

Development Management Committee

Meeting held on Wednesday, 22 July 2015 at the Concorde Room, Council Offices, Farnborough at 7.00 pm.

Voting Members

Cllr Mrs. D.B. Bedford
Cllr D.M.T. Bell
Cllr R. Cooper

Cllr P.I.C. Crerar
Cllr Sue Dibble
Cllr D.S. Gladstone

Cllr C.P. Grattan
Cllr J.H. Marsh
a Cllr Jennifer Evans

*Cllr P.F. Rust

Non-Voting Members

Councillor Roland Dibbs (ex-officio)

Apologies for absence were submitted on behalf of Councillor Jennifer Evans.

*Cllr P.F. Rust attended as standing deputy in place of Clouncilor Jennifer Evans

21. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

22. **MINUTES**

The Minutes of the Meeting held on 24th June, 2015 were approved and signed by the Chairman.

23. **TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED) - TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995 - DEVELOPMENT APPLICATIONS GENERALLY**

RESOLVED: That

(i) permission be given for the following application set out in Appendix "A" attached hereto, subject to the conditions, restrictions and prohibitions (if any) mentioned therein:

* 15/00322/FULPP (No. 6 Samson Close, Aldershot) - 18 –

(ii) the applications dealt with by the Head of Planning, where necessary in consultation with the Chairman, in accordance with the Council's Scheme of Delegation, more particularly specified in Section "D" of the Head of Planning's Report No. PLN1535, be noted;

(iii) the following application be determined by the Head of Planning, in consultation with the Chairman:

* 15/00461/FUL (No. 134 Holly Road, Aldershot); and
(iv) the current position with regard to the following applications be noted pending consideration at a future meeting:

15/00427/FULPP (No. 177 Ash Road, Aldershot)
15/00475/FULPP (The Queen's Head, No. 97 North Lane, Aldershot)
15/00487/FULPP (SBAC Exhibition Area, ETPS Road, Farnborough).

* The Head of Planning's Report No. PLN1535 in respect of these applications was amended at the meeting.

24. REPRESENTATIONS BY THE PUBLIC

In accordance with the guidelines for public participation at meetings, the following representation was made to the Committee and was duly considered before a decision was reached:

| Application No. | Address | Representation | In support of or against the application |
|------------------------|---------------------------------|-----------------------|---|
| 15/00461/FUL | (No. 134 Holly Road, Aldershot) | Mr. P. Needham | In support |

25. APPLICATION NO. 15/00461/FUL – NO. 134 HOLLY ROAD, ALDERSHOT

The Committee considered the Head of Planning's Report No. PLN1535 (as amended at the meeting) regarding the demolition of the existing bungalow and the erection of four three-bedroom dwelling houses at No. 134 Holly Road, Aldershot. Before considering the application in detail, the Committee received a representation in accordance with the scheme of public representation from Mr. P. Needham in support of the application.

It was noted that the recommendation was to grant planning permission, subject to the completion of a satisfactory unilateral undertaking under Section 106 of the Town and Country Planning Act, 1990.

RESOLVED: That

- (i) subject to the completion of a satisfactory unilateral undertaking under Section 106 of the Town and Country Planning Act, 1990 by 12th August, 2015 to secure an appropriate contribution towards open space, transport and Special Protection Area mitigation, the Head of Planning in consultation with the Chairman, be authorised to grant planning permission subject to the conditions and informatives set out in the Head of Planning's Report No. PLN1535 (as amended); however
- (ii) in the event that a satisfactory unilateral undertaking is not received by 12th August, 2015, the Head of Planning, in consultation with the Chairman, be authorised to refuse planning permission on the grounds that the proposal does not make satisfactory provision for: public open space in accordance with Core Strategy Policies CP10, CP11 and CP12 and saved Local Plan Policy OR4; a transport contribution in accordance with the Council's adopted

'Transport Contributions' Supplementary Planning Document and Core Strategy Policies CP10, CP16 and CP17; and a financial contribution to mitigate the effect of the development on the Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy and Core Strategy Policies CP11 and CP13.

26. ENFORCEMENT AND POSSIBLE UNAUTHORISED DEVELOPMENT

(i) No. 329 Pinewood Park, Farnborough –

The Committee received the Head of Planning's Report No. PLN1536 regarding the insertion of a first-floor window in the side elevation of No. 329 Pinewood Park, Farnborough. The Committee was informed that the property was situated in a terrace of similar properties and the dwellings were arranged in pairs which were staggered relative to the next pair. This had resulted in some of the properties, including No. 329, having a side elevation which, in this case, adjoined the front garden of No. 331.

A site visit had confirmed that a bathroom window had been installed in the flank elevation of the building measuring 0.6 metres by 0.4 metres height. Planning permission was required as it was set 1.7 metres above the floor level of the bathroom and also because an Article 4 Direction in relation to Pinewood Park had removed 'permitted development' rights for external alterations to the premises. The window had also been identified as a potential source of overlooking and loss of privacy to the neighbouring property due to the fact that the opening part of the window was set lower than 1.7 metres above the interior floor level (the height indicated as sufficient to safeguard privacy). However, this was only by seven centimetres and given the open plan design of the estate it was considered that the loss of privacy was not so great as to merit further action.

It was therefore considered that the unauthorised window would not cause any significant material harm to the visual character of the area or to the amenities of neighbours. In addition, planning permission would have been granted by the Council if an application had been submitted. Therefore, in accordance with Policy PE3 it was considered neither expedient nor reasonable for the Council to take enforcement action in respect of the breach of planning control that had taken place.

RESOLVED: That no further action be taken.

(ii) No. 23 Juniper Road, Farnborough –

The Committee received the Head of Planning's Report No. PLN1536 regarding the conversion of a garage into a habitable room at No. 23 Juniper Road, Farnborough. The property was a two storey detached house on the corner of Juniper Road and Baywood Close and had an attached garage over which was a room. The garage had been converted to form a habitable room with no external alterations.

The original planning permission (No. 91/00083/FUL) for the development of 96 residential units and associated infrastructure, had contained a condition that any garages or parking spaces should be retained for parking purposes only. Although the garage door remained in place, the garage was no longer available to park a

vehicle. Despite contact with the owner no planning application had been submitted for the development.

The Committee was informed that the Transportation Strategy Office was satisfied that, even with the loss of the garage, there was sufficient off-road parking at the property. It was therefore concluded that, as there had been no external changes, the unauthorised conversion would not cause any material harm to the visual character of the area, also no harm would be caused to the amenities of the neighbours or highway safety. If a planning application had been submitted, it would have been recommended for approval. Therefore, in accordance with Policies CP2 and CP16 of the Core Strategy and saved Policy ENV17 of the Rushmoor Local Plan it was considered neither expedient nor reasonable for the Council to take enforcement action in respect of the breach of planning control.

RESOLVED: That no further action be taken.

(iii) **Delegated Decisions to take Enforcement Action –**

RESOLVED: The Committee noted the enforcement action taken by the Head of Planning in accordance with the Council's Scheme of Delegation, more particularly specified in the Head of Planning's Report No. PLN1536.

**27. VARIATION OF THE LEGAL AGREEMENT RELATING TO NORTH TOWN
STAGE II DEVELOPMENT**

The Committee received the Head of Planning's Report No. PLN1537 (as amended at the meeting) which sought authority to vary the terms of the 2014 legal agreement relating to the payment of financial contributions in relation to Plot Nos. 472 – 482 of the North Town, Stage II development. The request was to vary the payment of financial contributions on a pro-rata basis, with the remainder of the contributions being paid and the clauses relating to affordable housing and the travel plan taking effect when Phase 6 was implemented in 2017.

The Committee was informed that, whilst Plot Nos. 472 – 482 had been approved as part of the Stage II planning permission, the plots were surrounded by development which had been approved and were located within Phase 4 of the Stage I planning permission issued in October, 2009. The applicant, First Wessex, had confirmed that Plot Nos. 472 – 482 would be built at part of Phase 4 of Stage 1. This meant that the construction of those plots would implement the 2014 permission and would trigger the clauses in the 2014 agreement. As the remainder of the Stage II permission (identified as Phase 6) was not due to be commenced until Summer, 2017, the applicant had requested that the 2014 agreement be amended, such that the open space, Special Protection Area (SPA) and transport contributions would be paid on implementation on a pro-rata basis for Plots 472 – 482, with the remainder of the contributions being paid and the clauses relating to affordable housing and the travel plan taking effect when Phase 6 was implemented in 2017.

It was highlighted that, given its size, the development would take place over an extended period of time. To date the applicant had completed 243 dwellings pursuant to the 2009 permission. It was noted that the main reason that Plot Nos. 472 – 482 had been excluded from the remainder of Phase 4 had been due to a lack of SPA mitigation being available in 2009. Given the overall construction programme for the site and the

disruption that would arise to future residents of Phase 4 if Plots 472 – 485 were to be built in 2017, it was considered both sensible and logical to complete these plots as part of Phase 4. To this end it was agreed that the financial contributions due to Rushmoor in respect of open space and SPA mitigation could be paid on a pro-rata basis. The 2009 and 2014 permissions had both included clauses relating to the provision of affordable housing. Given the small number of units concerned (four affordable units out of eleven), in the context of a total number of units (a minimum of 172 affordable units out of 431 and 79 affordable out of 226) and the applicants' status as a registered social housing provider, it was considered that the proposed variation would not prejudice the overall provision of affordable housing for the North Town redevelopment.

The Head of Planning's Report was updated at the meeting and the Committee was informed that the Council's Strategy and Enabling Manager had written in support of the proposed variation on the grounds that it would improve the programme deliverability and viability for the regeneration of North Town and would ensure that the existing tenants with changing housing needs in relation to household size could be met more quickly. In addition, the County Highway Authority had advised that, as the only change had been to vary the timing of the contributions, it was happy for this deed of variation to be progressed.

RESOLVED: That the request to vary the existing Section 106 agreement with a deed of variation, as outlined in the Head of Planning's Report No. PLN1537 (as amended) be agreed, subject to the costs of Rushmoor Borough Council and Hampshire County Council being paid by the applicant.

The meeting closed at 7.55 pm.

CLLR G.B. LYON
CHAIRMAN
