

EAST HAMPSHIRE DISTRICT COUNCIL

At a meeting of the Planning Committee held on 3 September 2020

Present

Councillor: S Pond (Chairman)

Councillors: A Williams (Vice-Chairman), D Ashcroft, D Evans, A Glass, M Johnson, C Louisson, P Langle, I Thomas, E Woodard, K Budden (Reserve) and K Carter (Reserve)

1. Apologies for Absence

Apologies were received from Councillors G Hill, S Hunt and S Schillemore.

2. Confirmation of Minutes

The minutes of the meeting held on 2 July 2020 were agreed as a correct record.

3. Confirmation of Attendance

Councillors present verbally confirmed their attendance.

4. Chairman's Announcements

The Chairman welcomed everyone to the meeting.

5. Declarations of Interest

There were no declarations of interest.

6. Acceptance of Supplementary Matters

Councillors present confirmed that they had received and read the Supplementary Matters paper which included information received since the agenda had been published. These were reported verbally at the meeting and are attached as Annex A.

7. Future Items

The committee agreed to visit the following sites should officers be mindful to permit:

- 27106/012 – Mayfield House Care Home, 41 London Road, Liphook, GU30 7AP;

- 50463/001 – Development West of Linden, Fullers Road, Rowledge, Farnham; and
- 57963/001 – Land adjacent to 1 Dean Field, Kingsley.

8. Report of the Director of Regeneration and Place

The report of the Director of Regeneration and Place was considered and it was RESOLVED that:

Application No., Site and Description:	Resolution:
<p>SDNP/20/01678/FUL</p> <p>2-3 The Square, Chapel Street East Meon, Petersfield, GU32 1NP</p> <p>Replacement dwelling (part retrospective) (additional information received on 23 and 24 June 2020)</p>	<p>Approved subject to the conditions as set out in Appendix A.</p>

9. PART 2 - South Downs National Park - Applications and related planning matters to be determined or considered by the Council on behalf of the South Downs National Park Authority

10. SECTION 1 - APPLICATIONS REPORTED IN DETAIL

11. SDNP/20/01678/FUL - 2-3 The Square, Chapel Street, East Meon, GU32 1NP

Replacement dwelling (part retrospective) (additional information received on 23 and 24 June 2020)

The Principal Planning Officer introduced the application. The site was situated within the East Meon Settlement Policy Boundary (SPB), the East Meon Neighbourhood Plan boundary and within the South Downs National Park. The site was also within the East Meon Conservation Area.

He outlined the history of the site and said that the previous application SDNP/18/01438 had permission granted in August 2018. This was for a two-storey dwelling to the rear of the site which had also been built out and completed and it also granted a series of works/improvements/changes to the existing property, 2-3 The Square. This was not for demolition works but works to enhance the property which had received no objection from the Conservation Officer at that time.

Planning permission was required for demolition in conservation areas apart from two exceptions which the site did not benefit from. The demolition works took place in approximately mid-March 2020 and a separate legal prosecution case was ongoing against the applicant at this time. This was a separate matter and the decision the committee made on this application, would have no bearing on that prosecution case.

He drew the committee's attention to the relevant Legislation and Planning Policy – Planning (Listed Building and Conservation Areas) Act 1990 – Section 72, Policy SD15 – South Downs Local Plan, part 2 and National Planning Policy Framework (NPPF) (Section 16).

It was a regrettable situation that the dwelling had been demolished before this application had been submitted. Officers had considered that there were two other potential options. These were to leave the site vacant and void of any development or have an alternative building on the site. Officers discounted the first option as it was not considered the site being empty and vacant would be of benefit to the Conservation Area, it would further compound the harm and leave an exposed gable end wall for 1 The Square. The second option of an alternative building form may have greater medium to long-term impact on the Conservation Area.

Whilst the application was a departure from the Local Plan as it was contrary to Policies SD15 and SD12 of the South Downs Local Plan, what was presented represented the best option in the circumstances and would provide the best development possible to safeguard the medium and long-term character and appearance of the East Meon Conservation Area.

In response to points made in the deputation, the officer said that it was not for him to question how and when it came about. Without being able to assess the building to formally assess its condition prior to demolition, it was difficult to put too much clarity on the points raised.

Each member of the committee confirmed to having received and read the written deputation circulated prior to the meeting, which had also been published on the council's website. This submission had been received from:

(1) Mr Ellis (Southern Planning Practice), the agent, on behalf of the applicant.

As set out in Appendix 1, attached to these minutes.

The Chairman invited Councillors to ask questions of officers.

In response to a question raised, it was confirmed that the application in 2018 had permission to alter the existing building. By demolishing the dwelling, the applicant was falling foul of that permission.

It appeared from the photographs shown that in terms of materials, there was not much left on the site and it was asked whether they were being stored elsewhere and if they had to be re-used for the new dwelling. In reply, the

Principal Planning Officer said that Condition 3 requested further material details. In addition, the Heritage Team Leader said that it was also important to get very good quality new materials, they did not have to come from older properties. It was a case of getting the best possible materials they could. New materials were available that had the look of an older brick/tile already. Sometimes materials from an older property could be a diminishing resource.

It was asked whether there was any mention of instability in any of the reports from the 2018 application, with regard to the proposed alterations that had been given approval. The officer found that there was nothing within the original Design and Access statement that alluded to the building being of poor state or unstable.

It was pointed out that during the presentation, the officer mentioned an ongoing action against the applicant for the demolition of the original dwelling. A councillor asked if there would be any outcome from that action which could interfere with the decision the committee would be making. The Solicitor clarified that the position was the fact that this building had been demolished was not a material consideration for the committee in determining the application. That was made even more important because there was now pending a separate prosecution for the unauthorised demolition of this building. These were separate proceedings and had nothing to do with the committee's decision that evening. The fact that criminal law was going to be applied to deal with this infraction of the law made it even weightier that the applicant should not be punished twice. This was effectively a civil application and what EHDC's Solicitor would be dealing with were criminal prosecutions. The court was entitled to take into account any financial gain that the defendant may have made in the unauthorised demolition.

It was asked whether the replacement dwelling would be up to insulation standards for a new build. The officer confirmed that modern building standards would apply as would modern building regulations.

The committee debated the application.

The committee struggled to understand why the demolition had not been flagged up, given the sensitivity of the area. The statement from the applicant had said that the demolition had been carried out over a phased period. In response, the Development Management Team Leader said that in terms of enforcement, once neighbours and residents make the authority aware, officers would then go out to investigate. Given where the site was, officers were surprised that they had not been made aware of the situation sooner.

Concern was expressed that solar panels could be used as a method of saving energy when the building was within the Conservation Area and had three listed buildings in close proximity. It was therefore asked whether Condition 8 could be amended to have 'above slab level' removed in order that the applicant could look at an alternative such as a ground source heat pump which would not result in any above ground visual impact. Whilst the officer appreciated the concern raised with regard to solar panels, he was reluctant to

amend the condition as the applicant was keen to carry out works as soon as possible. He therefore advised he could add an informative to say that such measures were unlikely to be supported.

The committee thought that this was a very unfortunate situation and were sad to see the building go, despite the fact it may not have been in the best condition. However, it would present a habitable building for the future with a new lease of life and could make a positive contribution once people got used to it. Given the retrospective application, it would be perverse to not allow a design which had been previously approved two years ago. A like for like replacement was the only option and should be done so using the best materials. The committee felt that lessons needed to be learned and were interested to see the outcome of the legal action taken.

Following the vote, the recommendation was declared **CARRIED**, 12 Councillors voting FOR permission, no Councillors voting **AGAINST** permission and no Councillors **ABSTAINING** from voting.

The meeting commenced at 6.00 pm and concluded at 7.24 pm

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Chairman

Minute Item 6.

Annex A

03 September 2020
Planning Committee

Supplementary Matters to be considered as part of Planning Officer's Report on Planning Applications.

S1 Item 1

**2 - 3 The Square, Chapel Street, East Meon,
GU32 1NP**

SDNP/20/01678/FUL

FURTHER REPRESENTATIONS

Third Party Representations

One additional letter of representation has been received, with the following comments and observations:

- The development could incorporate the widening of public footpath along the site frontage linking the CoE primary school with the church and village centre, which is presently narrow and unsafe for users on a sharp bend in the road.

Officer note: the proposed development does not seek to change the existing pavement width, positioning or layout fronting the site, which wraps around the corner of Chapel Street and the High Street. This land is outside the application site and no objection to the development has been raised by the Local Highway Authority.

CHANGES TO RECOMMENDATION

No change to the Officer recommendation with regards to this late representation.



South Downs

National Park Authority

Part 2

EAST HAMPSHIRE DISTRICT COUNCIL

MINUTES OF PLANNING COMMITTEE

Applications determined by the Council on behalf
of the South Downs National Park Authority

APPENDIX A

3 September 2020

PROPOSAL	Replacement dwelling (part retrospective) (additional information received on 23 and 24 June 2020)
LOCATION:	2-3 The Square, Chapel Street, East Meon, GU32 1NP
REFERENCE NO:	SDNP/20/01678/FUL

1. Within two months from the date of this planning permission, a written construction programme setting out the key milestones and dates from commencement of the development through to the substantial completion of the replacement dwelling, shall be submitted to and agreed in writing by the Local Planning Authority. The development works shall proceed in accordance with agreed timescale through to completion of the development, unless an alternative programme is otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the replacement dwelling is constructed in a timely manner to prevent the continued unsightly gap in the street scene, which would be prejudicial to the character and appearance of the conservation area.

2. Any parts of the building exposed by the demolition work for which permission has been granted, shall as part of the contract be made good to the satisfaction of the Local Planning Authority prior to the completion of the project.

Reason: To protect the appearance of the East Meon Conservation Area.

3. No development shall commence on site until details, including labelled samples (manufacturer, type and where it is to be used) of all external materials (including finishes, and rainwater goods), have been submitted to, and approved in writing by the local planning authority. All materials that survive from the demolition of the former dwelling shall be re-used in the construction of the replacement dwelling.

Reason: To ensure the materials and finishes to be used are appropriate, in order to maintain the character and appearance of the conservation area. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4. Notwithstanding the approved plans, the development hereby permitted shall not be commenced until detailed drawings of the windows and doors have been submitted to, and approved in writing by the local planning authority. The details to comprise:-

- a) Plans to clearly identify the window and door in question and its location within the property. Where a large number of windows and doors are involved the windows should be cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
- b) 1:20 elevation and plan; 1:5 section and full size glazing bar detail. The details to include the position of the window within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
- c) The materials used, method of opening and finishes.

The works shall be carried out in full accordance with such approval and be retained thereafter.

Reason: In the interests of visual amenity and the character and appearance of the Conservation Area. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

5. The development hereby approved shall not be first brought into use until the boundary treatment has been implemented in full, in accordance with the approved plans (Boundary Treatment and Landscaping: Existing House - drawing number TS 50). In addition, the front boundary treatment facing the High Street, comprising a timber picket fence, shall be retained or matching replacement installed, unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be fully implemented before the use of the development is commenced and/or any part of the development is occupied and shall be retained thereafter.

Reason: To ensure an appropriate standard of visual amenity in the area and to safeguard the privacy and amenities of the residents of the locality.

6. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

A programme of construction work;

The provision of long term facilities for contractor parking;

The arrangements for deliveries associated with all construction works;

Methods and phasing of construction works;

Access and egress for plant and machinery;

Protection of pedestrian routes during construction;

Location of temporary site buildings, compounds, construction material, and plant storage areas;

Provision for storage, collection, and disposal of rubbish from the development during construction period; and

Re-use of on site material and spoil arising from any site clearance or demolition work.

Construction work shall only take place in accordance with the approved method statement.

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

7. The finished floor levels and overall ridge height of the replacement dwelling hereby approved shall be constructed in accordance with the approved plans (drawing number TS 21 C), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

8. No development above slab levels shall commence on site until a scheme has been submitted to, and agreed in writing by, the Local Planning Authority to demonstrate that the replacement dwelling, hereby approved, incorporates energy efficiency measures that provides at least 19% carbon dioxide reduction improvement against Part L (2013) of Building Regulation requirements.

Before any part of the development is first occupied a verification report and completion certificate shall be submitted to and agreed in writing by the Local Planning Authority confirming that the replacement dwelling has been constructed in accordance with the approved scheme.

The developer / applicant shall nominate a competent person for the purposes of assessing and providing the required report and certificate to confirm that the completed dwelling incorporates energy saving measures to meet the specified requirement. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.

Reason: To ensure the development incorporates necessary mitigation and adaptation measures with regard to climate change.

9. The replacement dwelling hereby approved shall be constructed and fitted out to comply with Building Regulations 2010 (as amended) requirement G2 (36) (2) (b), which limits the amount of water to be used by each individual at a property to no more than 110 litres of water per day. This limit shall not be exceeded thereafter.

Reason: To ensure that the development incorporates necessary mitigation and adaptation measures with regard to climate change.

10. Prior to the first occupation of the development hereby permitted, a minimum of one bat box shall be installed within the site. The bat/bird box shall be installed as per the manufacturer's instructions and shall be installed within the site, retained and maintained thereafter of the duration of the development.

Reason: To protect and enhance biodiversity in accordance with policies SD2 and SD9 of the South Downs Local Plan.

11. The proposed hard surface/s shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface(s) to a permeable or porous surface within the site.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions and outbuildings otherwise permitted under Schedule 2, Part 1, Classes A, B, C, and D of said Order shall be carried out on the dwellinghouse or within its curtilage without the prior written consent of the Local Planning Authority.

Reason: It is considered that further alteration of this dwelling could result in an adverse effect upon the visual character of the area.

13. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development.

14. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

Informatives:

5. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended).

In accordance with CIL Regulation 65, the South Downs National Park Authority will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which planning permission first permits development. Further details on the Authority's CIL process can be found on the South Downs National Park Authority website: <https://www.southdowns.gov.uk/planning/communityinfrastructure-levy/>

6. The applicant is advised that in seeking to discharge condition 8 of this permission, the Local Planning Authority is unlikely to give favourable consideration to the inclusion of solar panels on any part of the roof structure of the dwelling hereby approved.



EAST HAMPSHIRE PLANNING COMMITTEE 3 SEPTEMBER 2020

PART 2 SCHEDULE 1 – APPLICATION SDNP/20/01678

REPLACEMENT DWELLING 2-3 THE SQUARE, EAST MEON

STATEMENT ON BEHALF OF THE APPLICANT

The applicant regrets that the existing dwelling was demolished but that happened as the result of a series of actions and circumstances, not as a single demolition operation and in unfortunate ignorance of the legislation.

When the original planning permission was granted for the renovation, alteration and extension of the existing dwelling it entailed the removal of the roof of the dwelling in order for that to be reconstructed. Latter additions to the original building were to be demolished. The work also entailed the stripping out of the internal wall coverings and removal of some of the internal walls in order to ensure the retained brick walls were sound. Those operations exposed the brickwork of the cottage.

The operations were carried out in January and February 2020 in a carefully planned sequence leaving the principal walls in situ. The remaining walls were secured at all times. However, the condition of the walls was found to be poor and the independent Building Inspector and Structural Engineer was concerned that the retained structure was considered unsafe to retain and repair as the condition of the walls showed major outward spreading with little or no mortar holding the brickwork in place with previous unsuccessful repairs visible.

This was explained in the documents submitted with the application.

From mid-January the British Isles had been subject to a number of strong storms – Brendan to Jorge - with Storm Ciara arriving on 8 February giving the applicant grave cause for concern about the stability of the retained walls. That concern coupled with the Building Inspector's advice that the walls of the existing dwelling that it was planned to retain and incorporate in

the refurbished cottage were not fit or structurally sound to be so used led to the walls being taken down. Many of the bricks salvaged for re-use.

It was never the applicant's intention to demolish the building and the careful sequence of work proves that point. The removal of the building was an unfortunate consequence of the poor structural condition of the building in consultation and with advice from an independent Building Inspector, Structural Engineer and the Architect.

The applicant accepts that he could have sought advice from the planning authority before the walls were dismantled but he had to act quickly in the middle of a series of violent storms and in the light of the advice given by the professionals acting for him.

The proposed replacement dwelling is of exactly the same design and appearance as the renovated cottage would have been and other than being a reconstruction the outward appearance on the character and appearance of the Conservation Area would be the same.

**Ian Ellis BA MRTPI
Associate Director
Southern Planning Practice**