

# Public Document Pack



## NOTICE OF MEETING

**Meeting:** Planning Committee

**Date and Time:** Tuesday 18 August 2020 7.00 pm

**Place:**

**Telephone Enquiries to:**

**Members:** Ambler, Blewett, Cockarill, Delaney, Kennett, Oliver (Chairman), Quarterman, Radley, Southern, Wheale and Worlock

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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## AGENDA

**This meeting is being administered under the provisioning of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meeting) (England and Wales) Regulations 2020. The Provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the Council governing the meeting and such prohibition or restriction had no effect.**

**This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website**

**1 MINUTES OF PREVIOUS MEETING (Pages 3 - 4)**

The Minutes of the meeting held on 8 July 2020 to be confirmed and signed as a correct record.

## **2 APOLOGIES FOR ABSENCE**

To receive any apologies for absence from Members\*.

**\*Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

## **3 CHAIRMAN'S ANNOUNCEMENTS**

## **4 DECLARATIONS OF INTEREST**

To declare disclosable pecuniary, and any other, interests\*.

**\*Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

## **5 AMENDMENT TO PLANNING SCHEME OF DELEGATION (Pages 5 - 7)**

To recommend an amendment to the Planning Scheme of Delegation from the Planning Committee in relation to applications for 'Modifications to Construction Hours Conditions' and 'Additional Environmental Approval' to ensure that officers are able to make decisions on these applications in a timely manner and before the expiry dates to avoid proposed development becoming lawful by default.

## **6 DEVELOPMENT APPLICATIONS (Pages 8 - 64)**

To accept updates via the Addendum and consider the Planning report from the Head of Place.

**Date of Despatch: Monday, 10 August 2020**

## **PLANNING COMMITTEE**

**Date and Time:** Wednesday 8 July 2020 at 7.00 pm

**Place:** Council Chamber

**Present:**

Ambler, Cockarill, Delaney, Dorn, Oliver (Chairman), Quarterman, Radley, Southern and Worlock

**In attendance:**

**Officers:**

### **1 SUSPENSION OF STANDING ORDERS**

Members agreed to the suspension of Standing Orders, 9.3 (show of Hands for Voting), 22.1 (Standing to Speak) and 22.2 (Chairman Standing).

### **2 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 11 March 2020 were confirmed and signed as a correct record.

### **3 APOLOGIES FOR ABSENCE**

Cllr Wheale.

Cllr Blewett was unable to join via Teams.

Cllr Kennett substituted by Cllr Dorn.

### **4 CHAIRMAN'S ANNOUNCEMENTS**

Cllr Oliver gave a background to the request for volunteers for the Working party to be discussed under Item 10.

*Meeting paused for technical issue with live streaming at 19:09 restarted 19:17*

### **5 DECLARATIONS OF INTEREST**

None declared.

### **6 PLANNING (ACTION) SUB COMMITTEE**

The minutes of the Planning (Action) Sub-Committee held on the 4th May 2020 were signed and confirmed as a correct record.

Councillor Southern noted that in his opinion the "Covid-Scheme of Delegation" should not be actioned.

**7 ELECTION OF VICE CHAIRMAN**

Cllr Quarterman elected as Vice-Chairman for 2020/2021.

**8 PLANNING (ENFORCEMENT) SUB COMMITTEE**

A decision was made to reappoint last year's sub-committee members: Cllrs Blewett, Delaney, Southern and Worlock, with Cllr Quarterman as Reserve.

**9 PLANNING (MAJOR SITES) SUB COMMITTEE**

A decision was made to reappoint last year's sub-committee members: Cllrs Ambler, Cockarill, Wheale and Worlock.

**10 PLANNING COMMITTEE WORKING PARTY**

Members are invited to join a Working Party for a Development Management Review – all Members will get an invite to the Working Party Planning Committee. Noted that Cllrs Ambler, Cockarill, Dorn and Southern have requested to be included.

**11 QEB TRANSPORT STEERING GROUP**

Appointed:

Cllr Oliver (Portfolio Holder for Environment and Technical Services)

Cllr Ambler from Church Crookham East Ward

Cllr Radley from Church Crookham West Ward

**12 DEVELOPMENT APPLICATIONS**

Members accepted updates and considered the planning report from the Head of Place.

The meeting closed at Time Not Specified

**PLANNING COMMITTEE**

**DATE OF MEETING:** 12<sup>th</sup> August 2020

**TITLE OF REPORT:** **AMENDMENT TO PLANNING SCHEME OF DELEGATION**

**Report of:** **Head of PLACE SERVICES**

**Portfolio Holder:** **COUNCILLOR GRAHAM COCKARILL**

**1 PURPOSE OF REPORT**

**1.1** To recommend an amendment to the Planning Scheme of Delegation from the Planning Committee in relation to applications for 'Modifications to Construction Hours Conditions' and 'Additional Environmental Approval' to ensure that officers are able to make decisions on these applications in a timely manner and before the expiry dates to avoid proposed development becoming lawful by default.

**2 OFFICER RECOMMENDATION**

**2.1** That the Planning Scheme of Delegation to Officers from the Planning Committee be amended as follows:

Add the following new item:

6. To determine any application or notification submitted under Section 74B, 74C or 74D of the Town and Country Planning Act 1990 (as amended)

7. To determine any application or notification submitted under Section 93B or 93F of the Town and Country Planning Act 1990 (as amended)

**3 BACKGROUND**

**3.1** As part of National Covid-19 Recovery Plan, Central Government has introduced a number of measures to support businesses and developers in England. A number of these measures have been introduced through the Business and Planning Act 2020 which received Royal Assent on 22<sup>nd</sup> July 2020.

**3.2** In relation to Planning the Act makes provisions that will allow developers to seek a temporary extension of construction site working hours and for planning or listed building consent permissions that expire or have expired unimplemented to have an extension of time.

**3.3** Whilst some of these changes are automatic, others involve applications being made to the Council for a decision whether or not to accept the proposed amendments. As with a number of other approval regimes in the planning system, these applications are time sensitive. If a decision is not made within the prescribed

timescale then the applicant will, by default, be able to proceed with the development i.e. the amendments become “deemed approved”.

- 3.4** Whilst the Head of Place currently has delegated authority to determine applications, these are new types of applications and authorisation to deal with them is not explicitly clear in the Planning Scheme of Delegation; this needs to be clarified.

## **4 CONSIDERATIONS**

- 4.1** Modification of Conditions Restricting Hours of Work on Construction Sites (applications under Section 74B, 74C and 74D of the Town and Country Planning Act 1990 (as amended)).

Early in “lockdown” the message from Government was that Councils should agree more flexible working hours in relation to construction sites unless there was a very good reason not to do so. The Business and Planning Act now formalises this process meaning that developers must seek approval from the Planning Authority for a modification of any Planning Conditions that restrict the hours of work.

- 4.2** In Hart this will affect the larger building sites where hours of works conditions are typically imposed.
- 4.3** This is a temporary, fast track deemed consent route for developers and the Local Authority will have 14 days in which to determine the application. Failure to determine the application will result in the developer having deemed consent and construction can take place in accordance with the revised hours as specified by the developer.
- 4.4** Extension of Planning Permissions/Listed Building Consents (Applications under Section 93B and 93F of the Town and Country Planning Act 1990 (as amended))

The Government recognises that for some planning permissions will expire unimplemented as a result of Covid-19. Until now where this happened developers would have no choice but to re-apply for planning permission. The legislation now provides an automatic extension of the planning permission or listed building consent where the permission or consent expires between 18<sup>th</sup> August and 31<sup>st</sup> December 2020; in these cases the extension is automatic and no action is required by the Council unless the developer requests confirmation in writing. The time by which reserved matters have to be submitted is also covered by this legislation. These extensions of time will give the developers longer to implement or commence their planning permissions and listed building consents.

- 4.5** For permissions or consents that required implementation or the submission of reserved matters between 23<sup>rd</sup> March and 18<sup>th</sup> August 2020 the developer must make an application for an Additional Environmental Approval. The Council is required to consider only matters relating to Environmental Impact Assessment and the Habitats Regulations.
- 4.6** The Council will have 28 days to reach a decision on these applications. Failure to reach a decision results in the applicant’s acquiring deemed consent for the extension of time.

## **5 FINANCIAL AND RESOURCE IMPLICATIONS**

**5.1** There are no financial implications associated with the above request.

## **6 ACTION**

**6.1** It is recommended that the Planning Scheme of Delegation from the Planning Committee is amended as set out in paragraph 2.1.

**Contact Details:** Emma Whittaker / x 4115 / [emma.whittaker@hart.gov.uk](mailto:emma.whittaker@hart.gov.uk)

### **BACKGROUND PAPERS:**

For further information on either of the changes above, guidance notes have been published on the following website: <https://www.gov.uk/government/collections/draft-planning-guidance-to-support-the-business-and-planning-bill>



**HEAD OF REGULATORY SERVICES**  
**REPORT TO THE PLANNING COMMITTEE OF**  
**12<sup>th</sup> August 2020**

**1. INTRODUCTION**

This agenda considers planning applications submitted to the Council, as the Local Planning Authority, for determination.

**2. STATUS OF OFFICER'S RECOMMENDATIONS AND COMMITTEE'S DECISIONS**

All information, advice, and recommendations contained in this agenda are understood to be correct at the time of preparation, which is approximately two weeks in advance of the Committee meeting. Because of the time constraints, some reports may have been prepared before the final date for consultee responses or neighbour comment. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting or where additional information has been received, a separate "Planning Addendum" paper will be circulated at the meeting to assist Councillors. This paper will be available to members of the public.

**3. THE DEBATE AT THE MEETING**

The Chairman of the Committee will introduce the item to be discussed. A Planning Officer will then give a short presentation and, if applicable, public speaking will take place (see below). The Committee will then debate the application with the starting point being the officer recommendation.

**4. SITE VISITS**

A Panel of Members visits some sites on the day before the Committee meeting. This can be useful to assess the effect of the proposal on matters that are not clear from the plans or from the report. The Panel does not discuss the application or receive representations although applicants and Town/Parish Councils are advised of the arrangements. These are not public meetings. A summary of what was viewed is given on the Planning Addendum.

**5. THE COUNCIL'S APPROACH TO THE DETERMINATION OF PLANNING APPLICATIONS**

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This means that any discussions with applicants and developers at both pre-application and application stage will be positively framed as both parties work together to find solutions to problems. This does not necessarily mean that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.



The development plan is the starting point for decision making. Proposals that accord with the development plan will be approved without delay. Development that conflicts with the development plan will be refused unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Local Plan taken as a whole; or
- Specific policies in the development plan indicate that development should be restricted.

Unsatisfactory applications will however, be refused without discussion where:

- The proposal is unacceptable in principle and there are no clear material considerations that indicate otherwise; or
- A completely new design would be needed to overcome objections; or
- Clear pre-application advice has been given, but the applicant has not followed that advice; or
- No pre-application advice has been sought.

## **6. PLANNING POLICY**

The relevant development plans are: the Hart Local Plan (Strategy and Site) 2032, the Saved policies Hart District Council Local Plan Replacement and First Alterations 1996 – 2006, Policy NRM6 South East Plan, Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park Minerals and Waste Local Plan 2013, Dogmersfield Neighbourhood Plan, Odiham and North Warnborough Neighbourhood Plan, Rotherwick Neighbourhood Plan, Winchfield Neighbourhood Plan, Fleet Neighbourhood Plan, Hartley Wintney Neighbourhood Plan and Hook Neighbourhood Plan.

Although not necessarily specifically referred to in the Committee report, the relevant development plan will have been used as a background document and the relevant policies taken into account in the preparation of the report on each item.

## **7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE**

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. Where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

The Government has also published the Planning Practice Guidance which provides information on a number of topic areas. Again these comments, where applicable, are a material consideration which need to be given due weight.

## **8. OTHER MATERIAL CONSIDERATIONS**

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. Relevant considerations will vary from circumstance to circumstance and from application to application.

Within or in the settings of Conservation Areas or where development affects a listed building or its setting there are a number of statutory tests that must be given great weight in the decision making process. In no case does this prevent development rather than particular emphasis should be given to the significance of the heritage asset.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

Matters that should not be taken into account are:

- loss of property value
  - land and boundary disputes
  - the impact of construction work
  - need for development (save in certain defined circumstances)
  - ownership of land or rights of way
  - change to previous scheme
  - competition between firms,
  - loss of view
  - matters covered by leases or covenants
  - property maintenance issues
  - the identity or personal characteristics of the applicant
  - moral objections to development like public houses or betting shops
- 
- or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks, means of escape in the event of fire etc.). - The fact that a development may conflict with other legislation is not a reason to refuse planning permission or defer a decision.
  - It is the applicant's responsibility to ensure compliance with all relevant legislation.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

## **9. PLANNING CONDITIONS AND OBLIGATIONS**

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;

- reasonable in all other respects.”

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation. In such cases the Council will use a condition rather than seeking to deal with the matter by means of a planning obligation.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are:

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

## **10. PLANNING APPEALS**

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. Reasons for refusal must be:

- Complete,
- Precise,
- Specific
- Relevant to the application, and
- Supported by substantiated evidence.

The Council is at risk of an award of costs against it if it behaves “unreasonably” with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal
- Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable
- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage

- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations
- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn

Statutory consultees (and this includes Parish Council's) play an important role in the planning system: local authorities often give significant weight to the technical advice of the key statutory consultees. Where the Council has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. Where the statutory consultee is a party to the appeal, they may be liable to an award of costs to or against them.

## **11. PROPRIETY**

Members of the Planning Committee are obliged to represent the interests of the **whole** community in planning matters and not simply their individual Wards. When determining planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

## **12. PRIVATE INTERESTS**

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Covenants or the maintenance/ protection of private property are therefore not material planning consideration.

## **13. OTHER LEGISLATION**

Non-planning legislation may place statutory requirements on planning authorities, or may set out controls that need to be taken into account (for example, environmental legislation, or water resources legislation). The Council, in exercising its functions, also must have regard to the general requirements of other legislation, in particular:

- The Human Rights Act 1998,

- The Equality Act 2010.

#### **14. PUBLIC SPEAKING**

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

Speakers are limited to a total of three minutes each per item for the Parish Council, those speaking against the application and for the applicant/agent. Speakers are not permitted to ask questions of others or to join in the debate, although the Committee may ask questions of the speaker to clarify representations made or facts after they have spoken. For probity reasons associated with advance disclosure of information under the Access to Information Act, nobody will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

#### **15. LATE REPRESENTATIONS**

To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further or new representations no new additional information will be allowed to be submitted less than 48 hours before the Committee meeting, except where to correct an error of fact in the report. Copies of individual representations will not be circulated to Members.

#### **16. INSPECTION OF DRAWINGS**

All drawings are available for inspection on the internet at [www.hart.gov.uk](http://www.hart.gov.uk)

**Item No: 101**

**Page: 8 – 11**

**20/01317/TPO**

6 Gondreville Gardens Church Crookham Fleet GU52 6US

T1: Oak - Reduce in length by approximately 3 metres the lateral limbs extending to the South, South West and South East on the bottom third of the crown tapering reductions into the upper crown. Leaving a retained branch length of approximately 5-6 metres. All pruning cuts to be made to suitable secondary growth

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**Item No: 102**

**Page: 12 – 33**

**19/02467/FUL**

Rally Field Wellington Country Park Odiham Road Riseley Reading

Change of use of agricultural land to a dog day care facility (Land use Class Sui-Generis), construction of building, provision of parking, access and fencing.

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**Item No: 103**

**Page: 34 – 58**

**19/02871/FUL**

Guidion House Rye Close Fleet GU51 2UY

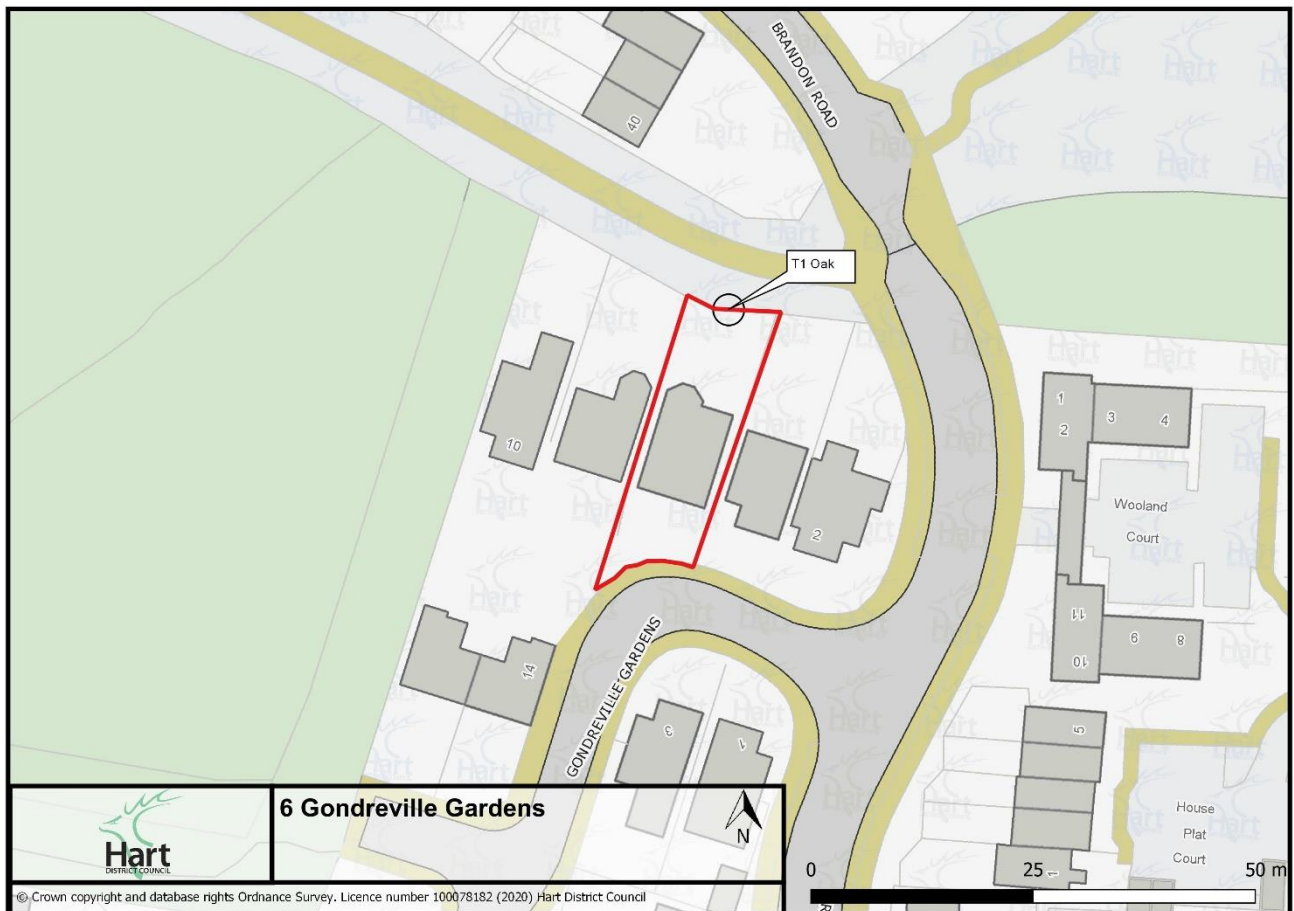
Demolition of an existing office building and erection of new industrial units for flexible uses falling within Research and Development (B1b), light industry (B1c), general industry (B2) and storage and distribution (B8) with ancillary offices.

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# COMMITTEE REPORT

## ITEM NUMBER: 101

APPLICATION NO.	20/01317/TPO
LOCATION	<b>6 Gondreville Gardens Church Crookham Fleet GU52 6US</b>
PROPOSAL	T1: Oak - Reduce in length by approximately 3 metres the lateral limbs extending to the South, South West and South East on the bottom third of the crown tapering reductions into the upper crown. Leaving a retained branch length of approximately 5-6 metres. All pruning cuts to be made to suitable secondary growth
APPLICANT	Mr Hutchings
CONSULTATIONS EXPIRY	N/A
APPLICATION EXPIRY	31 August 2020
WARD	Church Crookham West And Ewshot
RECOMMENDATION	<b>Grant</b>



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**TREE PLAN AND PHOTOGRAPHS**





## **BACKGROUND**

The application oak is protected by Tree Preservation Order ref: 90/00355/HDC "Land adjacent to Velmead Stud Farm". This Order was confirmed on 6th March 1990. The Order protects many trees and woodlands in Zebon Copse, being made prior to development in this area.

This application has been brought to Planning Committee for consideration as the tree is owned by Hart District Council. As such, Officers do not have delegated authority to determine it.

The proposed works are intended to increase light and improve the visual appearance of the tree therefore are not works which would be undertaken by the Council; the Council's adopted Tree Risk Management Strategy relates only to works which are necessary for safety or the abatement of legal nuisance.

When determining applications under Tree Preservation Orders, the Council may grant or refuse permission for all or part of the works. The Council may impose conditions requiring works are undertaken to an appropriate standard, or where trees are felled, require that replacement planting takes place.

## **NEIGHBOUR COMMENTS**

None received

## **CONSIDERATIONS**

Mature oak tree located within a linear group of mature trees extending along the rear gardens of Gondreville Gardens. Situated adjacently to the northern boundary fence line of the property and the public footpath leading through the estate. Measuring approximately 16m in height with a crown spread of 18m and a dbh of 90-100cm. Upon inspection the tree was displaying good vitality with dense and healthy leaf bearing branches throughout the trees structure. No significant defects were discovered.

This broad specimen has an over extended lower crown which spreads up to 10m into the rear garden of the property, the lower lateral primary branches protrude approximately 3m out from the main canopy line above. This has somewhat of an overbearing impact on the relatively small rear garden of the property.

The proposed works are to undertake a selective crown reduction of the canopy by reducing in length by approximately 3 metres the lateral limbs extending to the south, southwest and southeast on the bottom third of the crown, tapering reductions into the upper crown. The completed works will leave a retained branch length of 5-6 metres with all pruning cuts being taken back to suitable secondary growth points.

The oak forms part of a linear group of mature trees which are connected to a large woodland to the east of the properties along Gondreville Gardens. Subsequently the oak offers significant benefits in terms of public amenity and is clearly visible to the public from Brandon Road, Woodland Court Gondreville Gardens, Jessett Drive and the adjacent public footpaths.

## **CONCLUSION**

Due to the location of the selective crown reduction the works will have a negligible impact on public amenity. The completed works will create a more formal canopy and reduce the volume of leaf bearing branches over the rear garden of the property. As such these works should be granted.

## **RECOMMENDATION - Grant**

## **CONDITIONS**

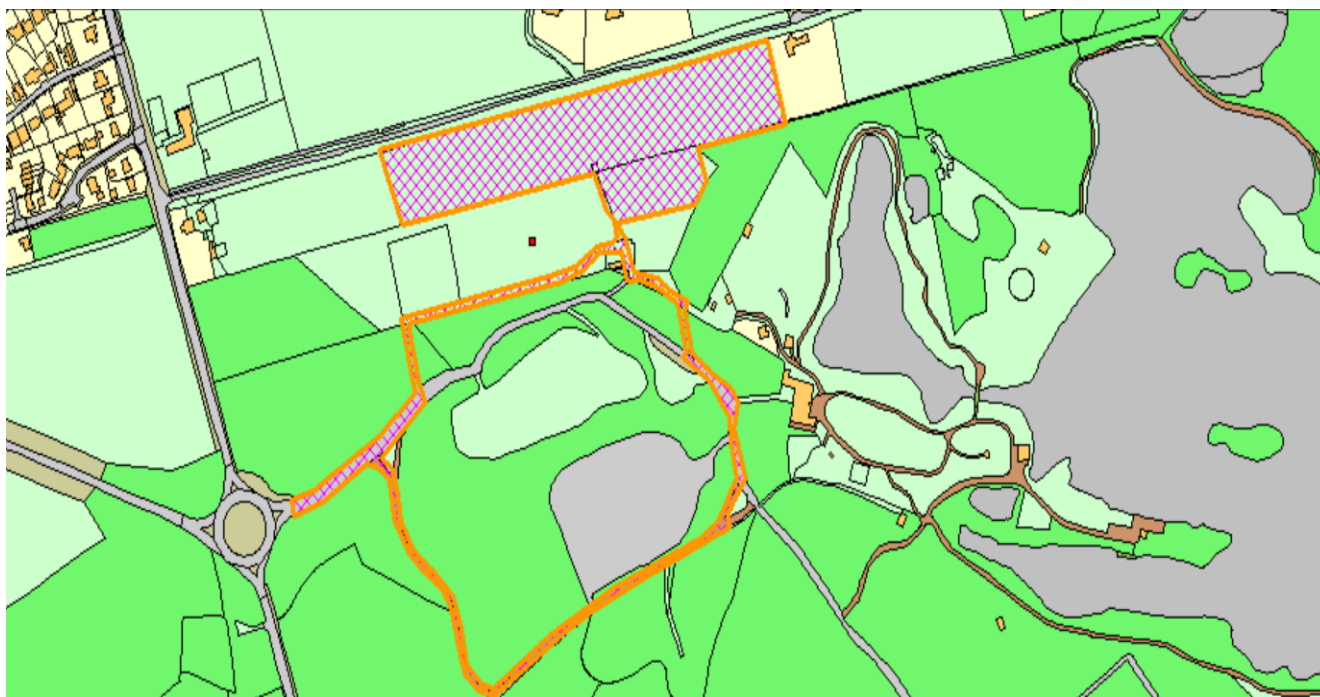
- 1 The work(s) shall be carried out in accordance with BS3998:2010 Tree Work - Recommendations

### **REASON**

In order to ensure the works are carried out to an appropriate standard; in the interests of the health and appearance of the trees.

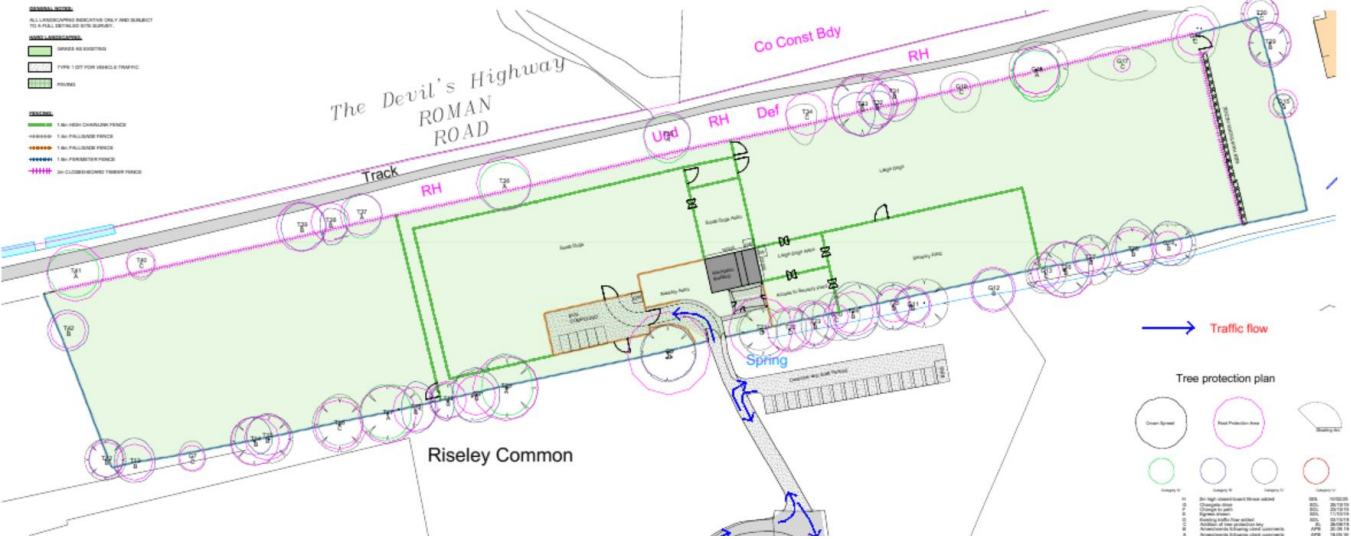
## COMMITTEE REPORT ITEM NUMBER: 102

APPLICATION NO.	19/02467/FUL
LOCATION	<b>Rally Field Wellington Country Park Odiham Road Riseley Reading</b>
PROPOSAL	Change of use of agricultural land to a dog day care facility ('sui-generis' use), construction of building, provision of parking, access and fencing.
APPLICANT	Bruce's Doggy Day Care
CONSULTATIONS EXPIRY	3 March 2020
APPLICATION EXPIRY	31 January 2020
WARD	Hartley Wintney
RECOMMENDATION	<b>Grant, subject to conditions</b>



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# SITE PLAN



## **BACKGROUND**

This application is being referred to Planning Committee at the discretion of the Head of Place because of the high level of local interest, including by the Ward Councillors, in this application.

## **SITE DESCRIPTION**

The application site comprises a 'T' shape parcel of semi improved grassland with an area of 0.18 hectares located within the grounds of the Wellington Countryside Park. The site also includes sections of an internal access road that leads to the car parking areas serving the park but not the car parks.

The site is accessed via the park's main entrance and the internal road leads to the southern portion of the site. The site features relatively dense landscaping along most of its perimeter with mature trees and planting under their canopies.

## **SITE/SURROUNDING DESIGNATIONS**

The site falls outside of any settlement boundary.

The site falls within Flood Zone 1 from rivers. However, the eastern section of the site is subject to surface/reservoir flooding.

The site adjoins a Public Right of Way (PRoW) known as the Devil's Highway, deemed to have Significant Archaeological Features.

The site is near the Wellington Country Park Lakes, a Site for Importance for Nature Conservation.

## **PROPOSAL**

Planning permission is sought for the construction of a detached single storey building, a car parking area and fencing, all in association with the change of use of the land from agriculture to a dog care facility (a 'sui generis' use).

The proposed building would measure 15m wide by 10m deep, it would be single storey with a shallow dual pitched roof at a maximum height of 3.58m and 2.20m to the eaves. The building would be centrally positioned across the width of the site but it would be closer to its southern boundary and the vehicular access to the site. Adjoining the building to the south there would be a gated welcome area measuring 7m by 10m. Fencing is proposed across the site to demarcate different areas with small fenced areas adjoining the building featuring astro turf, whilst the larger areas in the site would remain with natural grass.

There would also be two different car parking areas created, one for minibuses measuring 30m by 13m and the other for customer/staff parking measuring 54m by 11.30m.

The proposed dog care facility would aim at providing a safe controlled and purpose-built environment for the exercise and care of dogs. Its proposed hours of operation are 0730 hrs – 1800 hrs, Monday to Friday only. Bank Holidays are also excluded from the days of operation. No overnight stay of dogs is proposed as part of the development.

## RELEVANT PLANNING HISTORY

There are planning records for the wider grounds of the Countryside Park but not for the subject site.

## CONSULTEES RESPONSES

### Heckfield Parish Council

#### Objection

- The 'Wellington roundabout' is a notorious peak hour congestion point, not a sustainable location for a business depending upon peak hour access.
- Arrivals/departures will coincide with the morning/afternoon rush hour, unsustainable.
- Land not assigned for development in the HLP. The site is in the open countryside.
- The Rally Field borders residential areas.
- Neighbour objections strongly indicate perceived disbenefits to the local community strongly outweigh any intended benefits.
- Noise impacts on residents' amenity/quality of life should be carefully considered.
- Unrealistic that barking from large group of dogs can be prevented or the noise contained.
- Applicant seems to have not considered the impact of the dogs and activities on the tranquillity and rural nature of the area, on wildlife and biodiversity.
- 'Devil's Highway' running adjacent to site is a much valued/ well-used local amenity.
- The Rally Field is recognised locally as important for wildlife, makes a valuable contribution to the rural setting/ amenity of the Devil's Highway and provides a 'buffer' for Wellington Country Park.
- Semi-improved grassland in the context of the site has been assessed to be of elevated ecological value and is of potential suitability to support different species.
- Site includes priority habitats, is adjacent to them, and is within SSSI impact risk zone.
- The site is integral to ecological networks, linking priority and designated habitats.
- Dogs separated into different areas, fencing throughout the site would be required.
- How putting up bird/bat boxes in the vicinity of 130 dogs is effective 'mitigation'.
- The proposals will result in the loss of the whole habitat area and adversely impact on its boundary habitats. Such loss cannot be mitigated.
- Possible pollution of the watercourse leading to impacts on valuable chalk streams, the site is within the (EA Groundwater Vulnerability Zone, it should be referred to the EA.

### HCC Local Lead Flood Authority

No objection, subject to conditions.

- Submission of detailed surface water drainage scheme.
- Details of long-term maintenance.

### Landscape Architect (Internal)

#### Objection

- Most significant element of proposal is the extent of fencing.
- Entire perimeter would have 1.8m high link fencing, vegetation would require cut back specially long the northern boundary.
- There would also be 8 compounds of various sizes within the site with 1.4m and 1.6m rolled steel palisade fencing to enclose the bus compound, a nursery area and a gated welcome area.
- Proposal would result in a fundamental change in landscape character from rural meadow

- to a series of rigidly enclosed compounds (not a familiar feature in countryside).
- Palisade fencing has an urbanising character mostly associated with utilities compounds and industrial states.
- Chain-link fencing has many different associations but there are concerns about the layering effect and extent proposed, in combination with Palisade fencing.
- Walkers along the Devil's Causeway are sensitive receptors and they would be exposed to the effect mentioned above, which would result in a harmful visual impact.

### **Environmental Health (Internal)**

No objection, subject to conditions.

- Submission of a plan to minimise barking frequency and duration must be submitted.
- Acoustic fencing with a minimum height of 2m and a minimum density of 10kg/m<sup>2</sup> in specifically proposed and modelled location must be implemented.
- Standard hours of operation for the facility.

### **Hampshire County Council (Highways)**

No objection.

### **Environment Agency Thames Area**

No response received.

### **Chief Planning Officer (Wokingham Borough Council)**

No objection raised but careful consideration should be taken about residential amenity.

### **County Archaeologist**

No objection

### **Natural England**

No objection

### **Tree Officer (Internal)**

No objection, subject to compliance with tree information submitted.

### **Drainage (Internal)**

No objection subject to internal floor levels being raised 150mm

## **NEIGHBOUR COMMENTS**

The public consultation exercise, which comprised of the display of a Site Notice, a Public Notice in the local paper and the sending of neighbouring notification letters, concluded on the 18.12.2019. At the time of writing the officer's report there had been 34 individual public representations received in objection and two in support, which include a Councillor from Wokingham Borough Council and Swallowfield Parish Council. Additionally, there is a petition from 54 residents in objection to the proposal. Some of the objectors have submitted multiple objections, which are single counted. The summary of objections is as follows:

- Impacts on residential amenity to adjoining properties - Noise (130 dogs, barking, yelping, howling and fighting all day).
- Inappropriate development in the countryside.

- Proposal to add to traffic congestion in local highways
- Village cannot withstand any further development.
- Impacts to ecology/biodiversity
- Impacts to visual amenity levels provided by Devil's Highway (Urbanising effects).
- Loss of individual identity between the Village of Riseley and Riseley Common.
- There should be no access to the Devil's Highway for the walking of the 130 dogs.
- Hart has already taken away one large track of agricultural land; do not make this a second time.
- Wellington Park already creates great deal of noise every summer.
- There is already dog care facilities on Wokingham side of the county boundary.
- Safety of users on Devils Highway at risk, particularly horse riders as the dogs could spook horses.
- Eastern end of the site floods with heavy rainfall. Local water table is very high.
- Proposed buildings, pathways and hard standing would further increase flood risk to adjoining properties.
- Health risks as a result of increase in dog faeces and Alabama Rot in pets if management of facilities unsuitable next to a park.
- Adjoining property drawn its water from a well. Aquifer feeding the well may run directly under the application site. Drainage works that may be undertaken may impact on the flow of water from the field into the well. Dogs urinating/defecating in the field would impact on the water supply and pose a serious risk to public health.
- Large numbers of dogs from proposal would be brought to the SANG at Wellesley Water Meadow, spoiling this for other users.
- Riseley cannot have more urbanising development forced to it.
- Environmental Assessment does not reflect wildlife and local context of the site.
- Contamination of ground water.

## DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant plan for Hart District is the Hart Local Plan: Strategy and Sites 2016-2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HDLP06) and Neighbourhood Plans (not applicable in this instance). Adopted and saved policies are consistent with the NPPF (2019).

### Hart Local Plan – Strategy and Sites 2016-2032 – (HLP32)

SD1 – Sustainable Development  
 SS1 - Spatial Strategy and Distribution of Growth  
 ED3 - The Rural Economy  
 NBE1 – Development in the Countryside  
 NBE2 – Landscape  
 NBE4 – Biodiversity  
 NBE 5 – Managing Flood Risk  
 NBE6 – Water Quality  
 NBE9 – Design  
 NBE11 – Pollution



Saved Policies of the Hart District Council Development Plan (Replacement)  
1996 – 2006 – (HDP 06)

GEN 1 General Policy for Development  
GEN6 Noisy/un-neighbourly developments  
CON 8 Trees, Woodland and Hedgerows: Amenity Value  
CON23 Development affecting Public Rights of Way  
RUR 1 Areas Covered by RUR1 policies

Other relevant material considerations

National Planning Policy Framework 2019 (NPPF)  
Planning Practice Guidance (PPG)

**ASSESSMENT**

The starting point for the determination of any application is whether the proposal accords with the Development Plan or not; where a development is in accordance with the Development Plan it should be approved. However, if a development conflicts with the provisions of the Development Plan then it will be necessary to consider if there are any material considerations that indicate that planning permission should be granted. The key issues are assessed below.

Change of use

The relevant adopted policies that are applicable to land outside settlement boundaries for any proposed development or change of use are policies ED3 and NBE1.

Policy ED3 supports economic uses in the countryside under specific criteria, the one that can be applicable to the subject proposal is:

- *‘Change of use or conversion of a suitable permanent building or for a new small-scale building that is appropriate to the rural area, located in or on the edge of an existing settlement.’*

In terms of the requirements of adopted policy NBE1, out of eleven criteria set out in this policy to allow development in the countryside, the only relevant criterion applicable to the subject development is:

*‘b) providing business floorspace to support rural enterprises (Policy ED3)’*

This policy recognises that some development can take place which is beneficial to the countryside and people that work and live there but it would have to be demonstrated that a countryside location is both necessary and justified. It refers to rural enterprises, which are explained in the HLP32 as businesses which are often *‘SME’s may be traditional heritage industries or are high-tech start-up enterprises but all play a vital role in maintaining, developing and preserving the countryside.’*

It is worth noting that SMEs are not restricted to the above sectors and can entail a wide range of products and services. Therefore, the proposed development would not be excluded of the definition of SMEs. In terms of the rural aspect of enterprises supported by adopted policy NBE1, the applicant submitted a statement explaining the reasoning behind the selection of the subject site in the countryside to expand their operations, which are mainly led by distance from their main branch in Cobham, demographics around the site (target area) and demand leads within that target area. The applicant's location reasoning is not contested as it is purely a business orientated analysis, rather than justifying the location of the proposal on planning policy grounds.

However, it must be acknowledged that the land use (or business) proposed falls out of the defined limits any of the 'A', 'B', 'C' or 'D' land use classes. It is rather a land use of its own referred to as 'Sui-Generis'. A development like that proposed in this application would require a substantial piece of land as dogs by their very nature require outdoor space to exercise and for their wellbeing in general.

Information submitted states that legislation that rules the operation of such establishments requires at least 6sqm of outdoor space per dog, in addition to the space required to accommodate associated facilities required (e.g. building, car parking, servicing areas, etc.) for the successful operation of such development. Thus, it would appear that a location where there are limited restrictions of space would be more suited to the type of development proposed. The proposed development site would appear to meet the spatial demands of the development.

Because of the out of settlement location proposed, one must consider the requirement of adopted policy ED3 above. It states development would have to be located in or at the edge of a settlement. The nearest settlement to the site is Riseley but the site does not immediately adjoin it as it is 200m east from the settlement boundary.

The site lies within the wider grounds of the Wellington Countryside Park both of which adjoin and are located near small development clusters (mainly located in Wokingham Borough Council). The location of the site is therefore not adjoining the nearest settlement boundary but close to it. It is noted that the locality does not have a wide variety of amenities and the pedestrian/cycling/public transport infrastructure is limited.

Therefore, in policy terms the proposal is not strictly complying with the preferred location for development in the countryside, which is in or on the edge of a settlement. Nevertheless, it should be noted that the site is not in an isolated location either. Overall, the change of use of the land to the business proposed would not appear to directly conflict with the above economic and countryside policies, bar the fact that the proposal would not be in or on the edge of the settlement and/or a sustainable location. As such the site's location would be weighed on the planning balance.

In terms of the acceptability of the development proposed outside settlement boundaries, policy ED3 further requires that *'all development proposals must be of a use and scale appropriate to the site and location considering:*

- i. Landscape, heritage and environmental impacts;*
- ii. Impacts on residential amenity*
- iii. Accessibility of the site; and*
- iv. Impacts on the highway network (type of traffic generated), the appropriateness for the local highway network to accommodate the development and the impact on their character.'*

Criteria i,ii and iv are assessed in detail below not only to determine compliance with adopted policy ED3 but also as part of the objectives of other adopted policies relevant to the proposal. Criteria iii has been discussed above.

### Scale/Design/Appearance and Visual Landscape of the Area - (requirement i of Policy ED3)

Adopted policy NBE9 and saved policy GEN1 strategic objectives are that all developments seek to achieve a high-quality design and positively contribute to the overall appearance of the local area.

Developments should promote, reflect, and incorporate qualities of the surroundings in terms of scale, density mass and height. The policies also advise that the layout should reinforce any locally distinctive patterns, respect and incorporate landscape features.

Section 12 of the NPPF: 'Achieving well -designed places', paragraph 124 states 'Good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities'.

The development proposed would also involve the construction of a modest amount of operational development, this being the proposed building, fencing and laying of gravel for the car parking areas and the section of the access road within the site, and paving for external 'welcome' area adjoining the building.

The proposed building would have a footprint of 150 sqm (15m x 10m) with a shallow dual pitched roof at a maximum height of 3.58m. It would be timber clad with asphalt felt on its roof. The resulting scale would be modest and the external materials would contribute to integrating the building into its countryside surroundings, as its appearance would be that of a rural building.

The creation of the car parking areas and a short stretch of access road into the site, would not appear discordant as they would be created with permeable material (gravel). The element of the proposal that would provide more formality to the layout and arrangement proposed would be the fencing that is required.

In addition to the perimeter fencing, there would be formal enclosures around the building, the 'internal' fencing would allow compartmentalising the site area for different activities and separating different dog sizes. This 'internal' fencing would be 1.6m in height. The majority of it is proposed with chain-link fencing/timber posts, with the exception of the fencing enclosing the bus compound and a nursery area next to the building, which is proposed with palisade fencing. The perimeter fencing in three of the sides of the site (west, south and east) would be proposed chain-link at a height of 1.8m , whereas the northern boundary and an internal fencing towards the eastern end of the site would be proposed with a close boarded timber

fence (with acoustic qualities).

In terms of the visual landscape of the area, the site and the surroundings are rural in character, despite some properties in adjoining/nearby clusters having a suburban influence. The building proposed would represent a satisfactory fitting to this countryside area because of the modest proportions, basic design and external materials proposed.

The formal fencing described above would provide a different appearance to subject site when compared to existing as there is none. However, most of the fencing (chain-link and close boarded) would be benign in visual terms. It is noted the landscape architect has raised concerns about the appearance the amount of fencing proposed would have to the site, however planning officers would not regard the effects of chain-link fencing as detrimental.

It should be noted that the same amount of fencing as that proposed could be introduced in the site under permitted development rights, as none of it would exceed 2m in height.

A visit to the applicant's dog care facility in Oxshott was undertaken. It features a similar arrangement in terms of a main building and amount of enclosures. The chain link fencing seen on the site inspection was not considered to be intrusive. It is lightweight and it blends in the countryside location observed.



Figure 1 - Chain link fencing (Oxshott site).

The chain-link fencing seen in the site inspection and shown above, came across to officers as that of a countryside facility, as it did not seem discordant with the location and it may well be a fencing found on a farm.

It is noted the application refers to 'palisade fencing', which generally it is understood as that found in industrial developments. However, the applicant has clarified the type of 'palisade fencing' that would be used in the proposed development, which is that shown below.





Figure 2 - Palisade fencing (Oxshott site).

The above fencing is proposed to enclose the bus compound and a nursery area with an astro turf finish, which is for small dogs. During the site inspection undertaken, this fencing was found in enclosures adjoining the building in the Oxshott facility (refer to Figure 3 below) and a similar arrangement is proposed as part of the subject application.



Figure 3 - Nursery astro turf area with palisade fencing (Oxshott site).

Finally, the timber close boarded fencing proposed along the northern boundary, would have a more formal appearance. Notwithstanding that this fencing was not present at the facility

inspected, it is part of the current proposal as it would have to meet acoustic requirements (discussed below). However, despite of the more formal appearance, the close boarded fencing would not be perceived as a detrimental element of the proposal, particularly as it would be seen in context with mature trees/vegetation along the PRow (Devil's Highway).



Figure 4 -Close boarded fencing (northern boundary).

Given the details submitted as part of this application, the characteristics of the fencing seen in the facility inspected in Oxshott, and fallback position from the applicant to install fencing under Permitted Development rights; officers are satisfied that the development would not have a materially detrimental effect on the visual amenity of the site nor the wider visual landscape of the countryside and amenity of the PRow. It is worth noting that the existing landscape characteristics along the perimeter of the site and those of adjoining parcels of land feature mature vegetation and trees, which would restrict long range views of the proposal. Even at wintertime when deciduous vegetation is bare, most of the fencing proposed would not be readily visible at a distance.

### Impact on neighbours' amenity

The application site currently adjoins a cluster of five properties which are sited north of the PRow (Devil's Highway) and the district's boundary. There are also two residential properties adjoining the site, one to the east and the other one to the west. The Wellington Countryside Park grounds adjoin to the site to the south. The only impacts arising from the proposal that could affect residential amenity is noise pollution. This is a strong concern raised in all the public representations submitted.

The matter was raised with the applicant which commissioned a noise assessment (NA) to establish in a clearer manner the potential impacts arising as a result of dog barking. The NA acknowledges there is no specific standard and/or guidance designed to assess a dog care facility. However, it goes on to state that due to the impulsive nature of a dog's bark, the noise assessment was undertaken using noise guidance from the Chartered Institute of Environmental Health (CIEH) for Clay Pigeon Shooting, along with British Standard 8233:2014 which is associated to noise levels for dwellings.

CIEH guidance for Clay Pigeon Shooting states that there is no fixed shooting noise level at which annoyance starts to occur. The document however states that annoyance is less likely to occur at a mean shooting noise level of 55dB and it is likely to occur at a mean shooting noise level above 65dB.

Using the above criteria, a single dog bark was modelled at the most exposed areas in relation to Noise Sensitive Receptors (NSR). Average and maximum noise levels emissions were assessed, and predicted noise levels were compared to noise measurements taken onsite.

The single dog barking noise modelled which would be heard in adjoining gardens was calculated assuming the noise source was located adjoining the east, north and west boundaries, which would be the closest to the NSR. The noise level that may be perceived on adjoining gardens (e.g. the most exposed garden) would amount to 64dB LAmax, which is 9dB LAmax above 55dB LAmax (level at which the CIEH guidance claims annoyance is unlikely to occur).

In terms of noise levels that would be heard in the interior of adjoining properties the British Standard referred to above states that it should not exceed 35dB during the daytime. Predictions contained in the NA revealed that appropriate internal noise levels can be achieved at the NSR adjoining the site to the west and north with the only exception being the adjoining NSR to the east (Banks Cottage). The NA has predicted that the single dog barking noise modelled would be marginally above the acceptable criteria for noise events as the expected noise level that would be heard internally for this adjoining property would reach 40dB.

The NA recommends that to reduce noise levels as much as practicable to all the NSR and to ensure that all noise levels are within the criteria specified above, a 2m high closed boarded fence should be installed along the northern/eastern boundary of the site. The fence should contain no holes/gaps and should have a minimum mass density of 10kg/m<sup>2</sup>. The report recommends a product from Jackson's fencing (12K Acoustic Envirofence - fence shown in Figure 4 above). It is also recommended that this acoustic fencing is installed 20m away from the eastern boundary of the site to create an exclusion zone for the NSR to the east (Banks Cottage) to ensure that noise levels are within acceptable criteria.

The Council's Environmental Health team have assessed the NA submitted and have raised no objection subject to the implementation of a management plan (submitted with the application) and the provision of the acoustic timber fencing recommended in the NA.

It is worth pointing out that during the visit made to the Oxshott facility there were approximately 70 dogs present that day. During the site appraisal there were a couple of instances when barking was seen/heard during the external walk within the facility and/or the time spent within the building. However, it was intermittent and associated with the younger dogs and the barking seen/heard did not cause the other, older dogs to join in and bark as well. The Oxshott facility also adjoins residential properties located immediately to the east.

However, it was noted that the background noise experienced at this facility is somewhat different to that experienced at the application site as the existing branch in Oxshott is located around a mile from the M25. Nevertheless, the main concerns raised by third parties of having relentless barking all day/everyday as a result of the facility was not experienced during the site inspection at Oxshott, where officers were present in excess of an hour.



Furthermore, the management plan submitted along with the NA, states that the existing dog care facility operates at an 80% capacity at a ratio of 1 staff/10 dogs (legal requirements). From the site appraisal undertaken on the existing facility, the operations on the day appeared to be below the 100% capacity and it seemed that there was plenty of space for the 70 dogs that were being cared for during the inspection.

As such given the technical information submitted, the fact that Environmental Health officers are satisfied the NA is robust and they agree with the document and the recommendations made, and also given the situation experienced during the site appraisal at the Oxshott facility your officers consider that the noise that may originate from the operations of the proposed development would not result in detriment to the living conditions of neighbouring residents, particularly considering the mitigation measures recommended in the NA and supported by Environmental Health Officers.

### Trees, Ecology/Biodiversity

In terms of trees, a Tree Survey/Arboricultural Assessment has been submitted, detailing characteristics of all the trees along the perimeter. The document recorded 61 individual trees and 20 groups of trees. 17 of these were recorded as being of high amenity value (category A), 30 of them were recorded to have moderate amenity value (category B) and the remainder were regarded to be of low value (category C). Only two of all the trees surveyed were considered to be in poor condition and their removal has been recommended.

The document provides details of the tree protection measures that would be used and does not mention any removal as a result of the proposed fencing that is required. The Council's Tree Officer has raised no objection on arboricultural grounds and as such the proposal would not result in any conflict with adopted development plan policies in this regard.

With regards to Ecology/Biodiversity, the Ecological Appraisal Report(EAR) submitted has identified that the site mainly features amenity grassland/semi-improved grassland and the trees and low level vegetation along the perimeter comprise all the potential suitable habitats that could support protected species.

The areas of amenity grassland were regarded to have low to medium ecological value, whereas the perimeter trees and vegetation were considered to have high ecological value within the context of the site. The EAR acknowledges that the above features provide suitable nesting/foraging opportunities for birds found in the local area, common reptile species, hedgehog, badger passing through the site (because of habitats in the surroundings) and bats.

As such there is not only an opportunity to preserve the ecological potential of the site but also to improve them, due to the fact that the perimeter of the site is the one that features the better habitat characteristics for biodiversity. Furthermore, the vegetation on the perimeter would largely remain unaffected by the proposal as there would only be fencing installed. The EAR also acknowledges that the building and car parking areas would have a low impact on the ecology/biodiversity of the site as they would result in only a minor loss of grassland.



In discussions with the Council's Biodiversity Officer, the EAR and mitigation measures are not contested. However, adopted policy NBE4 of the HLP32 and the NPPF requires development not only to conserve biodiversity but to enhance it and expect that development should result in measurable biodiversity gains. Therefore, the proposal represents an opportunity to improve the ecology/biodiversity credentials identified for the perimeter of the site and the Biodiversity Officer recommends that the Natural England Biodiversity Metric 2.0 is applied to the existing and proposed situation, to then establish likely gains that can be achieved on the site. It is advised that the site should strive to achieve 10% net gain in habitat terms for biodiversity as all the options for delivering net gain should be explored.

It should be noted that any potential ecology/biodiversity impacts of minor scale that may result from the proposal, would not be as a result of the operational development proposed (building, car parking and fencing) but mainly from the dogs that would be walking/running around the site. As such it is considered in this instance that the additional ecological/biodiversity information (metric calculations and explanation on enhancements) can be addressed through a pre-commencement condition if this application is supported by the Council. This would ensure that any required enhancement works, on top of those offered as mitigation in the EAR, are put in place at the correct time to meet the objectives of the aforementioned adopted policy and the NPPF.

### Drainage/Flooding

The site falls within Flood Zone 1 from river flooding. However, the eastern section of the site is subject to surface/reservoir flooding. The proposed building and car parking areas are outside the eastern part of the site where such flooding is experienced. The applicant has submitted a Flood Risk Assessment and a Drainage Strategy, which detail that the car parking areas and the small enclosures that are proposed with astro turf would be laid down on a course of aggregate platform to function as porous pavements to allow surface water to drain through it (without affecting integrity/functionality of the respective areas).

The only impermeable area resulting from the proposed development would be that occupied by the building but a regular gutter system is proposed. It would collect the roof runoff and would flow directly to a piped drainage system below ground and discharge to an adjacent watercourse at a suitable rate without the need for any attenuation system.

Hampshire County Council, as Lead Local Flood Authority, has assessed the submitted information and do not have concerns in principle with the surface water management approach proposed and have suggested a pre-commencement condition to deal with the specific design of the strategy.

The District's Infrastructure Engineer has also raised no objection as the siting of the building and the majority of the see-through fencing proposed would not cause any obstruction to floodwater from overland flow routes crossing the site. The officer has only recommended that the internal finished floor levels of the building should be raised 150mm above surrounding ground levels. This particular requirement could be addressed via a planning condition if this application is supported by the Council. As such, subject to planning conditions, the development would be in accordance with adopted policy NBE5 of the HLP32 and the NPPF in this regard.

## Parking and Access

In terms of parking, the HDC parking standards do not specify parking for such a use. However, given the staff numbers anticipated (15 max), the manner in which the management of dogs drop-offs and pick-ups would be undertaken, the collection/drop-off company buses incorporated within the proposal and the level of parking seen at the site appraisal of the existing branch at Oxshott, no concerns are raised in this respect.

With regards to traffic arising from the proposal, it is noted that this is one of the significant concerns expressed in the representations submitted from third parties.

The Local Highways Authority (LHA), Hampshire County Council, has assessed the transport information submitted which states that 220 vehicular trips are expected across the course of a typical day. Within the AM (0800-0900 hrs) and the PM (1700-1800 hrs) peaks, the estimations would be that there would be 56 and 66 vehicle movements respectively (considering that all staff would be individually driving to the site - worst case scenario).

The LHA has not raised concerns about the estimated trip generation and more importantly considers the level of vehicular movements estimated would not have a severe detrimental impact on the safe operation of the local highway network. Therefore, given the LHA has raised no objection, the proposal is found acceptable on highway grounds.

## Other Matters

Representations submitted have raised other concerns which relate to health risks (dog waste and increased risk to experience Alabama Rot in pets in the locality). These concerns are noted, however these matters come down to the management of the premises. It is the interest of the applicant to maintain an appropriate level of cleanliness and refuse management on the site to prevent any health problems and comply with other legislation that regulates the operation of such establishments.

There were also concerns raised about an adjoining property drawing its water supply from a well and that drainage works and dog waste may affect the aquifer feeding the well, the flow of water from the field into the well, ultimately contaminating the water supply and posing a serious risk to public health. The drainage information submitted is not seeking to alter water flows through the site or displace surface water somewhere else as that is unacceptable approach to dealing with flooding/drainage matters.

In terms of dog waste on the site which may contaminate the underground water, as stated above the business would have to implement a refuse management system to maintain a good level of animal welfare and comply with licencing requirements. In any event, there could be animals brought into the land (e.g. sheep or pigs, etc.) without having to apply for planning permission and/or any restriction in numbers where the need to have a management regime to maintain the land in a clean condition would be simply be non-existent. The development proposed, however, would have to maintain the exercise areas to a good standard due to the high level of interaction that staff would have with the dogs, which was seen in the Oxshott site appraisal.

In terms of concerns raised that large numbers of dogs from the proposed development would be brought onto the SANG at Wellesley Water Meadow and the impacts of this on other users, the development proposed is not a dog walking business. The site and layout proposed provide enough areas for the dogs to run around/exercise without having to leave the site.

## Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. An important material consideration is subsection d) of Paragraph 11 of the NPPF, wherein the 'tilted balance' would apply if the adopted development plan has no relevant policies or relevant policies are out of date. The adopted planning policies contained in the HLP32 are up to date and consistent with the NPPF and therefore there is no need to apply the tilted sustainable development balance.

In terms of the benefits of this proposal, they relate to the economic benefits of the provision that an SME brings to the area as it would create jobs and the local expenditure arising from the construction and following its occupation. In terms of environmental benefits, the proposal would provide an opportunity to enhance the ecology/biodiversity credentials of the site despite introducing a modest amount of operational development as its perimeter contains landscape features that provide a suitable habitat for different species. With regards to social benefits, the proposed development would offer a benefit to those dog owners from the locality and beyond that make use of care services of this kind.

In terms of the disbenefits arising from the development of the site, they relate to the fact that the site is in a countryside location and is not immediately adjoining a settlement boundary as required by adopted policy ED3. Also, the site is not in a highly sustainable location. However, the land is not subject to any high agricultural grading nor serves any specific agricultural purpose. In any event adopted policies ED3 and NBE1 allow for development in countryside under certain circumstances such as those discussed above as part of the change of use proposed.

Paragraph 127 states that planning decisions should ensure that developments function well and add to the overall quality of the area over the lifetime of the development, are visually attractive (good architecture, layout and landscaping), sympathetic to local character, including landscape setting. Also, this paragraph states development should be sympathetic to local character and history, including built environment and landscape setting.

NPPF Paragraph 170(b) states that planning policy and decisions should contribute to and enhance the natural local environment by, among other measures, recognising the intrinsic character and beauty of the countryside, and their wider benefits of the best and most versatile agricultural land, and of trees and woodland.

Section 12 of the NPPF: 'Achieving well-designed places', paragraph 124 states 'Good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities'.

The subject development would result in a minor impact on the natural local environment as a result of the operational development that would be introduced onto the site, some of which could be undertaken without planning permission in any event. However, the impacts

anticipated would be offset by undertaking more detailed ecology/biodiversity work to target a 10% increase in biodiversity gains which would contribute to integrating the development in an appropriate manner with the natural/rural characteristics of the area.

Furthermore, the Framework requires decision makers to acknowledge that access to sustainable transport solutions would vary in rural locations. The location of the site would likely reduce the likelihood of prospective users walking and cycling to reach the development. Thus, the proposal would not entirely accord with the sustainable pattern of growth advanced by the NPPF. However, the proposal would utilise minibuses to pick up dogs from users' homes and to deliver them back and this would reduce the number of individual traffic movements as several dogs could be accommodated in each minibus.

However, adopted policies allow the development of land in the countryside to support the rural economy having respect to their context. Therefore, the weight attributed to the negative elements of the proposal discussed above are to some extent built into the requirements of the relevant policies referred to above and would not result in such a harm to the locality and the wider countryside as to outweigh the benefits identified. Overall, therefore the planning balance is considered to weight in support of approving planning permission as the economic, environmental and social benefits arising from the proposal would not be outweighed by the limited negative elements identified.

## **CONCLUSION**

The proposed development would be acceptable on this site as it would not detrimentally impact on the countryside and its visual landscape. The impacts identified on neighbouring properties and ecology/biodiversity can be addressed through the imposition of planning conditions that would require the implementation of the mitigation measures recommended in the submitted reports and also through the provision of the additional detailed information to improve ecology/biodiversity on the site.

Whilst the proposal will introduce a modest amount of development into the site, the locality features other clusters of development that are well screened and not prominent in the landscape, which are characteristics attributable to the application. On balance, therefore, it is recommended that planning permission be granted, subject to appropriate conditions.

## **RECOMMENDATION**

**GRANT** planning permission subject to the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be fully implemented in accordance with the following plans/documents (including any mitigation/enhancement recommended therein):

101 Rev. H (Site Plan Proposed), 444527120 Rev. B (Reception Building), 002 Rev. A

(Egress Plan), Tree Constraints Plan, 101 Rev. D (Site Plan – Tree Protection Measures), 1900.0011 100 Rev. P2 (Proposed Foul Water Drainage Strategy), 1900.0011 101 Rev. P2 (Proposed Surface Water Drainage Strategy); and Noise Impact Assessment (dated February 2020) produced by Nova Acoustics Ltd, Flood Risk Assessment (dated February 2020) produced by Ground and Water Limited, Proposed Drainage Strategy Statement (dated February 2020) produced by Nola Design, Tree Survey/Arboricultural Impact Statement/ Preliminary Method Statement (dated October 2019) prepared by Martin Dobson Associates and Transport Statement – BDDC/2019/4966/TS01 (dated 2019) produced by RGP and Management Report (dated February 2020) produced by Bruce’s Doggy Day Care and Fencing Types Document , produced by Bruce’s Doggy Day Care .

Reason: To ensure that the development is carried out in accordance with the approved details and in the interest of proper planning.

3. Notwithstanding the information submitted with this application, no development shall commence on site until a detailed surface water drainage strategy for the site (based on the principles contained in the Flood Risk Assessment approved by condition no.2) has been submitted and approved in writing by the Local Planning Authority. The details shall contain but not be limited to:

- Detailed drainage drawings at an identified scale indicating catchment areas, referenced drainage features, manhole covers, invert levels, pipe diameters, lengths and gradients.
- Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manhole schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. Drainage features should have same reference that the submitted layout.
- Confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.
- Details of the condition of the exiting watercourse /ditch/drain/sewer, which will take surface water from the development site, should be investigated/provided before any connection; if necessary, improvement to its condition in the form of reparation, remediation, restitution and replacement should be undertaken and evidence of this should be submitted for approval.

The details shall be fully implemented as approved before the first occupation of the development hereby approved.

Reason: To minimise the risk of groundwater flooding to the site in accordance with policy NBE5 of the adopted Hart Local Plan – Strategy and Sites 2016-2032 and the NPPF.

4. Notwithstanding the information submitted with this application, no development shall commence on site until a detailed ecology/biodiversity management plan which applies the Natural England Biodiversity Metric 2.0, detailed information of enhancements to achieve a minimum of 10% gain in habitat terms for biodiversity and time table for their implementation, shall be submitted and approved in writing by the Local Planning

## Authority

The ecology/biodiversity management plan shall be fully implemented in accordance with the details approved.

Reason: To ensure the development contributes to ecology/biodiversity enhancements in accordance with policies NBE4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF.

5. Details for the long-term maintenance arrangement for the surface water drainage system, shall be submitted to and approved in writing by the Local Planning Authority, the details shall include:

- Maintenance schedule for each drainage feature type and ownership;
- Details of protection measures

The details shall be fully implemented as approved prior to the first occupation of the development and complied with in all respects thereafter.

Reason: To minimise the risk of surface water flooding to the site in accordance with policy NBE5 of the adopted Hart Local Plan – Strategy and Sites 2016-2032 and the NPPF.

6. The development hereby approved shall be implemented in accordance with the external materials proposed for the building, external reception and car parking areas and fully completed prior to first occupation of the development.

Reason: To ensure the external appearance of the development integrates satisfactorily to the locality and to comply with policy NBE9 of the adopted Hart Local Plan – Strategy and Sites 2016-2032, saved local policies GEN1 of the Hart District Local Plan 1996 – 2006 and the NPPF.

7. The close boarded timber fencing hereby approved and shown in approved plan no. 101 Rev. H (Site Plan Proposed) shall be the 12k Acoustic Envirofence manufactured by Jackson's Fencing which shall have a minimum mass density of 10kg/m<sup>2</sup>.

This approved fence shall be fully installed prior to the first occupation of the development and thereafter retained and maintained so its acoustic qualities are not affected.

Reason: To ensure the residential amenity of neighbouring properties is not materially affected and to comply with policies NBE9 and NBE11 of the adopted Hart Local Plan – Strategy and Sites 2016-2032, saved local policies GEN1 and GEN6 of the Hart District Local Plan 1996 – 2006 and the NPPF.

8. The development hereby approved shall not operate outside Mon-Fri 0730 hrs-1800hrs, no operations shall take place on Saturdays, Sundays and Bank Holidays.

Reason: In the interests of neighbouring amenity in accordance with saved policies GEN1 of the Hart District Local Plan and the NPPF.

9. The internal finished floor levels of the building hereby approved shall be set 150mm above external ground levels surrounding the building.

Reason: To minimise the risk of internal flooding in accordance with policy NBE5 of the adopted Hart Local Plan – Strategy and Sites 2016-2032 and the NPPF.

10. There shall be no more than 130 dogs in the development hereby approved at any one time on any given day.

Reason: To comply with the terms of the application and in the interest of neighbouring occupiers in accordance with NBE11 of the adopted Hart Local Plan – Strategy and Sites 2016-2032, saved local policies GEN1 and GEN6 of the Hart District Local Plan 1996 – 2006 and the NPPF.

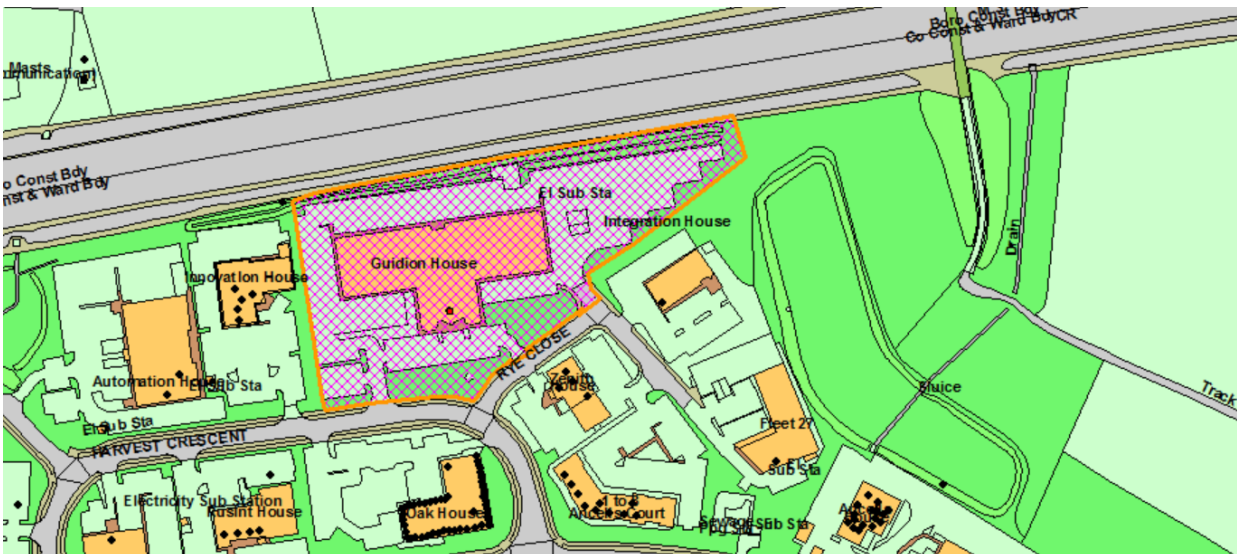
## **INFORMATIVES**

The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.

# COMMITTEE REPORT

## ITEM NUMBER: 103

APPLICATION NO.	19/02871/FUL
LOCATION	<b>Guidion House Rye Close Fleet GU51 2UY</b>
PROPOSAL	Demolition of an existing office building and erection of new industrial units for flexible uses falling within Research and Development (B1b), light industry (B1c), general industry (B2) and storage and distribution (B8) with ancillary offices.
APPLICANT	Mr Russell Meadows
CONSULTATIONS EXPIRY	7 May 2020
APPLICATION EXPIRY	8 July 2020
WARD	Fleet
RECOMMENDATION	<p><b>A.</b> That the Head of Place be delegated authority to <b>GRANT</b> planning permission subject to;</p> <p>i) The completion of a Planning Obligation (S106) agreement to secure a Travel Plan and off site improvements to the Green Infrastructure Network AND subject to the following Conditions:</p> <p><b>B.</b> If by 11.09.2020 the Planning Obligation has not been completed to the satisfaction of the Head of Place then the Head of Place be delegated authority to <b>REFUSE</b> planning permission for the reason listed at the end of the report.</p>



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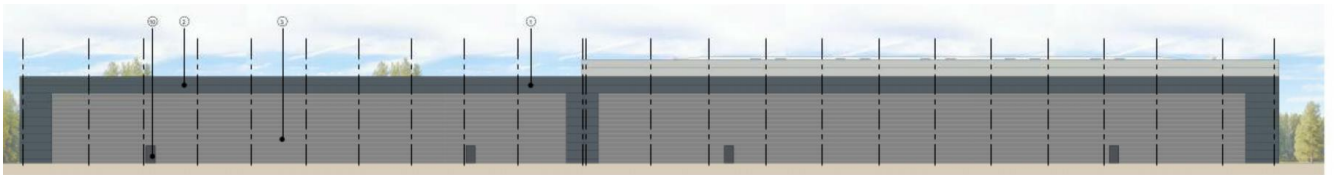
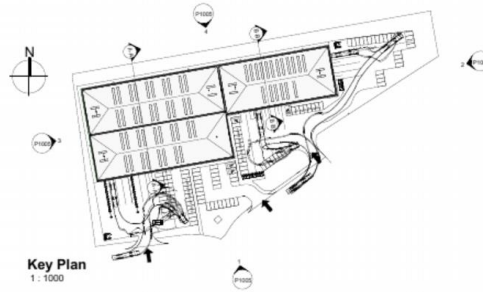
# ELEVATIONS



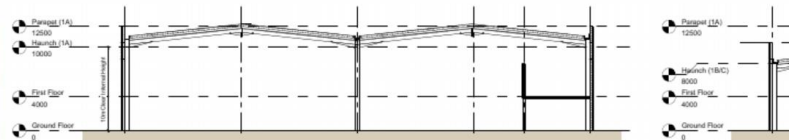
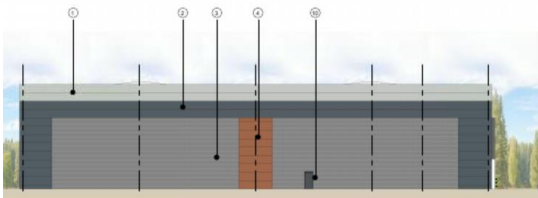
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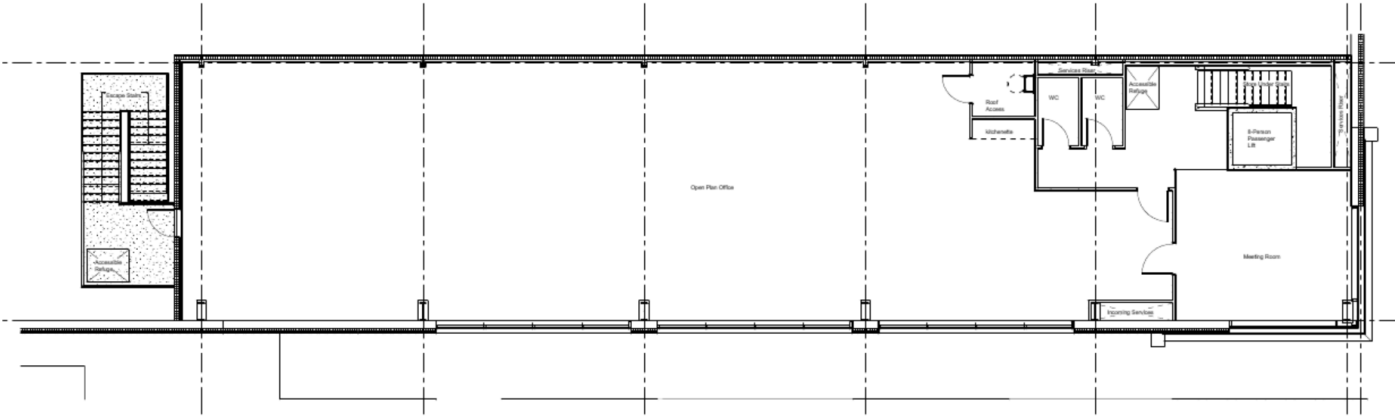
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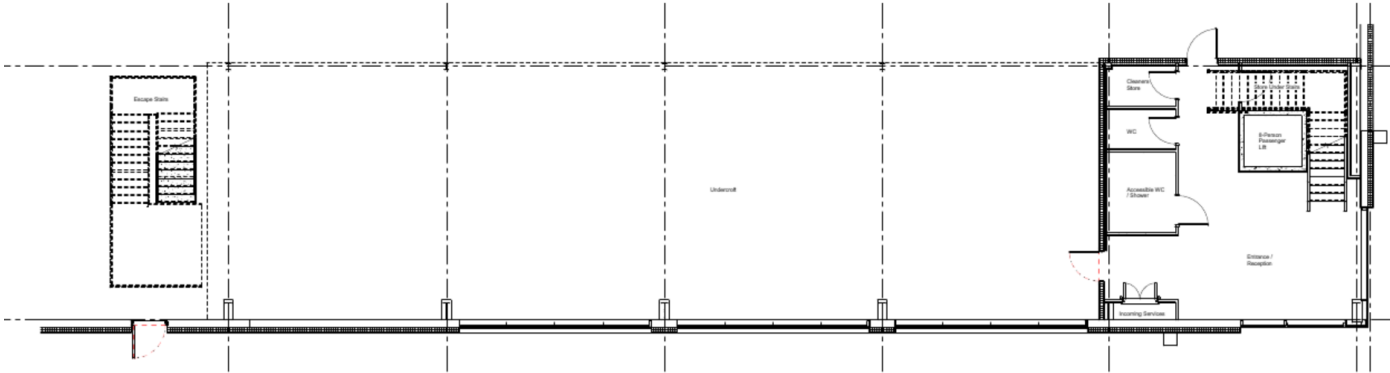
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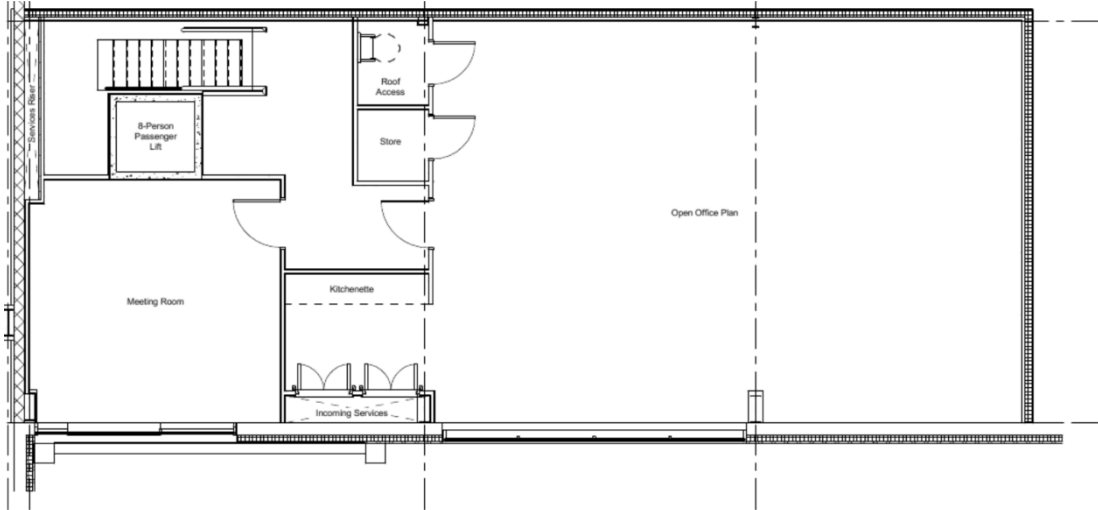
# LAYOUTS



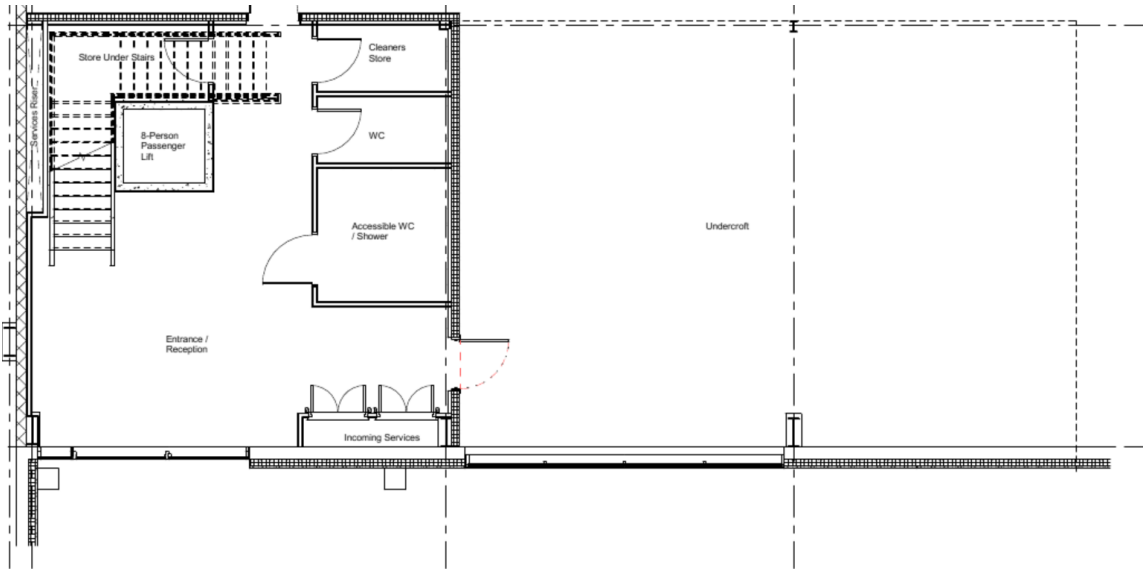
Unit 1a - First Floor Office Plan  
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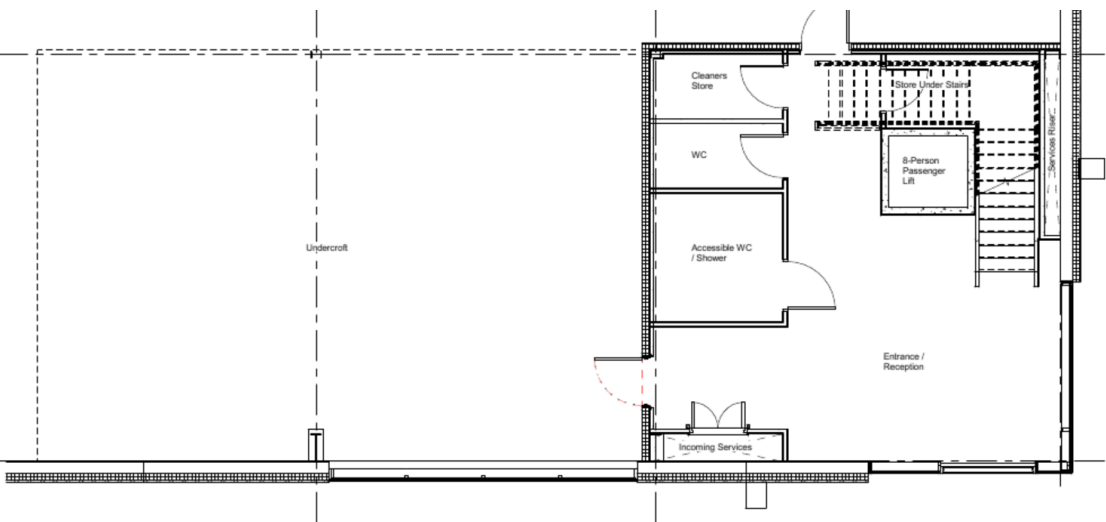
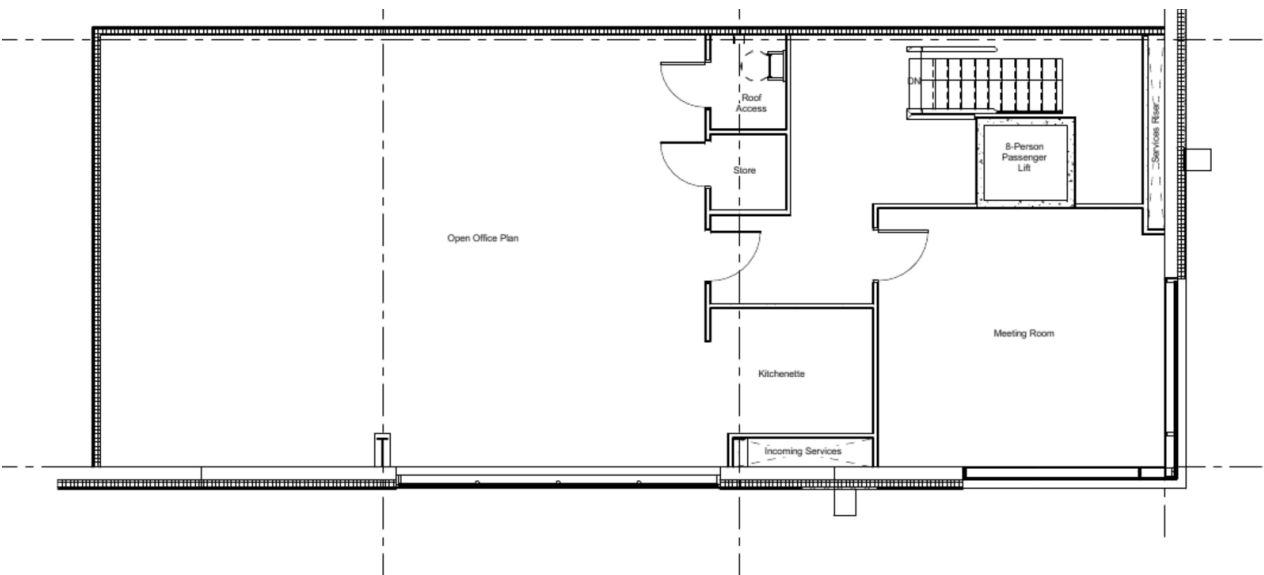
Unit 1a - Ground Floor Office Plan  
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Unit 1b - First Floor Office Plan  
1:50



Unit 1b - Ground Floor Office Plan



Unit 1c - Ground Floor Office Plan

## **BACKGROUND**

This application is brought before the Planning Committee at the discretion of the Head of Place, because of the number of public representations received.

## **SITE DESCRIPTION**

The application site comprises Guidion House, Harvest Crescent, Fleet. It has a stated area of 1.74 hectares (ha). The site is occupied by a large detached three-storey office building which is now vacant (with a stated floorspace of 8,129sqm), associated parking and landscaping. The applicant has stated that the site has been vacant since September 2014. The site is generally flat but there is a bank up to the M3 to the north.

There are three existing vehicular accesses to the site on its southern boundary, one to Harvest Crescent and two to Rye Close. Harvest Crescent is a link road with two junctions with Ancells Road to the south.

The site boundaries are characterised by landscaping (hedging and trees). To the immediate north is the M3, to the east a wooded area, to the south are Integration House, Zenith House and Oak House and to the west Innovation House.

The site is located on Ancells Business Park which includes a number of purpose-built detached employment buildings with surface level car parking and landscaping. More recently, a number of these buildings have been converted or benefit from permission for conversion to residential use following Prior Approval applications.

Ancells Business Park is on the north east edge of Fleet. Other than the M3, there is countryside to the north and east, Ancells Farm residential area to the south and the North Hants Golf Club to the west. Fleet Station is approximately 1km to the south west of the site and Fleet Town Centre approximately 2km to the south west.

## **PROPOSAL**

The application seeks full planning permission for the demolition of the existing office building and erection of new industrial units for flexible B1b, B1c, B2 and B8 use with ancillary offices.

The Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) defines the above uses classes as follows:

B1(b) business – research and development of products or processes and B1(c) business – light industrial, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

B2 general industry, use for the carrying on of an industrial process other than one falling within class B1.

B8 use for storage or as a distribution centre.

The applicant is seeking a 'flexible use' of all of the proposed floorspace such that it could be used in its entirety for any of the proposed uses, or a combination of the uses, without the requirement for a further planning permission.

The proposal is for a single large employment building totaling 7,292sqm gross internal area (GIA) / 7,503sqm gross external area (GEA) and positioned in the North West part of the site. The building would be divided into a large unit (1A) and two smaller units (1B and 1C). The building would be served by parking and servicing areas on the southern part of the site utilising the three existing vehicular access points. Landscaping is indicated on the site boundaries. The proposed site layout is shown on drawing P0005 Rev C. The proposal is for a 24-hour operation.

During the Local Planning Authority's (LPA) assessment of the application, additional information was received from the applicant on 16.04.2020 and accepted as part of the application submission by the LPA. Neighbours and relevant consultees were re-consulted following receipt of this further information.

Further information in relation to highways and noise matters was received on 29.06.2020 and 14.07.2020. There were no outstanding objections from the Highways Authority or the Council's Environmental Health Team at this stage and this information was provided in response to Officer queries. It provides further clarification and does not seek to amend the proposed development in any way. As a result, it has not been separately consulted upon.

## **RELEVANT PLANNING HISTORY**

Relevant planning history for the application site comprises:

19/00585/PREAPP - Demolition of an existing office building and construction of flexible B1(b), B1(c), B2 and B8 industrial units with ancillary office at Guidion House. Opinion issued 30.05.2019. This pre-application proposal was for the same uses as the subject application but within a greater number of medium and smaller sized units.

19/00523/PRIOR – Notification of Prior Approval for the Change of Use from office (class B1(a)) to residential (class C3) to provide 90 flats with associated car and cycle parking and refuse storage. Prior approval not required 03.05.2019. This prior approval remains extant but must be completed with three years, i.e. by 03.05.2022. No mitigation in relation to the Thames Basin Heaths Special Protection Area (TBHSPA) has been secured at this time.

17/00426/PRIOR - Prior Notification requirement under Part O of the GDPO for the change of use of offices (Class B1a) to form 75 apartments. Withdrawn 30.03.2017.

88/17241/FUL (HDC/17241) - Erection of class B1 business unit Site, 500 (Ancells Business Park, Fleet). Approved 27.02.1989.

85/12630/OUT (HDC/12630) - Residential & industrial development (Ancells Farm & Fleet Farm House, Cove Road, Fleet). Approved 30.04.1986

The above planning history confirms the site to be in Class B1 office use.

In relation to neighbouring buildings:

Zenith House - A number of prior approvals have been given to change its use to residential, the latest of which is 19/00336/PRIOR dated 17.04.2019. No mitigation in relation to the Thames Basin Heaths Special Protection Area (TBHSPA) has been secured at this time and

the building has not been converted.

Oak House - A number of prior approvals have been given to change its use to residential, the latest of which is 16/01445/PRIOR dated 26.07.2016. Planning permission was subsequently granted to provide fourteen flats on the second floor (16/01441/FUL dated 14.11.2016). Conditions on these approvals have been discharged and mitigation in relation to the Thames Basin Heaths Special Protection Area (TBHSPA) secured (16/01445/SANGS dated 28.11.2016). It benefits from approval/permission to provide 45 dwellings and has been converted.

## **CONSULTEES RESPONSES**

### **Fleet Town Council**

Objection. Good to have more employment sites but:

Uses B1 and B2 are acceptable but object to B8 as it will have HGV's driving through housing estate this may disturb residents and neighbouring flats especially if early morning/late night or 24hrs a day operation is proposed. If approved then the hours of operation on B8 should be restricted.

B1 and B2 short on parking by 47 spaces. 167 spaces + 4 accessible spaces should be provided however only 119 can be accommodated on plans, this is only 71% of the required parking. B8 can meet required parking of 83 spaces.

Site should be reconfigured to provide the full amount of parking to service B1/B2 uses only. Site can readily accommodate 3 No. B1/B2 units.

### **Highway Authority**

Hampshire County Council Highway's (HCCH) original response confirmed that potential traffic generation would not have a severe detrimental impact on the operation of the highway network. It also confirmed that there are no existing highway safety concerns that would be exacerbated by the development.

It also advised that the proposed parking does not meet HDC standards and that HDC should confirm that the shortfall is acceptable.

Following the submission of additional information, HCCH have advised:

Vehicle swept path analysis has been carried out which is acceptable.

Evidence has been submitted to support the view that due to the cab height the articulated vehicles sight lines would not be restricted by parked vehicles. In any case this on street parking is an existing situation.

The applicant has not revised the Travel Plan which has been reviewed by the HCC Travel Planning team and found to not currently meet the standards. The highway authority would require that the full Travel Plan be secured via the Section 106 and be approved prior to occupation of the units along with the appropriate fees and bond.

No objection subject to a construction method statement condition.

## **Local Lead Flood Authority**

The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through permeable paving and crated attenuation tanks. Surface water will be discharged into the surface water public sewer network. This is acceptable in principle since the proposals will reduce existing discharge rates.

Surface water will need to be pumped from the attenuation tanks to the public sewer network. Considering that gravity connection is unfeasible at the site and a pumped surface water outfall has been considered as the last resort, this is also acceptable in principle.

Hampshire County Council as the Lead Local Flood Authority has no objection to the proposal subject to planning conditions requiring a detailed surface water drainage scheme and agreement in principle from Southern Water for the proposed discharge rates and connections.

## **Thames Water**

No objection in relation to foul water sewage or surface water network infrastructure capacity.

## **HDC Planning Policy**

The proposal would support HLP Objective 5 "To support economic growth by protecting and providing a range of size and types of employment land and buildings ...".

The Plan defines Ancells Business Park, of which this site forms a part, as a Locally Important Employment Site. Policy ED1 supports employment proposals within the B use classes in this location. The proposal would therefore comply with this policy.

Policy ED2 protects Locally Important Employment Sites against the loss of B class employment use. The proposal would retain B class uses on the site and would comply with this policy.

The ELR assessment concluded that there is sufficient employment land (in quantitative terms) to meet needs over the plan period, although land supply is limited for the industrial and warehousing sectors. The proposed development would have the ability to contribute to the provision of land for industrial or warehousing purposes.

The building is understood to have been vacant since 2014 and marketing has been undertaken to a greater or lesser degree since 2010. I do not have any details of the price or terms on which the building was offered, but the style and reach of the campaign appears to have been appropriate, as was the site being offered freehold rather than just leasehold. Given the length of time over which no serious inquiries have been received, I consider the evidence sufficient to demonstrate a lack of demand for that type of office in that location. Having established this, the next step would be to investigate alternative employment uses for the site, and this is what is proposed in the current scheme.

Implementation of the prior approval for residential use at the site would be damaging to the employment character of this Locally Important Employment Site. The current proposal for



employment uses is significantly better aligned with the policy aims relating to this site and would be much preferred to implementation of the outstanding residential scheme.

## **HDC Environmental Health**

The Applied Acoustic Design dated 7 April 2020 addresses a number of previous concerns raised. We therefore see fit to impose the following conditions on any permission which may be granted in relation to this site:

Noise Management Plan  
White Noise Reversing Sounders  
Noise break out from buildings

Endorse applicant's suggestion of installing loading dock curtains and recommend incorporating the mandatory use of acoustic docking curtains for safety and acoustic attenuation purposes.

## **HDC Tree Officer**

Woodland TPO ref: 88/00150/HDC protects trees at this site.

The proposal requires the removal of numerous trees, mostly fairly recent landscape plantings of little arboricultural significance. However, this is intended to include several more substantial TPO trees, including but not limited to the following:

T10 - Horse chestnut, category B  
T11 - Oak, category A  
T12 - Oak, category B  
T72 - Oak, category B.

This belt of trees is an important arboricultural feature, clearly visible to the public and in an area with a seemingly increasing residential population. It extends as a semi-continuous green corridor from near Bramshot Country Park in the north-west, to woodland to the south-west of Ancells Farm and ultimately to the Fleet Pond SSSI. Trees in this belt are predominantly long-lived species and so it would seem premature to fell and replace. The existing site layout was designed with these trees in mind and I see no arboricultural justification for this feature to become diminished.

Granting permission would be contrary to HLP06 Saved Policy CON8. The green corridor, while not removed in its entirety, would become diminished and not able to be suitably mitigated by way of replacement planting.

The Tree Officer confirmed that the above comments remain for the updated scheme on 15.05.2020.

## **HDC Landscape Officer**

When Ancells Farm was originally developed, the various tree belts that defined the field pattern of the former farm were protected, retained and enhanced to form the landscape structure of the site. This gives the development a sense of maturity beyond its years and strong rural characteristics that mitigate/disguise how urban the development actually is.

The amount of developable space outside of the constraints placed by existing trees is substantial. It is disappointing then that the extent of the proposals and resulting layout cannot work within those constraints. The act of demolishing the original hard surface edging, imposing new edges closer to tree stems, will remove existing roots and further restrict an already restricted root zone.

The proposals will place stress on trees that are protected by a woodland tree preservation order.

I have reviewed the landscape strategy; it is comprehensive and if the application is granted consent should form the platform for a fully detailed landscape scheme, including future management and implementation, required by a suitably worded planning condition.

### **HDC Biodiversity Officer**

No objection. The proposed redevelopment of the site will not impact upon any designated sites of nature conservation value. The existing building which is scheduled to be removed is of a modern design and has negligible potential to support roosting bats.

I support the proposals within the landscaping to include new native planting, particularly around the site boundaries.

### **NEIGHBOUR COMMENTS**

A total of seventeen neighbour representations have been received, this includes eight following the original consultation commencing on 10.01.2020 and nine following re-consultation commencing 16.04.2020. There is cross over between respondents at these stages such that there are eleven neighbour respondents in total. All are objections. In terms of material planning considerations, these can be summarised as concerns relating to:

- Pollution including noise, light and dust.
- Impact on residential amenity.
- Impact on vehicular access and traffic generation.
- Adequacy of parking, loading and turning areas.
- Out of keeping in terms of use, layout and density.

Objections have also been raised in relation to a potential adverse impact upon residential property values, this is not a material planning consideration.

### **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant plan for Hart District is the Hart Local Plan: Strategy and Sites 2016-2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HDLP06) and Neighbourhood Plans (not applicable in this instance). Adopted and saved policies are consistent with the NPPF (2019).

## Hart Local Plan – Strategy and Sites 2016-2032 – (HLP32)

SD1 Sustainable Development  
SS1 Spatial Strategy and Distribution of Growth  
ED1 New Employment  
ED2 Safeguarding Employment Land and Premises (B-Use Classes)  
NBE4 Biodiversity  
NBE5 Managing Flood Risk  
NBE9 Design  
NBE11 Pollution  
INF1 Infrastructure  
INF2 Green Infrastructure  
INF3 Transport

The HLP32 identifies the site to fall within the Fleet Settlement Boundary and Ancells Business Park Locally Important Employment Site.

## Saved Policies of the Hart District Council Development Plan (Replacement) 1996 – 2006 – (HDP 06)

GEN1 General Policy for Development  
GEN6 Policy for Noisy/Un-neighbourly developments  
CON8 Trees, Woodland and Hedgerows: Amenity Value

## Fleet Neighbourhood Plan, 'made' November 2019 (FNP):

10 General Design Management Policy  
18 Cycling Network

## Other relevant material considerations

National Planning Policy Framework (NPPF, 2019)  
Planning Practice Guidance (PPG)  
Hart District Council Parking Provision Interim Guidance (PPIG, 2008)  
Hart, Rushmoor and Surrey Heath Joint Employment Land Review Update (ELR, 2016)  
Hart District Council Strategic Flood Risk Assessment (SFRA, 2016)

## **ASSESSMENT**

The following have been identified as the key planning considerations for the proposed development and are assessed in this report:

Principle of development  
Design  
Residential amenity  
Highways  
Landscaping, trees and ecology  
Flood risk and drainage  
Planning balance

## Principle of Development

The site is within Ancells Business Park which is a Locally Important Employment Site as identified at HLP32 Policy ED2(2)(vi). Policies SS1 and ED1(a) support employment uses in such locations. The HLP32 (167) confirms that for the purposes of Policies ED1 and ED2, 'employment uses' include B1, B2 and B8 uses.

ED2(2) protects against the loss to non-B-class users within Locally Important Employment Sites. The proposed development for B1/B2/B8 use would not conflict with this Policy.

There is no specific policy requirement in the development plan to justify the loss of the existing B1 office use as the proposed development is for B class uses. Notwithstanding, the Council's Planning Policy Team consider that sufficient evidence has been provided to demonstrate a lack of demand for the existing office type in this location.

It is also a material consideration that there is an extant prior approval for 90 dwellings (19/00523/PRIOR, see Planning History Section) that, if implemented, would result in the loss of the existing B1 office use. Whilst no mitigation in relation to the TBHSPA for the prior approval has been secured at this time, the approval remains extant until 03.05.2022 and there is no evidence before the LPA that indicates that this residential use does not provide a realistic fallback position at present. The retention of employment generation use(s) and other associated economic benefits of the subject application are therefore a planning benefit of the proposed scheme in comparison with the fallback position.

The Policy Team have advised that the proposal is compliant with the above development plan policies and accords with the Council's aspirations for this Locally Important Employment Site.

There are no FNP Policies relating to the principle of the proposed development.

The NPPF sets out an economic objective of helping to build a strong, responsive and competitive economy (8(a)), Section 6 provides further guidance. The NPPF states that significant weight should be placed on the need to support economic growth and productivity (80).

Accordingly, the principle of the development is supported by the development plan and the NPPF.

## Design

The existing vacant office building on site makes little contribution to the street scene or area and there is no objection to its demolition in design terms.

The application proposes three units which are attached and would appear on plan as a single large building. The building would be sited in the north west of the site with parking and landscaping to the south and east.

The building would have a total measured length of 150m (north elevation) the east flank elevation would measure 30m and the west 55m. The largest unit (1A) would have a maximum height of 12.8m and the other units 10m. This compares to 18m for the existing building on-site.

The building would be modern in appearance consisting of steel cladding finished in different colours (white, light grey, mid grey, dark grey and copper). These colours would be used to differentiate between the different functions of the buildings (for example, ancillary office areas and entrances).

The size and form of the proposed building has been designed to reflect and accommodate the proposed uses, in particular modern warehousing requirements.

The building would be functional in appearance but the large massing (particularly horizontally) would be broken up to some extent on the southern frontage (the 'front' of the development) through fenestration and the use of different coloured cladding. The building would be set back within the site to allow the majority of the existing soft landscaping on the southern boundary to be retained.

It should also be noted that the existing building is one of the largest (if not the largest) in Ancells Business Park and has a height of 18m. The proposal building height is below this at between 10m and 12.8m.

The general siting and layout of the proposed development is in keeping with the prevailing character of Ancells Business Park, in terms of larger buildings set back from the highway, and the buildings proposed use. Furthermore, there is a variety of materials and architectural styles existing within the business park (with brick prominent on a number of buildings) and there is no overriding positive prevailing architectural style or appearance that should necessarily be followed. The appearance of the building would contribute to identifying it as a modern addition to the Business Park.

The building design has incorporated durable products and the proposed steel would be 79% recyclable. Water efficient appliances and changing facilities for cyclists are proposed.

Overall, the proposal would be in keeping with Ancells Business Park and its function as a Locally Important Employment Site in terms of scale, density, mass and height. The proposed external appearance would introduce new materials and colours but these would represent an evolution of the appearance of Ancells Business Park and introduction of a more modern building. The development therefore meets the design requirements of HLP32 Policy NBE9, HLP06 Policy GEN1, FNP Policy 10 and the NPPF (130).

### Residential Amenity

As identified above, the principle of B1b/B1c/B2/B8 use(s) on the site is supported in principle and are uses specifically promoted within Ancells Business Park. However, Oak House to the south is now in residential use and is excluded from the Locally Important Employment Site.

Oak House is the nearest existing residential building which the development could impact upon in terms of residential amenity. The nearest façade would be located approximately 25m from the site boundary and 70m from Unit 1A. Zenith House benefits from prior approval to change use to residential and would be located approximately 12m from the site boundary and 45m from Unit 1A. A number of objections have been received in relation to the potential adverse impact upon the residential amenity of residents of Oak House.

The proposed development has been submitted as a 24-hour operation and would introduce potentially noisy uses within the B2/B8 use classes. The proposed units would incorporate warehouse areas on the ground floor which would result in noise (i.e. internal noise sources), accessed from dedicated loading docks. Vehicles would need to manoeuvre within the external servicing areas to access/egress from the loading docks. There would also be potential noise from workers generally accessing the units, fixed plant and from vehicles approaching and leaving the site (i.e. external noise sources).

External lighting is proposed to the car parking areas, access paths and loading bay areas. There would also be some light spill from internal areas through fenestration.

An External Lighting Assessment Report, Noise Assessment and Acoustic Design Update Note have been submitted.

Trip rate data for the proposed development has been generated from the TRICS database for the peak hour periods for which data is available and extrapolated for the 24h period. The 'worst case' (i.e. highest) number of HGV movements would be from use of all of the proposed development floorspace for Class B8 use. HCCH have raised no objection to the trip generation figures used.

The Noise Assessment (and associated updates) has been prepared with reference to BS4142 and IEMA guidance and has assessed noise from within the site (internally and externally and using BS4142) and HGV movements on the public highway (using IEMA guidance). In terms of the 'worst case' scenario for HGV and light vehicle movements within the nighttime period, the assessment allows for four HGV's arriving, manoeuvring and unloading and up to 32 light vehicle movement within any one-hour period. The HGV movements reflect the transport information submitted. The Assessment (and updates) consider the day and nighttime periods.

The Assessment, and subsequent clarifications, conclude that there should be no unacceptable noise impacts from the development on residential amenity. A number of measures are proposed to minimise noise levels from the development:

- Operational noise from within service yards would be reduced through the use of white noise reversing sounders. For commercial vehicles, reversing beepers are a health and safety requirement.
- All servicing bays have been designed to accommodate loading dock curtains.
- Noise level limits on any external plant.
- Limits on the level of 'break out' noise from buildings.

The submitted External Lighting Layout and Lighting Assessment conclude that there would be minimal light spill outside of the site. The Lighting Assessment identifies recommended Lux levels and angles for external lighting. Notwithstanding, the Lighting Assessment is a lighting design strategy and full details of the proposed lighting scheme should be secured by an appropriate planning condition.

The Council's Environmental Health Team (EHT) have commented on the application. Following submission of the additional information by the applicant, the EHT have raised no objection to the application subject to the imposition of planning conditions relating to: a noise management plan, installation of white noise reversing sounders, external fixed plant and noise break out from buildings. The use of loading dock curtains is also endorsed.

The EHT have not raised any concerns in relation to dust or hazardous materials. The submitted plans do not indicate external areas to be used for storage and this could be secured by condition.

A demolition and construction management plan has also been recommended to ensure that temporary construction impacts are acceptable in terms of residential amenity.

With due regard to the submitted information, proposed mitigation and comments of the EHT, whilst the proposed development would give rise to some additional noise pollution, such noise levels have been considered against relevant guidance are not considered to be unacceptable levels of pollution and any adverse impacts would be adequately mitigated or minimised to an acceptable level by appropriate planning conditions, as required by HLP32 Policy NBE11 and HLP06 Saved Policy GEN1(ii). For these reasons, the development would also meet the requirements of the NPPF which advises that development should provide a high standard of amenity for existing users (127), be appropriate for its setting and mitigate or reduce potential adverse impacts resulting from noise and limit light pollution (180).

In relation to HLP06 Saved Policy GEN6, the site is within a Locally Significant Employment Site where the proposed uses are supported, the proposal would not therefore generate traffic movements unsuited to the local area. The development could result in more 'noisy' uses, however, as confirmed by the EHT, adequate noise abatement measures could be secured by conditions.

The above conclusion is subject to the imposition of appropriate planning conditions, particularly the requirement for a noise management plan.

Neighbour comments have been made regarding the potential loss of privacy. As noted above, the nearest façade of the proposed development would be approximately 70m from Oak House and 45m from Zenith House. The proposed facing elevations would include ground and first floor windows serving ancillary entrance and office areas. However, the existing three-storey office building has extensive fenestration and is positioned approximately 60m and 40m from Oak House and Zenith House respectively. Given the existing site situation and proposed separation distances, the proposed development would not result in a material loss of amenity to adjoining residential users through loss of privacy or overlooking in accordance with HLP06 Saved Policy GEN1(iii).

## Highways

The proposed development would utilise existing vehicular access points to the site and provide on-site parking (115 spaces) and servicing.

HCCH have confirmed that there are no outstanding highways objections (subject to a S106 and planning condition securing a construction management plan, see below). There would be no severe detrimental impact on the operation of the highway network or highway safety concerns. Tracking drawings showing on site manoeuvring have been provided and no objections raised by HCCH. HCCH have raised no objection to the trip generation figures used which are based on the TRICS database for the daytime period extrapolated for the nighttime period based on other surveys.

Accordingly, the proposed complies with HLP32 Policy INF3 (criterion a, b and f) in relation

to highways matters by integrating into the existing business park, providing safe access and not having a severe impact on the operation, safety or accessibility of the highway network. It also meets the requirements of the NPPF which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (109).

A planning condition to secure a demolition and construction management plan is recommended as identified in the residential amenity section of this report.

The development would provide a total of 115 vehicular parking spaces for the three units totalling 7,503sqm GEA. This breaks down as 61 for Unit A1 (5,070sqm GEA), 23 for A2 (1,211) and 31 for A3 (1,223).

HLP32 Policy INF3 promotes sustainable transport modes whilst seeking appropriate parking provision in accordance with the Council's standards. FNP Policy 10 seeks well integrated parking that meets the Council's standards. The PPIG sets out maximum parking requirements for commercial developments outside Zone 1 relating to spaces per GEA floorspace as B1(b)/B1(c)/B2: 1 per 45sqm and B8 1 per 90sqm. The parking requirements relative to proposed provision for the proposed units is:

Unit 1A Requirement 56 – 113, proposed 61.  
Unit 1B Requirement 13 – 27, proposed 23.  
Unit 1C Requirement 14 – 27, proposed 31.  
Total Requirement 83 – 167, proposed 115.

Notwithstanding that the application seeks permission for flexible B1/B2/B8 use for all units, it is stated by the applicant that the largest unit (1A) would lend itself to B8 use and the other units (1B and 1C) to B1/B2 uses. This is reflected in the proposed parking distribution.

The overall parking proposed is below the PPIG figure for B1(b)/B1(c)/B2 uses and above that for B8 use. The submitted Transport Statement seeks to justify the proposed level of car parking with reference to the site's location just outside the more accessible Zone 1 area, employment densities and the provision of a travel plan. It is noted that the development would generate 150 full time jobs (Application Form Q18).

Development proposals should promote sustainable transport modes whilst also providing sufficient on-site parking. In this instance, whilst the proposed parking provision is above the maximum if (all) B8 use, providing 83 spaces or below would result in a significant shortfall to the 167-space guidance level for B1/B2 uses. The provision of 115 spaces falls within the maximum ranges for the uses proposed and would not be an unreasonable level of parking for 150 employees in combination with a travel plan that promotes the use of sustainable transport modes. It is also noted that the NPPF discourages the use of maximum parking standards (106).

A proposed Framework Travel Plan (FTP) has been provided and reviewed by HCCH. HCCH have advised that some amendments to the FTP are required before it is considered acceptable but suggest this could be secured by a Section 106 agreement.

Eighteen cycle parking spaces are proposed in the form of Sheffield-type stands within cycle storage shelters. This would exceed the 10-11 sought in the PPIG which would support sustainable transport and be of a design supported by the PPIG (7.5).



Overall, subject to an FTP being secured, the proposed level of parking is appropriate and accords with HLP32 Policy INF3, FNP Policy 10 and HLP06 Policy GEN1.

### Landscaping, Trees and Ecology

The proposed development would result in the removal of a total of 31 trees. These comprise one category A tree, 12 category B trees, fifteen category C trees and 3 category U trees. This would include the removal of trees covered by TPO 88/00150/HDC on the east part of the southern boundary. Proposed trees to be removed are predominantly those set within the site, on the north (to the M3) and west (to Innovation House) boundaries. Replacement soft landscaping is proposed.

In terms of on-site mitigation, eleven new trees are proposed, including new oaks on the southern boundary. Further planting and soft landscaping is also proposed.

The Tree Officer has advised that the majority of trees that would be removed are recent landscape plantings of little arboricultural significance.

The Council's Tree Landscape Officers have identified the tree belt covered by the above TPO to be an important arboricultural and landscape feature.

The Tree Officer has stated that there is no arboricultural justification for removal of these trees and that their removal would diminish the 'green corridor' and would not be suitably mitigated by replacement planting.

The Landscape Officer has queried the extent of the development proposals and why it could not be designed to minimise impact upon the TPO trees.

The applicant has stated that the amending the scheme to retain all TPO trees would result in a reduced floor area, reduction in car parking and loss of level access to Unit 1C. It is stated that this would undermine the scheme's viability.

The HLP32 Policies Map identify the south, south east and part of the north boundaries of the site to form part of the Council's green infrastructure network. Policy INF2 seeks to protect this network and where there would be adverse impacts, that these are fully mitigated. HLP06 Saved Policy CON8 is relevant to the application as the proposal would affect trees that have significant landscape value. Where removal is proposed, new planting is required to maintain the value of these features. FNP Policy 10 seeks retained existing trees in new development.

The proposal would result in the loss of some trees that have significant landscape value and form part of the green infrastructure. The tree belt and soft landscape would remain, albeit in a reduced form, and replacement trees and planting are proposed that would go some way to mitigate their loss. Notwithstanding, the Tree Officer has advised that the proposed replacement planting would not fully mitigate their loss and the proposal would therefore conflict with HLP06 Saved Policy CON8 as well as FNP Policy 10(5) which seeks to retain established trees.

Where impacts on the green infrastructure are not fully mitigated on-site, HLP32 Policy INF2 allows for appropriate off-site mitigation measures. The applicant has advised that they are

willing to provide such mitigation and this could be secured through an appropriate S106 clause. Subject to a soft landscaping planning condition securing the proposed on-site mitigation and a S106 agreement securing off-site mitigation, INF2 would be satisfied. Such a contribution would be in accordance with HLP32 Policy INF1 which allows for necessary environmental enhancements.

The Landscape Officer has advised that the submitted landscape strategy is comprehensive. This should form the basis of a detailed landscape scheme, including management and implementation, secured by planning condition.

The Council's Biodiversity Officer has raised no objection and no conflict with HLP32 Policy NBE4 Biodiversity has been identified.

### Flood Risk and Drainage

The SFRA identifies the site to be in Flood Zone 1, the lowest risk area.

The site comprises of a large building and extensive hard surfacing. The proposal development will not alter the overall area of the site occupied by impermeable buildings and hard surfacing (1.364 ha). Permeable paving is proposed to parts of the parking areas to Unit 1A and to root protection areas to assist in achieving a betterment to existing surface water discharge rates.

The LLFA and Thames Water have raised no objection. The former is subject to a planning condition requiring a detailed surface water drainage scheme. Agreement in principle from Southern Water for the proposed discharge rates and connections is also sought, this would need to be agreed by the applicant with Southern Water and should form the basis of an informative.

A flood risk assessment and drainage strategy has been provided and no objections have been received, Subject to a planning condition securing a detailed drainage strategy, the proposal would manage flood risk as required by HLP32 Policy NBE5, FNP Policy 10 and the NPPF (163).

### Planning Balance

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Planning and Compulsory Purchase Act 2004 38(6) and NPPF (47)).

As assessed in this report, the proposed development is largely compliant with the development plan. However, there is some conflict with HLP06 Saved Policy CON8 and FNP Policy 10(5) due to the loss of trees of significant amenity value. Furthermore, it is recognised that a 24h business operation in this location would have some impact on residential occupiers of Oak House and potential future occupiers of Zenith House and could also result in some change to the character of the area.

The principle of the development is supported by the development plan and the proposal would result in the re-use of a brownfield site generating investment and employment - it is stated that the proposal would create 150 full time jobs. The NPPF states that significant weight should be placed on the need to support such economic growth and productivity (80).

In relation to the nature of the uses and residential amenity, it must be recognised that the site within a Locally Important Employment Site as identified at HLP32 Policy ED2 and the HLP32 supports B1, B2 and B8 employments uses in such locations. Whilst this designation does not obviate the need to consider and assess the impact on residential amenity, as has been done, such impacts should be considered in this context.

On balance, the economic and planning benefits of the development would outweigh the relatively limited conflict with the development plan.

## CONCLUSION

The proposed development has been assessed against the development plan and material considerations. For the reasons identified in this report, there is some conflict with the development plan due to the proposal removal of trees of significant amenity value. In relation to residential amenity and highways, there are no outstanding objections from HCCH or the EHT subject to appropriate planning conditions and a S106 agreement.

One pre-commencement planning condition is recommended in relation to the requirement for a demolition and construction management plan. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990 (as amended), the applicant has agreed in writing to the terms of this pre-commencement condition.

The proposals have been found acceptable in other respects and would deliver economic and planning benefits in the form of appropriate business uses with the Ancells Business Park designated as a Locally Important Employment Site.

Accordingly, subject to planning conditions and a S106 agreement the application is recommended for approval.

## RECOMMENDATION

**A.** That the Head of Place be delegated authority to **GRANT** planning permission subject to;

i) The completion of a Planning Obligation (S106) agreement to secure a Travel Plan and off site improvements to the Green Infrastructure Network  
AND subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in accordance with the following plans and documents:

Location Plan P0001 Rev B  
Proposed Site Layout P0005 Rev C  
Proposed Building Plan P1001 Rev B  
Proposed Unit 1a Office Layouts P1002 Rev B

Proposed Unit 1b Office Layouts P1003 Rev B  
Unit 1c - Office Layouts P1004 Rev B  
Proposed Elevations & Sections P1005 Rev B  
Proposed Roof Plan P1006 Rev B  
Proposed External Finishes P0006 Rev B  
Cycle Shelter and Bin Store Layout/Elevations P0008 Rev B  
Proposed View Eye Level CGI F0006[B]  
Proposed View Ariel CGI F0008[A]  
Illustrated Landscape Strategy Proposals Plan 773-LA-P-01 Rev A  
Tree Retention Scheme SK0004 Rev A  
Proposed Tracking Layout SK0005 Rev A  
Proposed Site Accesses with Visibility Envelopes TPHS/188/DR/001  
External Lighting Layout DR-E-600  
External Light Spill Luxplot DR-E-601  
Drainage Layout 4148/50 P2

Design and Access Statement (umc architects, 20.12.2019)  
Landscape Strategy (Bradford -Smith, Dec 2019)  
Planning Statement (Brown+Co Planning, Dec 2019)  
Transport Assessment (TPHS, Dec 2019)  
HGV Trip Generation Review (David Tucker Associates, 13.07.2020)  
Servicing & Access Considerations (TPHS)  
Flood Risk Assessment (TR Collier, 06.12.2019)  
Noise Assessment (AAD, 11.09.2019)  
Acoustic Design Note (AAD, 07.04.2020)  
Acoustic Design Note (AAD, 14.07.2020)  
External Lighting Assessment Report (Silcock Dawson & Partners, Nov 2019)  
Aboricultural Planning Report (Tracey Clark Tree Consultancy, Dec 2019)  
Letter (Brown+Co Planning, 15.04.2020)

Reason: To ensure that the development is carried out in accordance with the approved plans and particulars.

3. No development shall start on site until a Demolition and Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of:
  - a) A programme of demolition and construction works
  - b) Methods and phasing for demolition and construction works
  - c) Hours of all works
  - d) Contractor parking
  - e) Arrangements for deliveries associated with all works
  - f) Access and egress arrangements for plant and machinery
  - g) Locations of temporary site buildings, compounds, construction material and plant storage areas
  - h) Protection of pedestrian routes during construction

All works shall take place in accordance with the approved Demolition and Construction Management Plan.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart

District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

4. No construction works shall take place until a detailed Surface Water Drainage Scheme based on the principles with the Flood Risk Assessment (TR Collier, 06.12.2019) has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include details of:
  - a) Hydraulic calculations for all rainfall events, including those listed below. The results should include design and simulation criteria, network design and result tables, manhole schedule tables and summary of critical results by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same references as the submitted Drainage Layout 4148/50 P2.
  - b) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagrams/plans must show where above ground flooding, might occur and where this would pool and flow.
  - c) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element (including the drainage under the highway). Evidence that those responsible/adopting bodies are in discussion with the developer. This should include the pump maintenance and resilience strategy for a pump failure event.

All works shall take place in accordance with the approved Water Drainage Scheme.

Reason: To prevent on-site and off-site flood risk from increasing from the proposed drainage system and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE5 and Fleet Neighbourhood Plan Policy 10.

5. Notwithstanding Condition 2, no above ground construction works shall take place until an External Lighting Scheme, including locations, direction, Lux levels, hours of operation and maintenance, has been submitted to, and approved in writing by, the Local Planning Authority. External lighting shall only be installed, operated and maintained in accordance with the approved External Lighting Scheme.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

6. Notwithstanding Condition 2 no above ground construction works shall take place until details of the loading dock curtains have been submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with the approved loading dock curtain details.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

7. Notwithstanding Condition 2 no above ground construction works shall take place until full details of soft landscape have been submitted to, and approved in writing by, the Local Planning Authority. Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants, noting species, planting sizes and proposed densities where appropriate. Details shall further include a proposed timetable for planting and laying out of hard surfaces and roads. The development shall take place in accordance with the approved soft landscaping details.

Reason: To ensure the provision of amenity afforded by appropriate landscaping and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policies NBE9 and INF2, Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1 and Fleet Neighbourhood Plan Policy 10.

8. Notwithstanding Condition 2 prior to occupation of the development hereby approved a Noise Management Plan for the control of noise emanating from the site shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of:
  - a) White noise reversing sounders
  - b) External fixed plant noise control criterion
  - c) Break out from buildings noise control criterion
  - d) Measures to minimise noise from site employees and visitors
  - e) Contact details and procedures for site occupiers for any noise related queries from local residents or businesses

The operation of the development hereby approved shall take place in accordance with the approved Noise Management Plan.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

9. Prior to occupation of the development hereby approved, a Refuse Storage and Collection Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure adequate refuse storage areas and management is provided and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policies NBE9 and INF3.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the development hereby approved shall only be used for the following uses of the Town and Country Planning (Use Classes) Order 1987 (as amended):

B1(b) business – research and development of products or processes.

B1(c) business – light industrial, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise,

vibration, smell, fumes, smoke, soot, ash, dust or grit;  
B2 general industry, use for the carrying on of an industrial process other than one falling within class B1; and  
B8 use for storage or as a distribution centre.

In accordance with Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification, development consisting of a change of use of the development hereby approved, or part thereof, to another use to which this permission specifically authorises is not permitted after 10 years from the date of this permission.

Reason: To ensure that the development is carried out in accordance with the assessments and to safeguard the Locally Important Employment Site.

11. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on drawing nos. Proposed Elevations & Sections P1005 Rev B and Proposed External Finishes P0006 Rev B.

Reason: To ensure a satisfactory visual relationship of the new development with the existing building and to satisfy Hart Local Plan (Strategy & Sites) 2032 Policy NBE9, Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1 and Fleet Neighbourhood Plan Policy 10.

12. The approved parking facilities for vehicles and cycles as identified on drawing no. Proposed Site Layout P0005 Rev C shall not be used for any purpose other than the parking of vehicles and cycles and access shall be maintained at all times to allow them to be used as such.

Reason: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy INF3, Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1 and Fleet Neighbourhood Plan Policy 10.

13. Nothing shall be stacked or stored on the site at any time except within any buildings shown on the approved plans.

Reason: To protect the amenities of the area and to maintain adequate landscaping, parking and turning areas for vehicles and to satisfy Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

14. No sound reproduction equipment, conveying messages, music, or other sound by voice, or otherwise which is audible outside the site shall be installed on the site without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan

(Replacement) 1996-2006 Saved Policy GEN1.

**B.** If by 11.09.2020 the Planning Obligation has not been completed to the satisfaction of the Head of Place then the Head of Place be delegated authority to **REFUSE** planning permission for the following reasons:

1. In the absence of a suitable legal agreement that secures a robust, deliverable and achievable travel plan, the proposed development would not promote the use of sustainable transport modes, prioritise walking and cycling or support the transition to a low carbon future. As such, the proposed development is contrary to Policy INF3 of the Hart Local Plan (Strategy & Sites) 2032 and the National Planning Policy Framework (paras. 102, 108 and 110).
2. In the absence of a suitable legal agreement that secures suitable off-site green infrastructure, the proposed development would not protect the green infrastructure network and lead to the loss of trees of significant amenity value without sufficient mitigation. As such, the proposed development is contrary to Policy INF2 of the Hart Local Plan (Strategy & Sites) 2032, Saved Policy CON8 of the Hart Local Plan (Replacement) 1996-2006 and Policy 10(5) of the Fleet Neighbourhood Plan.

## **INFORMATIVES**

The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.