

CRONDALL PARISH COUNCIL

THE MINUTES OF A PLANNING MEETING OF CRONDALL PARISH COUNCIL HELD ON MONDAY 7th DECEMBER 2009 AT 8.30 P.M. IN EWSHOT VILLAGE HALL

Present: Cllrs. Argent, Behagg, Dorn, Hebborn (Vice Chairman), Passmore, Payne, Shelford (Chairman), Sisk, Vincent, Wilkinson.

Also in attendance: District Cllr Bennison and members of the public

Apologies: Cllr. Bredin, Dobby, District Cllrs Glenn, Singh

435/09 APOLOGIES FOR ABSENCE

Apologies for their absence had been received from the above.

436/09 APPROVAL OF THE PREVIOUS MINUTES

The Minutes of the meeting held on 2nd November was approved and signed by the Chairman as a correct record of the meeting.

437/09 MATTERS ARISING FROM THE MINUTES

No items were raised.

438/09 ANNOUNCEMENTS

Announcements from the Chairman: The procedure for setting the precept for Crondall Parish Council will be the same as usual. The setting of the precept for new parishes will be set by Hart District Council (HDC). The Parish Council (PC) has the basic information on the tax base estimated for next year which the level of council tax is set against.

Mr & Mrs. Rook (applicants) would like to speak on the Lea Farm application agenda item 6 a (i) Minute 440/09 a) (i)

439/09 DECLARATIONS OF INTEREST

Cllr Sisk declared an interest in agenda item 6 a (iii) Crondall Cp School application as he is a Governor of the Primary School and advised that he would withdraw from the debate. Cllr. Behagg also declared an interest as his wife is also a Governor on the school board and asked if he should withdraw but it was not felt necessary.

Also Cllr Sisk, having previously worked along side Mrs. Deidre Rook on the Parish Council Planning Committee, he did not feel he should comment on the Lea Farm application, agenda item 6a (i & ii).

440/09 AGENDA ITEMS

a.Consideration of Current Planning Applications; to include Public Participation:

- i. **Lea Farm, Farnham Road, Ewshot 09/02311/FUL** Demolition and replacement of four dwellings and redundant agricultural buildings with four detached dwellings with private amenity space and parking. (Rook)

Mrs Deidre Rook (applicant) had requested permission to speak regarding her application.

Cllr Vincent presented the application detail and advised that there used to be an agricultural condition applied to the property. The proposed dwellings will be approximately 1m higher than the existing buildings. Mrs Rook then presented background information on the application.

With regard to S106 contributions because there had not previously been a S106 contribution required for this application there cannot be a contribution to education even though the proposed dwellings would be family houses. This application relates to a previous application from a few weeks ago. Cllr Wilkinson asked if equestrian activity had ceased; Mrs. Rook confirmed as having ceased. However, it was noted, that the rights are there to reactivate a commercial activity. It was noted that there would be a 60% increase in occupancy of the area.

The Planning Committee advised that in relation to the HDC Local Plan Policy RUR 23 the proposed development is disproportionate to the existing buildings and would adversely affect the character of the area being that of open countryside. The Planning Committee recommend objection.

Recommendation: Objection for the following reason: In relation to the HDC Local Plan Policy RUR 23 the proposed development is disproportionate to the existing buildings and would adversely affect the character of the area being that of open countryside.

Recommendation of Objection as above: Cllr. Payne seconded the proposal. 7 in favour of objection; 2 abstentions. Cllr Sisk did not vote in accordance with his declared interest at 439/09 above.

- ii. **Lea Farm, Farnham Road, Ewshot 09/02311/FUL** Legal Agreement regarding S106 funds (Rook)

Recommendation: Objection to the application as above.

- iii. **Crondall Primary School, Croft lane, Crondall PLAN/KK/HRE033 single storey classroom and auxiliary space extension (Hampshire County Council)**

Cllr Vincent presented the details of the application. The question was raised as to whether provision of this extra classroom was to allow an increase in the number of pupils. It was explained that it would provide a more practical classroom and release the old classroom for use as a much needed staff room.

Recommendation: Approval.

Recommendation of approval: seconded Cllr Vincent; 9 in favour; 1 abstention.

- iv. **Yew Tree House, Doras Green Lane, Ewshot 09/02503/HOU** Tree house in rear garden.

Cllr Sisk presented the detail of the application. He advised that this was a retrospective application. The height of the tree house is over 4 metres and the crenulations at the top and children standing in it would bring it to 5-6 metres. Neighbours are not happy with the resultant viewing into their rooms, as due to the lie of the land the lower tier would be the same height as the neighbouring bathroom window, resulting in loss of privacy.

The Planning Committee recommended that the PC should object on the basis of loss of neighbour's privacy.

Recommendation: Objection on the ground of loss of neighbour's privacy
Recommendation of Objection: Cllr Argent seconded; 9 for; 1 against.

v. **Upper Clare Farm, Clare Park Road, Crondall** 09/02388/AMCON Removal of Condition 8 of planning permission 02/00727/COU (Porter)

Cllr Sisk presented the detail of the application. There had been a previous objection made by ramblers who were concerned about the increase in traffic on the lane. Cllr Sisk advised that an objection to the proposal had been made with a suggestion that, rather than allowing several businesses to use the units, a condition be applied restricting usage to one business.

Mr. Porter, applicant, advised that the existing tenant wanted to take over the empty unit next door and would leave if he was unable to. Mr. Porter needs the condition removed to allow this or he would end up with two empty offices.

Recommendation: The Planning committee proposed that the condition should be amended to read that no more than two units shall be occupied by any one employer.

Recommendation of the above: Cllr Passmore seconded; agreed unanimously.

vi. **8 Ashley Close, Crondall** 09/02901/HOU Rear Conservatory

This is replacing an existing lean-to room which is not in good condition but the new conservatory will enlarge the area. There had been no objections from neighbours. The plot is large enough and the materials to be used match the existing building.

Recommendation: Approval

Recommendation of approval: Cllr Vincent seconded; 9 in favour; 1 abstention.

b. **Update on Appeals and Enforcement actions**

i. **Land at junction of A287 and west Crondall Road, Church Crookham** – Cllr Argent's report from Appeal Hearing (Appendix 1).

Cllr Argent had circulated his report on the above. Cllr Hebbbron gave his appreciation for the full report. Cllr Sisk said that Cllr Argent's report had been very fair.

Cllr Wilkinson proposed adopting the report; Cllr Behagg seconded; 9 in favour. 1 abstention.

ii. **Beechwood Farm, Dares Lane, Ewshot, APP/N1730/A/09/2116761 09/01171/MAJOR**; Retention of fence and gates along Ewshot Lane. Any further comments by PC required by 29th December 2009.

Major General Bryan Webster spoke on behalf of residents who were concerned about the retention of the fence and gates being allowed: it is thought that this development would increase the urbanisation of what is a rural area; if approved a large hard standing might be installed and there could be an increase in traffic; residents felt that it should not just be the fence and gates which should be taken into account.

At the application stage the PC had made a decision to object to the gates and fence on the grounds of the use of poor materials and the colour. The applicant changed the colour and the PC had felt that the mitigating action was sufficient and withdrew its objections. The Chairman suggested that if residents have objections then they should write to the Inspectorate and attend the hearing.

The Chairman proposed that the PC had no further comment to make; all agreed.

- iii. **Rose Cottages, Ewshot Lane, Church Crookham** APP/N1730/A/09/2108293/NWF
Planning Inspectorate's decision - appeal allowed.

Cllr. Vincent asked District Cllr Bennison why the Inspector had ignored the parking issues. Cllr Dorn felt that this should be discussed more fully at a future meeting. The Chairman agreed.

The appeal decision was noted.

- iv. **Blue Prior Business Park, Redfields Lane, Church Crookham,**
APP/N1730/A/09/2107518 08/02639/MAJOR 60 Place day nursery for pre-school children: **Planning Inspectorate's decision** - appeal allowed.

The appeal decision was noted.

- v. **Blue Prior Business Park, Redfields Lane, Church Crookham,**
APP/N1730/A/09/2107515 08/02681/MAJOR 73 Suite assisted living scheme over
2.5/3 storey's. **Planning Inspectorate's decision** - appeal Allowed.

The appeal decision was noted.

- vi. **Farnborough Airport, Farnborough Road, Farnborough** 09/00313/REVPP
Rushmoor Borough Council decision - application refused.

The meeting was advised that this application had now gone to appeal.

➤ **Cllr Wilkinson left the meeting at 21.55 hrs**

- a) **PFI Lighting Agreement** -to consider a resolution agreeing to the Parish signing the Hampshire CC PFI Lighting Agreement

Cllr Argent advised that the contract between Hampshire County Council (HCC) and Tay lighting had been signed today and comes into effect in 3 months or 100 days time. The agreement, if we signed it, would take immediate effect. The Chairman advised that the big problem for the PC is that agreement to take part in this arrangement is for 25 years and there is no escape clause other than breach of contract but quite a lot of parishes had signed up to it. Cllr Hebborn did not think this PC should sign up for 25 years; the main problem being contract management and from HCC's history of management of contracts he would not recommend signing up with them. The meeting was told that we are currently paying 30% more than if we go the PFI way and have to pay for replacement lights.

Following further discussion the Chairman asked if Councillors were ready to vote.

Proposal: Cllr. Argent proposed the PC sign up to the PFI;
Cllr Behagg seconded. 5 in favour. 3 against. 1 abstention.

- b) Conservation Area Review – report from ‘walk-about’

Cllr Dorn read out his report from the –walk-about’ (Appendix 2)

- c) Planning Enforcement - Consultation with Parish/Town Councils (response required by 11th January)

Cllr Sisk agreed to review and provide a draft response for the meeting on 4th January

- d) Surrey Minerals Plan and Aggregates Recycling and document shared with Surrey Waste Plan - response required by 18th December

The Chairman had reviewed the documents and drafted a reply (Appendix 3) which was read out to members. Proposed: to send letter as drafted; all in favour.

- e) Meeting dates - agreement of proposed meetings Tuesday 6th April and Tuesday 4th May 2010 due to Bank Holidays on the first Monday of both months.

Both dates were agreed by all.

441/09 **CORRESPONDENCE**

No items of correspondence were discussed.

442/09 **ANY OTHER BUSINESS**

- a) Cllr Argent advised that at the Traffic & Lighting (T & L) Committee meeting the recycling bins in Bowling Alley Lane had been discussed and apparently the PC can request and get black bins instead. T & L will request. Agreed.
- b) Cllr Payne advised that there were flowers and cellophane at the Junction of Tadpole Lane with Beacon Hill. The PC acknowledged that this was a sensitive subject. District Cllr Bennison advised that Hampshire Highways were aware of this and were working with the family to clear old material away.
- c) Cllr Vincent advised that Hart Voluntary Association (HVA) had written to Parish Councils volunteering to carry out Gardening in Community Projects if the PC was interested in applying.

The meeting closed at 10.15 pm

Signed.....

Dated.....

APPENDIX 1 TO MINUTES OF 7TH DECEMBER 2009 ([Please Click Here](#))

APPENDIX 2 TO MINUTES OF MEETING 7TH DECEMBER 2009

CONSERVATION AREA REVIEW WALKABOUT 16TH NOVEMBER 2009

Cllr Dorn's report from the Conservation Area Review Walkabout undertaken on 16th November 2009:

Very good turnout from PC, Crondall Soc and Associated groups. We were fortunate with the weather and undertook a complete tour of all the roads within the current CA. We also walked up Itchel Lane to highlight the key views into the village. Chezél Bird was most impressed by the depth and extent of our contribution prior to her visit. This was mostly about us telling Mrs Bird all about the current CA and our views of it. Specific areas for discussing: adding the school, large digital antennas, security/character dichotomy, improvements to the pond, some buildings to possibly recommend for Grade 2 status, some buildings to be noted as "positive buildings".

In addition to PC members and Crondall Soc, special mention should go to Mark Howard for his knowledge and contributions on landscape issues and Mike Jefferies will provide and updated history to Mrs Bird. We can also raise any specific issues prior to her draft.

Mrs Bird will draft an updated CAS hopefully before Christmas. We will get to comment on this, before the formal "Draft" is issued for consultation. Discussion over lunch highlighted that DS only provide draft CAS and display boards for Hart to run the public consultation. Hart then review and implement consultation comments to create the final version. However, other villages (eg. Odiham) have then contributed towards DS producing a laid-out version with more photos etc for public distribution. Crondall Soc etc happy to contribute towards this in association with Hart. We await Hart's view on their budget.

CRONDALL PARISH COUNCIL

APPENDIX 3 TO MINUTES OF 7TH DECEMBER 2009

8th December 2009

Mr. David Lamb
Acting Planning Manager
Surrey County Council
County Hall
Penrhyn Road
Kingston upon Thames
Surrey KT1 2DY

Dear Mr. Lamb

Ref: Surrey Minerals Plan with Surrey Waste Plan Consultation

Crandall Parish Council regrets that it does not feel sufficiently qualified to comment on the above, not being located in, or familiar with, the areas in question.

The Parish Council is nonetheless grateful for the opportunity to consider the Plan, but would suggest that any future correspondence is forwarded to the new address as below.

Yours sincerely

Gillian Baker
Clerk to Crondall Parish Council

P.O. Box 7409
Hook, Hants. RG27 7GD
Telephone: 01256 765430
e-mail: clerk@crondall-pc.gov.uk

CRONDALL PARISH COUNCIL

Enforcement Notice – Hearing of Appeal against - A287/Crondall Road - APP/NI730/C/09/2106976 & 7.

18th November 2009 at Hart DC Offices

ATTENDEES

The Inspector:

- Mr Paul Morris from the Planning Inspectorate

For the Applicants:

- Mr Simon Chambers assisted by Mr Mark Campbell (both of LPC (Trull) Ltd

For Hart DC:

- Mrs Margaret Beauchamp *without* any assistant

Others who spoke in support of the Applicants:

- Mr Jones (one of the currently resident travellers)
- Mr Norman Lambert (a well-known lifelong resident of Crondall)

Others who spoke in support of Hart DC:

- Mr Robin Collet on behalf of the Crondall Society
- Mr David Argent on behalf of Crondall Parish Council
- Mr Chris Dorn on behalf of a number of local residents
- Mr John Bennison (District Councillor for Crondall and Ewshot wards)

Others:

Some half a dozen or so others also attended, including Alastair Clark (of Dogmersfield PC and HAPT), Sharon Whittaker (Hart Enforcement Officer) and some local residents, some for the entire Hearing, some for only part of it.

PROCEDURE

The Inspector had prepared a brief written agenda as follows:-

1. Site details
2. Site occupants/Gypsy status
3. Current planning policies
4. Site location and suitability – SSSI and SPA / countryside and appearance
5. Flood risk
6. The need and availability of sites for gypsies and travellers
7. Accommodation needs / availability of alternative sites
8. Human Rights
9. Conditions (incl. temporary planning permission)
10. Contributions transport / education / leisure
11. Ground (g)
12. Closing submissions
13. Arrangements for site visit.

The Inspector's agenda was – more or less – followed, but he announced at the start that he would encourage participants to engage in open discussion, with or without his guidance or

intervention, and this was indeed how most of the day panned out, with the Inspector patiently guiding the protagonists back to the point where he thought this desirable.

The Hearing got under way at just after 10am, and was formally closed by the Inspector at about 3.15pm after which a site visit took place. The 5¼ hours or so of the formal Hearing included two very short breaks (including not much more than 10 minutes for lunch!).

The Inspector was clearly experienced in the planning and other issues surrounding Gypsy/Traveller sites, but it was hard to tell what weight he gave to the various arguments put forward by the protagonists. He did however give every impression (as he was bound to do!) of not even beginning to make up his mind until he had heard and digested both sides' arguments.

No decision was forthcoming on the day.

THE PARTIES' REPRESENTATIVES AND THEIR PRESENTATIONS

The Appellants' written statement of case was logically ordered and clearly indexed, as were its Appendices. Mr Chambers' oral presentation was impressive – he appeared not only to have a good grasp of the subject and the relevant planning issues, but also of the particular factors surrounding this specific application, including his clients' personal circumstances, past and present.

Hart DC's written statement of case was somewhat less impressive with no contents list, no index, and generally un-numbered paragraphs and sub-paragraphs. Mrs Beauchamp cannot be faulted for doing her very best with the material available, but it was unfortunate (to say the least) that she had no support, whether from planning or from legal services - at least, none on the day, and appeared not to have been fully briefed on the exact status of some of Hart's more relevant policies. It was equally unfortunate that she had little choice but to admit (a) that Hart, as the planning authority, had no recent experience of applications of this kind, and (b) that despite seemingly endless liaison and consultation with other quangos, authorities etc. no progress towards additional local "official" Gypsy/Traveller sites seemed to have been made, the best guess apparently being no availability much before 2013.

SOME ISSUES ADDRESSED AND SOME POINTS MADE

- Whether the current occupants of the site met the statutory definition of Gypsies/Travellers. There was in fact no dispute on this.
- The visual impact of the site - policies RUR38 (Provision of Gypsy Sites) – and GEN3 (impact on the Dogmersfield Landscape Character Area).

There was some less than conclusive argument as to whether the site actually is in the DLCA, but Chris Dorn's argument that it was (backed up by maps and photographs) was certainly more convincing than the Applicants' contrary view.

- The impact on the "strategic gap" between Crondall and Church Crookham
- The specific visual impact of the boundary fencing, mobile homes and (if enforcement not maintained and/or planning permission granted) the height of the permanent "day room" structures envisaged.

Mr Lambert argued that there were several other developments nearby on the A287 with similar boundary fencing, but did not identify them.

- Flooding (the current site entrance is – just - in a "flood risk" area, but the site itself isn't)
In any event, the Applicants accepted an EA/HCC proposal for an emergency pedestrian exit onto A287 (as a condition were permission to be granted) though Hart DC expressed concern that this would add to the visual intrusion viewed from the A287.
- Environmental concerns – the fact that the site is adjacent to a busy main road and also has HV overhead power lines crossing part of it .
- Possible pollution of the River Hart from effluent (serious concern expressed by Robin Collet) - countered by the Applicants offering to accept a condition that a "sealed" sewage treatment system would have to be installed.

- The unavailability of public transport – thus cars/vans/lorries being used for everything.
- The pressures on school places – these individuals “jumping the queue” as far as other travellers are concerned. Similarly, because places are allocated according to distance from the school, these individuals “jumping the queue” as far as existing Crondall residents are concerned, for example.

Despite this being an obvious and serious concern, the Inspector appeared to reach the conclusion that it was not a “planning” issue (though I may have misunderstood him).

- A previous Planning Inspectorate case (admittedly 13 years ago) where permission to construct a building smaller than a mobile home on the “allotment” land immediately to the North of the present site was refused as being inappropriate in the countryside and harm its character and noticeable from the A287, particularly in the winter and not consistent with the aims of the Dogmersfield Landscape Character Area
- Hart’s (and others’) approach to establishing additional official Gypsy/Traveller sites, the current process not being expected to be complete until December 2013.

Hart already had 40 of Hants’ total of 160 Gypsy/Traveller site places, despite being one of the smallest districts in the County and despite the fact that neither of the two adjacent authorities, Rushmoor and Basingstoke & Deane, had any at all (part of Hart’s case).

Hart had been working “long and hard” over the past 3-4 years to locate suitable sites (intervention by John Bennison) – a statement then used by the Applicants as evidence of how unlikely it was that any alternative to the existing site would materialise soon.

- The point that Circular 01/2006 also makes clear that Gypsies/Travellers have the same responsibility as others, to work within the planning system.
- The point that the Human Rights Act balances rights with responsibilities.
- That (in the Applicants’ submission) if Enforcement was confirmed, and these individuals were “turferd out”, they would have nowhere to go, apart from a lay-by.
- That (in the Applicants’ submission) the current site was one of the best he’d ever seen.
- That (in the Applicants’ submission) Hart’s whole approach to this had been unreasonable – in particular, slapping an Enforcement Notice on the site “out of the blue”.
- That if these individuals were so determined to stay in this area, rather than “taking the law into their own hands” they should have gone on Hart’s housing register (countered by the Applicants - “the gypsy community cannot live in houses – bricks and mortar are unacceptable to them”)
- Contributions – to transport, education and leisure.

This discussion was lengthy and confused. A very late amendment to Hart’s case (following equally late intervention from Hants CC) apparently meant that no transport contribution would be required after all.

The Applicants argued that they should not have to contribute to any SPA since they were already “in the area” and therefore didn’t represent “additional development” (and that none of them had dogs!)

More generally, the Applicants argued that the formulae used by Hart to assess contributions were wrong, irrelevant or both, since (for example) mobile homes don’t have “bedrooms” as such (one of the criteria used by Hart) and in any case the development was “exceptional” so no contribution was required. This despite Natural England’s assertion that the site adversely impacted.

As stated above, the clarity of Hart’s policies on contribution, and their status, seems (at least from the example of this Hearing) to leave something to be desired!

It was suggested that, since these Travellers didn’t pay Council Tax, they should at least be required to make the sort of contributions that other new developments were required to make. However, the allegation that they didn’t pay Council Tax was denied, and a

Council Tax bill was displayed (though not actually submitted in evidence or circulated amongst the participants at the meeting, nor was there any indication that it had actually been paid and, if so, by whom).

Mr Lambert argued that since occupiers of “bricks and mortar” residential property don’t have to make extra contributions when they (say) add a bedroom (other than, eventually, a higher Council Tax) why should these individuals have to?

- Costs – the Applicants sought their costs from Hart DC on the grounds that it was only because of Hart’s unreasonable behaviour that today’s Hearing was necessary at all. Hart submitted its counter-argument.

SITE VISIT

I did not attend this. Having visited the site during its Easter construction, and knowing that both Robin Collet and Chris Dorn were visiting it, I decided that my attendance was unnecessary. Robin and Chris did glean additional information concerning occupants, caravans etc. from their visit.

POSSIBLE OUTCOMES

would seem to be:-

1. Rejection of the Applicants’ appeal and confirm Hart’s Enforcement Notice as issued
2. As 1 above, but allowing an extended period for Enforcement
3. Acceptance of the Applicants’ appeal, and the granting of temporary planning permission for what’s on site at present (or, strictly speaking, for what was on site at the time the Enforcement Notice was served).
4. As 3 above, but with the granting of full planning permission

It was very hard – well, impossible - to read the way the Inspector’s views were forming, but I will be very surprised if his decision is as per 1 above. Far more likely is either 2 or 3 above or, conceivably 4 above, which I think is less likely because the Inspector may want to enable Hart to move the occupants on to a permanent site iff/when available in up to four years time.

If any planning permission *is* granted, it is likely to be subject to a number of conditions, including sewage/effluent arrangements, pedestrian egress in case of flooding, number (and type) of caravans, total restriction on commercial operations, strict limit on commercial vehicles, restrictions on external lighting, and so on. However, there will of course be nothing to stop the Applicants seeking further/amended permissions.

MY BRIEF

Mindful of the difficulties the Parish Council experienced in the lengthy debates leading up to my attendance at this Hearing, I was very conscious of my limited brief and can assure all Councillors that I did not exceed it! I asked a number of questions, challenged a number of assertions by the Applicants, but did not support any argument in favour of (a) Enforcement without a two year delay or (b) Temporary Planning Permission of less than two years’ duration.

DTA/da 22/11/09