kind), so that the means of enclosure must be similar to a gate, fence or wall.

The report goes on to state; ‘By reason of its nature and scale the bund bears little resemblance to and is a very different form of enclosure to a wall, fence of gate and therefore as a matter of fact and degree the bund would not be ‘an other means of enclosure’ and therefore falls outside the scope of development that is permitted by Class A of Part 2 of the GPDO.’ (my emphasis)
Update

From 01/08/2018 the following Supplementary Planning Documents will be used to determine planning applications:

Parking Supplementary Planning Document  
Housing Supplementary Planning Document  
Design and Sustainability Supplementary Planning Document

As a result the following SPD’s of relevance to this application have been withdrawn:

Affordable Housing SPD (2007)  
Design and Sustainability SPD, including updates and appendices (2012)  
Housing Mix and Lifetime Mobility Standards SPD (2007)  
Residential car parking standards (2008 with updates in December 2012)

The application has therefore been reassessed in light of these new SPD’s. There is no change in terms of the assessment in relation to the principle of development, however the Design and Sustainability and Parking SPD’s do have an implication in terms of design, layout, materials and the size of parking spaces, this is dealt with in more detail below.

The proposed site plan shows parking for the residents of the proposed dwelling. Since the adoption of the Parking SPD, these spaces would no longer accord with the space standards. The proposed external spaces shown measure 2.8m x 5m however this would now fall below the required 2.7m x 5.2. Notwithstanding this, it is considered that should the application be approved, space within the site exists which could accommodate increased parking space sizes. Details of this could be secured via condition if the application were to be approved and as such it is not considered that these matters would warrant an additional reason for refusal.

Design guidance within the new Design and Sustainability SPD is relevant to this
element of the scheme. The relevant sections of this guidance include Sections 8 and 9. The guidance contained within this document would not alter the recommended reason for refusals in this instance.

Three additional letters of representation have been received and are summarized below:

Support (1 letter)

- The new NPPF within paragraph 61 sets out that planning policies should reflect the varied needs of the community, including those with disabilities.
- Paragraph 79 supports the creation of new dwellings for those who have an essential need for rural workers, including those taking majority control of a farm business.
- The council is under providing on it housing delivery and windfall sites are a good way to make up this short fall.
- The design would significantly enhance its immediate setting.

Objection (2 letters)

- Photographs of the site provided prior to the change of use and creation of bunding.
- The bunds are having an adverse effect on the boundary trees and hedges.
- The bunds have potential to contain harmful materials.
- The development would be harmful to the character and appearance of the area and would block strategic views across the countryside.
- The development would erode the green space in the countryside.

Viewing Panel

Members viewed the site and were met by the agent and the owner. The chair of the Parish Council was also in attendance. Members observed the entrance of the site and the location of the proposed house and parking was pointed out to them along with the constraints of the site and the relationship with the adjoining site.
Update

From 01/08/2018 the following Supplementary Planning Documents will be used to determine planning applications:

Parking Supplementary Planning Document
Housing Supplementary Planning Document
Design and Sustainability Supplementary Planning Document

As a result the following SPD’s of relevance to this application have been withdrawn:

Affordable Housing SPD (2007)
Design and Sustainability SPD, including updates and appendices (2012)
Housing Mix and Lifetime Mobility Standards SPD (2007)
Residential car parking standards (2008 with updates in December 2012)

The application has therefore been reassessed in light of these new SPD’s. There is no change in terms of the assessment in relation to the principle of development, however the Design and Sustainability and Parking SPD’s do have an implication in terms of design, layout, materials and the size of parking spaces, this is dealt with in more detail below.

The proposed site plan shows parking for the residents of the terraced cottages, including a garage. Since the adoption of the Parking SPD, these spaces would no longer accord with the space standards. The proposed external spaces shown measure 2.5m x 5m however this would now fall below the required 2.7m x 5.2. Similarly, the proposed double garage would not meet the required internal 6.6m width by 7m length as required by the standards, being only 5.4m x 5.5m. Notwithstanding this, it is considered that should the application be approved, space within the site exists which could accommodate the increased parking space sizes.

Details of this could be secured via condition if the application was recommended for approval and as such it is not considered that these matters would warrant an
additional reason for refusal.

The poor design of proposed detached dwelling forms part of the second reason for refusal for the application. Design guidance within the new Design and Sustainability SPD is relevant to this element of the scheme. The relevant sections of this guidance include Sections 8 and 9. The guidance contained within this document would not alter the recommended reason for refusal in this instance, in terms of the detached dwellings design.

A further letter of objection has been received, and is summarised below:

- Large Red Line shown on the Location Plan, the housing of sewage treatment works would see the loss of further arable/agricultural land.
- Binley has poor reception for mobile phones and Broadband. This makes working from home challenging.
- If approved, the proposals may set a president for other similar development within Binley.

Viewing Panel

Members viewed the site and were met by the agent and the applicants. The Chair of the Parish Council was also in attendance. The Councillors observed the entrance to the new terraced housing and the positions were outlined to them.

The location of the detached house was pointed out to them and also the relationship between this and the existing structure on site. The area of garage parking was also outlined and the location of the proposed garage and entrance this site from the adjoining track/house.

The Parish Chair stated that they supported the application as it provided social housing. Clarification was sought whether neighbourhood plan showed this need and suggested sites for social housing.

Officer Comment

The main papers discuss the need for the housing at page 201 and affordable housing at 204 - 207.

The reference to the NPPF was omitted from the reason for refusal 2 and it should read:

2) The proposed design of the detached dwelling by virtue of its elevated siting, layout, detailing, scale, bulk and massing would not be sympathetic to the rural character and visual quality of this countryside location and would not respect or enhance the landscape setting. Therefore in this regard, the proposal does not represent a high quality development and is contrary to Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and P1(d) of the St Mary Bourne Neighbourhood Plan 2016-2029 and the National planning Policy Framework (2018).
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<td>Land At Court Drove,, Court Drove, Overton Overton, Laverstoke And Steventon</td>
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**Agenda Page:** 223  
**Officer Presenting:** Mark Fletcher

**Update**

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- Parking Supplementary Planning Document
- Housing Supplementary Planning Document
- Design and Sustainability Supplementary Planning Document

As a result the following SPD's of relevance to this application have been withdrawn:

- Affordable Housing SPD (2007)
- Design and Sustainability SPD, including updates and appendices (2012)
- Housing Mix and Lifetime Mobility Standards SPD (2007)
- Residential car parking standards (2008 with updates in December 2012)
- Basingstoke Environmental Strategy for Transport (BEST) (1999)

The application has therefore been reassessed in light of these new SPD's. There is no change in terms of the assessment in relation to the principle of development, layout, design, affordable housing but the Parking SPD does have an implication in terms of the size of parking spaces in particular, and this is dealt with in more detail below.

More generally, the change in SPD's requires the following reasons for approval have been updated:

4. The proposed development would provide 40% affordable housing units to meet an identified need. As such the proposal therefore complies with the National Planning Policy Framework 2018, Policies CN1 and CN6 of the Basingstoke and Deane Local Plan 2011-2029 and the Housing Supplementary Planning Document July 2018.

5. The proposed development would not result in any undue loss of privacy or cause undue overlooking, overshadowing, or overbearing impacts to existing neighbouring properties and as such would comply with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029 and Section 10 of the Design and Sustainability Supplementary Planning Document July 2018.
The development would provide a safe and suitable access and would not cause an adverse impact on highway safety and adequate parking would be secured to serve the proposed development and as such the proposal therefore complies with the National Planning Policy Framework 2018, Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029 and the Parking Supplementary Planning Document July 2018.

Conditions 12 and 13 have also been updated to refer to the relevant SPD as follows:

12 No dwelling hereby approved in full (plots 6, 7, 9, 10, 11, 12, 13 and 14) shall be occupied until provision for the turning, loading and unloading, and the parking of vehicles and cycles has been made within the areas of the development approved in full and the areas of land so provided shall not be used for any purpose other than for the turning, loading and unloading and parking of vehicles and cycles.

**REASON:** In the interests of highway safety and to ensure convenience of arrangements for refuse collection in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029 and the Design and Sustainability Supplementary Planning Document July 2018 and the Parking Supplementary Planning Document July 2018.

13 No dwelling hereby approved in full (plots 6, 7, 9, 10, 11, 12, 13 and 14) shall be occupied until provision is made on-site of the refuse and recycling storage and collection facilities within each plot. All dwellings shall provide for 1 number 140ltr refuse 2-wheeled bin, 1 number 240ltr recycling 2-wheeled bin and 1 number glass recycling box within their respective curtilages with a transit route between the storage and collection point not more than 15 metres carrying distance from the carriageway. The areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter maintained in accordance with the approved details.

**REASON:** In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and of the Design and Sustainability Supplementary Planning Document July 2018.

As mentioned above, of particular relevance to this proposal is the Parking SPD in relation to the full planning application element of this hybrid application (affecting plots 6 - 14). Whilst there is no change to the parking requirement (2 spaces per unit which had been met) the size of the spaces has changed to 2.7m wide by 5.2m in length. The parking for these properties is shown as within the curtilage.

The agent has assessed the plans against these updated dimensions and has confirmed that the spaces for plots 9-14 have been increased slightly to meet the new requirement, and amended plans have been submitted to reflect this. There is also adequate space within the outline self-build element for the parking indicated. The Design Code and Design and Access Statement have also been amended to reflect the new SPD’s. As a result of these amendments condition 1 is amended as follows:
1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan 570/001 P3
Site Plan 570/005 P6
Site Proposal 570/009 P6
Landscape Plan 570/014 P6
House Plans Plots 6 & 7 570/022 P4
House Plans Plots 9 & 10 570/024 P3
House Plans Plots 11 & 12 570/025 P4
House Plans Plots 13 & 14 570/026 P4
Bins and Bike Storage Plan 570/040 P1
Site Sections A, B and C 570/007 P6
Site Sections D and E 570/008 P5
Design and Access Statement 570/PM dated 7 August 2018
Phase II Ground Investigation Report Reference: 16505/GIR
Dormouse Survey Report dated November 2017 by Hampshire Ecological Services Ltd
Ecological Appraisal Report dated July 2017 by Hampshire Ecological Services Ltd
Self-build design code Revision P3 received 07/08/18
Transport Statement Part 1 BH/ITB12546-001B R
Transport Statement Part 2 (appendices)
Swept Path Analysis ITB12546-GA-00 Rev D
Arboricultural Implications Assessment and Method Statement 17895 - AIA 2 by Ecourban Ltd dated 20 May 2018
Drainage strategy & sustainable drainage management and maintenance plan Issue E by Monson Engineering Ltd
Drainage Layout Plan 8554/300 Issue D
Surface Water Drainage Layout 8554/301 Issue D

REASON: For the avoidance of doubt and in the interests of proper planning.

The following additional informative is added to address CIL requirements:

12. With regards to the outline element of this application the following applies:
The development hereby approved results in the requirement to make payments to the Council as part of the Community Infrastructure Levy (CiL) procedure. A Liability Notice setting out further details and including the amount of CiL payable will be sent out separately with any subsequent Reserved Matters Approval. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the Council prior to the commencement of development. Failure to submit the Commencement Notice prior to the commencement of development will result in the loss of any exemptions claimed; the loss of any right to pay by instalments; and additional costs to you in the form of surcharges. Further details can be viewed at https://www.basingstoke.gov.uk/community-infrastructure-levy

With regards to the full element of this application the following applies:
The development hereby approved results in the requirement to make payments to the Council as part of the Community Infrastructure Levy (CiL) procedure. A Liability Notice setting out further details and including the amount of CiL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice
and ensure that a Commencement Notice is submitted to the Council prior to the commencement of development. Failure to submit the Commencement Notice prior to the commencement of development will result in the loss of any exemptions claimed; the loss of any right to pay by instalments; and additional costs to you in the form of surcharges. Further details can be viewed at https://www.basingstoke.gov.uk/community-infrastructure-levy

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<td>5</td>
<td>18/00732/HSE</td>
<td>28 Priory Gardens, Old Basing, RG24 7DS</td>
<td>Cllr Onnalee Cubitt Cllr Sven Godesen Cllr Paul Gaskell</td>
<td>Approve</td>
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**Agenda Page:** 265

**Officer Presenting:** Mark Fletcher

**Parish/Town Council:** Chris Fowler

**Objectors:** Mr J Poole, Mr P Watson

From 01/08/2018 the following Supplementary Planning Documents will be used to determine planning applications:

- Parking Supplementary Planning Document
- Housing Supplementary Planning Document
- Design and Sustainability Supplementary Planning Document

As a result the following SPD’s of relevance to this application have been withdrawn:

- Design and Sustainability SPD, including updates and appendices (2012)
- Residential car parking standards (2008 with updates in December 2012)

**Officer Comments**

The application has therefore been reassessed in light of these new SPD's. There is no change in terms of the assessment in relation to the principle of development and design but the Parking SPD does have an implication in terms of the size of parking spaces in particular, and this is dealt with in more detail below.

Page 265 of the main papers - there is an error in reason 1, the date of the NPPF is incorrect.

**Officer Comments**

The main papers at page 271 state that this is an existing 5 bedroomed property. The plans were incorrect and a family bathroom had been labelled as a bedroom. Revised plans have been received to correct this. The application is for a master suite in the loft so the proposal is to go from a 4 bed to a 5 bed.
The car parking requirements would be the same for 4, 5 or 6 bedroomed property as 4 plus bedrooms in this location require 3 parking spaces.

**Parking**

The new Parking Supplementary Planning Document has introduced larger dimensions for parking spaces along with larger internal dimensions for garages. Under this requirement, the garage currently under construction (18/00239/HSE) cannot now be considered to provide for a parking space.

Previously it was considered that the site could provide the garage, 1 space to the front of the garage and that an additional space could be made available within the curtilage of the property. Now excluding the garage (under construction), the proposal would represent a shortfall in the required parking provision by 1 space.

Although the 3 spaces are not demonstrated within the residential curtilage there have been recent appeal decisions (notably APP/H1705/D/14/2215442 6 Barbel Avenue - 13/02318/RET and APP/H1705/D/16/3150349 2 Hardys Field - 16/00792/HSE) which suggest that on street parking is acceptable providing it would not cause a significant material change to the highway. Therefore, given that there are good transport links in the immediate area and that Priory Gardens is within a residential estate with available parking on the main street, it is considered that the proposal would not cause an adverse impact on highway safety. As such the proposal complies Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

Therefore it is suggested that condition 4 is amended, as reflected below.

**Design**

Overall it is considered that the new Design and Sustainability Supplementary Planning Document does not alter the planning officer’s assessment of the design and impact on the character of the area.

Whilst the proposals would now represent a shortfall in the required parking provision, it is considered that the provision of 3 spaces within the frontage of the site would have a detrimental impact on the character of the area which benefits from verdant, open front gardens. As such, in addition to the points outlined above, it is considered that the provision of 3 parking spaces would be detrimental in design terms.

**Amended Reasons / Conditions**

**Reason for approval 1:**

The proposed development would be of an appropriate design and would relate in a sympathetic manner to the street scene and character of the Old Basing Conservation Area and as such complies with the National Planning Policy Framework (July 2018), Policies EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029, Appendix 13 of the Design and Sustainability Supplementary

**Condition 4:**

The development hereby permitted shall provide for the parking of 2 vehicles (excluding the garage) within the curtilage of the property and the areas of land so provided shall be thereafter maintained and shall not be used for any purposes other than the parking of vehicles, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Borough Local Plan 2011-2029.

**Viewing Panel**

Members viewed the site from the front rear and side elevation and officers outlined the amendments received through the passage of application and the resultant impact. Colour noted the relationship of this corner property in the street scene and its relationship with adjoining properties, they also noted other roof alterations / dormer extensions in the area. Officers explained that the proposal needs planning permission as the property is within a Conservation Area.

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<tr>
<th>Item No</th>
<th>Ref No</th>
<th>Address</th>
<th>Ward Councillor</th>
<th>Recommendation</th>
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</thead>
<tbody>
<tr>
<td>6</td>
<td>18/01479/FUL</td>
<td>18-19 Chelsea House, Festival Place, Basingstoke Eastrop</td>
<td>Cllr Gavin James Cllr Stuart Parker</td>
<td>Approve</td>
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</tbody>
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**Agenda Page:** 277

**Officer Presenting:** Mark Fletcher

**Update**

From 01/08/2018 the following Supplementary Planning Documents will be used to determine planning applications:

- Parking Supplementary Planning Document
- Housing Supplementary Planning Document
- Design and Sustainability Supplementary Planning Document

As a result the following SPD's of relevance to this application have been withdrawn:

- Design and Sustainability SPD, including updates and appendices (2012)

**Officer comments**

The application has therefore been reassessed in light of these new SPD's. There is no change in terms of the assessment in relation to the principle of development, layout, design or parking.
Letter of Objection

A letter of objection to the proposed change of use has been received, the letter is summarised below with officer comments under each heading.

Orthodontic provision in Basingstoke

Is there the need for another orthodontic practice in Basingstoke?
There is an existing practice within the Basingstoke area with a proven track record which has recently expanded to provide two practices in Basingstoke. An additional practice is not required.

Officer comments - The objectors comments are noted, however, the opposition to business competition are not a material planning consideration and can therefore not be afforded any weight in this decision. Whilst it has been stated that another practice is not required, the applicant would unlikely apply for the change of use to occupy a unit if they considered that there is not a need for another orthodontic practice in Basingstoke. The application itself is an indication that the applicant considered there is a need in Basingstoke for a practice.

Ownership of Healthcare by Corporate Groups

Other orthodontic practice in Basingstoke which have been run as Limited Companies have unexpectedly closed in the past leaving patients without care, this could happen again. The applicant does not have experience in running a squat dental practice. The location of the practice within the Town Centre is not suitable for the needs of the Basingstoke population.

Officer comments - The objector's comments are noted, however, the experience of a business operator is not a material planning consideration. The location of the practice within the Town Centre is considered to be a suitable location, the Town centre is well served by public transport and it is considered that there is sufficient car parking spaces to accommodate the increased footfall.

Financial Situation

The company pay minimal tax which would not support the UK, Hampshire or Basingstoke. Will NHS England be in another Carillion situation with an undelivered contract if Portman Dental Care are allowed to establish an orthodontic practice in Basingstoke?
Portman Dental Care is currently in talks about a takeover and has negative shareholder equity.

Officer comments - The objectors comments are noted, however, the applicants financial circumstances or business practices are not a material planning consideration and can therefore not be afforded any weight in this decision.
Location of proposed orthodontic practice

The units lies in the heart of the Basingstoke commercial district. The proposal is contrary to Policy EP3 of the Basingstoke and Deane Local Plan 2011-2029 and would result in the loss of a retail unit. The proposal is pushing out local businesses that may have utilised the unit. The dental practice would increase footfall within that area by 264 patients per day which would burden local parking facilities.

Officer comments - The change of use has been acknowledged within the report as being contrary to Policy EP3 and in line with the Basingstoke and Deane Constitution has been brought before the Development Control Committee. The application site is situated within the Primary Shopping Frontage, however, the site is situated adjacent to the secondary frontage which has a mixture of uses and it is considered that the re-introduction of a currently vacant unit on the entrance way to Festival Place in this instance overcomes the application being contrary to Policy EP3. This is further addressed within the Officer's report on Page 280. As stated, the location of the practice within the Town Centre is considered to be a suitable location, the Town centre is well served by public transport and it is considered that there is sufficient car parking spaces to accommodate the increased footfall.