



## Applications for Planning Permission

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**Report to** Development Control Committee

**Ward(s):** See Index of Planning Applications

**Key Decision:** No.

**Appendices:** Index of Planning Application Reports

**Papers relied on:**

1. Application Forms, Accompanying Documents and Plans
  2. Previous Applications and Reports Relating to Site and Land in the Vicinity
  3. Consultation Responses Received from other Local Authority Departments, County Council and Statutory Consultees
  4. Responses Received from Parish/Town Councils, the Public, Local Councillors, Amenity Societies and any Others
  5. Any Other Document Referred to Specifically in the Report
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### Foreword

#### 1 This Report

Is intended to:

- 1.1 Report planning applications to the Committee for consideration and decision.
- 1.2 Contribute to the objectives of the Council Plan, which seeks to deliver quality services, in allowing effective and efficient determination of planning applications that improve both the environment and the economy.

## **2 Recommendation**

It is recommended that:

- The planning applications reported in Appendix 1 be considered and determined.

## **DETAIL/MAIN CONSIDERATIONS**

### **3 Background, corporate objectives and priorities**

- 3.1 This report includes recent planning applications submitted to the Council as Local Planning Authority. The report relates to the Council Plan of objective of improving residents' quality of life in regard to maintaining and enhancing the built and natural environment. Appendix 1 provides an index of the planning applications and associated reports. These are divided into major items and minor items, which are defined as follows:

#### Major Items

- More than 10 dwellings proposed on the site are proposed for residential development greater than 0.5ha
- Non-residential development where in excess of 1,000m<sup>2</sup> new floor space or change of use is proposed
- Proposed development with a site area in excess of one hectare for non-residential development.

#### Minor Items

- All other applications for consent including listed building, conservation area and advertisement consents; work to trees the subject of Tree Preservation Orders; and consent to demolish buildings.

### **4 Current Situation**

- 4.1 All information, recommendations and advice contained within this report are understood to be correct at the time of writing the report. Any change in circumstances and/or additional information received prior to the meeting will be reported in writing in an "Update Paper" and referred to by the officer reporting to the Committee.

## **5 Availability of Background Papers**

- 5.1 Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report. Although there is no legal provision for inspection of the application file before the officer's report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the case officer.
- 5.2 All correspondence submitted in relation to a planning application is available to view on the public file (unless such information is considered to be confidential).

## **6 Reasons for Committee Consideration**

- 6.1 Applications are referred to the Development Control Committee for any of the following reasons:
- \* As per the Council's Scheme of Delegation, there are sufficient unresolved objections and the officer's recommendation is for approval.
  - \* The applicant is a Member of the Council or a Council employee making a personal application.
  - \* The application relates to Council owned land which is the responsibility of the Head of Planning and Infrastructure.
  - \* The Ward Member, to whose Ward the application relates, has requested after discussion with the case officer that an application is reported to the Committee.
  - \* The officer's recommended decision would be contrary to the Development Plan and the recommendation is for approval.
  - \* The Planning and Development Manager considers that the application should be determined by the Committee.
- 6.2 Approximately 7% of all applications are determined by the Committee. The others are determined by the Planning and Development Manager in accordance with the Council's Scheme of Delegation.

## **7 Parish Council, Consultee and Public Observations**

- 7.1 Parish Council comments are given in full within the report.
- 7.2 The report summarises responses from any consultees who have commented on the planning application. Comments from consultees which are subsequently superseded, for example by amended plans and information, may not be reported.

- 7.3 A summary of the key issues raised by public observations are given in the report.
- 7.4 Correspondence in the form of a petition is considered in accordance with the council's constitution. In the event that a petition is received following consultation on a planning application or enforcement case, the petition is referred to within the officer's report. For the purposes of delegation, a petition counts as a single comment.

## **8 Public Speaking at the Meeting**

- 8.1 The Council has a public participation scheme, which invites objectors, supporters and the town/parish council to address the Committee on some applications. Full details of the scheme are available from the case officer and are sent to all applicants and objectors where the scheme applies.
- 8.2 Speakers are limited to a total of four minutes per item for all objectors, four minutes for the town or parish council and four minutes for the applicant, agent and those in support of the proposal. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. **Speakers are not permitted to display plans, photographs or other illustrative material.** Speakers will be taken in the following order, although the Chairman of the Committee can amend this order if appropriate:
- Parish/ Town Council;
  - those against the application;
  - those in support of the application;
  - Ward / Visiting Councillor.

## **9 Status of Officer's Recommendations and Committee's Decisions**

- \* The recommendations contained in this report are made by the Planning and Development Manager at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change.
- \* The officer's recommendations may not be accepted by the Committee.
- \* A decision is made only when the Members of the Committee have formally considered and determined each application.

## **10 Reasons for Approval, Conditions and Reasons for Refusal**

- \* Suggested reasons for approval, conditions and reasons for refusal are set out in full in the officer's recommendation.
- \* The Committee may add further reasons for approval, conditions or reasons for refusal.

## **11 Decisions Contrary to the Listed Recommendation**

- 11.1 The Committee may resolve to refuse an application that had been recommended for approval or approve an application which had been recommended for refusal. In such cases, the Members will give clear reasons for their decision.
- 11.2 In the event that the Committee wish to refuse planning permission for a householder application which has been recommended for refusal, the Committee will be asked, in addition to their reasons for refusal, for any additional comments and concerns. This is to ensure that the concerns of the Committee are fully articulated in the event of a 'fasttrack' householder appeal.

## **12 Deferred and Withdrawn Applications**

- 12.1 Applications may not be decided at the meeting for a number of reasons as follows:

- \* Officers may recommend deferral because information requested or amended plans have not been provided or there has been insufficient time for consultation on amendments.
- \* The Committee may resolve to seek additional information or amendments
- \* The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report.
- \* Applicants, Parish/Town Councils and Ward Members and the Development Control Committee are advised of the Site Viewing arrangements. These are not public meetings.
- \* The applicant may chose to withdraw the application. No further action would be taken on that proposal and the file is closed.

## **13 Decisions Subject to Completion of a Planning Obligation/ Legal Agreement**

- 13.1 For some applications it is recommended that the applicant be invited to enter a planning obligation/legal agreement with the Borough Council (and in some cases Hampshire County Council) to secure contributions to various community facilities and that on completion of the agreement the Planning and Development Manager is delegated to grant planning permission subject to the listed conditions.
- 13.2 It is Government Policy, as set out in The Planning Acts, the National Planning Policy Framework and the Community and Infrastructure Levy Regulations 2010, that developers may be expected to contribute towards the

“community infrastructure” required to serve a site and in order to cater for additional demand created by any new development and its occupants. Policies CN6, CN7, CN8 and CN9 of the adopted Local Plan and the S106 Planning Obligations and Community Infrastructure Interim Planning Guidance set out the Council’s approach to the provision of infrastructure and community facilities needed as a result of development.

- 13.3 Typically, such requirements include contributions to community facilities; village halls; parks and play areas; playing fields and affordable housing. It also includes improvements to roads, footpaths, cycleways and public transport.
- 13.4 The officer’s recommendation will set out where a Section 106 agreement is required or has been secured in order to ensure that the development complies with Local Plan Policy and other relevant guidance.

## **14 Affordable Housing**

- 14.1 The expression “Affordable Housing” covers a number of housing tenures.
- 14.2 Whilst (in the particular circumstances of Basingstoke and Deane Borough Council) it is not believed that “Low Cost Market Housing” should play any part in meeting demonstrable Housing Needs, Affordable Housing can nevertheless encompass (for example) both Social Rented Housing provided by Housing Associations and also Shared Ownership/Shared Equity Housing (where the occupier owns part of a property, with the other part being owned by a Housing Association).
- 14.3 In their negotiations to secure Affordable Housing, officers aim to achieve a mix of tenures which reflects both the demonstrable housing needs of Basingstoke & Deane Borough Council and which also, in particular, maximises the delivery of Social Rented Housing in accordance with the Council’s objectives.

## **15 Visual Display of Plans and Photographs**

- 15.1 Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan is the most up-to-date available from Ordnance Survey and is to scale. The other plans are not a complete copy of the application plans and **may not be to scale**, particularly when they have been reduced from large size paper plans. If further information is needed or Members find these plans to be unclear they should refer to the submitted application available on line or in the reception area at the Parklands building. Plans displayed at the meeting to assist the Members may include material additional to the agenda.
- 15.2 Photographs are used to illustrate particular points on some of the items. These are taken by the officers. Only information provided by officers or as part of the application will be displayed.

## **16 Human Rights**

- 16.1 The European Convention on Human Rights ("ECHR") is brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.
- 16.2 The HRA introduces an obligation on the Council to act consistently with the ECHR.
- 16.3 There are 2 Convention Rights likely to be most relevant to Planning Decisions:
- \* Article 1 of the 1<sup>st</sup> Protocol – The Right to the Enjoyment of Property.
  - \* Article 8 - Right for Respect for Home, Privacy and Family Life.
- 16.4 It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.
- 16.5 Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications, enforcement action, etc.

## **17 Environmental and Sustainability Considerations**

- 17.1 The planning system should operate in the public interest to foster sustainable development, providing homes, investment and jobs in a way that adds to, rather than detracts from, the quality of the environment. The Council's planning policies seek to achieve this purpose, and applications for planning consent are considered in relation to these policies and any other relevant material considerations.

## **18 Financial, Legal and HR Implications**

- 18.1 There are no direct financial, legal and personnel implications arising from this report. However, in the event of an appeal against a refusal of planning consent, further resources will be put towards defending the Council's decision.

## **19 Risk Management**

- 19.1 In some circumstances, decisions may result in an application for costs by an appellant. Officers will alert Members where this may be likely and provide appropriate advice.

## **20     Consultation and Communication**

20.1 Planning applications as reported in Appendix 1 have been subject to the statutory requirements for consultation. Any comments receive from consultees and neighbouring properties are reported on each individual application.