

EAST HAMPSHIRE DISTRICT COUNCIL

At a meeting of the Planning Committee held on 9 March 2022

Present

Councillor: S Pond (Chairman)

Councillors: A Williams (Vice-Chairman), D Ashcroft, D Evans, A Glass, P Langley, C Louisson, S Schillemore, E Woodard, G Hill (Reserve) and T Maroney (Reserve)

Other Councillors Present:

Councillor(s):

72. Apologies for Absence

Apologies were received from Councillors S Hunt, M Johnson and I Thomas.

73. Confirmation of Minutes

Minutes of the meeting held on 17 February 2022 were agreed and signed as a correct record.

74. Chairman's Announcements

The Chairman welcomed all those present to the Planning Committee, in addition to the Councillors who sit on the committee.

75. Declarations of Interest

There were no Declarations of Interest from members of this meeting.

76. Acceptance of Supplementary Matters

Councillors present confirmed that they had received and read the Minutes of the meeting held on 17 February 2022, which had been received under Supplementary Matters, since the agenda had been published.

There were no further Supplementary Matters Papers received at the meeting.

77. Future Items

The committee agreed to inspect the following sites, should the applications be referred to the Planning Committee for determination:

- 23291/029 – Lymington Farm Industrial Estate, Lymington Bottom Road, Four Marks, Alton, GU34 5EW
- 39009/008 – Land to the north of the Telephone Exchange, Lymington Bottom Road, Medstead, Alton
- 58788 – Land to the west of, Longbourn Way, Medstead, Alton

78. Report of the Director of Regeneration and Place

The reports of the Director of Regeneration and Place were considered, and it was **RESOLVED** that:

Application No. Site and Description:	Resolution:
<p>38980/007/FUL</p> <p>The Spinney, Shalden Lane, Shalden, Alton, GU34 4DT</p> <p>Demolition of the existing dwellinghouse, associated garage and outbuilding, and the erection of a 4-bedroom dwellinghouse and associated garage. The existing swimming pool and tennis court are proposed to be replaced and the garden landscaped. (Revised landscaping plan received 18.11.2021)</p>	<p>Permission subject to the conditions as set out in Appendix A</p>

79. PART 1 - East Hampshire District Council - Applications and related planning matters to be determined or considered by the Council as the local planning authority.

80. SECTION 1 - APPLICATIONS REPORTED IN DETAIL

**81. 38980/007/FUL/KM - The Spinney, Shalden Lane, Shalden, Alton, GU34
4DT**

Full Application – Demolition of the existing dwellinghouse, associated garage and outbuilding, and the erection of a 4-bedroom dwellinghouse and associated garage. The existing swimming pool and tennis court are proposed to be replaced and the garden landscaped. (Revised landscaping plan received 18.11.2021)

The Development Management Team Leader introduced the application, which was a replacement dwelling in the countryside. He stated that members had attended a site visit the previous week.

A location plan showed the highway of Shalden Lane, which ran north south to the west of the site, approximately 250 metres from the village and some considerable distance from neighbouring properties, with the exception of 'Fairfield' to the south. An aerial photograph showed images of a swimming pool and former tennis court on the site plus three poultry houses, which had since been removed. Photographs also showed that the application site was located to the top of a shallow hill.

Existing and proposed site plans were then provided as part of the presentation. The footprint of the new proposed two storey dwelling was shown on the Proposed Site Plan, together with the garage which was located to the south of the site, plus a replacement outbuilding to the north. Access to the site from Shalden Lane would remain unchanged with this proposal. The Existing Site Plan denoted areas of Permitted Development extensions, which did not require planning permission. These had recently been established in relation to the uplift and floor space of the existing dwelling and an Existing Elevations Plan showed drawings of the five bedroom dwelling in respect of the north, south, east and west elevations.

A further Proposed Site Plan was shown of a new swimming pool and also a flint wall which would connect the garage to the south. The proposed footprint would occupy a similar position on the site as the existing dwelling and the tennis court would be relocated from the boundary to the north.

The Development Management Team Leader explained that the Permitted Development Fallback Position, which should be taken into account as a material consideration for this application, had been granted through a Lawful Development Certificate for side extensions, and Prior Approval for a rear extension. Established Fallback Floorspace of the rear extension would almost double the footprint, should the applicant decide to implement the Permitted Development rights granted on the site.

An artistic impression of the proposed Front, Rear and Side Elevations, showed a contemporary and modern styled house, which would measure 6.6 metres to the top of a flat roof. Materials used would be timber cladding on the first floor and a flint finish on the external wall of the ground floor. Floor Plans were

shown to describe the proposed accommodation and plans of the garage and also proposed workshop were shown.

A revised landscape scheme would include planting of trees and hedgerows, as some trees had been recently removed, although certain existing mature trees would remain.

The Development Management Team Leader then outlined the main planning issues considered in respect of the report:

Principle of Development – The proposal, as a development within the countryside, met the necessary criteria in both National and Local policies.

The floorspace calculations for the replacement dwelling could achieve a comparable area as extensions to the existing dwelling, under Permitted Development Fallback Position.

Impact upon the scale and character of the site and the local area – The proposed dwelling would be located generally on the footprint of the existing dwelling. The plot itself could readily absorb the size of the dwelling.

Impact on Heritage Assets – Objections had been raised in relation to the detrimental impact the contemporary design of the proposed dwelling could have on the rural character of the area, village conservation area and local listed buildings. It was confirmed however that the plot did not have a close association with any of the more built up properties of the village to the south and that the proposed development would therefore not be viewed as harmful to the local setting or conservation area.

The Development Management Team Leader concluded his presentation and recommended permission for the reasons stated, as listed within the report.

The Chairman thanked the Officer for his presentation and informed that three members of the public were registered to speak in respect of this application.

The Committee was then addressed by the following deputees:

Mr David Lancaster spoke as a member of the public

As set out in Appendix (i), attached to these minutes.

Cllr Dave Orme, spoke as a representative of Shalden Parish Council

As set out in Appendix (ii), attached to these minutes.

Mr Dan Roycroft, spoke as the agent on behalf of the applicant from Atlas Planning Group

As set out in Appendix (iii), attached to these minutes.

The Chairman asked the Development Management Team Leader if he wished to make any comments on the deputations received.

The Officer wished to clarify a point made on behalf of Shalden Parish Council. He stated that the amended plan received in November 2021, was in respect of an amended Landscaping Plan but nothing further had been received.

The Chairman then invited the Committee to ask questions of the officer and debate the application.

The Development Management Team Leader responded to members in respect of the following points raised:

- Materials used would be of flint and not render, although as stated in Condition 4, exact detail was required before approval.
- There were no Tree Preservation Orders inside or outside of the site boundary.
- The applicant could build two site extensions without permission, under Permitted Development, if they wished to do so.
- Details of the Permitted Development Fallback Position were further provided, particularly in respect of current policies of building developments in the countryside.
- Plantation would provide an opportunity to soften the landscape, as stated in Condition 4. It may be acceptable for more quickly growing specimens to be planted, although trees should not be too tall for inappropriate screening.
- Any landscaping matters would be considered within the conditions.
- The Council's solicitor expressed concerns in respect of the request made by a member to add a new condition to try and secure mitigation measures to reduce light transmittance. The solicitor stated that any condition could not be imposed and would not be enforceable.

Members noted that there was a duplication of Conditions 7 and 8 and therefore the Officer agreed that Condition 7 should be deleted. It was also agreed that an additional informative would be included to make the applicant aware that as part of the requirements under Condition 3, the Council would expect them to provide details of the planting scheme to include native species of a size and maturity at planting stage to provide a more immediate effect.

Members of the committee, on balance, support the application. Members acknowledged that the principle of the development would provide a good quality modern dwelling, which would stand alone outside of the perimeter of the conservation area in the countryside. It was also noted that the new development could embody architectural importance in the future.

The Committee voted on the Officer's recommendation for permission of application 38980/007/FUL/KM, subject to the reasons listed on page 23 of the agenda, as set out within the report. The removal of Condition 7 was agreed plus the inclusion of an additional Informative, the final wording to be confirmed with the Chairman and the local Ward Councillor.

Following the vote, the recommendation was declared **CARRIED**, 10 Councillors voting **FOR** approval, 1 Councillor voting **AGAINST** approval and no Councillors **ABSTAINING** from voting.

The meeting commenced at 6.00 pm and concluded at 7.30 pm



Part 1

EAST HAMPSHIRE DISTRICT COUNCIL

MINUTES OF PLANNING COMMITTEE

**Applications determined by the
Council as the Local Planning Authority**

APPENDIX A

9 March 2022

PROPOSAL	Demolition of the existing dwellinghouse, associated garage and outbuilding, and the erection of a 4-bedroom dwellinghouse and associated garage. The existing swimming pool and tennis court are proposed to be replaced and the garden landscaped. (Revised landscaping plan received 18.11.2021)
LOCATION:	The Spinney, Shalden Lane, Shalden, Alton, GU34 4DT
REFERENCE NO:	38980/007/FUL/KM

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.
Reason - To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 No development shall commence on site above slab level until a scheme has been submitted to, and agreed in writing by, the Local Planning Authority to demonstrate that the built development hereby permitted incorporates measures that provides at least 10% of energy demand from decentralised and renewable or low carbon energy sources.
Before any part of the development is first occupied a verification report and completion certificate shall be submitted in writing to the Local Planning Authority confirming that the built development hereby permitted has been constructed in accordance with the approved scheme.

The developer shall nominate a competent person for the purpose of assessing and providing the above required report and certificate to confirm that the completed works incorporate such measures as to provide these requirements. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.

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

- 3 The development hereby approved shall not be first brought into use until a fully detailed hard and soft landscape and planting scheme (which includes details of all the boundary treatments and details of the gate) for the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless a suitable alternative species are otherwise agreed in writing by the Local Planning Authority.
- Reason - In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

- 4 Notwithstanding any indication of materials that may have been given in the application or in the absence of such information, no development above slab level shall take place on site until samples / details including manufacturers details of all the materials to be used for external facing and roofing for the development hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. The development works shall be carried out in accordance with the approved details.
- Reason - To ensure that the materials used in the construction of the approved development harmonise with the surroundings.

- 5 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Preliminary Ecological Appraisal (EcoSupport, April 2021) and Bat & Protected Species Survey and Bat Emergence Survey (EcoLogic, July 2021) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation, compensation and enhancement features shall be installed as per ecologist's instructions and retained in perpetuity in a condition and location suited to their intended function.
Reason - To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy CP21 of the East Hampshire District Local Plan: Joint Core Strategy.
- 6 On the day on which the new dwelling hereby permitted is first occupied or is practically completed, whichever is the earlier, the existing dwelling within the application site shall cease to be used for any purpose, and within one month of that day the existing dwelling shall be demolished, the resultant materials cleared from the site, and the land reinstated, in accordance with details which have first been submitted to, and agreed in writing by, the Local Planning Authority.
Reason - In order to secure the removal of the existing dwelling which is being replaced, and in order to protect the character of the area/countryside.
- 7 Notwithstanding any indication on the approved plans, the resultant dwelling shall not have a total habitable floor area greater than 500 square metres gross external measurement. Upon implementation of this permission, 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) there shall be no additions to or extensions/enlargement of the dwellinghouse to which this application relates without a grant of planning permission from the Local Planning Authority.
Reason - The property lies outside of any recognised settlement where the Local Planning Authority seeks to retain a range of dwellings, and therefore wishes to control any further alterations, extensions or conversion of the roof space.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garage hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property.
Reason - The property lies outside of any recognised settlement where the Local Planning Authority seeks to retain a range of dwellings, and therefore wishes to control any further conversions of outbuildings.

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

Application Form
Cil Form 1 - Additional Information
DAS Document Part 1
DAS Document Part 2
Planning Statement
Preliminary Ecological Appraisal
Drg. 0450 - North Elevation
Drg. 0451 - East Elevation
Drg. 0452 - West Elevation
Drg. 0453 - South Elevation
Drg. 100 - Location and Block Plan
Drg. 103 - Existing Site Plan
Drg. 104 - Site Plan Proposed
Drg. 201 - Existing Floor Plans
Drg. 250 - GF Plan
Drg. 251 - FF Plan
Drg. 252 - Garage
Drg. 261 - Proposed workshop
Drg. 350 S-02 - Site Section Proposed
Drg. 400 E-01 - Existing Elevations
Drg. 401 E-01 - Existing Outbuildings Elevations
Drg. TT.OCO.501.3 - Scheme of Hard and Soft Landscaping (revised plan rec'd 18.11.21)

Reason - To ensure provision of a satisfactory development.

Informative Notes to Applicant:

- 1 In accordance with paragraphs 38 and 39 of the NPPF East Hampshire District Council (EHDC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
offering a pre-application advice service,

updating applicant/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance was provided with pre-application advice, and the application was acceptable as submitted and no further assistance was required.

- 2 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, East Hampshire District Council 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 Council's CIL process can be found on the East Hampshire District Council website:

<http://www.easthants.gov.uk/sites/default/files/documents/Planning%20Contributions%20and%20CIL%20Supplementary%20Planning%20Document%20-%20April%202016.pdf>

- 3 The applicant is made aware that as part of the requirements under Condition 3, the council will be expecting the details of the planting scheme to include trees, hedges and vegetation of a size and maturity at planting stage to provide a more immediate effect to help soften the development shortly after its construction.
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Minute Item 81.

Objectors' remarks re The Spinney for the planning committee on 9 March 2022

(References are to pages and paragraphs in the agenda annex to the planning committee agenda)

Words in [] will not be read out

We would be happy with a reasonable, replacement building of the size proposed.

1. However, this **most controversial** application is **based on an entirely false premise** because it is not, as the applicant contends, *“reflective of the surrounding rural area, and sympathetic within its setting”* and it cannot sensibly be said to *“not appear incongruous”* because it is obviously incongruous, [i.e. not in harmony.]
2. **This scheme will have a significant negative visual impact on the area** as it is on open, high ground and **is prominently visible from a wide arc of vision around it.**
3. Almost all the mature trees on the Shalden Lane boundary have now been felled and replaced by hedging whips of some 1.5 metres. **Even when established in some 5 years, these will not provide any effective screening of the new building,** and neither will the planting elsewhere.
4. At page 3 para 3.3 mention is made of the JCS and Local Plan having policies that **must be met and here they are not.**
5. This design is **non-compliant** with the opening policy statement for CP29 being *“highly appealing in terms of visual appearance.”* **Obviously, this is subjective, but few people would regard this design as being ‘highly appealing’.** [And it does not *“respect the character, identity and context of the District’s towns, villages and countryside”*] because it is **a deliberate statement of the opposite and there is no similar design of a rural house in the wider area** [CP29 (a).]
6. The design offends CP29 (d) because it shows **absolutely no recognition of local distinctiveness** [and it is **not** *“appropriate and sympathetic to its setting in terms of its scale etc”*] and because in outline it **resembles a collection of Shipping Containers.**
7. It offends CP29 (e) because **the glass area is overpowering, and the profile is a brutal series of sharp edges entirely out of keeping with the traditional architecture of the area.**
8. Further, it offends CP30 because [it does not *“conserve and..... enhance the District’s historic environment”* as] it is **ultra-modern and is an architectural insult to our precious historic environment.**
9. With respect to the officer, who contends otherwise, [on page 17 para 6 and page 19 para 5] **on any common-sense basis, and in fact, this design is “harmful”** [to the character and context of the site and local area]. **She asserts categorically that the proposal would accord with CP29 when it does not.**

10. **Shalden is an important conservation area**, and the core of this small village includes a property mentioned in the Domesday Book, timber framed houses, a medieval barn, and a 17th century blacksmith's house. Within 200 metres you would see a dominant, discordant unit which is **entirely out of keeping with the existing as-built heritage** including the 7 new ones built over the last 20 years (photos attached) and all the other dwellings off Shalden Lane.

I therefore encourage the committee to turn down this application because there are valid planning reasons to justify such a decision, supported by substantial evidence.

- At the time of the original application for The Spinney in July, Shalden Parish Council received no feedback from residents. The application was considered in line with planning guidelines and no reason for objection was evident. As such, Shalden Parish Council did not log any comments with EHDC Planning Dept.
- As a consultee In November, the parish council were made aware of an amendment to The Spinney application. As concerns had been raised by Councillors, in line with standing orders, an open meeting was called to discuss the application, with specific attention to design policy reference C29.
- In November, a number of objections had been raised directly to Shalden PC by residents. Although their concerns did **not** reference **current** legislation the Parish Council noted that:
 - there was significant concern surrounding the design of the new dwelling,
 - a feeling that the design was not in keeping with the village and was detrimental to the sense of place.
 - there was also concern around its siting in the plot and the impact on the landscape.
- On considering the concerns of residents The Parish Council noted that there is **no** overall design scheme for that portion of Shalden sitting outside of the conservation area and that in fact the village constituted a variety of architectural styles already.
- Councillors considered the impact of the development on the neighbouring Conservation Area which constitutes a portion of the village. While the proposed design is modern, given its' location outside the conservation area there is no guidance too object. It was also noted that proposed dwelling is **not** visible at the same time as those within the conservation area and as such has no impact on them.

- Following discussion, the Council decided by 4:1 that there were no grounds to object to the application but that it was appropriate to highlight the concerns of residents to EHDC Planning Dept

In Summary

- Having reviewed the application twice, Shalden Parish Council believes that while the application **does** follow the guidelines within the JCS, they would ask the Planning committee to consider the detailed concerns local residents have shared in relation to this proposal and that these are taken into account when making their deliberations.

Good evening Councillors & Chair,

My name is Dan Roycroft, I'm a chartered town planner and the agent for this application.

The application proposes the demolition of the existing dwelling and the erection of a high quality, sustainable, contemporary replacement home.

The existing dwelling benefits from a realistic fallback position whereby it could be extended using permitted development rights to achieve a total floorspace of 498sqm. Well established Case Law has confirmed that the existence of a fallback position must be afforded significant weight in the planning balance, and East Hants have recently had Costs awarded against them on the adjoining site for not affording sufficient weight to a fallback position.

The proposed dwelling has a total proposed floorspace of 500sqm, so is very similar to that which could be achieved by the fallback position and your Officers have confirmed significant weight should be afforded to this point.

The planning assessment then moves to whether the proposed dwelling would be materially harmful to the character of the area and the landscape.

The plot is located outside of the village when there is a more dense collection of dwellings. Shalden Lane by contrast holds only few dwellings along its length, stretched out of a wide area, and aside from one dwelling to the south, it doesn't have a close relationship with other dwellings or plots in the area. This presents an opportunity to provide a contemporary, more exciting form without impact on the prevailing character of the area. The proposal is however still tied to the local vernacular through the use of locally prevalent materials such as flint as the main elevational treatment.

In terms of landscape impact, the site is fairly well screened from public view so any impact would be limited by virtue of this point. Additionally, the design of the proposal and its contemporary form further limits impact – it will have a ridge height of just 6.6 metres compared to the 8m ridge of the existing dwelling.

Impact is further limited by the proposed materials. The existing dwelling is fairly conspicuous by virtue of its stark white rendered elevations, and by contrast the proposed materials are flint, reflective of the locality, with a lightweight timber clad first floor. These will help the proposed home assimilate well into the verdant backdrop and become far less visible than the existing dwelling.

Further to this, a soft landscaping scheme is proposed which add a new native hedgerow along the southern and eastern boundaries together with tree planting at and near the site entrance. Your

Landscape Officer has confirmed that, subject to the conditioning of this landscaping plan, he has no objections to the proposal.

This proposal presents an opportunity to provide a home of real architectural quality, which is clearly contemporary in design, but also bedded in the local vernacular through the use of natural local materials such as flint, without harm to character of the area, the landscape or neighbouring amenity. As a result, I really hope you can support your Officer's recommendation for approval.