

Item No	Ref No	Address	Ward Councillor	Recommendation
1	20/02375/OUT	Land Adjacent Pond Close, Pond Close, Overton Overton, Laverstoke And Steventon	Cllr Ian Tilbury Cllr Colin Phillimore	Approve subject to Legal Agreement

Agenda Page: 69

Officer Presenting: Jemma Cox

Parish/Town Council: Anne Phillips

Objectors: Mr C Zarecky, Mrs C Brady, Ms K Wightman

In Support: Ms A Wright

Councillor: Councillor Phillimore, Councillor Tilbury

Update

There is an error in the recommendation as it does not fully reflect the report in relation to the need to provide contributions towards existing off site equipped play areas or its on-site provision. For clarity, it is advised that the recommendation should read as follows:

Recommendation	<p>Following the expiry of the revised press advertisement and Site Notice and no new substantive issues being raised, the applicant be invited to enter into a legal agreement (in accordance with the Community Infrastructure Levy Regulations 2010, Policies CN1, CN6, CN8, CN9 and EM4 of the Basingstoke and Deane Local Plan 2011-2029) and Policies LBE1, H1 and H3 of the Overton Neighbourhood Development Plan 2016-2029 between the applicant and the Borough and County Councils to secure:</p> <ul style="list-style-type: none"> • 40% affordable housing • Contributions towards off site equipped play areas or its on-site provision • Delivery of on-site open space to include kickabout space and, accessible natural green space • Landscape management plan • Biodiversity Management Plan • Delivery of on-site allotments and their long term management and maintenance. <p>Should the requirements set out above not be satisfactorily secured, then the Planning and Development Manager be delegated to REFUSE permission for appropriate reasons.</p> <p>On completion of the legal agreement the Planning and Development Manager be delegated to grant planning</p>
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	permission subject to the conditions listed at the end of this report.
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Consultations

The following additional representations have been received:

Cllr Tilbury – Objection

"I wish to object to this application on a number of grounds, I would support the more general comments made by others relating to the suitability of the village to sustain further development. It is also clear that this development is only being considered at this time due to BDBC's failure to provide a 5 year land supply.

Environmental issues

As I have pointed out over many years much of this site was formerly a waste dump used for uncontrolled dumping by the land owner Portals and anyone else who chose to access the site from the 1950's until around 1980. I had hope that by now this would have been addressed through technical reports, however even our own officers are reporting the statements made by Bargate's consultants that the site was only in operation between 1977 and 1979. I moved into Poultons Road in 1963 at that time Brick Kiln Farm had long been demolished (I believe in the early 1950's) and the former clay pits (now to be used as open space) had already been used for landfill. Anyone walking over this area will note the abundance of broken bottles and other long lasting household waste that emerges after ploughing.

The rectangular area which is currently a raised area of scrubland was at that time used to dump the waste pulp a white clay like substance that was a by-product of the local paper mill. This ceased around the late 1960's when the larger site further up the track at Apple Dell was bought into operation.

One of the more disturbing aspects of the Brick Kiln site was the total absence of control over dumping there was no fencing which led to uncontrolled dumping of all manner of probably toxic waste, the site was littered with steel drums and the large lake that had formed in at the northern end of the site was a garish shade of orange. There had been a number of mature trees around the site however due to the contamination they all died.

Around 1980 the site was levelled and tons of topsoil were imported to cover the pulp.

The technical reports state that the site was 'licensed' between 1977 and 1979, this may be correct, however it is the previous 25 years of unlicensed activity that is of concern.

Surface Water Drainage

I believe it is totally inappropriate to locate SUDS ponds adjacent to existing properties in the Dellands area that have already suffered from rainwater run-off from the adjacent agricultural fields over many years. Any SUDS ponds should be located well inside the site boundary.”

Separate to the above further correspondence has been received from Cllr Tilbury raising concerns that the Nitrogen budget calculations are inaccurate and that the development would not result in nitrate neutrality and would therefore require mitigation. Additionally, concerns have been raised that the requirements of Policy EM9 in requiring a water consumption of no more than 110 litres per person per day is no longer feasible due to peoples changing work patterns as a result of the current pandemic. These issues are discussed in more detail below.

Cllr Phillimore – Objection

"I wish to object to this application.

Firstly, this application is contrary to the principles and intentions of the Localism Act, 2011, which was supposed to give local communities the chance to shape their future.

Like many others, Overton Parish Council elected to produce a Neighbourhood Plan, which they were told would give them direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, not withstanding, that they were threatened with a reduction in support grant, if they didn't produce a Neighbourhood Plan.

Residents voted in a referendum on this Neighbourhood Plan, which they were told would last until 2029.

This application seeks to override what the residents of Overton narrowly voted in favour of.

So, this is not what the people of Overton want, and 105 objectors reflect that.

The applicant seeks to exploit the lack of five year land supply, regardless of what the people of Overton want.

The applicant wants to impose a site that was rejected from the Neighbourhood Plan, and tack it on the fringe of the village, rather than wait for the review of the Basingstoke Local Plan and get involved in a mutual consultation process of proper planning, therefore this application is premature.

Specifically, I object to and share the views of the Principal Landscape Architect, who states that "the proposal impacts on both landscape character and visual amenity at this side of Overton".

The increased traffic generation from this development that would impact on the safety of all road users is totally unacceptable and this proposal should therefore be resisted as it is quite clearly contrary to policy CN9 of the Borough's Local Plan.

This development is not sustainable, and Overton does not have the infrastructure to support it, in terms of GP surgeries and school places.”

Public Comments

One further public representation has been received on the application raising the following concerns:

- Impacts on infrastructure
- Impacts on ecology

The comment received does not raise any material planning considerations that have not been addressed within the main agenda and therefore no further Officer comment is necessary.

In addition, further comments have been submitted on behalf of residents at Seven Acres who make the following observations on the Committee Report (in summary):

- The proposed development is objected too by many residents and not wanted by local people
- Understand the ‘tilted balance’ required by the lack of a 5 year housing land supply.
- The Committee Report does not accurately represent the facts of the case and relies too much on the information provided by the Applicant
- The Committee Report does not appropriately take into account all material planning considerations in coming to its conclusion and recommendation for approval
- They consider that the adverse impacts of approving this application significantly and demonstrably outweigh the benefits and urge refusal of the application.
- Notwithstanding that the Local Plan and Neighbourhood Plan are out of date they are consistent with the NPPF and should not be totally disregarded
- Notwithstanding paragraph 14 of the NPPF the Overton Neighbourhood Plan is only four years old and this site is not part of it
- The neighbourhood plan allocates housing that residents need and want and these sites were voted on democratically
- Policy SS1 and SS5 of the Local Plan should be afforded more weight in the planning balance
- Recent appeal decisions confirm that Inspectors have previously considered that there is no evidence to suggest that the objectives of Policy SS5 could not be achieved over the remaining years of the Local Plan period (i.e. building in according with allocated sites in the Local Plan and Neighbourhood Plans).
- The delivery of housing exceeds the Local Plan targets per annum
- If other developments in the pipeline had been delivered, for progressed

further (i.e. Manydown), then the Council would have a five year housing land supply

- The site has been promoted through the SHELAA and Local Plan Review and is premature
- It is not sustainable development either economic, social or environmental
- Sheep Fair Lane is not an appropriate access
- Traffic generation will add to further congestion
- Inadequate consultation with existing residents by the Developer
- The development is not sustainable development
- Loss of viable agricultural land
- Inadequate highways infrastructure
- No evidence to suggest that housing targets could not be met via allocated sites through the rest of the Local Plan period
- Sheep Fair Lane would not provide a safe access
- Lack of school places would be exacerbated
- Impact of designated sites as a result of increased nitrogen
- The committee report acknowledges that the development would result in adverse impacts on landscape character and scenic quality of the area
- The Landscape Officer objects to the proposed development
- In recent cases, adverse impacts on landscape and visual impact generally justify a reason to refuse development and this is a precedent that should be followed now
- Sheep Fair Lane is unsuitable to be used as a through road
- The proposed development would compromise the design of the Seven Acres development
- No site visit has been undertaken by Cllrs and residents are not confident that photos of Sheep Fair Lane and surrounding roads have been duly considered and understood by Officers
- Seven Acres development build was delayed due to the current pandemic and it should be allowed to settle before it is expanded
- Sheep Fair Lane is not adopted and is paid for by residents and is too narrow in places to accommodate two way traffic - particularly large vehicles
- Further construction traffic would continue to disturb residents
- C29 and A303 access roads are poor and dangerous
- Traffic would be dangerous for children using Sheep Fair Lane to play
- Potentially for further expansion and development would have further impacts on highway safety
- Some data used by the Applicant in their Transport Report is flawed and does not paint a true picture
- Vehicle movements will be higher than stated by the Applicant as they have misrepresented how people will access amenities
- Residents along Sheep Fair Lane would be impacted on by increased vehicle movements and this should be a consideration for now and not saved for the reserved matters stage
- Construction noise and disturbance to existing residents
- Traffic data has been taken from a time during the pandemic when there are significantly less cars on the road and is therefore misleading
- Limited parking within the Village itself

- The nitrates issue has not been resolved and there is no evidence that the application has been properly screened
- Water usage of 110 litres per person per day is low and unrealistic
- CIL contributions will not adequately address pressures on local facilities such as schools
- Inadequate consideration has been used to mobile telecommunications infrastructure to serve new and existing residents
- The Developer has concealed their intentions of this development from purchasers at Seven Acres
- Many of the houses that would be directly impacted on were not finished at the time the developer undertook their consultation and some future residents were not aware until it was too late
- A new site notice has been displaced and is not due to expire until 18th February - after Development Control Committee and it should be allowed to expire before the application is discussed

Additional Information from applicant

In response to the comments received raising concerns that the Nitrogen budget calculations are inaccurate and that the development would not result in nitrate neutrality and would therefore require mitigation the applicant provided a letter in response, dated 09.02.2021.

Officer comment

- Contamination Issues

Concerns have been raised that the application site has been subject to the unlicensed dumping of waste prior to the landfill site licence referred to within the Applicants Desk Top contamination report and that the potential for contamination at the site has not been fully considered.

These concerns have been referred to the Environmental Health Team who advise that this activity would likely have occurred prior to the Control of Pollution Act 1974, before which, Environmental Protection was more unregulated. Nevertheless, the Environmental Health Officer has confirmed that the contamination conditions recommended (conditions 6 and 7) would cover the possibility of further contamination being present at the site, with part c) of condition 6 requiring any necessary remediation in the event contamination is found at the site.

- Off Site Biodiversity

Concerns have been raised that the nitrogen budget calculations are incorrect and that the development would in fact not be nitrogen neutral.

The submitted information indicates that the existing land use is for cereal production however the additional comments are questioning this stating that the site has been used for a variety of crops.

The applicant's calculations have used the Nitrogen leaching rate for cereal (31.2 Kg/ha/yr). Natural England's designation and advice, land usage should be based on

the past ten years if use is known. It has been suggested that given the varied usage of the site the general cropping leaching rate of 25.4 Kg/ha/yr should be used. If these figures are used, then there would be an increase in nitrogen and mitigation would therefore would be required.

Natural England were consulted on the application and reviewed the calculations submitted (cereal production). Natural England raised no objections, provided that the LPA, as the competent authority, are satisfied that the existing land use figures included within the calculations are correct and subject to securing the water consumption levels of 100 litres per person per day.

In respect of the figures used, the Officer had regard to evidence provided by the Applicant contained within the submitted Habitats Regulations Assessment. This evidence comprised of arial photographs of the site (ranging a period over the past 6 years) which illustrate that the site was in agricultural use and has been used for the growing of crops. At the time of the preparation of the main agenda, and due to a lack of evidence to the contrary, the LPA saw no reason to disregard the Applicants claims that the site has been used for the growing of cereal crops and therefore no further information was requested in this regard.

In their letter of 09.02.2021 clarifying their position. They confirm that the site has bene used for the growing of oilseed rape and peas in the last ten years, these have only consisted of ‘break crops’. They provide the following table to illustrate the most recent cropping at the site:

Year	Crop	Purpose
2021	Oilseed Rape	Combinable break crop
2020	Winter Barley	Main cereal crop
2019	Spring Barley	Main cereal crop
2018	Wheat	Main cereal crop
2017	Peas	Combinable break crop

The Applicant has confirmed that the primary use of the land is for cereal crop growing (barley and wheat). The use of ‘break crops’ is common practice in agriculture, and necessary for the following reasons:

- Breaking the cycle of weeds, diseases and pests found in cereal crops;
- Improving soil condition in terms of structure, organic matter and nutrition;
- Providing additional income;
- Reducing pressure on the storage, cleaning, drying and handling system; and
- Allowing more effective control of weeds, diseases and pests, thus saving on pesticide costs.

In respect of which nitrogen leaching figure for the existing land use should be used, Natural England’s Guidance provides some assistance. According to the Natural England guidance, cereal crop land is defined as:

“Holdings on which cereals, combinable crops and set-aside account for more than two thirds of the total SO [standard output(s)] and (pre-2007) where set-aside alone did not account for more than two thirds of the total SO.”

Natural England's Guidance also states:

"It is important that farm type classification is appropriately precautionary. It is recommended that evidence is provided of the farm type for the last 10 years and professional judgement is used as to what the land would revert to in the absence of a planning application. In many cases, the local planning authority, as competent authority, will have appropriate knowledge of existing land uses to help inform this process."

Per the table above, and the evidence submitted by the Applicant within the initially submitted Habitats Regulation Assessment, the standard output (SO) of the site is entirely cereal crops and combinable crops. Therefore, the LPA, as the competent authority, is satisfied that the existing land use has been robustly evidenced and the LPA accepts that the leaching rate of 31.2 kg/TN/ha/yr is correct. On that basis, the LPA considers that the proposed development of the site would not have likely significant impacts on European sites, as set out within the main agenda.

In addition, concerns have been raised that the requirements of Policy EM9 are unrealistic and in reality, occupants exceed a water consumption level of 110 litres per person per day. Given that the calculations submitted are based on the assumption that water consumption would not exceed these levels, this is pertinent to the consideration of the developments impact on designated European sites.

It is acknowledged that due to the current pandemic, peoples working patterns have changed and the level of remote and home working has increased, resulting in people spending more time at home, which has the potential to directly impact on the level of water consumption.

Notwithstanding this, as set out by Policy EM9 of the Local Plan, it is a Policy requirement that new homes meet a water efficiency standard of 110 litres or less per person per day, unless it can be clearly demonstrated that it would not be feasible on technical or viability grounds. Nevertheless, given that the impacts on designated sites has been assessed in line with these figures, it is considered that the necessary construction statement should accompany any reserved matters application and should not be left to pre-commencement condition as it normally would. This is to be secured by condition 13 which has been worded in such a way to ensure that the development is carried out and maintained in line with any approved construction method statement in this regard which would secure efficient water consumption levels.

- Policy Considerations

Planning Policy Guidance is clear that whether a particular consideration is material will depend on the circumstances of each case. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case.

In providing for sustainable development, the NPPF requires Local Planning Authorities to identify a five year supply of specific deliverable sites to meet housing needs. For BDBC, and in line with the Housing Delivery Test published in January 2021, a 5% buffer should be added to the borough's supply. Against this requirement, at the current time, the council is unable to demonstrate that it has 5

years' worth of deliverable sites. The 2020 Authority Monitoring Report explains that the current position with regard to the 5 year Housing Land supply is that the LPA can demonstrate a HLS of 4.44 years.

In a recent appeal (LPA Ref: 20/00319/FUL; PINS Ref: APP/H1705/W/20/3256041) the Inspector confirmed that notwithstanding that the LPA cannot demonstrate a five year housing land supply, it does not mean that Local Plan Policies SS1 and SS6 carry no weight. The Inspector went on to say;

"The tilted balance does not negate the spatial strategy of the development plan per se. Rather, it requires the application of the tests in NPPF 11 d) i) and ii). However, the weight to be attributed to Policies SS1 and SS6 of the Local Plan is dependent on whether the Council is delivering and is likely to deliver by the end of the Plan period its housing requirement of 15,300 new dwellings."

In allowing the Appeal, the Inspector noted within their conclusions that the Borough is failing to deliver its housing requirements year on year. Which is supported by the most recent housing land supply figure of 4.44 years, down from 4.86 years from the previous year.

In this case, the main papers state that the proposed development does not comply with the Council's spatial housing strategy as set out in Local Plan Policies SS1 and SS6 or Overton Neighbourhood Plan due to the fact that the site lies outside the SPB and has not been allocated for development. However the site does abut the SPB and is not considered an isolated countryside location and Overton's facilities are all within walking or cycle distance. As such it is considered an acceptable location for the proposed development.

Reference is made to a recent dismissed appeal at Glebe Close in Dummer (dated 26th March 2020 ref 16/03526/FUL). All sites are considered on their own merits but reviewing this case the Inspector ascribed very substantial weight to the harm which would be caused by the proposal to the settings of Glebe Cottage and Dummer Conservation Area and that was a clear reason to refuse the application.

Furthermore, in taking all material considerations into account, the harms of the development are not considered to demonstrably outweigh the benefits of the scheme. As such the recommendation remains as per the main agenda.

- Highways and Transport

Hampshire County Council are the Highways Authority and they have been consulted on the application. They have raised no objections in respect of the access or traffic generation aspects of the proposed development. Furthermore, the Council's Transport Strategy Team have also raised no objections to the proposed development, acknowledging that the development is acceptable in terms of pedestrian and cyclist accessibility and adequate access to public transport.

As such, consideration of these matters remain as set out within the main agenda.

- Residential amenity

The proposed access would result in the extension of Sheep Fair Lane, which would result in increased traffic movements along this road. Whilst the main Agenda Report considers the impacts arising from construction traffic, it omits consideration to future occupants of the proposed development and the associated impacts on residents of Sheep Fair Lane in this regard.

Whilst the proposed development would result in increased vehicular movements along this road, it is not considered that this would be to an extent to give rise to significant impacts on the residential amenities of existing residents. It is also noted that the Environmental Health Officer raised no concerns in this regard. Furthermore, as considered by the Highways Authority, Sheep Fair Lane is suitable to accommodate the additional traffic generation and as such impacts to residential amenity would be minimal in this regard. As such, the recommendation remains as set out within the main agenda.

- Publicity

Upon receipt of a valid planning application, the proposed development was correctly publicised as major development.

Throughout the course of the assessment and consideration of the application it became evident that that if approved, the proposed development would represent a departure from the Local Plan. Only when all material planning considerations have been taken into account can the Officer inform their recommendation. As such, it is not unusual for a development proposal to be publicised as a departure to the Local Plan at the same time as the Officer being minded to recommend an application for approval. In this instance, the recommendation reflects the need to wait for the expiry of the revised site notice and press notice prior to determination and is subject to no further substantive material matters being raised. This is not an unusual process and the recommendation take this into account. As such, the Application has been properly publicised and there is nothing to prevent the Development Control Committee debating the development proposals at this time. Throughout the course of the publicity period, if new substantive planning matters arise then the Application would need to be referred back to Development Control Committee for further debate. In the event that any new matters raised amend the Officers recommendation, then the application could be refused under Delegated Powers (unless called in by a Ward Cllr.)

Item No	Ref No	Address	Ward Councillor	Recommendation
2	20/02615/FUL	Motorola Ltd, Jays Close, Basingstoke Brighton Hill North	Cllr Mark Taylor Cllr Andy Konieczko	Approve

Agenda Page: 130

Officer Presenting: Patricia Logie

In Support: Taylor Cherrett, Sara Dutfield, Oliver Bertram, Dale Rose, Ian Southwell

Update

Following further review of the conditions 1 and 4 it is considered they should be revised. Condition 1 is suggested to be revised to include the full plan drawing numbers and condition 4 is suggested to be revised to avoid duplication with condition 5. They now read as follows:

Condition 1

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (Drawing No. 16-169-SGP-XX-XX-DR-A-130001 Rev A)
Proposed Site Plan (Drawing No. 16-169-SGP-XX-XX-DR-A-131002 Rev N)

Unit 1 - Gross External Area Plan (Drawing No. 16-169-SGP-01-ZZ-DR-A-121106 Rev D)

Unit 1 - Dimension Plan (Drawing No. 16-169-SGP-01-ZZ-DR-A-121105 Rev D)

Unit 1 - Proposed Office Floor Plans (Drawing No. 16-169-SGP-01-ZZ-DR-A-121102 Rev D)

Unit 1 - Proposed Warehouse Plan (Drawing No. 16-169-SGP-01-00-DR-A-121101 Rev C)

Unit 1 - Proposed Elevations (Drawing No. 16-169-SGP-01-ZZ-DR-A- 121131 Rev D)

Unit 1 - Proposed Roof Plan (Drawing No. 16-169- SGP-01-R2-DR-A- 121103 Rev C)

Unit 2 - Gross External Area Plan (Drawing No. 16-169-SGP-02-ZZ-DR-A-121106 Rev D)

Unit 2 - Dimension Plan (Drawing No. 16-169-SGP-02-ZZ-DR-A-121105 Rev D)

Unit 2 - Proposed Office Floor Plans (Drawing No. 16-169-SGP-02-ZZ-DR-A-121102 Rev C)

Unit 2 - Proposed Warehouse Plan (Drawing No. 16-169-SGP-02-00-DR-A-

121101 Rev C)

Unit 2 - Proposed Elevations (Drawing No. 16-169-SGP-02-00-DR-A-121131 Rev D)

Unit 2 - Proposed Roof Plan (Drawing No. 16-169- SGP-02-R2-DR-A-121103 Rev B)

Unit 3 - Gross External Area Plan (Drawing No. 16-169-SGP-03-ZZ-DR-A-121106 Rev D)

Unit 3 - Dimension Plan (Drawing No. 16-169- SGP-03-ZZ-DR-A-121105 Rev D)

Unit 3 - Proposed Office Floor Plans (Drawing No. 16-169-SGP-03-ZZ-DR-A-121102 Rev C)

Unit 3 - Proposed Warehouse Plan (Drawing No. 16-169-SGP-03-00-DR-A-121101 Rev C)

Unit 3 - Proposed Elevations (Drawing No. 16-169-SGP-03-00-DR-A-121131 Rev D)

Unit 3 - Proposed Roof Plan (Drawing No. 16-169-SGP-03-R2-DR-A-121103 Rev C)

Landscape Concept Plan (Drawing No.03 Rev D)

Landscape Concept Sections (Drawing No.04 Rev E)

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

Condition 4

- 4 No development above slab level, shall take place until full details of hard landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate, proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, location and design of hard surfacing materials

REASON: Details are required because insufficient information has been submitted with the application in this regard, to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029.

Pre – commencement conditions

In accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, an agreement between the LPA and the applicant has been reached regarding the proposed pre-commencement conditions. The agreement was reached on the 09.02.2021.

Item No	Ref No	Address	Ward Councillor	Recommendation
3	19/02029/FUL	Egbury Farm Barns, Egbury Road, St Mary Bourne Burghclere, Highclere And St Mary Bourne	Cllr John Izett Cllr Graham Falconer	Approve subject to Legal Agreement

Agenda Page: 167

Officer Presenting: Jemma Cox

Objectors :Mr N Cobbold, Mr Fish, Mr Green

In Support: Mr R Osborn

Update

Appropriate Assessment and Recommendation

Following the completion of the agenda, Natural England have provided a response (dated 08.02.2021) following the latest consultation on the updated Appropriate Assessment, a stage of the Habitats Regulations Assessment (HRA) process. Provided the proposed mitigation measures and monitoring and maintenance plans are appropriately secured, funded, monitored and are enforceable in perpetuity, Natural England raise no further concerns regarding this aspect of the development. As competent authority, it is considered that these measures could be appropriately secured via a legal agreement. In light of these comments, there has been a need to update the recommendation. This is set out below.

Recommendation:	<p>The applicant be invited to enter into a legal agreement (in accordance with the Community Infrastructure Levy Regulations 2010 and Policies CN1, CN6 and EM4 of the Basingstoke and Deane Local Plan 2011-2029) between the applicant and the Borough Council to secure:</p> <ul style="list-style-type: none"> • Two on-site affordable houses • A Biodiversity Enhancement and Mitigation Plan • The Woodland Mitigation Plan and Package Treatment Plant Monitoring & Maintenance Strategy to ensure nutrient neutrality <p>Should the requirements set out above not be satisfactorily secured, then the Planning and Development Manager be delegated to REFUSE permission for appropriate reasons.</p> <p>On completion of the legal agreement, the Planning and Development Manager be delegated to grant planning permission subject to the conditions listed at the end of this</p>
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Location Plan

An amended location plan (P1-100 Rev C) was received on the 2nd February 2021. This plan amended the blue line which denotes the extent of land falling within the applicants control outside of the application site (red line). This was required as inaccuracies were apparent within the previous iteration. As a result of this change, it is necessary to update condition 1 to reflect this amend plan. For clarity, updated condition 1 is set out in full below:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

P1-100 Rev C Site Location Plan
P1-101 Rev H Proposed Site Plan
P1-102 Rev G Proposed Site and Roof Plan
P2-104 Rev D Proposed House 3 Floor Plans
P2-105 Rev D Proposed House 4 Ground Floor Plan
P2-106 Rev D Proposed House 4 First Floor Plan
P2-107 Rev D Proposed House 5 Floor Plans
P2-108 Rev A Proposed House 1 and 2 Floor Plans
P2-109 Rev A Proposed Cart Shed Floor Plan
P3-103 Rev E Proposed Outer Elevations (NE&SE)
P3-104 Rev G Proposed Outer Elevations (NW&SW)
P3-105 Rev F Proposed Inner Elevations Site Sections AA&BB
P3-106 Rev G Proposed Inner Elevations Site Sections CC&DD
P3-107 Rev A Proposed Cart Shed Elevations

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

Pre-commencement conditions

In accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, an agreement between the LPA and the applicant has been reached regarding the proposed pre-commencement conditions. The agreement was reached on the 02.02.2021.

Further comments received from the Parish Council dated 10.02.2021

"I understand that the above planning application for the development at Egbury Farm, St Mary Bourne is to be discussed at the Development Committee meeting this evening.

I have been asked by residents and immediate neighbours to reiterate the parish council's views that were lodged with BDBC Planning on 11th December 2019 and also 30th January 2020 i.e., 'the parish council objects to the amended application

on the grounds that the development is significantly different from the original application such that a new application should be submitted'.

The general consensus appears to be that there is no objection to the development of the existing agricultural buildings, but the amendment of the application with the addition of the two other properties within the development is not appropriate in a small hamlet such as Egbury which is within an AONB.

The parish council will appreciate their views being taken into account when this application is considered at the Development Committee meeting this evening.

Kind regards

David

David Peart

Chairman of St Mary Bourne Parish Council"

Officer comments

The comments received from the Parish Council largely reiterate those previously taken into consideration as part of the assessment of the application. No new matters are raised within these comments which haven't been covered within the main agenda and the recommendation remains as above.

Item No	Ref No	Address	Ward Councillor	Recommendation
4	20/00957/OUT	Land At Pamber Green Riding School, New Road, Pamber Green Pamber And Silchester	Cllr Simon Mahaffey Cllr Roger Gardiner	Approve

Agenda Page: 222

Officer Presenting: Patricia Logie

In Support: Mr D Bond

Update

In accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, an agreement between the LPA and the applicant has been reached regarding the proposed pre-commencement conditions. The agreement was reached on the 29.01.2021.

Item No	Ref No	Address	Ward Councillor	Recommendation
5	20/02990/ HSE	Berrydown Lodge , Berrydown Lane, Overton Overton, Laverstoke And Steventon	Cllr Ian Tilbury Cllr Colin Phillimore	Refuse

Agenda Page: 250

Officer Presenting: Jemma Cox

Parish/Town Council: Margaret Oram

In Support: Mrs S Charsley

Councillor: Cllr Tilbury and Cllr Phillimore

Update

Following publication of the report a letter was received on 04.02.21 from Cllr. Phillimore raising issues / questions about the report. In summary the issues related to;

- 1) Curtilage of the building.
- 2) Informative relating to pre application advice.
- 3) Size of the extensions
- 4) Crown roof on Berrydown Court

In addition an email was received from the agent on 04.02.21, stating that the proposed plans and elevation drawing (dwg. no. 2159/09) received on 05.01.21 were intended only for discussion with the case officer, and that they did not represent the scheme for which planning permission is sought. The agent advised that the proposals for which planning permission is sought are shown on drawings 2159/04 Rev. B, 2159/06 Rev. B and drawing 2159/07. These drawings were originally received with the initial application submission on 21.11.20 and are set out below in place of those on the published agenda. The Update Report below explains the plans and how they have been assessed.

Officer Response

Response to issues raised by Cllr Phillimore.

- 1) Curtilage of the building.

This is discussed on page 257 of the main papers.

Curtilage with regard to dwellings is significant as permitted development relates to the curtilage of the dwelling, which is not always the same as land in the same ownership or land that is being used incidentally as garden in association with a dwelling. Curtilage is not determined by a measure but is judged on a matter of fact and degree

It is important with regard to dwellings as permitted development allows, subject to some limitations, up to 50% of a dwellings curtilage to be developed with incidental buildings / development.

The onus of proof of the lawful use of land is with the applicant to demonstrate, the correct route being a certificate of Lawful Development. During the checking process of the report it was noted that previous applications relating to Berrydown Court had included both the building and land identified in this application within the red line as recently as 2015.

This raises doubt about the curtilage of the dwelling and as such the officer report includes an informative stating that the red line is not accepted as curtilage.

This does not prevent the applicant from proving at a point in the future that it is curtilage but it prevents the red line being assumed to be curtilage.

The size of the curtilage is not part of the reason for refusal, it is simply recorded on the recommended informative.

2) Informative relating to pre application advice.

No pre application advice was sought and informative 1 is not stating that it was, just that it is available in accordance with the NPPF.

3) Size of the extensions

Given the clarification of the plans to be considered in this application this point is superseded. The response to the agent is discussed below.

4) Crown roof on Berrydown Court

The main papers states at page 257; "The applicant has stated that crown roofs have been used in extensions on other buildings in the local area".

During the consideration of the application, the case officer was presented with a satellite picture of Berrydown Court, which it is asserted shows a crown roof. Satellite images are not always clear; therefore whilst the information available suggests that a crown roof is present on Berrydown Court, there is not conclusive evidence to prove or disprove this. The property the case officer referred to, Willingdon is a much better comparator to Berrydown Lodge, which is why this building has been discussed.

In addition the policy framework for considering applications changes overtime and development found to be acceptable at one time on one property may now not be acceptable at a different time and on a different property. All applications are considered on their own merits.

Response to issues raised by the agent.

The LPA did not consult on the amended plans that were submitted (due to the similarity of the amendments to the originals) so the consultee comments in the main papers relate to the original scheme, therefore in discussion with the Chair of the Development Control Committee the original plans are being considered.

The original plans were for a similar, but larger development and show;

- The demolition of the existing southern range of the building, which presently measures 5.6m long by 4.9m wide and has a ridge height of 5m and an eaves height of 2.6m
- The erection of a replacement extension on the south elevation of the building, measuring 6.5m long by 9.5m wide, with a maximum height of 6m and an eaves height of 2.9m

- The erection of an additional extension on the south elevation of the building measuring 3.3m wide by 5.6m deep with a maximum height of 5.3m and an eaves height of 2.3m
- The erection of an extension on the west elevation of the building, measuring 6m long by 8m wide with a maximum height of 6.5m and an eaves height of 2.7m

The drawings also show amended fenestration proposals, with large bi-folding doors on two elevations of the building

The original plans are shown at the end of this report.

It is not considered that the proposals shown in these drawings address the issues raised by the case officer and explained in the officer report within the main papers. It is considered that they would result in a greater degree of harm to the significance of the locally listed building. This derives from the scale of the extensions in relation to the existing building and the way in which this would subsume this modest bungalow.

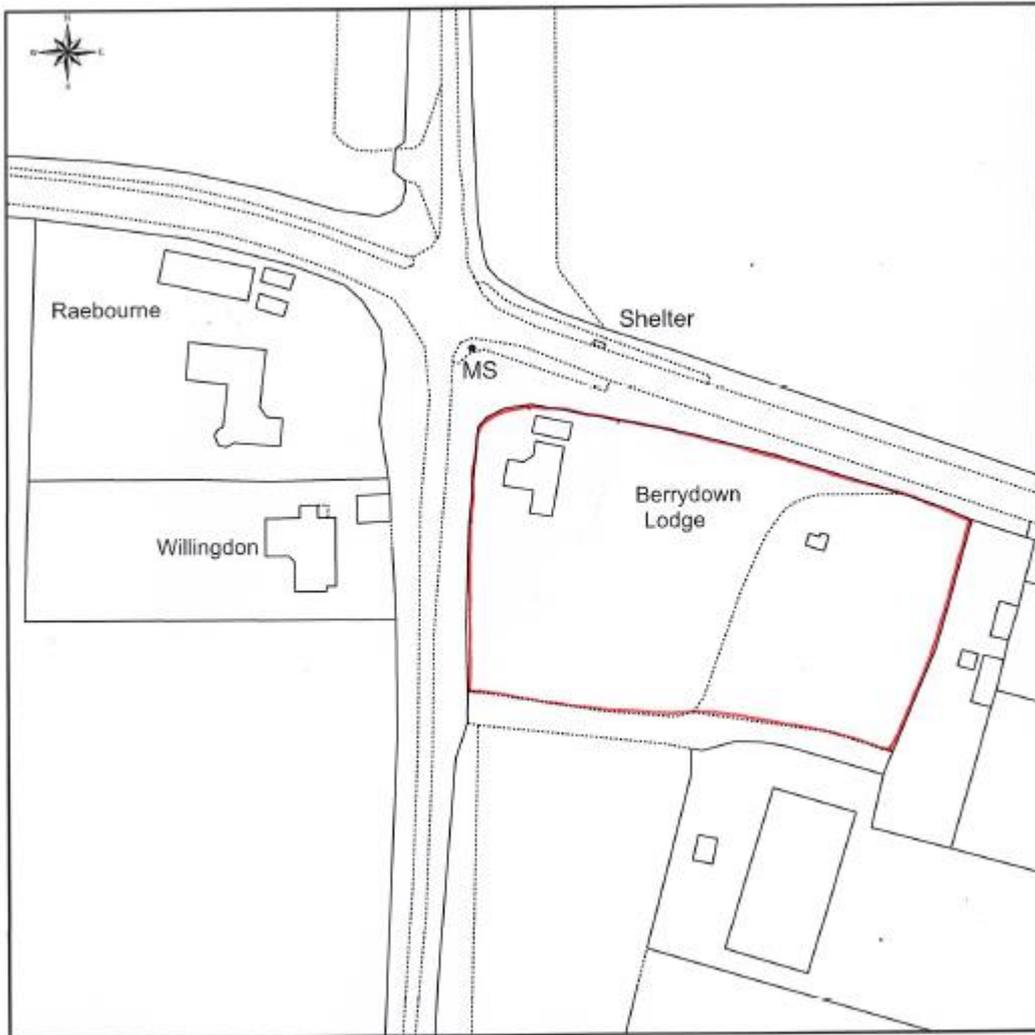
It is noted that the proposed extensions would be taller and of a greater footprint than both the existing building, and the proposals shown in the amended drawing considered in the main papers.

Further harm results from the form and design of the fenestration, in particular the large bi-folding doors, which would be an incongruous feature which does not relate at all to the character of the existing building.

Conclusion

The issues raised above do not change the officer recommendation to refuse as detailed on page 250 of the main papers.

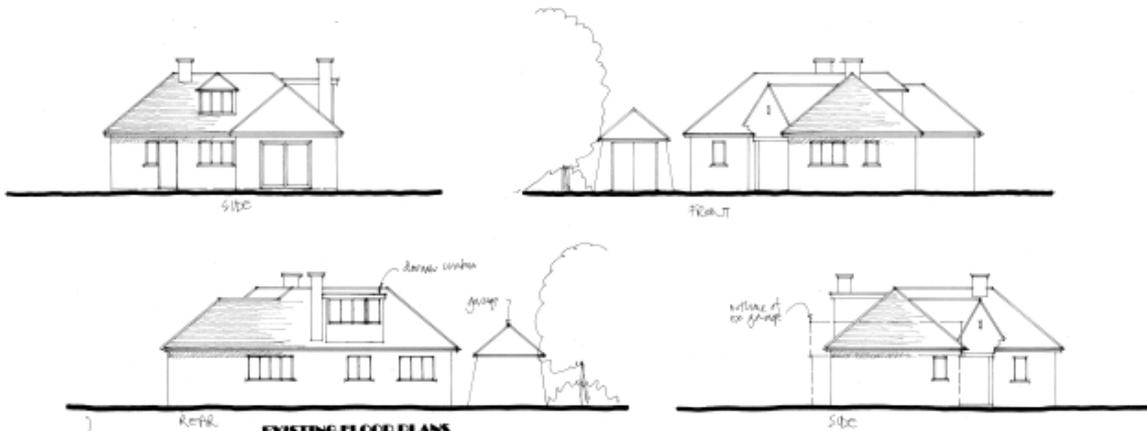
Location Plan



This Plan includes the following Licensed Data: OS MasterMap Black and White
PDF Location Plan by the Ordnance Survey National Geographic Database and

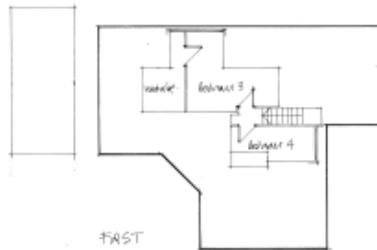
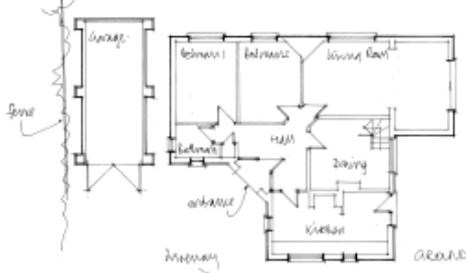
0m 20m 40m 60m 80m 100m

Existing Plans and Elevations



EXISTING FLOOR PLANS AND ELEVATIONS 1:100

1:100 @ A3
0 1 2 3 4 5m

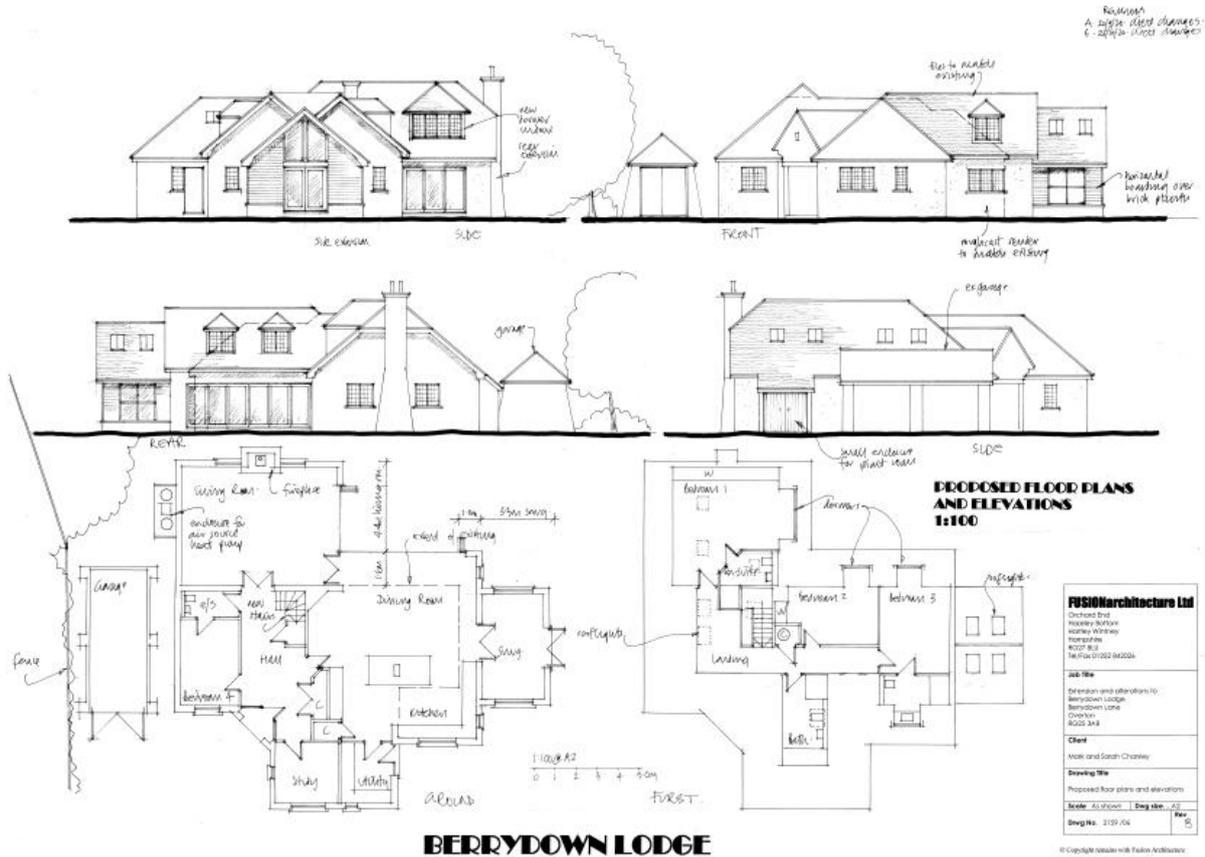


BERRYDOWN LODGE

FUSION Architecture Ltd	
10000000 10000000 10000000 10000000 10000000	
Job Title Extension and alterations to Berrydown Lodge Berrydown Lane Chalfont Bucks, UK	
Client Mark and Sarah Chubbly	
Drawing Title Existing floor plans and elevations	
Scale	Emp. No.
Drawn By	Date

© Copyright owner with Public Address

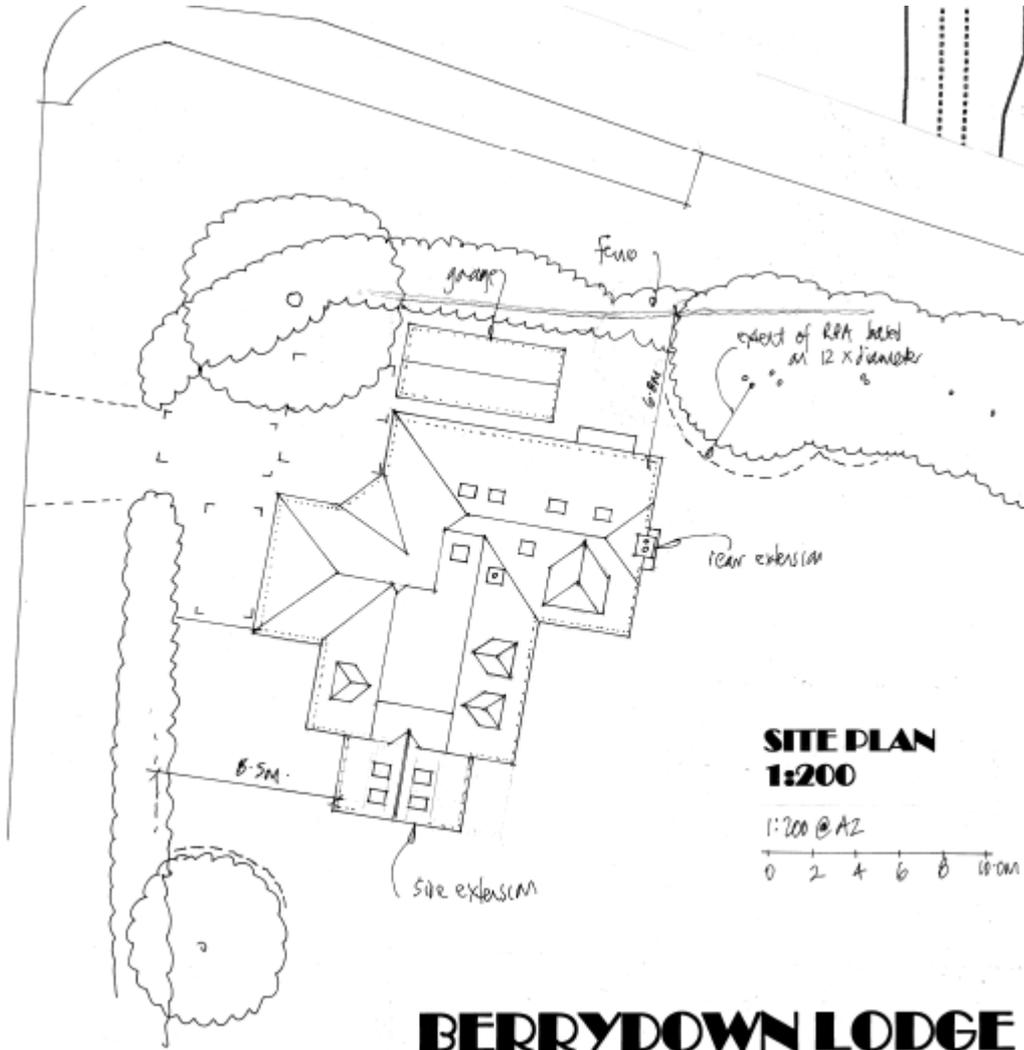
Proposed Floor Plan Existing Plans and Elevations



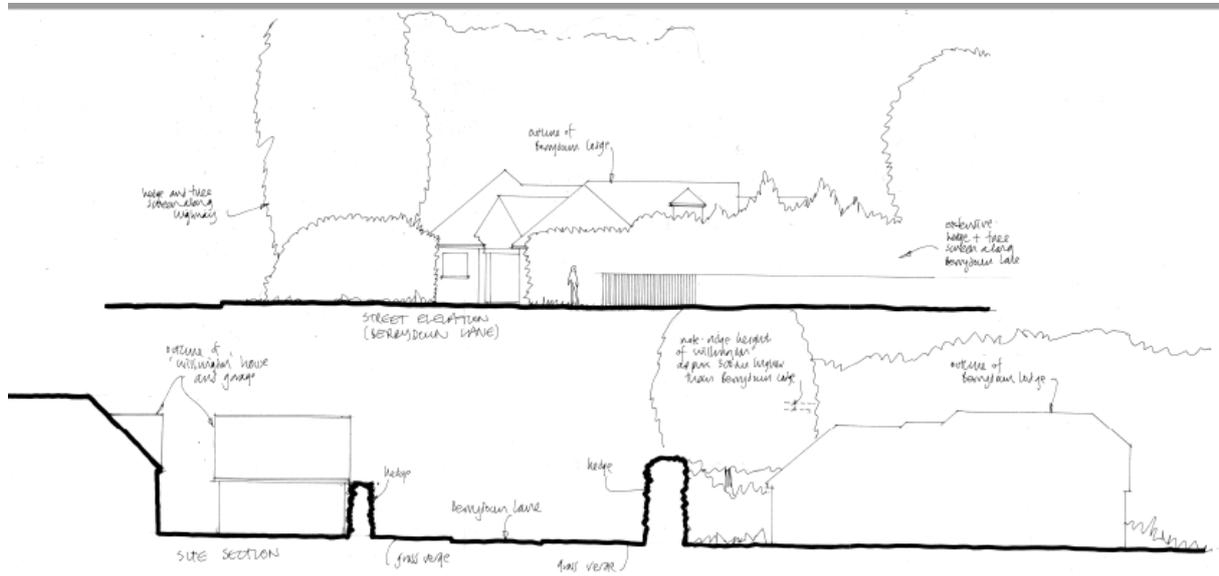
FUSION Architecture Ltd	
Onchard End Hawley Park Worley, Wiltshire Wootton Bassett RG20 3HJ Tel: 01292 802226	
Job No:	Extension and alterations to Berrydown Lodge Berrydown Lane Onchard
Client:	Mark and Sarah Chanley
Drawing No:	Proposed floor plans and elevations
Scale:	As above
Drawn by:	21/01/04
Check:	05

© Copyright issues with Fusion Architecture

Proposed Site / Roof Plan



Street Elevation and Site Section



Item No	Ref No	Address	Ward Councillor	Recommendation
6	20/03003/FUL	168 Kempshott Lane, Basingstoke, RG22 5LA Kempshott	Cllr Hayley Eachus Cllr Tony Capon	Approve

Agenda Page: 263

Officer Presenting: Patricia Logie

Objectors: Mrs Poole

In Support: Mr P Clarke

Update

Following a further review of condition 1 it is noted that updated plans were submitted as part of the application process and needs be updated to reflect this. Condition 1 should therefore read:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location and Block Plan (Drawing No.007)

Proposed Floor Plans (Drawing No.004 C)

Proposed Roof Plan (Drawing No.005 A)

Proposed Elevations (Drawing No.006 B)

Proposed Site Plan (Drawing No.009 Rev B)

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