



NOTICE OF MEETING

Meeting: Planning Committee
Date and Time: Wednesday 10 March 2021 7.00 pm
Place: Council Chamber
Telephone Enquiries to: Celia Wood committeeservices@hart.gov.uk
Members: Oliver (Chairman), Worlock, Southern, Wheale, Delaney, Kennett, Ambler, Blewett, Cockarill, Quarterman and Radley

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

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 - 5)

The Minutes of the meeting held on 10 February 2021 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 QUARTERLY UPDATE ON PLANNING ENFORCEMENT (Pages 6 - 12)

To provide the Planning Committee with an overview of the Planning Enforcement function in the period April to December 2020 (Quarters 1-3).

RECOMMENDATION

That the Planning Committee note the overview of the Enforcement function.

6 DEVELOPMENT APPLICATIONS (Pages 13 - 17)

7 20/00580/FUL - FARNHAM LODGE (Pages 18 - 41)

8 20/02513/FUL - 84 CONNAUGHT ROAD FLEET GU51 3LP (Pages 42 - 66)

9 20/01838/FUL – REDFIELDS PLANT CENTRE BOWLING ALLEY, CRONDALL, FARNHAM (Pages 67 - 83)

10 20/03004/FUL - FLEET POND COUNTRYSIDE SERVICES WORKSHOP OLD PUMP HOUSE CLOSE FLEET GU51 3DN (Pages 84 - 101)

Date of Despatch: Tuesday, 2 March 2021

PLANNING COMMITTEE

Date and Time: Wednesday 10 February 2021 at 7.00 pm

Place: Council Chamber

Present:

Ambler, Blewett, Cockarill, Delaney, Forster (substitute for Worlock), Kennett, Oliver (Chairman), Quarterman, Radley, Southern and Wheale

In attendance:

Officers: Lee, Martinez, Shared Legal Services, Whittaker and Wood

45 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of 13 January 2021 were agreed and signed as a correct record.

46 APOLOGIES FOR ABSENCE

Apologies received from Councillor Worlock substituted by Councillor Forster.

47 DECLARATIONS OF INTEREST

Cllrs Radley and Forster declared that they would approach the Report on Watery Lane Item 101 with an open mind based on the evidence presented this evening.

48 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that Item no 102 - Farnham Lodge report had been deferred to the March Planning meeting.

At the request of the Chairman the Planning Manager updated the Committee on the Determination of the Lees Cottage Planning Appeal.

49 UPDATE ON DEVELOPMENT MANAGEMENT PERFORMANCE

The Committee were asked to consider the report to provide an overview of the Planning Development Management function between the periods April to December 2020 (Quarters 1- 3).

Members discussed:

- That another set of KPIs indicators be shared with the Committee for performance measured against the Ministry of Housing Communities and Local Government (MHCLG) requirements and how Hart compare to other Authorities. The Indicators to be sent via a data link.

- The Committee also discussed the KPIs within Hart District Council to measure performance.
- A report on Enforcement performance will be presented at the March Planning Meeting.

DECISION

The Planning Committee noted the overview of the Development Management function.

50 DEVELOPMENT APPLICATIONS

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

Item number 101 - 20/02827/AMCON - Land at Watery Lane, Church Crookham, Fleet.

Variation of Condition 37 attached to Planning Permission 14/00504/MAJOR dated 26/06/2015 to allow the roundabout to be completed and fully operational prior to the 50th occupation of the development.

Members sought clarification on the following:

- How the traffic modelling was carried out and if the behaviour of the drivers had been taken into account coming to that junction.
- Why after 5 years after the Appeal the Section 278 is not in place and were advised that the new junction level is higher and a more complex design.
- If the application was granted at this meeting, when would the building of the junction start.
- Who is responsible for the delay in building the junction.
- Whether the County Council have taken into consideration recent road traffic incidents at that junction and the impact of the site-related traffic on the junction.
- What would stop the Developer putting in for another amendment at a later stage and were advised there is nothing to prevent them applying for a variation but there would have to be a robust justification for any delay.

Members were asked to consider whether delaying the build of the junction to the 50th house being occupied would have a negative or severe impact on the highway network.

Members discussed:

- This junction has always caused concern and has been in need of improvement since 1989.
- The only justification for the delay that the Developer has put forward is the outdated traffic survey data that does not take into account the current traffic flow and therefore Members considered it incomplete.
- Local residents, Hampshire County Council, Hart District Council and the Developers all want a junction and it needs to be built sooner rather than later.

Members were minded to refuse the application and after a vote agreed that the application be **REFUSED**.

Reason for Refusal:

In the absence of any detailed information to the contrary, the proposed delivery of the mitigation (roundabout) at the A287/Redfields Lane intersection before the occupation of the 50th dwelling, could be likely to result in a severe impact on the existing operation of the intersection and consequently on the local highway network and safety of highway users, all contrary to policy INF3 of the adopted Hart Local Plan and Sites 2016-2032, saved policy GEN1(viii) of the Hart District Local Plan – Replacement (1996-2006), paragraph 109 of the National Planning Policy Framework (2019) and policy TM02 of the emerging Crookham Village Parish Neighbourhood Plan 2016-2032.

Councillor Wheale joined the meeting during this item.

Councillor David Jackson (Crookham Village Parish Council)

and

Dr Louise Perrin

spoke against the Application.

The meeting closed at 8.59 pm

PLANNING COMMITTEE

DATE OF MEETING: 11TH MARCH 2021

TITLE OF REPORT: QUARTERLY UPDATE ON PLANNING ENFORCEMENT

Report of: Head of PLACE SERVICES

Cabinet member: COUNCILLOR GRAHAM COCKARILL

1 PURPOSE OF REPORT

- 1.1** To provide the Planning Committee with an overview of the Planning Enforcement function in the period April to December 2020 (Quarters 1-3).

2 OFFICER RECOMMENDATION

- 2.1** That the Planning Committee notes the overview of the Enforcement function.

3 BACKGROUND

- 3.1** The Council has a duty to investigate complaints about development, including building and engineering works and changes of use that may have been carried out without permission or consent.
- 3.2** Effective planning enforcement is a useful tool in tackling breaches that would otherwise have had an unacceptable impact on amenity in the District and to help maintain the integrity of the Development Management process.
- 3.3** There are a range of enforcement powers available to the Council, however whether the Council takes any enforcement action is a discretionary matter. When considering taking any formal action the Council must consider if it is expedient to do so having had regard to the Development Plan and any other material considerations including the Council's Planning Local Enforcement Plan (adopted January 2016). It is also necessary to weigh up whether taking Enforcement Action is in the public interest.
- 3.4** Taking formal Enforcement Action should be regarded as a last resort and many breaches of planning control can be resolved without formal action being taken. For example, retrospective planning permission can be obtained or the breach ceases or is remedied through negotiation.
- 3.5** Councillors are often the public face of the Council and Member involvement in planning matters is crucial in maintaining an effective enforcement service. This report has therefore been prepared to provide an overview of the enforcement function between April-December 2020. Whilst serving Enforcement Notices can be high profile what often gets overlooked is the amount of work involved where

informal action has been taken and resulted in a breach ceasing or being regularised. It is also important that Members understand the overall number of service requests and consequent workload that the service deals with.

4 CONSIDERATIONS

4.1 Number of Service Requests

To date this year has been rather extraordinary, this has been reflected in the number of service requests the team has received. This is similar to other parts of the Place Service, such as Environmental Health.

In the period 1st April to 30th June (Quarter 1), 79 requests to investigate alleged breaches of planning control were received. This was lower than during the same quarter last year but roughly equivalent to the previous years.

In the period 1st July to 30th September (Quarter 2), 102 requests were received. This is far more than any previous years during this quarter.

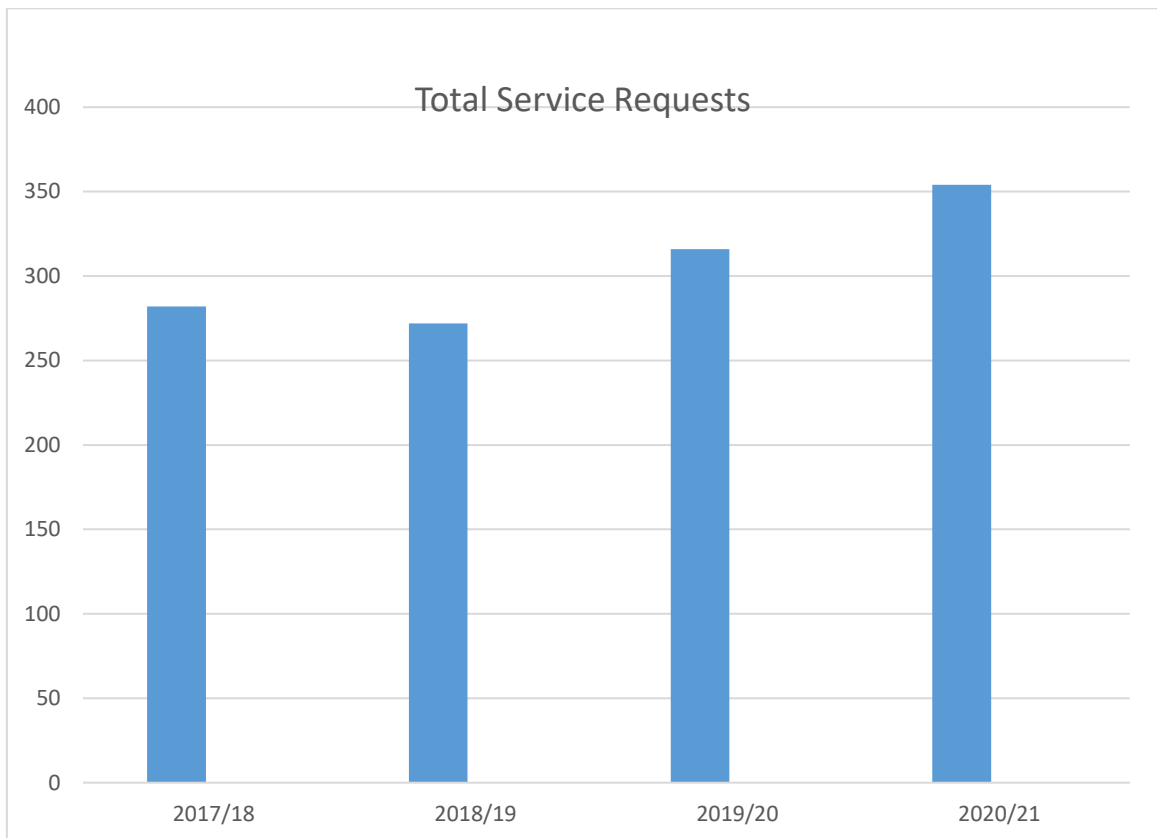
In the period 1st October to 31st December (Quarter 3), 85 requests were received which again far exceeds normal levels.

To date, during the current Quarter 4 which will end on 31st March, 88 requests have been received to date.

	Number of service requests			2020/21
	2017/18	2018/19	2019/20	
Q 1 April-June	74	80	90	79
Q2 July - September	73	77	87	102
Q3 October - December	68	55	67	85
Q4 January - March	67	60	72	88 to date

It is fair to therefore say that because of both the increasing number of cases and the pandemic related movement restrictions, the enforcement team has experienced an unprecedented year.

It is notable that over the last four years, overall case numbers have risen from 282 in 2017/18 to 354 during this financial year, however Officers acknowledge this marked increase might be directly related to the pandemic, as a result this will continue to be monitored.

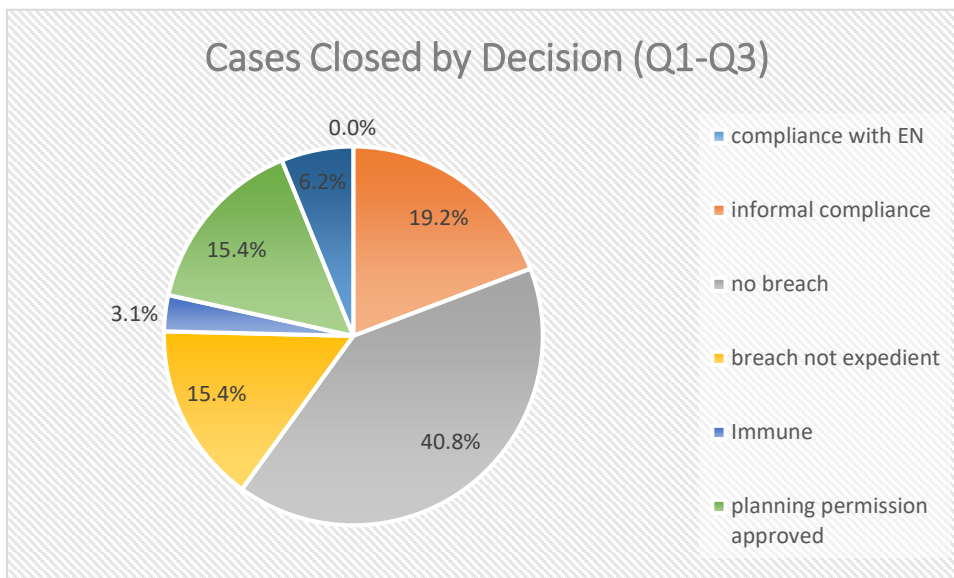
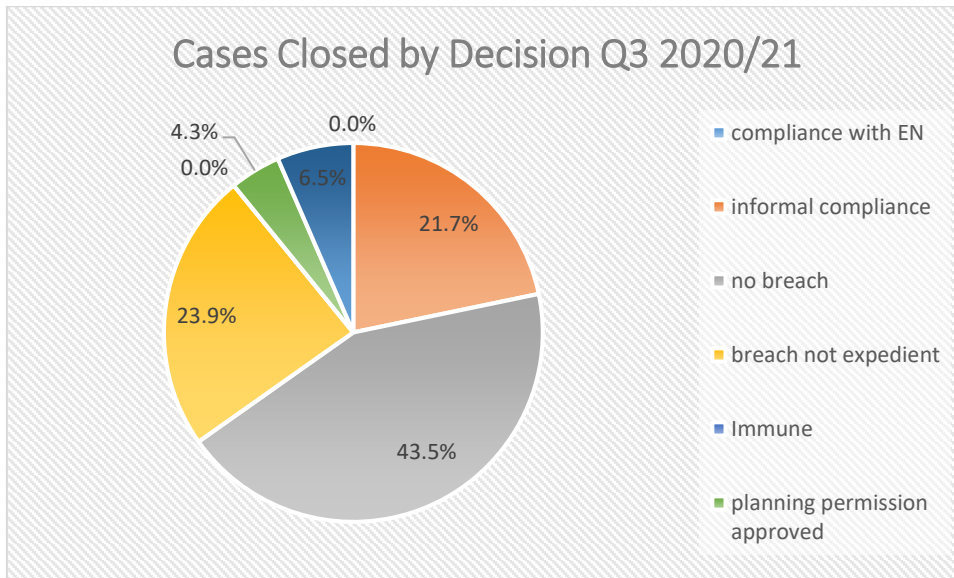


4.2 Number of Cases Closed and Resolution

When a request to investigate an alleged breach of planning control is received, the case is prioritised by the Enforcement Team Leader in accordance with the Planning Local Enforcement Plan. For example, an allegation against works to a Listed Building or protected tree are treated as High Priority cases and a site visit will be carried out within two working days.

Once the initial investigation has been completed, Officers will make a recommendation on the case. Cases are closed for a variety of reasons and the graph and table below sets out the cases closed and their reason for being closed.

The graph shows the split in the reasons for cases being closed in October-December 2020. Members will see that approximately 43% of the cases were closed because it was established that there was no breach in planning control. Approximately 20% of cases were subsequently closed because the breach had ceased due to negotiation. It is important to highlight these cases because they amount of a large proportion of workload that is otherwise unreported; these are successful outcomes for the Council.



In the first three quarters of this financial year (between April and December) the Council investigated and closed 130 enforcement cases.

2017/18 – 165
 2018/19 – 179
 2019/20 – 190
 2020/21 – 130

4.3 Formal Enforcement Action

There are a range of options open to the Council when considering enforcement action including the following:

- Enforcement Notice
- Breach of Conditions Notice
- Planning Enforcement Order
- Stop Notice

- Temporary Stop Notice
- Injunction
- S215 Notices (untidy site)
- Listed Building Enforcement Notices

Formal action including the serving of an Enforcement Notice should only be taken where the Council is satisfied that there appears to be a breach of planning control and it is expedient to issue a notice. In deciding whether to issue the Council has to take into account the provisions of the Development Plan and any other material considerations. Generally taking such action should be treated as a last resort where negotiations to remedy the issue have failed. There will of course be instances where negotiation is not appropriate.

Whilst Enforcement notices are a powerful tool, the fact that an Authority may not have served a large number of notices does not mean that it is failing to manage or deal with unauthorised development or works within its area.

Any notice has a period for compliance which will vary depending on the nature of the breach and the steps required to remedy the situation. After the compliance period the Enforcement Team will visit to check whether the notice has been complied with. Failure to comply with the requirements of a notice may result in the Council seeking to prosecute.

There are rights of appeal associated with any Enforcement Notice in the same way that an applicant can appeal against the refusal of a planning application. For example, an appeals against a planning Enforcement Notice (as opposed to a Listed Building Enforcement Notice for example) can be made on the basis of the following grounds:

- a. That planning permission ought to be granted or the condition or limitation concerned ought to be discharged;
- b. The matters stated in the enforcement notice have not occurred;
- c. The matters stated in the enforcement notice (if they occurred) do not constitute a breach of planning control;
- d. At the date when the notice was issued, no enforcement action could be taken;
- e. Copies of the enforcement notice were not served in accordance with the relevant statutory requirements;
- f. The steps required by the notice exceed what is reasonably necessary to either remedy any breach or to remedy any injury to amenity (i.e. the steps are excessive); and or
- g. Any period for compliance falls short of what should reasonably be allowed.

Where an appeal is lodged, the notice is effectively held in abeyance pending the outcome of the appeal. Unfortunately the appeals process is slow.

4.4 Notable Cases

Land rear of Chantryland, Eversley – development not in accordance with approved plans.

The development of this site does not accord with approved plans, specifically the landscaping and boundary treatments which have been implemented are a breach of planning control.

A Breach of Condition Notice has been issued requiring the development to be undertaken in accordance with the approved plans.

47 Dukes Mead, Yateley

An Enforcement Notice was issued in relation to unauthorised development at this residential dwelling.

The notice was subject of an appeal to the Planning Inspectorate and whilst it was varied, the notice was upheld.

Compliance with the Enforcement Notice will be monitored.

Paynes Cottage, Potbridge

An Enforcement Notice relating to change of use of land to commercial use has been issued.

The owner/occupiers have submitted an appeal against the notice and the appeal is to be heard by way of a Public Inquiry. No date has been set for the inquiry, however, it is likely to be heard through a virtual process.

15 Twisell Thorne

An Enforcement Notice was served regarding the unauthorised enclosure of amenity land and related fencing. The Notice was subject to an appeal but the appeal was dismissed and the Notice upheld.

A site visit took place on 1/12/20 and it was confirmed the notice had been complied with.

The year ahead.

Members will be aware that a Peer Review was undertaken in relation to the Planning Service, as part of this review several actions have been highlighted which form the basis of the team's action plan for the coming year.

In addition to the peer review, the Council has engaged a "critical friend" to review the enforcement function and the outcome of this further review is due imminently which will also contribute to aspirations and action plans for the year ahead.

5 FINANCIAL AND RESOURCE IMPLICATIONS

There are no anticipated financial implications although workloads will continue to be monitored.

6 ACTION

It is recommended that the Planning Committee notes the contents of this report.

Contact Details: Maxine Lewis / x 4459 / Maxine.Lewis@hart.gov.uk



HEAD OF REGULATORY SERVICES
REPORT TO THE PLANNING COMMITTEE

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 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.

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
- 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.
- 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
- competition between firms,

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

COMMITTEE REPORT ITEM NUMBER:

APPLICATION NO.	20/00580/FUL
LOCATION	Farnham Lodge Farnham Road Odiham Hook RG29 1HS
PROPOSAL	Change of use of land for residential purposes for 2 no. gypsy pitches, comprising of a mobile home (caravan), a touring caravan and a utility/day room each together with the formation of hardstanding.
APPLICANT	Mr Johnny Lee
CONSULTATIONS EXPIRY	26 November 2020
APPLICATION EXPIRY	4 November 2020
WARD	Odiham
RECOMMENDATION	Grant, subject to planning conditions



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BACKGROUND

This planning application is brought to Planning Committee at the request of a Ward Councillor who has asked for it to be referred for the following reasons:

- Significant objections from Odiham, Crondall and Dogmersfield Parish Councils.
- Impacts on the Registered Park and Garden of Dogmersfield Park.
- Other planning applications in the vicinity have been refused partly on the grounds of their impact on the RPG of Dogmersfield Park, including 20/01401/FUL (Wychwood Carp Farm) and 20/02790/FUL (The Paddock).
- Planning Policy comments stating there is little detail in the application that provides any supporting evidence to demonstrate the need for the development and why an exception to policy should be considered in this instance.

The application was included on the agenda for the Planning Committee Meeting on 10th February 2021; however it was withdrawn from the Agenda, following the receipt of an additional representation on the 9th February 2021.

SITE DESCRIPTION

The application site is located to the north of the A287 (Farnham Road).

The site is directly adjacent to an existing detached bungalow "Farnham Lodge" which itself appears to be a replacement agricultural dwelling approved in 1967. There is little detail available concerning the approved curtilage of this dwelling, however, the application site has been used for the storage of vehicles on an ad hoc basis and the site is closely related to the replacement bungalow.

The site has a quoted area of 2,301.4 square metres and is located in countryside outside any defined settlement boundary in the Development Plan. The site is open land enclosed with post and rail fencing which displays several compacted vehicle access tracks.

A woodland area directly west of the site is protected by a tree preservation order (ORD19/0002 refers) however this does not extend to the hedging which forms the site boundary to the A287.

The site is located within the Grade II Listed Dogmersfield Registered Park and Garden which was first listed in May 1984.

The listing description is : *Late C18 gardens and pleasure grounds with some C20 alterations, set within a park of medieval origin which was laid out in the mid C18 as a rococo landscape with ornamentals buildings and water and later, in the 1790s, was remodelled informally, possibly by the landscape designer William Emes.*

Further to the east is The Paddock, which is occupied by a mobile home and ancillary structures.



Figure 1 Site location

SITE/SURROUNDING DESIGNATIONS

- The site is located in the countryside.
- The site falls within Flood Zone 1.
- The site is located within a Grade II listed Registered Park and Garden, Dogmersfield Park.
- The site is located within an area of Significant Archaeological Features.
- The site adjoins a Tree Preservation Order area located to the west of the site.
- The site (main portion to the south) falls outside of a Site of Importance for Nature.

PROPOSAL

Planning permission is sought for the change of use of the land for the provision of 2 no. gypsy or traveller pitches each comprising of a mobile home (caravan) pitch, a touring caravan and a utility/day room together with the formation of associated hardstanding areas.

The submission states that the proposed caravans will conform to the definitions within Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968. As such plans and elevations of the individual caravans are not required. Under the Act the maximum size of a caravan would be 20m by 6.8m with a maximum height of 3.05m.

The utility /day rooms would measure 3.41m by 6.5m. They are proposed with a dual pitch roof at a maximum height of 3.9m.

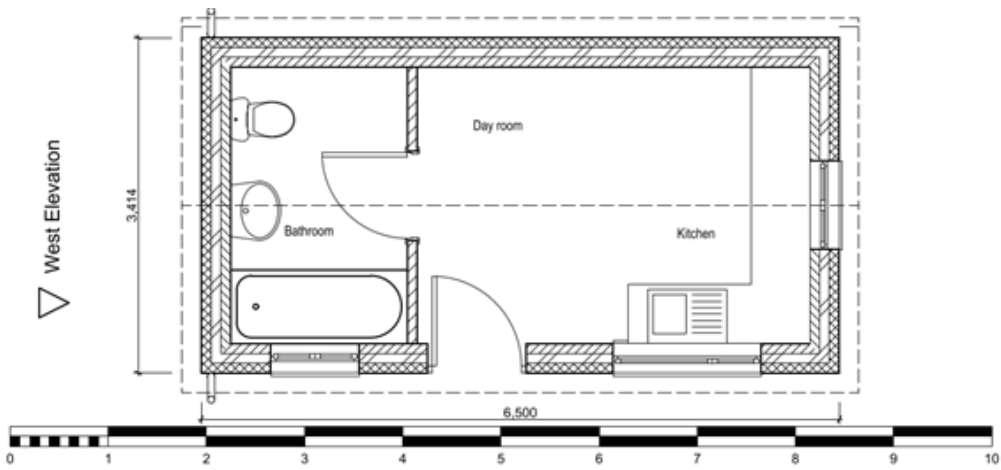
The proposal includes an extension to the existing hardstanding to the pitches proposed, which would have hardstanding for most of their area, with landscaping indicated along their perimeters.



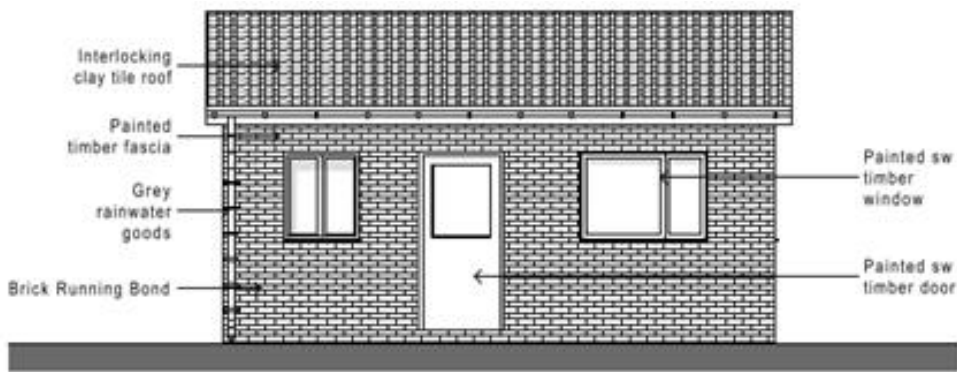
LEGEND

- | | | | |
|---|---|---|--|
|  | Proposed mobile home |  | Soakaway |
|  | Proposed utility/day room |  | Proposed tree planting |
|  | Proposed touring caravan |  | Existing trees |
|  | Residential gardens |  | Proposed foul drainage |
|  | Grassed area |  | Existing buildings/structures |
|  | Additional native hedge & tree planting |  | Proposed post & rail timber fence |
|  | Existing hardstanding |  | Inspection Chamber |
|  | Existing hedgerow |  | Proposed Mini packaged treatment plant
e.g. Biodiogetser T6, and onsite foul collection |
| | |  | Proposed Bins |

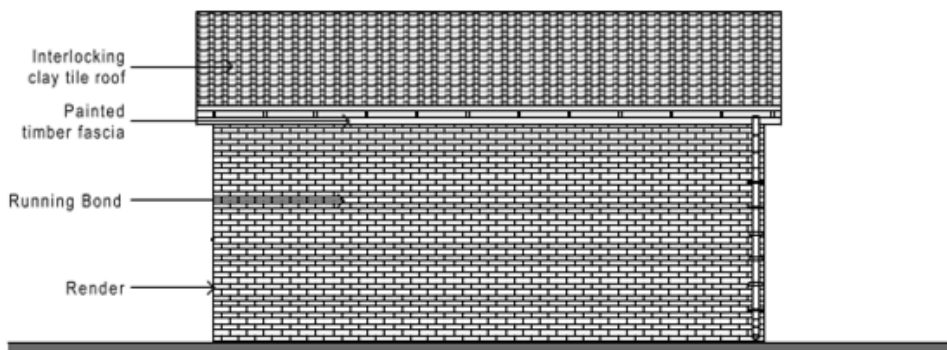
Figure 2 - Proposed Site Plan and Legend



Utility/Day Room - Indicative layout



1:100 Elevation



1:100 Elevation



1:100 Elevation

Figure 3 – Day Room Plan/Elevations.

RELEVANT PLANNING HISTORY

17/02887/LDC - Refused, 12.04.2018

Use of Farnham Lodge as independent living accommodation (Use Class C3a) in breach of condition 4 of Application 67/03483/H1

05/00063/FUL - Refused, 21.03.2005

Demolition of an existing bungalow/farmhouse, construction of a replacement bungalow/farmhouse.

04/00700/FUL - Withdrawn, 18.05.2004

Demolition of an existing bungalow/farmhouse and construction of a replacement bungalow/farmhouse.

03/00405/FUL - Refused, 12.05.2003

Demolition of existing Bungalow/Farmhouse and construction of a replacement Bungalow/Farmhouse.

69/04593/H2 - Granted, 02.04.1969

Erection of House

67/03483/H1 - Granted, 27.02.1967

Demolition of existing dwelling & erection of new bungalow.

61/04113/H - Granted, 20.02.1961

1 Caravan

CONSULTEES RESPONSES

Dogmersfield Parish Council

Objection

- DPC wishes to strongly object to this application on the grounds that the application breaches key requirements of the Dogmersfield Neighbourhood Plan (DNP) and the Hart Local Plan.
- DNP states that "Development proposals in the countryside and outside the boundaries of the Conservation Areas will only be supported if they are designed to provide appropriate facilities for rural enterprise, agriculture, forestry, or leisure, and to do so in a manner which demonstrably benefits the rural economy without harming country-side interests." This application does not meet this requirement.
- The application also does not satisfy the criteria in HDC's Local Plan, notably a lack of evidence regarding:

1. Demonstration of need for the development and the size/capacity of the site;
2. That the potential occupants are recognised as Gypsies, Travellers or Travelling Show people;
3. That the site can be adequately serviced with drinking water and sewage and waste disposal facilities.

Streetcare Officer (Internal) (summary)

No objection.

Hampshire County Council (Highways) (summary)

No objection, subject to planning conditions.

- Details of visibility splays

Environmental Health (Internal) (summary)

Concerns raised.

- No information has been supplied concerning the expected traffic noise conditions on site from the adjacent A road. One residential unit is proposed to be located close to the public highway.
- The structures would be lightweight and therefore, consider it likely that internal noise conditions within habitable rooms would exceed good and probably reasonable amenity standards set out in BS8233. As such, the conditions would likely provide poor amenity for future occupants.
- Better conditions would be possible by locating residential uses at greater distance from the road. Measurement of noise levels present on the site would allow these preliminary concerns to be assessed further for significance.

Policy (Internal) (summary)

Policy has made clear, their initial concerns did not represent an objection to the proposal. Additional clarification has been sought. The summarised comments are as follows:

- Policy H5 was originally written in the context of the 2012 GTAA, the Local Plan Inspector had concerns the GTAA under-estimated need.
- Policy H5 was adapted to ensure that if a need is demonstrated, and provided the site is suitable in other regards (environmental, design and locational criteria) and provided it is for travellers (which can be conditioned), travellers accommodation in the countryside should be permitted.
- There is a question as to whether the applicant needs to demonstrate a need. Things have moved on since the Inspector modified policy H5. The Council has now undertaken a new GTAA, published in March 2020, which has identified a need for 23 pitches across the District up to 2034 for travellers that meet the definition as required by PPTS. It also identifies a need for 19 pitches for households that do not meet the definition and up to 2 undetermined households.
- Whilst it is true that Policy H5 requires the applicant to demonstrate a need (and we might have expected the applicant to at least have referred to the latest GTAA), now that the Council has itself demonstrated a need it is arguably unnecessary for the applicant to do so and would certainly be a very weak basis for refusal. Provided the site meets the other policy criteria, and provided it is conditioned to be for travellers, it should be permitted.

- Hart cannot demonstrate a 5-year supply of traveller sites. However, when it comes to the decision-making part of the Planning Policy for Travellers Sites (PPTS) the penalty for not having a 5-year land supply appears to relate solely to grants of temporary permissions.
- The PPTS does not suggest that the absence of a 5-year land supply should be a significant consideration. But as discussed above, the evidence of a need in the GTAA and the lack of supply means that one reaches the conclusion that it should be permitted, subject to other policy criteria.

Landscape Architect (Internal) (summary)

No objection, subject to planning conditions.

- Views into the park and the rising landscape are far more apparent today. This is due to the removal and decline of boundary/roadside planting and the change of use of the land. In terms of landscape appraisal (following the guidance in GLVIA3) this appears to have amounted in an incremental removal of positive landscape features and the introduction of negative ones e.g. large expanses of hardstanding/road plainings. In turn this has resulted in the quality of the landscape being degraded.
- It is notable however that a degradation in landscape quality is more starkly apparent and at a far greater scale just to the east of the site on the south side of Farnham Road. As far as I am aware the industrial, haulage and open storage activities are unauthorised.
- The proposals are small scale, low rise and the indicative site plan illustrates suitable levels of soft landscape mitigation, although a substantial proportion of this sits outside the redline boundary.
- In terms of landscape impact, it appears the acceptability of the scheme is entirely reliant on soft landscape mitigation, its successful establishment and viability/management in the long term, not just the 5-year period of a standard landscape planning condition.

Conservation/Listed Buildings Officer (Internal) (summary)

The Conservation Officer has made clear, no 'objection' to the proposed development is made on heritage grounds.

- The significance of the RPG has been set out by the HDC Landscape Manager (*a planned landscape reflecting the landscaping fashions of their day, but also from a practical perspective such as the agricultural setting within the grounds that provided for the owners of the manor house*) within my own comments I sought to acknowledge that the RPG has been subject to a number of incremental development proposals.
- The existing built development at this site appears to have been in situ when the RPG was designated on 31st May 1984 and has been retained within the boundary of the RPG following subsequent revisions to its designation entry.
- I considered that where there were views through the site that allowed for an appreciation of the 'openness' of the landscape of the RPG that these views should be retained. Given the single storey nature of the development being proposed, I formed an opinion that it would be unlikely that the scheme would interfere with any established

views or have a negative impact on any existing appreciation of the degree of 'openness' of the RPG. In this respect, I concluded that the development would be unlikely to cause harm.

- I also recommended that the layout of development at the site should be bound tightly in order to avoid any the spread of development at the site. PD rights which might allow this to take place should be removed.
- I did not object to the development from a heritage perspective, in that I did not identify the two pitches being proposed within the application would cause harm to the designated heritage asset.

Tree Officer (Internal) (summary)

Concerns raised.

- Mature trees are located just outside of the boundary and could become damaged by the construction of the driveway.
- Root protection areas (RPA's) have not been indicated so we do not know how far they may encroach into the site.
- If there is conflict between tree roots and the driveway, there is the potential for the need for a cellular confinement system (e.g., Cellweb or Geocell).
- Tree protection fencing may also be necessary during the construction process.

County Archaeologist (summary)

No objection.

NEIGHBOUR COMMENTS

It should be noted that the statutory requirements for publicity, as set out in the DMPO 2015 (as amended) are in this case the notification of the adjoining properties or the display of a site notice. In this case the adjoining properties/owners have been notified by post. The Council's SCI has now been amended so that we are only required to carry out the statutory publicity requirements, thus in this case it is not necessary to display a site notice.

Neighbour letters were posted on 14.09.2020 at the time of writing the officer's report there had been seven public representations received in objection to the development. The grounds of objection raised are summarised are below.

- Implications on security of adjoining businesses;
- Loss of agricultural land;
- Impacts on character/landscape and Historic Park and Garden;
- Ecology impacts;
- Need for Gypsy/Traveller accommodation;
- Personal circumstances not known;
- Highway safety;
- No details of utilities;
- Degradation of rural character;
- Other sites in Crondall Lane, Star Hill and Penny Hill already;
- Fly tipping;
- No information submitted to address requirements of policy H5;
- Conflicts with Dogmersfield Neighbourhood Plan (DPN) and Hart Local Plan.

Crandall and Odiham Parish Councils have submitted objections to the proposal, these comments are summarised below:

- The application does not satisfy the criteria in LP H5, notably there is a lack of evidence regarding:
 - A demonstration of need for the development and the size/capacity of the site;
 - Are the potential occupants recognised as Gypsies, Travellers or Travelling Showpeople?
 - Can the site be adequately serviced with drinking water and sewage and waste disposal facilities?
- It would remove agricultural land from the tied property on which the property relies. It would be approving the release of the agricultural tie on the dwelling.
- It would impact on the character of the landscape and historic park and garden
- The plans show locations for two mobile homes and two touring caravans, so there is an inconsistency between description of development and plans.

A further representation was received on the 09.02.2021 in objection to the proposal and raising concerns about the recommendation produced. The comments raised are as follows:

- The significance of this Heritage Asset arises from its gardens, parkland and pleasure grounds. It is clear that this proposal will cause significant harm to the open character and appearance of the Heritage Asset. Having regard to the nature and description of the development the harm, which, while less than substantial, is likely to be on the higher end of the scale.
- As harm has been identified to the Heritage Asset, it is necessary to apply both the statutory duties in the Listed Buildings Act and the test and balancing exercise in the NPPF regardless of the precise level of harm.
- The officer's report does not correctly depict either the conservation or landscape officers' consultation responses. First, the report wrongly and misleadingly asserts that neither the conservation nor landscape officer maintain any objection to the scheme. The officer makes clear that it would be preferable to locate the scheme elsewhere. and that any mitigation at this location is critical but to achieve it is difficult to envisage since most of the necessary land is outside the application site and hence out of the control of the applicant.
- The same applies in respect of the response from Planning Policy. This internal consultee is similarly unconvinced that the scheme is justified in policy terms. There is no evidence or details from the applicant as to their own personal need for the site.
- It is also of considerable note that three Parish Councils have objected to this scheme, Dogmersfield, Crandall and Odiham Parish Councils. These objections are given scant regard in the report.
- The report advises members that services and facilities can be suitably accessed despite the fact that the site is located in the countryside and is two miles from the nearest town and the road, A287, has no cycling or pedestrian infrastructure.

- In the circumstances it is necessary for the Council to undertake the balancing exercise in paragraph 196 of the NPPF. the Courts have held that the balancing exercise in paragraph 196 of the NPPF must be interpreted in accordance with the overarching statutory duties in sections 66(1) and 72(1) of the Listed Buildings Act which are also reflected in paragraph 193 of the NPPF.
- In the present case, the officer has entirely failed to apply the approach set out in judicial authority and failed to apply paragraph 193 of the NPPF.
- Instead of giving great weight to the asset’s conservation, the officer has merely undertaken a simple balancing exercise. He has not applied the “strong presumption against the grant of planning permission” or required “particularly strong countervailing factors to be identified” before overriding the harm.
- There is no acknowledgement of the need to give great weight to the conservation of the heritage assets and he has made no reference to the presumption against the grant of permission or how the public benefits he refers to are particularly strong countervailing factors.
- The social and economic benefits are very generalised and cannot sensibly constitute “particularly strong countervailing factors”. In so far as meeting a need for gypsy sites is concerned, there is no evidence before the Council that there is any personal need for the sites or other justification for permitting harm to the heritage asset.
- The officer admits he has no knowledge or details of the status of the applicant and whether or not their application is based on any specific need for the site. While there may be a general need identified in the Local Plan for 23 pitches, this is to be fulfilled by 2034 and again provides no basis for the particularly strong countervailing factors required to rebut the presumption against permission in this case.
- When the objections from Gregory Park Holding Ltd, the Parish Councils, the local community and the internal consultees are properly considered, it is clear that the only reasonable outcome is to reject this application. It is also significant that there is long precedent of refusals of permission in and around the site. Had the correct approach been applied by the officer in his report, it is inconceivable that this scheme would be recommended for approval.

CONSIDERATIONS

1. Planning Policy
2. Principle of Development
3. Impacts to Visual Landscape/ Countryside
4. Impacts to Heritage Assets
5. Residential Accommodation/ External Layout
6. Neighbouring Amenity
7. Trees/Landscaping/ Biodiversity
8. Flooding/Drainage
9. Highways and Parking
10. Refuse
11. Other Matters

1. PLANNING POLICY

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), Dogmersfield Neighbourhood Plan 2019 (DNP) and saved policies of the Hart District Local Plan (Replacement) 1996-2006 (DLP06). Adopted and saved policies are up-to-date and consistent with the NPPF (2019).

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

SD1 - Sustainable Development
SS1 - Spatial Strategy and Distribution of Growth
H5 - Gypsies, Travellers and Travelling Showpeople Sites
NBE1 - Development in the Countryside
NBE2 - Landscape
NBE4 - Biodiversity
NBE5 - Managing Flood Risk
NBE8 - Historic Environment
NBE9 - Design
NBE11 - Pollution
INF3 - Transport

Dogmersfield Neighbourhood Plan 2016- 2032 (DNP)

DNP1 - A spatial policy for the Parish
DNP5 - Dogmersfield Park
DNP6 - Landscape
DNP7 - Biodiversity
DNP8 - Trees and Hedgerows
DNP12 - Transport and Car Parking
DNP15 - Sustainable Drainage
DNP16 - Utilities Infrastructure

Saved Policies of the Hart District Council Local Plan (Replacement) 1996 - 2006 (DLP06)

GEN1 General Policy for Development
CON8 Trees, Woodland and Hedgerows: Amenity Value

Other relevant material considerations

National Planning Policy Framework 2019 (NPPF)
Planning Practice Guidance (PPG)
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
Equality Act 2010 - Public Sector Equality Duty
Planning Policy for Travellers Sites 2015 (PPTS)
Hart Gypsy and Traveller Accommodation Assessment 2020 (GTAA)
Hampshire Integrated Landscape Character Assessment (2012)
Hart District Landscape Assessment (1997)
Landscape Capacity Study (2016)
Parking Provision Interim Guidance (2008)

The starting point for the determination of any application is whether or not the proposal accords with the Development Plan; 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.

2. PRINCIPLE OF DEVELOPMENT

The proposed development is located outside any defined settlement boundary in countryside. The relevant adopted policy applicable to development of sites in the countryside is policy NBE1. This policy seeks to prevent inappropriate development in the Countryside. The policy allows exceptions which are set out in criterion within the policy. Of relevance to this proposal is criterion n) which cross references to policy H5. Policy H5 specifically deals with Traveller/Gypsy sites.

In this case, a proposal which is justified and compliant with Policy H5 would be supportable development in the Countryside and would not conflict with Policy NBE1.

Adopted Policy H5 states 'Proposals for Gypsies, Travellers and Travelling Showpeople sites will be supported where it has been demonstrated that its criteria have been met; each of these are assessed below:.

a) for sites located in the open countryside the applicant can demonstrate a need for the development and the size/capacity of the site or extension can be justified in the context of the scale of need demonstrated;

The NPPF (para. 59) requires LPAs to have a sufficient amount and variety of land available that can come forward where it is needed. This should be determined through a local housing needs assessment and should identify the housing need of different groups of the community, which includes Gypsy/Travellers.

The National Planning Policy for Traveller sites requires the Council to have plan for Gypsy and Traveller sites. The Council is also required to identify a 5-year gypsy land supply to meet the district's needs. In addition, the Council are also required to plan for the medium (6-10 years) and long-term (11-15 years).

Hart District Council has undertaken an analysis of need for the Gypsy/Travellers community. The latest available study detailing need for Gypsy/Travellers sites within the District is the 2020 GTAA. The GTAA was carried out in accordance with national guidelines and its findings were accepted by the Council.

The overall conclusion is that there is a need for 23 pitches for households that meet the planning definition of Gypsy/Travellers to 2034. There is a need for between 0 and 2 pitches for undetermined households and, whilst not now a requirement to include in a GTAA, there is also a need for 19 pitches for households that did not meet the planning definition.

Given the findings of the GTAA (assessment of local need), it can reasonably be concluded that there is an unmet need for land to provide Travellers/Gypsy accommodation in the District, which is a significant consideration in the determination of this application.

The proposed size of the proposed development is for two pitches, incorporating associated dayroom facilities and touring caravans, the size/capacity of the proposed development is therefore proportionate to the unmet need demonstrated by the evidence from the GTAA.

b) The potential occupants are recognised as Gypsies, Travellers or Travelling Showpeople;

The application contains limited information. The submission simply states 'the applicant seeks permission *to meet a recognised need for such facilities in the area to facilitate a gypsy lifestyle*'. No further information about the potential occupiers has been provided, but it is indicated that there would be children living on the site. The matter could be controlled through imposition of a suitably worded condition that any occupiers meet the definition of Gypsies/Travellers. It would be unreasonable to require the applicant to provide any further information as planning conditions can secure this policy objective. Such a condition would meet the tests set out in paragraph 55 of the NPPF.

c) services and facilities can be suitably accessed, including schools, medical services and other community facilities;

The site is located in the countryside approximately 2 miles from the nearest town, Odiham, via Farnham Road (A287). This road features no cycling/ pedestrian infrastructure; however, services and goods are accessible by private motor vehicles.

It is acknowledged that the site is not in a highly sustainable location and that there would be a reliance on the use of private motor vehicle to access services and facilities. However, this in itself does not mean that the development is unacceptable given the site's location and proximity to Odiham. This criterion of adopted policy H5 requires that proposals for Gypsies/Travellers be able to suitably access services and facilities, the development and its location would allow for this requirement to be met.

d) It has no unacceptable adverse impact upon local amenity and the natural environment;

The site is directly adjacent to an existing dwelling which is in the same ownership, it is highly unlikely that unforeseeable adverse impacts would result. The impact of the development on the natural environment, specifically in relation to the impact of the proposal on the significance of the Registered Park and Garden has been assessed. Further information could be sought in relation to the protection of trees through suitably worded conditions imposed on any planning permission.

e) It can be adequately serviced with drinking water and sewage and waste disposal facilities;

The application site is adjacent to an existing residential bungalow, as a result there should be no particular concern with achieving access to water. In terms of sewage/waste disposal, the plans indicate there would be an effluent treatment plant on the land that would capture the wastewater from the proposal, but it is unclear how the wastewater will finally be disposed of. The principle of installation of a wastewater plant could be acceptable, but specific details would need to be obtained by way of a planning condition if this application were to be approved by the Council.

f) It is of a scale that does not dominate adjoining communities;

The proposal for two pitches is located in a countryside location and due to its small scale would not impact on adjoining communities.

g) The site is not inappropriately screened and does not create a sense of isolation from adjoining communities;

The site is screened along the road frontage with landscaping, but there is currently limited landscaping screening to the remaining boundaries of the application site. The site cannot therefore be considered to be inappropriately screened and due to its remote location, would not be considered to create a sense of isolation.

h) It has safe and convenient access to the highway network;

The site already benefits from a vehicular access and the proposal would not alter the interface with Farnham Road (A287).

i) It is of sufficient size to provide for accommodation, parking; turning and, where relevant, the servicing and storage of vehicles and equipment;

The layout proposed shows sufficient area between the caravans and dayrooms for ingress/egress/manoeuvring and leaving the site in forward gear.

The proposal will not therefore conflict with the terms of Policy H5 of the HLP, and consequently will not conflict with Policy NBE1.

The Dogmersfield Neighbourhood Plan (DNP) also forms part of the Development Plan.

Policy 1 of the DNP allows development in countryside related to 'rural enterprises, agriculture or leisure' but only in a manner which demonstrably benefit the rural economy without harming the countryside interests. Also, it states that 'any other proposals which relate to greenfield land.... which would not relate to the design, density, layout and character of the village will not be supported. Development proposals within the said areas should comply with the design and other policy requirements of the DNP.'

Travellers/Gypsy accommodation is a type of development of a particular character and nature which differs from the typical brick built residential accommodation seen in towns and villages. The DNP contains no specific policies or provisions relating to the provision of Traveller and Gypsy accommodation and accordingly is silent on the matter.

In these circumstances, given the related dates of adoption of the DNP and the HLP32, significant weight should be placed upon the provisions of the HLP32 and it must be acknowledged that the DNP is silent.

Subject to further consideration of the impacts of the development, the principle of development is supported in the HLP32 whilst the DNP is silent.

The proposed development therefore requires assessment in terms of material considerations.

3. IMPACTS TO VISUAL LANDSCAPE/COUNTRYSIDE

The proposal will result in a change of use of the site from agricultural use to use associated with 2 travellers pitches. Ancillary operational development to achieve the development would include provision of additional hardstanding areas and the erection of two day rooms. The day rooms would become permanent physical features on the land which would measure 3.41m by 6.5m and have a height 3.8m to the ridge and 2.8m to the eaves.

In terms of the overall physical and contextual change, the site is located adjacent to an existing residential bungalow and would be seen in the context of this permanent dwelling, and a mobile home and ancillary structures located to the east of the bungalow. In this

regard, the proposal would be perceived visually as part of the cluster of buildings on the adjacent land in this particular built envelope.

It is noted that the immediate surroundings to the site are in a sensitive area of open countryside, and, in this context that development proposals do not need to have significant scale to cause impacts on the landscape.

The proposal is located in a landscape area designated as DO-01 in the Landscape Capacity Study 2016. This area has a high visual sensitivity, high landscape sensitivity and medium/high landscape value, which results in a low landscape capacity. A low landscape capacity, according to the Landscape Capacity Study, means that the landscape character area could not accommodate areas of new development without a significant and adverse impact on the landscape character. Occasional, small scale development may be possible, providing it has regard to the setting and form of existing settlements and the character and sensitivity of the adjacent landscape character areas.

As proposed, the application site would contain a modest amount of development within a compact curtilage and would adjoin the existing bungalow and caravan adjacent to the site. The subject site and adjoining cluster of buildings would still depict a rural character and farm-like appearance in the landscape.

The Landscape Architect did not object to the development on landscape terms although he highlighted the significance of the RPG. He opined that views into the RPG are more apparent today due to decline/removal of boundary and roadside planting changes that have occurred in the past. In his comments it is agreed that the proposals are small scale/low rise and more importantly he acknowledged that the 'indicative' site plan illustrates a suitable level of mitigation. However, he pointed out that the 'indicative' mitigation is outside the red site outline. The Landscape Architect clearly states that the acceptability of the scheme is reliant on soft landscape mitigation and long-term management.

It is worth noting that the proposed tree planting would be undertaken on land in control of the applicant as demonstrated by the amended site location plan. As a result, a suitable level of mitigation can reasonably be secured through an appropriately worded planning condition. It is appropriate to use planning conditions such as in this case on land that is within the "blue line", as shown in the amended location plan.

In conclusion, subject to the imposition of a suitably worded condition, if all other matters are deemed to be acceptable, the impact of the development on the countryside and its landscape would not materially conflict with policy NBE2, saved policy GEN1 or policy DMP6 of the Development Plan.

4. IMPACTS TO HERITAGE ASSETS (STATUTORY LISTED GRADE II DOGMERSFIELD PARK AND GARDEN)

The site and parcels of land adjoining it, located to the north of Farnham Road (A287) are part of the Grade II Dogmersfield Registered Park and Garden. The existing property at Farnham Lodge pre-dates the designation of the RPG. It is acknowledged that development could impact upon the significance of the Heritage Asset, however, it does not mean that such change will always cause harm. In this particular instance, it is necessary to consider whether the introduction of the proposed development would cause harm to the significance of the RPG. Where there is harm then the Council is required to consider whether there are any public benefits that would outweigh that harm, as per paragraph 196 of the NPPF.

In order to assess whether the proposed development causes harm to the significance of the RPG it is necessary to firstly establish what the significance is,

Historic England describes the Location and Setting as:

'Dogmersfield Park is situated on the north side of the A287, Farnham to Odiham Road and immediately to the south-west of Dogmersfield village. The c 320ha registered site, comprising 8ha of formal and ornamental gardens and c 312ha of parkland, farmland, and woodland, lies on gently undulating ground which rises in the southern half of the park to a low ridge running north-westwards from the house. To the south the site abuts the A287, Farnham Road while the southern half of the eastern boundary is formed by a minor lane, Chalky Hill. Agricultural fencing encloses the remaining boundaries from a surrounding landscape of undulating wooded farmland and, in several short stretches on the east and west sides, the Basingstoke Canal, which follows a looping course around the northern two thirds of the site.'

The listing description is not a statement of significance. A Planning Inspector, in a recently dismissed appeal (ref: APP/N1730/W/19/3238533) on land opposite the site stated that *'the significance of this designated heritage asset lies in it being an example of late eighteenth-century garden and pleasure grounds, set within a park of medieval origin'* which is the area of the Park surrounding the Four Seasons Hotel. This also concurs with the considerations of significance agreed by the Council's Conservation Officer and Landscape Architect.

The Conservation Officer has raised no objection to the proposal on heritage grounds and has clarified that in this context, the RPG has been subject to several incremental changes. She formed the view that given the single storey nature of the development that the proposal was unlikely to interfere with any established views which would negatively impact on any existing appreciation of the openness of the RPG, as a result the development, subject to being bound tightly to the existing built envelope of the existing development, would be unlikely to cause harm to the significance of the heritage asset.

It is therefore considered that the proposal will result in change, however, given prevailing circumstances, and the level and nature of the proposed development, it would cause no harm to the significance of the heritage asset.

5. RESIDENTIAL ACCOMMODATION / EXTERNAL LAYOUT

The application is supported by minimal information. It would however be unreasonable to require submission of details of the internal layout of the proposed caravans and touring caravans to be located at the site given the usual transient nature of pitches.

The external site layout and ground area associated with each pitch appears adequate to serve future needs for outdoor amenity space.

In terms of the quality of the site, the submitted information acknowledges that Farnham Road is a noisy road, and the Environmental Health Officer also points out noise arising from the road may have a potential impact on occupiers of the site. Further information in relation to existing noise levels was therefore recommended to be sought.

It is important to highlight that the positions of the mobile homes/touring caravans could change within the site layout proposed, as they are mobile structures and future occupants could have the opportunity to minimise noise impacts. In this instance, there is no conflict with policy NBE11 of the adopted HLP32, 'saved' policy GEN1 of the DLP06 and the NPPF (2019).

6. NEIGHBOURING PROPERTIES AMENITY

The development site is adjacent to an existing agricultural bungalow which is owned and controlled by the applicant. Due to the separation distances from other nearby properties the proposed development is unlikely to cause any impacts on privacy, amenity, or overlooking of any other properties.

In this case no conflicts are identified with the objectives of policy NBE9 of the adopted HLP32, 'saved' policy GEN1 of the HLP06 and the NPPF (2019) in this respect.



Figure 4 - Application site and neighbouring bungalow in the backdrop.



Figure 5- Application site to left (screened by trees) & adjoining bungalow.



Figure 6 - Access to the application site.

7. TREES/ LANDSCAPING/BIODIVERSITY

The proposal includes construction of additional hardstanding to accommodate the pitches. The site is located adjacent to an area where trees are protected by a tree preservation order.

The tree officer has advised that further information is needed as there is potential conflict between tree roots and the hardstanding/driveway area. Given it is possible to construct hardstanding using construction methods which would not cause harm, further details could be sought through imposition of an appropriately worded condition should the application be supported in addition, further details of tree protection during the construction process could be sought.

In terms of landscaping, a comprehensive landscaping scheme along the perimeter of the site would be required to provide screening between the application site and adjoining countryside within the DRPG to the north. The indicative site plan shows landscaping would be provided along the boundary of the site, but, no details have been provided. Whilst the indicated landscaping is outside of the application site (red line), the applicant has indicated the adjoining land to the north is also in his ownership/control. It would therefore be appropriate to seek further details through imposition of a suitably worded condition.

Appropriate planning conditions would address the above matters if the scheme were acceptable in all other respects. Thus, the proposal would not represent a material conflict with the objectives of policy NBE2 and NBE4 of the adopted HLP32, policies GEN1 and CON8 of the DLP06 and the National Planning Policy Framework.

8. FLOODING/DRAINAGE

The site is partly located in Flood Zone 1, so the main risk in respect of drainage on this site would arise in relation to the management of surface water. If this application is supported by the Council, it would be relevant to impose a planning condition for details to be provided

to ensure that surface water is appropriately dealt with within the site.

9. HIGHWAYS AND PARKING

The proposed development would not result in detrimental impacts on local highways as the site already benefits from a convenient access to the highway network.

It is noted that the Local Highway Authority has requested details of visibility splays, however no modifications are proposed to the access to the site and given the small scale of the proposal, it would be unreasonable to impose a planning condition in this regard.

In terms of parking within the site, there is a sufficient area for vehicles associated with the proposed development to manoeuvre and egress the site in forward gear.

Therefore, no concerns are raised in terms of highways/parking.

10. REFUSE

The proposal shows provision for refuse storage. Occupiers would have to place their bins by the entrance of the site, so they are collected. Therefore, no concerns are raised in this regard.

11. OTHER MATTERS

Several non – material planning considerations have been raised through the course of determination of this application relating to non-planning matters such as security of adjacent businesses and personal circumstances.

In addition to non – material planning matters, objectors have referenced decisions reached in other cases in the vicinity. It is important to clarify that each case must be assessed on its individual merits and whilst planning considerations may be similar, the cases referenced related to significantly different proposals.

One comment has been received concerned that a decision on this application would have a consequent effect on the agricultural occupation condition imposed on the existing bungalow. Officers can confirm a decision on this application would not release or remove the condition concerned.

It is noted that a concern was raised the plans show two mobile homes and two touring caravans and that this doesn't tie up with the description of development. The application seeks approval of two gypsy pitches and these typically include a mobile home plus a touring caravan. Therefore there isn't any discrepancy.

All the planning related representations received have been duly considered as part of the assessment of this proposal, however none of them would result in any material consideration fatal to the development proposal or indicate that planning permission should be refused.

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.

Currently adopted policies NBE1 and H5 are recently adopted, and accordingly relevant and are attributed significant weight in decision making.

The LPA has identified and considered the significance of the Heritage Asset, great weight has been given to the heritage asset's conservation, as per requirements of paragraph 193 of the NPPF.

In this case, it has been identified by the Council's officers that no harm to the heritage asset or its significance would arise from the proposal. Therefore, the balancing exercise required by the NPPF is not engaged as it is only applicable when a development proposal leads to harm to the significance of the heritage asset.

It nonetheless is important to note the public benefits which would arise from this proposal, they are as follows:

- Social benefits would arise as a result of the contribution of two Gypsy/Travellers pitches towards meeting an identified unmet need for such accommodation in the District. This is a significant public benefit in favour of the proposed development.
- Economic benefits of limited nature resulting from the additional expenditure in the local economy following occupation.
- Environmental improvements of limited nature, resulting from a landscaping scheme.

The delivery of housing for all groups in our communities is a paramount social objective set out in paragraph 59 and 61 of the NPPF which states;

'To support the Government's objective of significantly boosting the supply of homes, it is important that sufficient amount and variety of land can come forward where it is needed, that needs of groups with specific housing requirements are addressed...

Within this context, the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies (including but not limited to...travellers...)'

Therefore, the social benefits arising from this proposal are substantial and the Council as the decision taker should attribute these benefits significant weight in the consideration of this application.

The dis-benefits identified and discussed above are:

o Limited and localised impact to immediate adjoining land surrounding the site and within the confines of the site itself.

It has been confirmed by Council's Officers that no harm has been identified to the heritage asset and its significance as a result of the proposal.

The fact the proposal would contribute to addressing an identified need by the Council for Gypsy/Travellers accommodation, as stated above should be attributed significant weight in this instance. The minor impacts identified above would be outweighed by the benefits

arising from the provision of this type of residential accommodation for which there is a clear unmet demand for the time period of the adopted HLP32.

As such, subject to appropriate planning conditions, the material considerations arising such as the contribution made towards addressing an identified need of travellers/gypsy accommodation would far outweigh the limited change the proposed accommodation would bring to the landscaping conditions of the site and immediately adjoining land. As such the proposal would not conflict with the objectives of adopted policies of the HLP32, DLP06, the DNP and the NPPF.

CONCLUSION

This application must be determined in accordance with the policies of the development plan unless any material planning considerations indicate otherwise and it is therefore necessary to consider if there are any overriding public benefits that would result from the development that would outweigh the minor impacts identified.

The proposed development would satisfy an unmet need of accommodation without causing material demonstrable harm to the countryside, heritage assets, neighbours or highways. The limited/minor landscape change resulting from introducing small scale structures on the land would be far outweighed by the substantial social public benefits and limited economic and environmental benefits arising from the proposal. As such it is recommended this application is approved conditionally.

RECOMMENDATION - Grant, subject to planning conditions

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):

16_818_003A Rev. A (Proposed Site - Block Plan) and 16_818_005; (Utility /Day Room – Indicative Layout, Elevation) and Heritage Impact Assessment produced by Green Planning Studio (August 2020).

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

3. The development hereby approved shall only be occupied by gypsies/travellers meeting the definition in Annex 1, paragraph 2 of Planning Policy for Traveller Sites (August 2015) (or any subsequent Planning Policy Document of this nature).

REASON: To comply with the submitted application, to help meeting an identified need for gypsy and traveller pitches in the District, in compliance with policy H5 of the adopted Hart Local Plan – Strategy and Sites 2016-2032 and the NPPF.

4. Prior to the construction of the day rooms hereby approved, samples of the external materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority.

The details shall be fully implemented and completed in accordance with the approved details prior to the first occupation of the development.

REASON: To ensure a high-quality external appearance of the buildings and to satisfy policy NBE9 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

5. Prior to the construction of the day rooms hereby approved, a detailed wastewater drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The details shall be fully implemented and completed in accordance with the approved details prior to the first occupation of the development.

REASON: In the interest of providing the development with adequate infrastructure and to satisfy policy H5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 of the Hart District Local Plan (Replacement) 1996-2006, policy DNP16 of the Dogmersfield Neighbourhood Plan 2016- 2032 and the NPPF 2019.

6. Prior to the construction of the hardstanding area hereby approved, a detailed surface water management scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be based on sustainable drainage principles.

The details shall be fully implemented and completed in accordance with the approved details prior to the first occupation of the development.

REASON: In the interest of preventing on-site and off-site flood risk and to satisfy policy NBE5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 of the Hart District Local Plan (Replacement) 1996-2006, policy DNP15 of the Dogmersfield Neighbourhood Plan 2016- 2032 and the NPPF 2019.

7. The development hereby approved shall not be occupied until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall only be installed, operated and maintained in accordance with the approved scheme.

REASON: In the interest of natural character of the surrounding countryside and to satisfy policy NBE2 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

8. Notwithstanding any information submitted with this application, details of a soft landscape strategy along the perimeter of the application site and a long-term landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be occupied until such strategy is fully implemented as approved by the Local Planning Authority.

Soft landscape details shall include planting plans, written specifications with details of species, sizes, quantities of plants, management plans, boundaries and implementation schedule of landscape proposals.

Any trees or plants which, within a period of five years after approved completion, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved.

The long -term landscape management plan shall be implemented for the lifetime of the development.

REASON: To ensure the development is adequately landscaped in the interest of visual amenity and the character of the area as a whole in accordance with policies NBE2 and NBE9 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 of the Hart District Local Plan (Replacement) 1996-2006, policy DNP6 of the Dogmersfield Neighbourhood Plan 2016- 2032_and the NPPF 2019.

9. Details of hardstanding and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The hardstanding and boundary treatment for the development shall be implemented in accordance with the approved details.

REASON: In the interest of visual amenity and the character of the area as a whole in accordance with policies NBE2 and NBE9 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 of the Hart District Local Plan (Replacement) 1996-2006, policy DNP6 of the Dogmersfield Neighbourhood Plan 2016- 2032_and the NPPF 2019.

10. No work of construction shall take place until and unless a Tree Protection Plan detailing proposed tree protection details has been submitted to and approved in writing by the Local Planning Authority. The existing trees adjacent/close to the boundaries of the site, shall not be lopped, felled and the ground within root protection areas shall not be altered or otherwise affected in any way. Trees, hedgerows and groups of mature shrubs adjacent/close to the site shall be retained and protected only in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision) and shall be maintained fully intact and (in the case of the fencing) at all times, until the completion of all building operations on the site. All work shall take place in accordance with the approved details.

REASON: To ensure existing trees adjoining the site are not damaged, in the interest of the visual amenity and natural setting of the area in accordance with policy NBE2 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 and CON8 of the Hart District Local Plan (Replacement) 1996-2006, policy DNP6 of the Dogmersfield Neighbourhood Plan 2016- 2032 and the NPPF 2019.

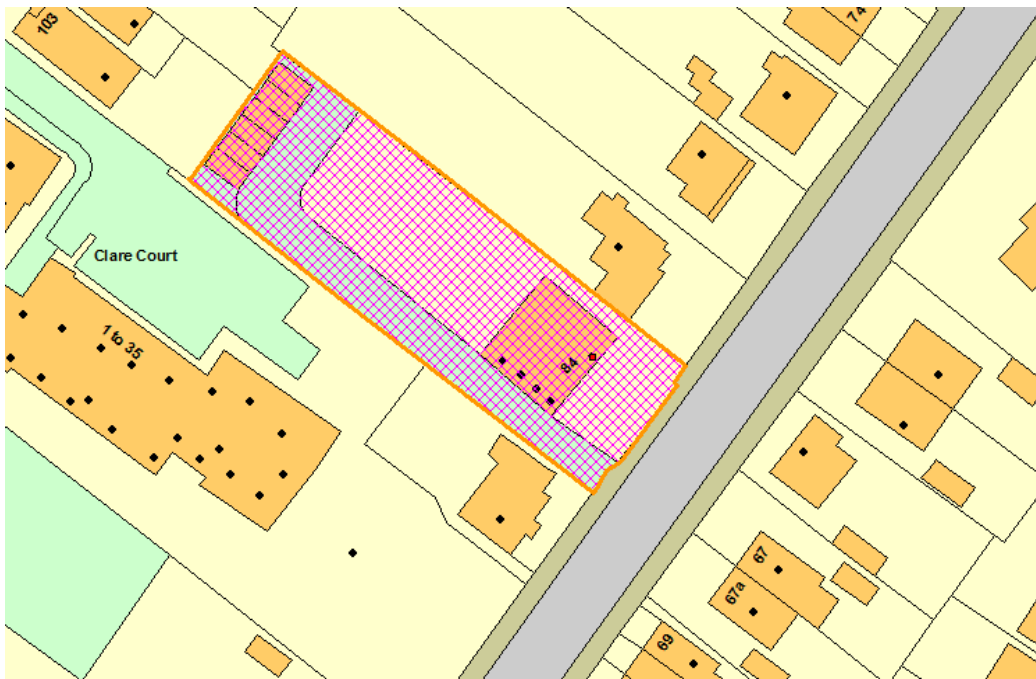
INFORMATIVES

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: 102

APPLICATION NO.	20/02513/FUL
LOCATION	84 Connaught Road Fleet Hampshire GU51 3LP
PROPOSAL	Construction of 2x two-bedroom dwelling houses with associated garages, parking and landscaping (following demolition of existing garage block).
APPLICANT	Mr S Mosley
CONSULTATIONS EXPIRY	26 January 2021
APPLICATION EXPIRY	10 December 2020
WARD	Fleet Central
RECOMMENDATION	Grant, subject to planning conditions



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BACKGROUND

This planning application is brought to Planning Committee at the request of Ward Councillors who have asked it to be referred for the following reasons:

- Unsuitable overdevelopment of a back land garden site;
- Serious impacts on privacy of neighbours due to scale and height of the proposed building.

SITE

The application site is located on the north-western side of Connaught Road, Fleet. The site comprises of a two storey detached building containing four flats and a singled storey block of garages to the rear. There are six garages within the block. Vehicular access to the site is from Connaught Road via a driveway running along the western boundary of the site.

The perimeter of the site features trees of substantial size at either side of the shared boundaries. The area in between the buildings on site is mostly lawn for amenity purposes, however it is also noted that it is used as a car parking area.

The existing two storey building on the frontage of the site is set back from the road and features lawn to its forecourt. There is a small group of trees and other vegetation on the eastern corner of the site frontage which benefits from a TPO designation.

The immediate surrounding area is residential in nature featuring a wide range and sizes of detached, semi-detached and terrace dwellings. The site is a short walk to the Fleet town centre.

SITE DESIGNATIONS

- The site contains a Tree Preservation Order (eastern corner of frontage).
- The site is located within the settlement boundary.
- The site is located within 5Km of the TBHSPA

PROPOSAL

The application seeks planning permission for the erection of 2 no. two-bedroom dwellings, each with an attached garage. The existing garage block would be demolished.

The proposed dwellings would be sited 10m away from the rear boundary and have a rectangular footprint measuring a maximum of 10.3m in depth by 5.6m in width). Whilst the dwellings would be two-storey, the garages would be single storey measuring 3.20m in width by 6.92m in depth.

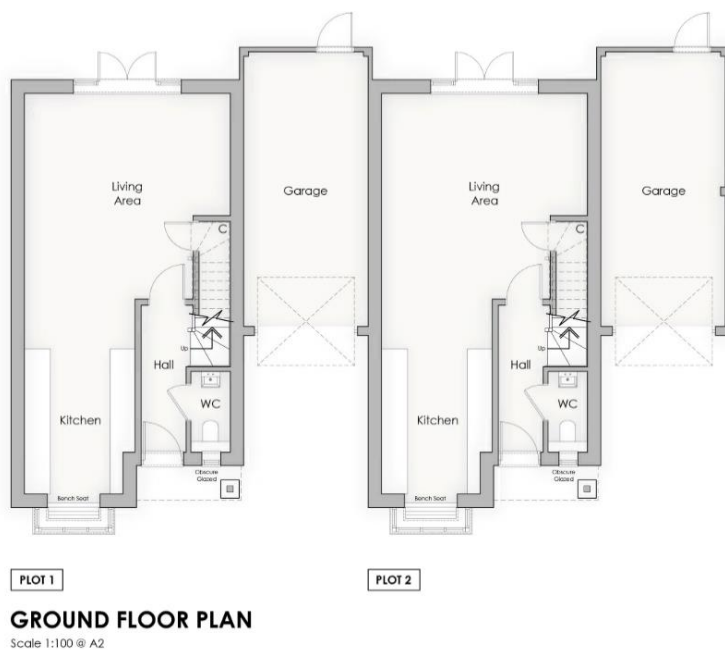
Both dwellings would have pitched roofs with a maximum ridge height of 8.1m and an eaves height of 4.9m. The single storey garages would have pitched roof with a maximum ridge height of 5.7m and an eaves height of 2.5m. The proposed garage for Plot 2 would have a hipped roof sloping away from the boundary with No. 82 Connaught Road.

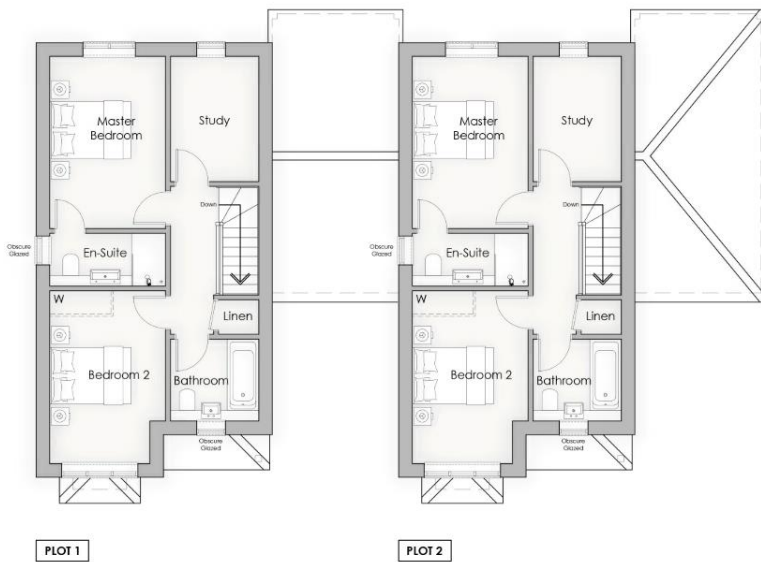
Each proposed dwelling would have one car parking space within the garages and one space in front on the driveway. In addition, four parking spaces are proposed to serve the flats that would be retained on site. These would be located to the rear of a new boundary enclosure that would create a private amenity space for the retained flats.

The car parking area and the dwellings would be accessed via the existing vehicular entrance to the site. The only alteration proposed to the entrance is the widening of the hardstanding area to achieve a clear width of 4.8m and the creation of a bin storage/collection point next to it.



Figure 1 - Site Layout





PLOT 1

PLOT 2

FIRST FLOOR PLAN
Scale 1:100 @ A2

Figure 2 - Floor Plans



PLOT 1

PLOT 2

FRONT ELEVATION
Scale 1:100 @ A2



PLOT 2

PLOT 1

REAR ELEVATION
Scale 1:100 @ A2

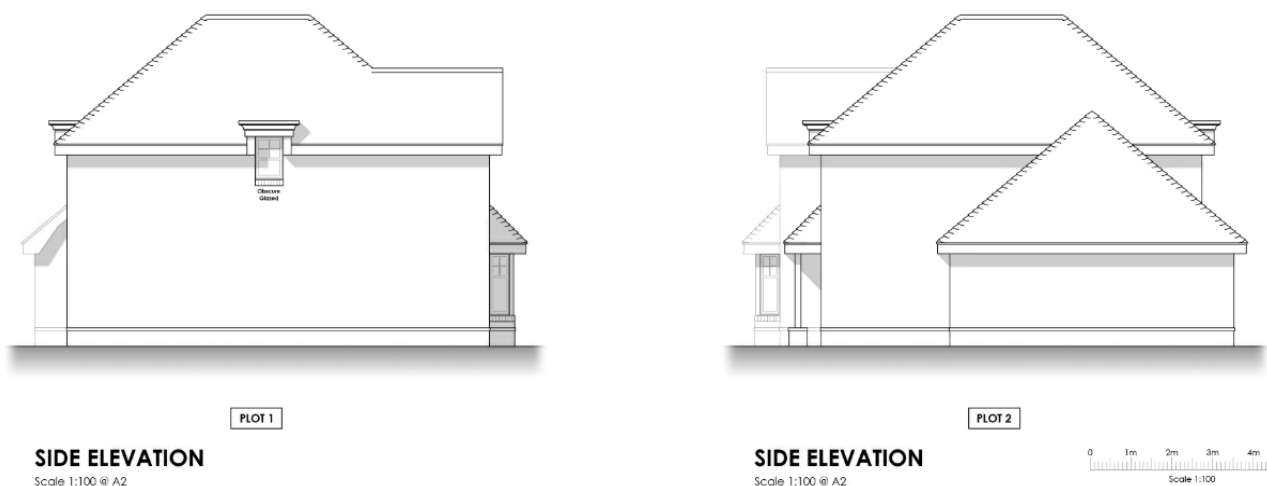


Figure 3 - Proposed Elevations

RELEVANT PLANNING HISTORY

19/01498/FUL- Withdrawn, 25.09.2019

Construction of a two-storey building to the rear of the site to accommodate 6 x 1-bedroom flats with associated car/cycle parking and landscaping (following demolition of block of 6 garages).

19/02713/FUL- Withdrawn, 06.02.2020

Three 2-bedroom dwellinghouses with associated parking and landscaping (following demolition of existing garage block to the rear).

20/00840/FUL - Refused, 21.08.2020

Construction of 2x two-bedroom dwellinghouses with associated garages, parking and landscaping (following demolition of existing garage block).

Note: The latest application above was only refused due to the impact of the proposed dwelling on the Thames Basin Heaths Special Protection Area (TBHSPA).

CONSULTEES RESPONSES

Fleet Town Council

Objection.

- 4 existing flats - only 4 parking space provided; how many bedrooms?? Losing 6 garage spaces?
- Areas of no dig construction lifts levels by a min of 100 mm. How is this difference accommodated on site and how does it affect the access to Plot 2?
- Significant increase in impermeable area on plot - where will the SUDS systems be accommodated?
- o Positively this provides two small family houses rather than adding to the oversupply of apartments.

Hampshire County Council (Highways)

No objection, subject to planning conditions

- Construction Management Plan

Tree Officer (Internal)

No objection, subject to conditions.

- Development to be implemented in accordance with the Arboricultural Tree Protection Plan ref: TPP-01 Rev B (dated 9th June 2020).
- Plans for installation of services and means of installation should they conflict with trees.

NEIGHBOUR COMMENTS

It should be noted that the statutory requirements for publicity, as set out in the DMPO 2015 (as amended) are in this case the notification of the adjoining properties or the display of a site notice. In this case the adjoining properties/owners have been notified by post. The Council's SCI has now been amended so that we are only required to carry out the statutory publicity requirements, thus in this case it is not necessary to display a site notice.

Neighbour Letters were sent to neighbouring properties. The 21-day public consultation expired on 13.11. 2020. However, there was an additional consultation to allow for comments on the additional information submitted. At the time of writing the officer's report 21 public representations had been received, 20 of them in objection and 1 neutral. Some objectors submitted more than one representation; hence they have been single counted. The summary of planning related objections is listed below:

- o Overdevelopment of the land.
- o Out of keeping with the character and appearance of the area
- o Overbearing/dominating.
- o Highway impacts (unsuitable access, insufficient parking, pedestrian safety)
- o Noise and disturbance
- o Undesirable precedent to develop garden space (garden-grabbing).
- o Harmful back land development.
- o Loss of amenity space for the existing flats
- o Loss of privacy and overlooking of neighbouring properties.
- o Loss of daylight/sunlight to neighbouring properties.
- o Study areas could become additional bedrooms.
- o The internal floorspace does not meet minimum internal standards.
- o Loss of trees.
- o Refuse storage inadequate, additional bins to be left on street, blocking the pavement.
- o Development does not provide SANG.

A representation has been received from Hampshire Swifts, requesting the provision of swift bricks in the dwellings.

One of the Ward Councillors has objected to the proposal on the grounds of adverse effects to neighbouring properties, dominance, impact on character of the area, traffic and car parking. The objection also states there is no urgent need for housing.

CONSIDERATIONS

1. Planning Policy

2. Principle of Development
3. Design/Character of the Development and the Area
4. Impact on Neighbours' Amenity
5. Quality of the Proposed Residential Accommodation
6. Trees
7. Thames Basin Heaths Special Protection Area
8. Flooding and Drainage
9. Access and Parking
10. Refuse
11. Other Matters

1. PLANNING POLICY

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 (HLP06), saved policy NRM6 of the South East Plan and the Fleet Neighbourhood Plan 2018-2032 (FNP). Adopted and saved policies are up-to-date and consistent with the NPPF (2019).

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

- SD1 - Sustainable Development
- SS1 - Spatial Strategy and Distribution of Growth
- H1 - Housing Mix
- H6 - Internal Space Standards for new Homes
- NBE2 - Landscape
- NBE3 - Thames Basin Heath Special Protection Area
- NBE4 - Biodiversity
- NBE5 - Managing Flood Risk
- NBE9 - Design
- NBE11 - Pollution
- INF3 - Transport

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

- GEN1 - General Policy for Development
- CON8 - Trees, Woodland and Hedgerows: Amenity Value

South East Plan

Saved NRM6 - Thames Basin Heath Special Protection Area

Fleet Neighbourhood Plan 2018-2032 (FNP)

- Policy 10 - General Design Management Policy
- Policy 10A - Design Management Policy related to Character Areas
- Policy 17 - Thames Basin Heath Special Protection Area Mitigation
- Policy 19 - Residential Parking

Other relevant material considerations

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance (PPG)

Technical Housing Standards - nationally described space standard (DCLG 2015)

BRE Report - Site layout planning for daylight and sunlight: a guide to good practice (2011)

Parking Provision Interim Guidance (2008)

2. PRINCIPLE OF DEVELOPMENT

The application site is located within the urban settlement boundary of Fleet as defined by the HLP32. Policy SD1 is a general policy that states that when considering planning applications, the Council will apply the presumption in favour of sustainable development; this policy mirrors the requirements of the NPPF.

Policy SS1 sets out that development will be focused within the defined settlement boundaries as well as on previously developed land. The policy goes on to set out the Council's Housing requirement and indicate that this will in part be delivered through development or redevelopment within settlement boundaries. The supporting text makes it clear that some of the Council's housing requirements will be delivered through windfall sites such as the application site.

In light of the above policy context the principle of the development of this site is acceptable. However, in order to determine if the detailed proposal is acceptable, it is necessary to consider the detail of the application and fully assess the proposals against the Development Plan as a whole.

3. DESIGN/CHARACTER OF THE DEVELOPMENT AND THE AREA

HLP32 Policy NBE9 seeks to ensure that development achieves a high-quality design and that it would positively contribute to the overall character of the area. The NPPF also reinforces the need to promote good design in developments and states that development should be refused for poor design (para. 130). Policy 10 of the FNP also supports good design that respects the character areas as identified in the Council's Urban Design and Density Study.

The proposed dwellings would be located to the rear of the existing block of flats that fronts onto Connaught Road. In that regard the site is a typical "backland" development. The Council's Urban Design and Density Study (2010) describes this area as comprising "Victorian/Edwardian residential development" (Area E). The original grid pattern of streets that was set out in the early 20th Century is still evident. Whilst the prevailing character is this grid form there is some amalgamation of sites including at Clare Court which is adjacent to the application site. Given the existing building at Clare Court which would be adjacent to the proposed dwellings, the construction of the proposed dwellings would not be unduly harmful to the overall character of this part of Fleet. It is noted that concerns have been raised that by allowing a backland development on this a precedent would be set for other properties to have similar development in the rear gardens. Should future applications be submitted they would be assessed on their own merits, future applications would not be acceptable simply because a different scheme on a different plot was considered appropriate.



Figure 5 - Site's access & view towards the rear

The properties along Connaught Road have a variety of different materials and designs as well as being of different scales although they are all typically two storey buildings with some bungalows. The proposed dwellings have been designed sympathetically in terms of their design features and the palette of materials. In this regard they would be in keeping with the character of the area.

In terms of scale, the properties would display acceptable proportions and an appropriate width/depth ratio. The roof profile proposed with a sloping roof and hip ends would contribute to moderating the overall scale of the dwellings.

The single storey garage for Plot 1 would appear to have a high ridgeline as seen from the front, however it would be largely obscured between the properties and its set back from their frontage.

The other single storey garage, sited near the shared boundary with no.82 Connaught Road, would display a hipped end to reduce the bulk of the roof. The scale of the properties would be acceptable, particularly when compared to other two-storey properties in the locality.

The dwellings/garages footprint and shape would largely make use of the full width of the site as there would only be a set-in from the side boundaries of between 0.70m-0.95m. The dwellings would be located 10m away from the rear boundary and there would be a distance ranging between 20.6m and 21.7m from the rear elevation of the existing building standing on the site.



PLOT 1

PLOT 2

FRONT ELEVATION

Scale 1:100 @ A2

Figure 6 - Dwellings South Elevation (main).





Figure 7 - Residential designs along Connaught Rd

Given the above, it is considered that the character and design of the proposed development would respect the character and appearance of the streetscene.

Therefore, the proposal would be in accordance with policies NBE9 of the adopted HLP32, policy 10 of the FNP and the NPPF in terms of design, character and appearance of the dwellings and the area as a whole.

4. IMPACT ON NEIGHBOURS' AMENITY

The neighbouring properties that adjoin the site and are the closest to the proposed development are nos. 82 and 86 Connaught Road, 99-103 Clarence Road and Claire Court (retirement housing) and the existing residential building on the site (84 Connaught Road).

- Nos. 82 and 86 Connaught Road

No.82 adjoins the existing flatted development on site to the east. The distance between this adjoining property and the proposed dwellings would be over 21m and they would not be directly facing each other. It is noted there are mature trees along the shared boundary that would serve as screening between them. A site visit revealed intervisibility between the site and this adjoining neighbour slightly opens up during the winter but no clear views between the development and this adjoining dwelling would be achieved. Thus, neither the privacy, daylight nor the outlook of this property would be materially affected.



Figure 8 – View from the site towards no. 82 (trees left hand side along the shared boundary) and rear of no.84 Connaught Road.

The only impact anticipated to no. 82 arises as a result of the siting of the development in proximity to the shared boundary and the northern portion of its rear garden. The proposed dwelling - Plot 2 (two storey) would be 3.73m away from the boundary with this neighbour and the single storey garage would be 0.7m away. The development would therefore be visible from the rear garden of this property behind the planting along the boundary. However, the two-storey property would be set in from the boundary and the single storey garage would feature a hipped end roof sloping away reducing any impacts. The garden would largely retain its open views and character. As such there would be no undue loss of amenity for the occupiers of No. 82 Connaught Road.



Figure 9 - View towards northern portion of the rear garden of no. 82 Connaught Road

With regards to no. 86, this is located in close proximity to the side boundary of the site by

the vehicular access as if fronts onto Connaught Road. There would be an increase in the number of vehicles using this driveway which would create the potential for additional noise and disturbance.



Figure 10 - 86 Connaught Road (white building), access to the site.

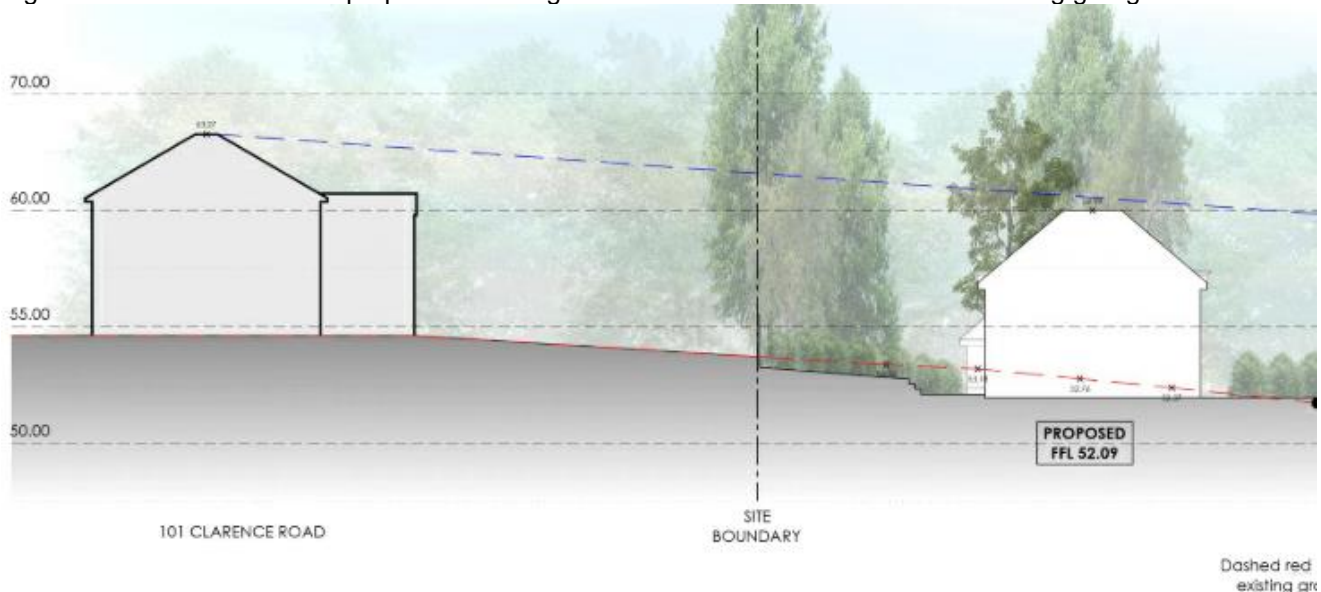
No. 86 is also set in from this shared boundary (over 3m away) and a single storey garage stands between this adjoining property and the shared boundary. The flank elevation of this adjoining dwelling features a narrow upper-level window that serves a bathroom. Main habitable spaces are served by windows in the front/rear elevations. Therefore, the movements associated with two additional dwellings would not create material impacts on their residential amenity. No other impacts would arise from the development in respect of this adjoining property.

- Nos. 99 -103 Clarence Road

These properties are located to the rear of the application site. At the closest, the proposed dwellings would be 23.45m away from these three existing dwellings and the proposed dwellings would have a garden depth of 10m. It should be noted, as previously stated, that ground levels rise towards Clarence Road, so these existing properties would be on higher ground (almost 5m higher) when compared to the ground level where the new dwellings are proposed.



Figure 11 - Rear elevation of properties fronting onto Clarence Road visible above existing garages.



SITE SECTION A-A

Scale 1:200 @ A2

Figure 12 - Site Section showing relationship between proposal and Clarence Road properties.

The shared rear boundary between the site and these existing dwellings does not have mature vegetation, however given the level changes views between buildings would only be achieved from first floor windows. However, the separation distances are reasonable and exceed the rule of thumb distances of 20-22m. Some Landscaping is proposed along the rear boundary which would further soften the views. Given the above, it is considered that the proposal would not cause undue harm to the amenity of the occupiers of Nos. 99-103 Clarence Road.

- Claire Court (retirement housing)

This large development is located to the south-west of the application site. The orientation of Clare Court is such that there is habitable accommodation along the flank elevation facing

into the application site.



Figure 13 - View of Claire Court from the site.

The dwelling on Plot 1 would be sited 0.95m away from the shared boundary with Clare Court and there would be a separation distance of between 14-18m between the two buildings. There is a single window proposed on this side elevation that would serve an ensuite; a planning condition can ensure that this would be fixed shut and obscured glazed

Given the separation distance and the fact that the only window would be obscure glazed there would not be any loss of privacy. Plot 1 would be adjacent to the car park of Clare Court and as such would not appear overbearing when viewed from any of the amenity areas serving that development.

It is also noted there is vegetation along the shared boundary between these two sites. The vegetation is varied as there are sections with plants of modest height (1.5m -2m) and there are also mature trees with large canopies, which would soften the change that would be created by the proposal, as visible in Figure 13 above.

- 84 Connaught Road (existing flatted development on site)

Finally, the existing flatted development on site would be the one property experiencing the biggest change as result of the proposal as they would be sited directly opposite each other.

The applicant has submitted site sections with finished ground levels which depict the relationship between the proposal and existing dwellings on site. The proposed dwellings would sit on ground that is on average 1.84m higher when compared to the ground adjoining the rear elevation of the existing building.



Figure 144 - Existing Rear Elevation of 84 Connaught Road.

However, the proposed houses would be sited between 21.7m and 20.6m away from the rear elevation of the existing building on site, which is regarded as acceptable to maintain satisfactory levels of privacy between buildings. The sectional drawing submitted also shows the eaves height of the proposed dwellings would only be 1.37m higher when compared to the eaves of the existing building on site and the pitched roof proposed for the dwellings would slope away to reduce the impact of the dwellings and avoid enclosure/overbearing effects.

Despite the proposal being on higher ground, it would not interfere with the 25° vertical plane line when drawn from the cill of the rear windows of the existing building; and in any event the proposed dwellings would be sited to the north. As such no impacts on daylight/sunlight would be experienced by the windows in the rear elevation of the existing building.



Figure 15 - Site Section showing relationship between proposal and 84 Connaught Road.

The overlooking of amenity space between buildings from one upper-level window serving each dwelling would not be out of the ordinary in an urban area such as Fleet, therefore it would not raise concerns.

It is noted that the outdoor amenity space for this existing development would be reduced as a result of the proposal, but it would still maintain 115sqm of garden area. Additionally, Oakley Park is 500m from the application site, which would complement the on-site outdoor amenity area provision.

In this instance, given the backland nature of the development, the site constraints and relationship with neighbouring properties the restriction of permitted development rights is required to allow the Planning Authority to properly consider the potential effects of any future extension or alterations on the amenity of neighbouring properties.

Given the above analysis, the proposal would not create impacts on residential amenity that would amount to being detrimental to the living conditions of occupiers of surrounding dwellings, as such the proposal is in compliance with policy NBE9 the adopted HLP32, saved policy GEN1 of the HLP06, policy 10 of the FNP and the NPPF in this regard.

5. QUALITY OF THE PROPOSED RESIDENTIAL ACCOMMODATION

The Council has adopted the Nationally Described Space Standards for dwellings in the HLP32. The space standards set out the minimum gross internal floor areas for dwellings as well as requiring certain minimum sizes of bedrooms. The proposed dwellings would comply with these minimum standards.

Concern has been raised that the proposed dwellings would be capable of accommodating three bedrooms as the “study” would be capable of accommodating a single bed.

The NDSS state that the minimum requirements for a single bedroom are a floor area of at least 7.5sqm and a width of at least 2.15m. The proposed study would have an area of 6.2sqm and a width of 2.07m.

As such, the study area would not comply with the minimum requirements set out in the NDSS to count as a bedroom, therefore the proposal has to be assessed as for two-storey 2-bedroom dwellings. Therefore, the room sizes would comply with the minimum space requirements.

Externally, gardens are proposed to the rear of the properties for the amenity purposes of prospective occupiers; these would have a depth of 10m. Hart has not adopted any minimum garden sizes therefore it necessary to consider the National guidance. The general requirement set out in the Government’s design guidance is that the outdoor amenity areas for new dwellings should reflect the footprint of the property, which in this case is around 50sqm. The area of the gardens to be provided would be between 85sqm - 87sqm, which would be sufficient to satisfy outdoor amenity requirements. Properties in the locality benefit from rear gardens of different sizes, some are similar in area to those proposed in this application. The size of the proposed rear gardens are therefore acceptable.



Figure 156 - Rear gardens and forecourt of dwellings.

As such the development would be acceptable in this regard and in compliance with the objectives of policy NBE9 of the HLP32, saved policy GEN1 of HLP06, policy 10 of the FNP and the NPPF.

6. TREES

Concern has been raised regarding the loss of trees as a result of the proposed dwellings. The Council's Tree Officer has considered the application and the Arboricultural report and raised no objections. Whilst there would be some tree felling there are several trees that would be retained, and it would be necessary to ensure that these are protected during the construction phase; this can be dealt with by planning condition.

As such the development would be acceptable in terms of tree impacts and in compliance with the objectives of saved policy CON8 of the HLP06, and the NPPF, subject to conditions.

7. THAMES BASIN HEATHS SPECIAL PROTECTION AREA

The Habitats Regulations 2017 requires Local Planning Authorities (as the Competent Authority) to consider the potential impact that a development may have on an European Protected Site. In this case this relates to the Thames Basins Heaths Special Protection Area (TBHSPA).

The TBHSPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler. The area is designated as a result of the Birds Directive and the European Habitats

Directive and protected in the UK under the provisions set out in the Habitats Regulations. These bird species are particularly subject to disturbance from walkers, dog walkers and cat predation because they nest on or near the ground.

Natural England has indicated that it believes that within 5km of the SPA additional residential development in combination will have a significant effect on the SPA. Thus, without avoidance measures any proposal is contrary to the Conservation of Habitats and Species Regulations 2017. In this instance, the application site falls within the 5km Zone of Influence of the SPA, as such avoidance measures are required.

In this instance, the applicant has addressed the potential negative effects on the SPA by securing access to Council's owned SANG and an associated payment towards SAMM has been secured. It is therefore possible to conclude that the proposed development would not have any adverse effect on the integrity of the TBHSPA.

Consequently, the application would be in compliance with policy NBE3 of the HLP32, policy 17 of the FNP, saved policy NRM6 of the South East Plan and the NPPF in this regard.

8. FLOODING AND DRAINAGE

The site is located in a Flood Zone 1 location where there are low risks of flooding but there is potentially surface water flooding towards the front of the site. Thus, the main matters to address in this regard would be provision of suitable surface water drainage to deal with surface water as a result of the development and also to avoid run-off to adjoining sites and existing development on the site.

The proposal would increase hardstanding areas on site; therefore, the principles of a surface water strategy have been submitted to appropriately deal with these matters. The information submitted states that the ground is underlain by Camberley Site Formation which would have a suitable permeability to support inclusion of soakaways.

Areas of hardstanding (access, parking area and drives) would feature permeable materials which would allow surface water run off to drain through paviour gaps and infiltrate to the ground. Geocellular crate soakaways (outside root protection areas) would be provided in the rear garden of the dwellings and also in the car parking area. The principles of such a strategy are acceptable; however, it would be necessary to have full details of infiltration capacity and technical details of the strategy, which can be secured by planning conditions.

Consequently, subject to planning conditions in this regard, the proposed would be in compliance with policy NBE5 of the HLP32 and the NPPF.

9. ACCESS AND PARKING

The access to the site would utilise the existing arrangement and would not be modified. There is a modification proposed to the internal road as there is a section adjoining the front boundary which would be increased in width to allow two vehicles to pass each other and in this manner avoid vehicles reversing within the site or onto the public highway.



Figure 17 - Proposed increased width to access.

In terms of car parking provision, the two additional dwellings would require a maximum provision of 5 car parking spaces (2 for each dwelling and one visitor space) under the Council's current parking requirements. The proposal also provides 4 car parking spaces for the existing 4 flats in the existing building and according to the interim standards the maximum provision for the existing flats should be 10 spaces (2 each plus 2 visitors).

When assessed against the Council's Interim Parking Standards, there would be a shortfall of 5 parking spaces; this includes the three visitor spaces that would be required. However, these are maximum standards, and it is necessary to consider if a shortfall would cause harm to the safety of the public highway. It is also necessary to consider the location of the development in relation to the Town Centre in terms of accessibility/sustainability.

The site is in a sustainable location as it is a short walking distance from the town centre where there are a range of services and facilities along with access to public transport. It is important to be mindful of the recent appeal decision at 141-145 Clarence Road (our reference 18/01401/FUL) where the Inspector considered that site to be in a sustainable location and whilst dismissing the appeal it was not due to the of lack of parking.

Hampshire Highways has not raised any objection to the application and notes that the existing on-street parking controls would remove the risk of obstructive highway parking. It is recommended that a condition requiring a construction management plan to be submitted and agreed prior to development commencing on site to ensure that construction traffic/parking is adequately dealt with.

Therefore, given the level of car parking provision on site, current parking conditions along Connaught Road, the sustainable location of the site and the no objection from the Local Highway Authority; this development would neither result in detrimental impacts to local highways nor would it conflict with policy INF3 of the adopted HLP32, saved policy GEN1 of the HLP06, policy 19 of the FNP and the NPPF.

10. REFUSE

Adequate provision has been made for the collection of refuse which could also serve as a storage area, however, no details of how the refuse storage for the existing development on site along with the proposed development would be stored and managed. Therefore, a condition to secure details of refuse/recycling storage and management for the existing and proposed development is recommended to be imposed if this application is supported by the Council. The Council's Refuse team has been consulted and hasn't raised any objections to the proposal. The proposal is therefore acceptable in this regard.

11. OTHER MATTERS

Concerns have been raised by representations received about the existence of Japanese Knotweed within the site. However, this is not a planning matter. Japanese Knotweed is classified as a controlled plant under the Wildlife and Countryside Act 1981 section 114 (2) (WCA 1981). It is not illegal for landowners to have Japanese knotweed on their property/land. However, it is against UK law to cause or allow the plant to spread. The landowner/developer would have to approach the Environment Agency separately to deal with any necessary removal of this non-native species.

CONCLUSION

The Development Plan Policies and the NPPF requires that sustainable development be approved without delay. The application proposal complies with the requirements of the principal housing policies of the Development Plan and the site is considered to be sustainable and accessible in terms of its location close to Fleet Town Centre. The provision of additional housing is a significant benefit and this development would help meet that need through the delivery of a windfall site.

The design of the proposed development is acceptable and there would be no unacceptable impacts on neighbouring amenity or to the character and appearance of the street scene. Whilst levels of parking provision would be below the Council's maximum standards, given the existing parking controls and the sustainable nature of the location, there would be no adverse impact on highway safety. The proposal would also comply with the requirements of the Development Plan and Habitats Regulations in relation to the TBHSPA.

Given the above, the proposed development complies with the Adopted HLP32, FNP and with the NPPF and is therefore acceptable subject to conditions as detailed below.

RECOMMENDATION – Grant, subject to planning conditions.

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prioritise delivery of housing given the limited supply of SANG within the District.

- 2 The development hereby permitted shall be fully implemented in accordance with the

following plans/documents (including any mitigation/enhancement recommended therein):

P19/04/S/401 Rev. B (Site Layout & Roof Plan), P19/04/S/402 Rev. A (Site Sections), P19/04/S/410 Rev. A (Floor Plans and Elevations), TPP-01 Rev. B (Tree constraints/protection plan); and

Arboricultural Impact Statement (dated June 2020) produced by Arbor Cultural Ltd, Levels and Drainage Strategy (dated December 2020) produced by Structa, Design and Access Statement (dated October 2020) produced by Ark Tec.

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

- 3 The development hereby approved shall not be commenced until details of a site construction method statement and management plan shall be submitted to and approved in writing by the Local Planning Authority and shall include but not limited to the following:

- i) Construction worker and visitor parking;
- ii) anticipated number, frequency and size of construction vehicles;
- iii) dust and Noise/Vibration mitigation measures;
- iv) dust suppression measures;
- v) Site security;
- vi) vehicle manoeuvring and turning;
- vii) locations for the loading/unloading and storage of plant, building materials and construction debris and contractors offices;
- viii) procedures for on-site contractors to deal with complaints from local residents;
- ix) measures to mitigate impacts on neighbouring highways; and
- x) details of wheel water spraying facilities;
- xi) Protection of pedestrian routes during construction

Such details shall be fully implemented and retained for the duration of the works.

REASON: To protect the amenity of local residents, to ensure adequate highway and site safety in accordance with policies NBE11 and INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

- 4 No development shall commence (except for demolition of the garages) until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, including an assessment of the hydrological and hydro geological conditions of the site and measures to prevent surface water flooding to the interior of the buildings hereby approved and existing buildings on site has been submitted to an approved in writing by the local planning authority.

The scheme shall be fully implemented in accordance with the approved details before first occupation of the development.

REASON: In the interest of preventing on/off-site surface water flood risk and to satisfy policy NBE5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

- 5 No development shall raise above slab level, until details of all external materials for

the buildings hereby approved are submitted to and approved in writing by the Local Planning Authority. The details approved shall be fully implemented.

REASON: To ensure a high-quality external appearance of the buildings and to satisfy policy NBE9 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006, policy 10 of the Fleet Neighbourhood Plan 2014-2032 and the NPPF 2019.

- 6 Notwithstanding any information submitted with this application, details of refuse storage and management for both the existing development on site and the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The details approved shall be fully implemented in perpetuity.

REASON: In the interest of an adequate refuse storage and servicing, in accordance with policy NBE9 of the adopted Hart Local Plan and Sites 2016-203, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

- 7 The approved alterations to the driveway, car parking and manoeuvring areas serving the development hereby approved shall be fully completed and made available prior to the first occupation of the buildings hereby approved. These vehicular facilities shall be retained for these purposes thereafter 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 access, parking and turning areas in the interest of public highway safety and to satisfy policy INF3 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 and the NPPF 2019.

- 8 No development, demolition work or delivery of materials shall take place at the site except between 08:00 hours to 18:00 hours on weekdays or 08:00 to 13:00 hours Saturdays. No development, demolition/construction work or deliveries of materials shall take place on Sundays or Public Holidays.

REASON: To protect the residential amenity of adjoining/nearby residential occupiers and to satisfy policy NBE11 of the adopted Hart Local Plan and Sites 2016-203, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

- 9 Notwithstanding the provisions of Classes A, B, C, D E and F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent order revoking and re-enacting that Order with or without modifications), no enlargement, improvement or other alteration to the dwellinghouses hereby approved, under these classes shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

REASON: To prevent the overdevelopment of their curtilage to safeguard the living conditions of adjoining properties and visual appearance of the buildings and the area as a whole and to satisfy policy NBE9 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1, of the Hart District Local Plan 1996-2006, and the NPPF (2019).

10. Existing trees shown to be retained along/adjacent to the boundaries of the site shall

not be lopped or felled and the ground within the root protection areas of any trees shall not be altered or otherwise affected in any way. Trees, hedgerows and groups of mature shrubs adjacent/close to the site shall be retained and protected in accordance with British Standard 5837:2012 'Trees in Relation To Construction Recommendations' (or any subsequent revision) and shall be maintained at all times, until the completion of all building operations on the site.

REASON: To ensure existing trees adjoining the site are not damaged, in the interest of the visual amenity and setting of the area in accordance with policy NBE2 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 and CON8 of the Hart District Local Plan (Replacement) 1996-2006, and the NPPF 2019.

11. Notwithstanding the information submitted with this application, the first-floor window located in the west facing side elevation of the dwelling at plot 1 shall be non-opening and contain frosted glass (Pilkington Glass Level 3 or above, or equivalent) for a height of 1.7m which is measured upwards from the internal floor level their serve. They shall be retained as such, thereafter.

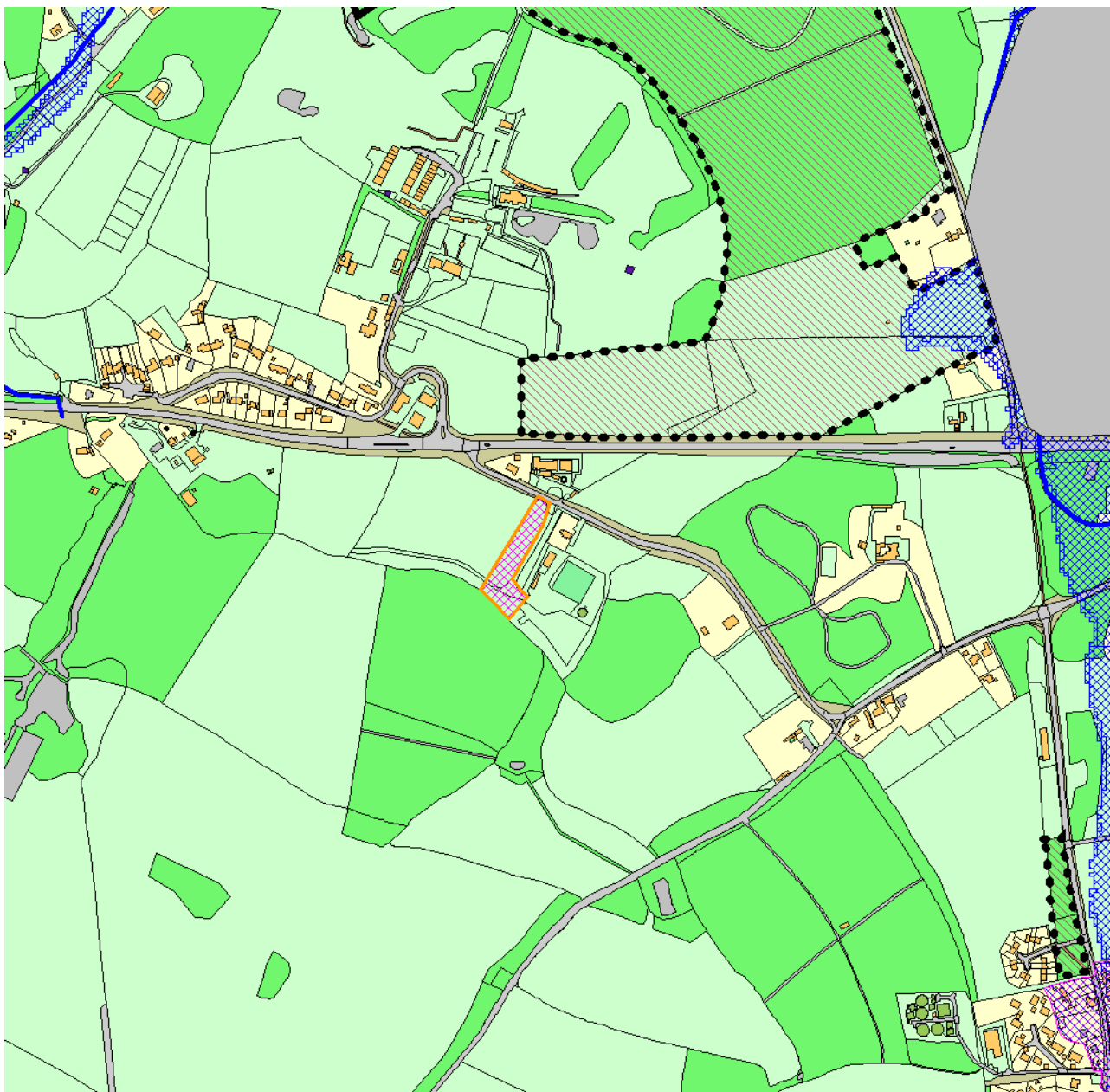
REASON: To protect residential amenity of neighbouring occupiers and to satisfy policy NBE9 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and saved policy GEN1 of the Hart District Council Local Plan (Replacement) 1996 – 2006.

INFORMATIVES

- 1 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, further engagement with the applicant was required and the application was subsequently acceptable.
- 2 You may require Building Regulations Consent and we advise that you should contact Building Control on 01252 398715.
- 3 The applicant is advised that should the installation of services conflict with trees and root protection areas, the Tree Section of the Council would have to be approached to discuss the means of installation.

**COMMITTEE REPORT
ITEM NUMBER: 103**

APPLICATION NO.	20/01838/FUL
LOCATION	Redfields Plant Centre Bowling Alley Crondall Farnham
PROPOSAL	Retention of 2no. landscape bunds and associated proposed landscaping (part retrospective)
APPLICANT	Sam Wilson
CONSULTATIONS EXPIRY	3 September 2020
APPLICATION EXPIRY	30 September 2020
WARD	Odiham
RECOMMENDATION	Grant, subject to planning conditions.



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BACKGROUND

The application has been referred to the Committee at the request of Councillors Dorn and Crookes. They consider that there is no justification for such major earthworks and that the development would be harmful to the character and appearance of the countryside, in conflict with relevant development plan policies.

SITE DESCRIPTION

The application site lies to the south of the A287 Farnham Road, just over a mile north of the village of Crondall. The narrow frontage of the application site adjoins Bowling Alley and an unmade road running south from Bowling Alley which serves as the main access to adjoining commercial land. This unmade access road also serves as an agricultural haul road for the neighbouring commercial land. The road is separated from the adjoining commercial site by a drainage ditch, trees and shrubs.

The application site was formerly relatively flat with self-planted grass of no ecological significance and forms part of a larger agricultural parcel of land. There is a Public Right of Way (PRoW) running north-south towards the western end of this adjoining parcel of land.

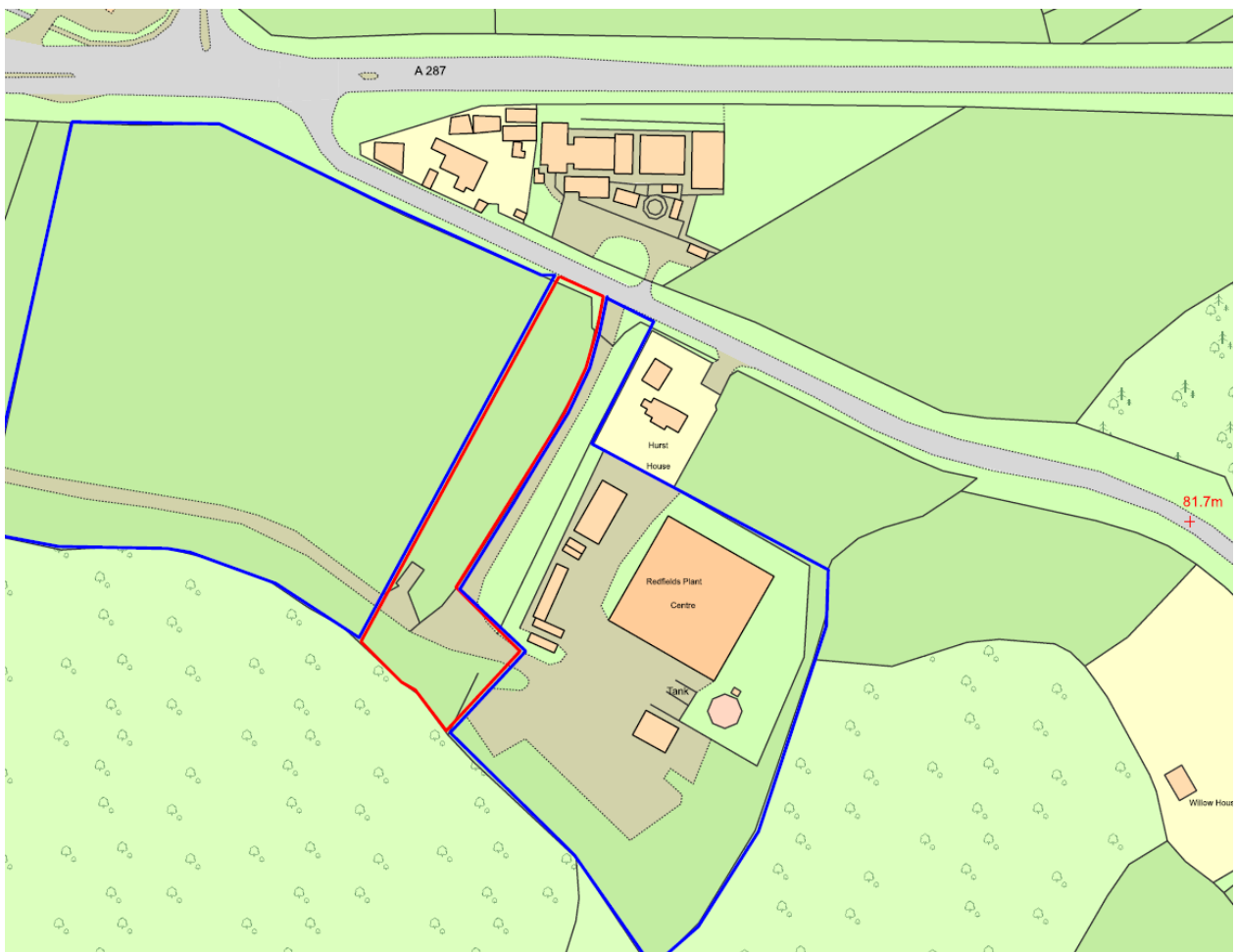




Figure 1 – Location plan & aerial of the site.

SITE/SURROUNDING DESIGNATIONS

- The site falls outside any designated settlement boundary, within the countryside.
- Adjacent land to the south is designated as a Site of Importance for Nature Conservation (SINC) - Bigdown Copse (Ancient semi-natural woodland)
- A Watercourse is in close proximity to the site running parallel to the south eastern boundary to then cross the site through the south eastern corner.

PROPOSAL

Part retrospective planning permission is being sought for the retention of 1 earth bund that has been partly constructed and it is proposed to complete this bund and to construct a second much smaller earth bund, along with soft landscaping works to both of them. The landscape proposals submitted also show additional planting to the southern boundary of the site where the second bund is proposed.

The existing bund (alongside the access road) measures 108 metres in length, 12.6 metres in width and a maximum of 2.95 metres in height.

The proposed bund would be in the southeast corner of the site and would measure 15.5 metres in length, 5.9m in width and a maximum of 2m in height.

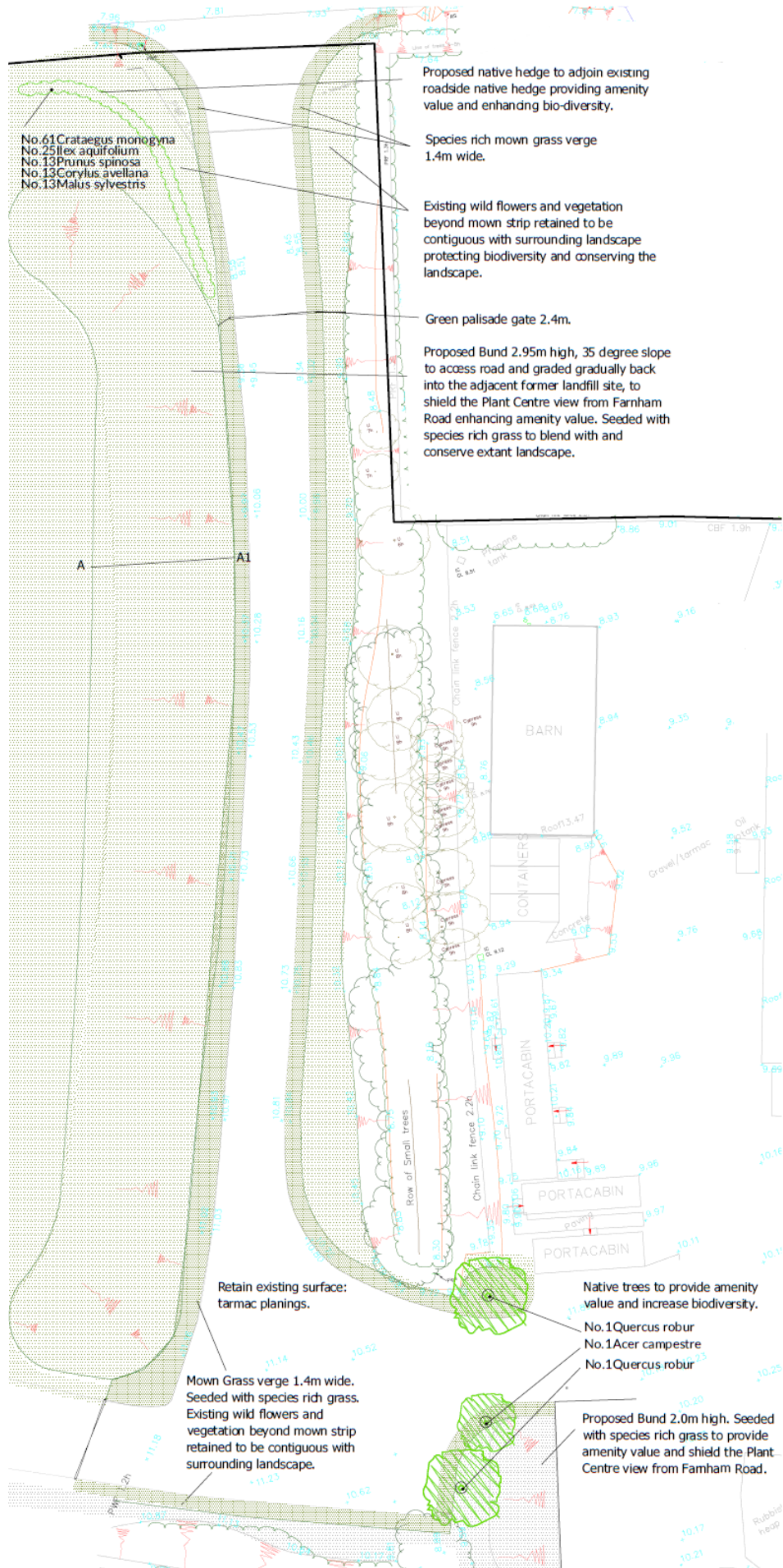


Figure 2 – Proposed site plan and landscaping

RELEVANT PLANNING HISTORY

N/A

CONSULTEES RESPONSES

Crondall Parish Council

Objection.

The current planning position of the site is unclear. Whilst this is a standalone planning application, its purpose is said to shield the Plant Centre. However, it would appear that the Plant Centre itself is not lawful:

- Planning permission 14/03075/FUL granted March 2015
- Conditions 3, 4, 5 discharged 20 July 2017
- Letter dated March 2018 submitted to discharge Conditions 9, 11 and 12 indicates that works under planning permission 14/03075/FUL were commenced after the discharge of Conditions 3, 4 and 5 so sometime between July 2017 and March 2018. Commencement was therefore unlawful
- This would indicate the works have been there for, at most, 3 years
- Operational development becomes immune after 4 years of substantial completion. The works remain unlawful

Not clear what the current activities are on the site, and CPC requests Hart to investigate that the operational development on the site is either lawful or, if not, for a full and holistic planning application submitted

Landscape Architect (Internal)

Concerns raised; the summary of comments is below.

- If the intention of the proposals is shielding the Plant Centre from Farnham Road and enhancing amenity value, then a belt of native trees would be far simpler, just as effective and have a far smaller carbon footprint to implement.
- The construction of the western bund will require approx. 3000 cubic metres of material brought onto site amounting to multiple lorry journeys. Large machinery will be needed to form and compact the bund to the proposed dimensions (soil expands by approx. 30% when it is taken out of the ground, then must be properly compacted or the bund will collapse and erode).
- Artificial bunds are not an established feature in Hart's rural landscapes whereas hedgerows and lines of trees are. Given the above the proposals are contrary to LP policy NBE2.

Tree Officer (Internal)

Concerns raised; the summary of comments is below.

- No objection to bund on the western side of the access.
- It would appear that ground levels along the eastern side of the access have been raised and I cannot recommend approval of this as it would be contrary to commonly accepted best practice.

Environmental Health (Internal)

No objection to landscape bunds, the summary of comments is below.

- Any activities such as waste processing, transferring, or recycling must be suitably licensed by either the local authority or the Environment Agency depending on specific activity undertaken. Factors such as noise, dust, and environmental impact to be taken into account prior to commencement of any licensable activities.

Ecology Consult (Internal)

No objection.

- Officer supports inclusion of native planting and creation of wild-flower meadows.

NEIGHBOUR COMMENTS

It should be noted that the statutory requirements for publicity, as set out in the DMPO 2015 (as amended) are in this case the notification of the adjoining properties or the display of a site notice. In this case the adjoining properties/owners have been notified by post. The Council's SCI has now been amended so that we are only required to carry out the statutory publicity requirements, thus in this case it was not necessary to display a site notice.

Letters to neighbouring properties were posted giving interested parties 21 days to respond. The consultation period expired on 03.09.2020. At the time of writing the officer's report there had been 15 neighbour representations received.

All the representations raised strong concerns about the commercial activities being undertaken on the land adjoining the application site to the south eastern side (outlined in blue colour on the location plan submitted). Residents object to the application based on the operations occurring on the adjoining land, which are not the subject of this application.

The number of representations raising objections to the development the subject of this application (the landscape bunds) is 7. The summary of objections is stated below.

- Landscape bunds are unnecessary.
- The bunds are becoming covered with weeds, do not provide visual amenity.
- Landscape bunds are shielding unlawful activities on adjoining land.
- There is no purpose for these bunds, the benefits seem illusory.
- Enormous earth bunds.
- Bunds are unsightly and incongruous.
- Bunds will be a blight in a beautiful landscape.

Councillor Dorn has requested the application be referred to the Planning Committee for determination, this request has been supported by Councillor Crookes. The full comments raised by Councillor Dorn are stated below.

- The purpose of the bund is said to provide screening for the plant centre but as the Landscape architect notes, this could be achieved by trees.
- The mounds would not "shield" the Plant Centre but would shield public viewing of the actual activities on the site which we have deep suspicions of.
- There is no justification for such major earthworks. This is a soil dump and other excuses are not convincing.
- Policy NBE1. While NBE1 is noted as a consideration, there is no discussion about the compliance or otherwise with NBE1. Since this is "development" (as per the definitions within the Hart Local Plan - HLP) in the most direct and industrial manner ("engineering"), NBE1 does not provide any relief that might justify this. This is a fundamental non-compliance, and the application should fail at this stage.
- The bund is not a natural feature and hence is contrary to NBE2.
- This is especially true of the scale of the Bunds in relation to existing hedges, fences and ground features.
- A fence or wall of similar height would be unacceptable and sheer massing of the bund design shows that it would be even less acceptable.
- The bunds would be placed on rising ground (8m->11m) to the south of Bowling Alley, starting with a 3m bund (+ plant heights) only 13m from the edge of the road and hence will be extremely visually intrusive in the landscape.
- The treatment of NBE2 should be compared with the recent refusal of the Car Showroom opposite this location (19/02591/FUL) where similar and unattractive non-compliances with NPPF paragraphs 127 & 177 were noted, along with negative ecological assessments.
- NBE4. Given that this is an ancient area, it appears that no bio-diversity surveys have been undertaken or reported. Hence the compliance with NBE4 is at best unclear. But dumping ~1,800cubic-metres of soil on an area is unlikely to fulfil NBE4-c in enhancing the biodiversity. Compliance with NBE4 is not addressed in the report or the application. Linked to this NPPF paragraph 170d requires net gains for biodiversity.
- Crondall Neighbourhood Plan. This has "considerable" weight while it awaits referendum and therefore should be considered. Policy 6 includes "Development should respect important views and the distinctive local character of the Neighbourhood Area's landscape". This strengthens the case against NBE2 and NBE4 where the proposal has significant negative features. These harms are not offset by any over-riding need.

All the representations received have been taken into account, the matters raised are discussed below under the respective subheadings.

CONSIDERATIONS

1. Planning Policy
2. Principle of Development
3. Character and Visual Landscape of the Countryside
4. Flooding
5. Biodiversity/ Ecology
6. Other matters

1. PLANNING POLICY

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), saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HDLP06) and Draft Crondall Neighbourhood Plan. Adopted and saved policies are up-to-date and consistent with the NPPF (2019).

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

SD1 – Sustainable Development
NBE1 - Development in the Countryside
NBE2 - Landscape
NBE4 - Biodiversity
NBE5 - Managing Flood Risk

Saved Policies of the Hart District Council Local Plan (Replacement) 1996 - 2006 (DLP06)

GEN1 General Policy for Development
CON8 Trees, Woodland and Hedgerows: Amenity Value
CON23 Development affecting Public Rights of Way

Draft Crondall Neighbourhood Plan 2017-2032 (DCNP)

Policy 6 - The Natural Environment

Other relevant material considerations

National Planning Policy Framework 2019 (NPPF)
Planning Practice Guidance (PPG)
Hart District Landscape Assessment (1997)
Hampshire Integrated Landscape Character Assessment (2012)

2. PRINCIPLE OF DEVELOPMENT

The application site is located in the countryside, on land outside any designated settlement boundaries as defined by the HLP32. Policy NBE1 seeks to manage development in the countryside.

Adopted policy NBE1 contains 14 criteria of which all but 2 refer to development in the form of buildings, the same can be said for the supporting text of the policy. From the remaining two criteria, one refers to operational development in institutional facilities and the other simply to development on previously developed land. Whilst these policy criteria allowing for development are comprehensive, they are not an exhaustive list of development that may or may not occur in the countryside.

The type development proposed in this application is not specifically referred to in policy NBE1. However, this does not mean that it is contrary in principle to this policy or the development plan. Policy SD1 is a general policy that states that when considering planning applications, the Council will apply the presumption in favour of sustainable development; this policy mirrors the requirements of the NPPF. This policy states:

Where there are no policies relevant to the application or the most relevant policies are out of

date at the time of making the decision, the Council will grant permission unless:

- a) The application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

With regards to conserving and enhancing the natural environment, paragraph 170 of the NPPF requires that planning decisions should contribute to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Therefore, the ultimate acceptability of the proposal would depend on the specifics of the proposal, the impacts arising from it and compliance with other relevant planning policies or otherwise.

3. CHARACTER AND VISUAL LANDSCAPE OF THE COUNTRYSIDE

HLP32 Policy NBE2 (Landscape) seeks to achieve development proposals that respect and wherever possible enhance the special characteristics, value, or visual amenity of the District's landscapes.

This policy contains five criteria to assess development proposals in relation to landscape impacts. It states that development proposal would be supported where there is no adverse impact to:

- a) the particular qualities identified within the relevant landscape character assessments and relevant guidance;
- b) the visual amenity and scenic quality of the landscape;
- c) historic landscapes, parks, gardens and features;
- d) important local, natural and historic features such as trees, woodlands, hedgerows, water features e.g. rivers and other landscape features and their function as ecological networks; and
- e) it does not lead to the physical or visual coalescence of settlements, or damage their separate identity, either individually or cumulatively with other existing or proposed development.

It also states that, where appropriate, proposals will be required to include a comprehensive landscaping scheme to ensure that the development would successfully integrate with the landscape and surroundings. Each of these criteria are dealt with in turn below.

- a) Impacts to landscape qualities identified in landscape character assessments.

The summary of relevant characteristics identified in the Hart Landscape Assessment (Character Area 15 – Hart Downs) are:

- typical chalk scenery, with strongly rolling landforms, smoothly hilltops and dry valleys;
- a dominance of intensive arable cultivation and weak hedgerow structure on the flatter hilltops and shallower slopes at the edge of the chalk, which creates a large-scale, predominantly open landscape with extensive views and a sense of exposure;

- scattered blocks of woodland and a stronger hedgerow structure in the central and southern parts of the downs, particularly on the steeper slopes and in the valleys, which provide some shelter and contain longer-distance views;
- a rural character with few detracting influences, except for the buildings, lights, security fencing and activity associated with Odiham airfield, traffic along the B3349, and the prominent overhead power lines which march across the downs;
- a network of minor roads crossing the downs, with an unspoilt and rural character.

The bunds would not materially affect the above qualities in the locality due to their small scale in relation to the wider open nature and undulating characteristics of the landscape area and adjoining parcels of land.

Mature trees/hedgerows on the perimeter of the site and those framing adjoining parcels of land would not be affected. Equally the landscape quality of the woodland to the south of the site would remain unaffected by the proposal.

Therefore, the proposed development would not conflict with this criterion.

b) Impacts to the visual amenity and scenic quality of the landscape

The area where the site is located comprises Bowling Alley and Mill Lane which have historically been occupied by small scale dispersed development. There are several farms and well separated small-scale dwellings. There is a car show room/garage repair business and adjoining petrol station, both adjoining the A287 to the north, located within the settlement boundary of Mill Lane (at a short distance from the application site) and there is also the significant intrusion of the A287 in the area.

Other than the above developments the area is largely characterised by green parcels of land with a gentle undulation. The parcels are demarcated by tree belts and to the south of the A287 there are large, wooded areas.

It is acknowledged that bunds are man-made landscape features, and they are not prevalent in the area. The landscape bunds subject to this application would not however have a demonstrable impact in the wider countryside or visual landscape of the area. The main visual perception of the existing bund, that runs along the unmade access road, occurs when driving along Bowling Alley. Nevertheless, when landscaped, it would be a neutral feature in the landscape and the wider countryside.

As such the proposed development would not conflict with this criterion.

c) Impacts to historic landscapes, parks, gardens, and features.

Neither the site nor the immediate surroundings have any historic significance or are designated as such. Therefore, the development proposal would not create any such impacts.

d) Impacts to important local, natural, and historic features (trees, woodlands, hedgerows, water features) and their function as ecological networks;

The proposed bunds would not affect such landscape features and there is no river in proximity to the site. There is a watercourse running through the site however no undue harm is anticipated as a result of the bunds, subject to appropriate controls imposed through a planning condition. In terms of impacts on ecology, the Ecology officer has raised no concerns to this proposal.

e) Impacts leading to the physical or visual coalescence of settlements.

The bunds subject to this application would not give rise to such impacts between nearby settlements (Cron dall and Mill Lane). The introduction of the bunds proposed on land located between these two settlements would not cause any material impact in terms of visual or physical coalescence. They would appear as natural grassed features (despite being man-made) integrated into the wider landscape of the locality.

It is clear that policy NBE2 must be considered specifically in the light of the above criteria within the policy. The proposal would not conflict with any of these criteria. The landscape bunds would blend with the surroundings when landscaped. Accordingly, it is not possible to identify a conflict with the policy.

Although, the Landscape Officer has expressed that tree planting may be preferable to bunds; that doesn't make the development unacceptable or contrary to policy. The Council has to consider the application and development that is in front of them and as discussed above the proposal would not conflict with policy NBE2.

Furthermore, the applicant has given his reasons for the use of the bunds to screen of the adjoining site and operations, which has not been contested. He has stated the following:

'It is to provide security from users of the A287. The business uses a variety of expensive machinery, equipment and landscaping materials which are often the target for theft, especially when stored in close proximity to a trunk road.'

'The bunds provide 'instant' and attractive green screening, shielding the yard from distant views. The planting scheme has been purposefully designed by qualified landscape architects to form an attractive screen comprising appropriate plant species for such a feature.'

The objections received state that the bunds are contrary to adopted policy NBE2 because they are not a natural feature, due to their scale in relation to surrounding features (hedges and fences) and excessive visual intrusion in the landscape.

However, landscaped bunds are features that can be acceptable in both natural or man-made landscapes if suitably integrated. In this case the bunds are proposed to feature rich grass which once established would blend them into the surrounding landscape in an acceptable manner.

In terms of scale, the largest bund measures a maximum of 2.95m in height and spans along the length of an unmade track (108m in length approximately) leading to the adjoining land (Redfield's Centre). This bund starts rising 10m away from Bowling Alley. Bowling Alley is a rural road and does not feature any pavements or infrastructure for pedestrians/cyclists.

The largest bund is visible, at short distance, by drivers passing by or employees/visitors to the Kennels/Cattery opposite when driving in/out of this adjoining business. Nonetheless, the area is open countryside and therefore the height and length of the bund would not appear

overbearing, particularly because it would be seen in the context of dense trees in the immediate surroundings that are as high as the bunds or even higher (Refer to Figure 3 below).



Figure 3 - View of partly completed bund from Bowling Alley

Furthermore, Policy 6 of the Draft Crondall Neighbourhood Plan (DCNP) states that development proposals in the natural environment should comply with specific principles, the ones relevant to landscape are:

- *They do not adversely affect the distinctive local character of the open landscapes of the Parish or harm valued public views and vistas;*
- *They protect and where possible enhance footpaths and public rights of way;*

The bunds would not affect the local open character of the area as previously discussed. There are no valued vistas designated concerning the land surrounding the application site or towards the application site. The bunds would not cause any demonstrable effect to the amenity of any PRow.

The impacts on the surrounding area, once the existing largest bund and the proposed bund of modest size are fully completed and landscaped, would be negligible (Figure 4 below shows it is largely imperceptible). The subject bunds once fully landscaped would not cause any material harm to the countryside or surrounding landscape.

There is a Public Right of Way (PRow) that runs in a north-south direction and is almost parallel to the largest bund. At its closest, this PRow is at a distance of 100m and it is noted that the section of the bund facing west would feature a gradual slope. Therefore, given the distance, the gradual slope of the bund facing the PRow and the landscaping that would be undertaken, there would not be any detrimental changes to the amenity of this nearby PRow

(Refer to Figure 4 below, the bund would fully blend into the landscape once fully landscaped).



Figure 4 - View of the existing bund from the access to the PRoW on Farnham Road (A287).

Hence given the above, no material conflict is found with adopted policy NBE2 of the adopted HLP32, saved policies GEN1 and CON23 of the DLP06, Policy 6 of the DCNP nor the NPPF in this regard.

4. FLOODING

In terms of flooding, in discussions with the Infrastructure Officer from the Council, the existing bund adjoining the unmade access road would not present any concerns as it would be permeable and allow rain/surface water to filter through. It would not affect a watercourse running along the other side of the unmade access road as it is at a reasonable distance from it.

However, the second bund (of smaller scale) not yet formed and proposed on the south eastern corner of the application site would potentially interfere with the watercourse that adjoins the unmade access road. The water course runs along Bowling Alley and turns in a north/south direction running parallel to the application site at a short distance. However, it is culverted to allow access to the adjoining commercial site, to then continue south past the application site to the adjoining SINC where there is an area that is subject to a high extent of surface water flooding (high velocity/depth).

Thus, it would be imperative that the bund proposed in the south eastern corner of the site does not impede the watercourse in any way and allows for the free flow of surface water. As such it is considered relevant to impose a planning condition to submit construction details to demonstrate the preventative measures that would be taken to avoid the bund interfering with the watercourse before it is constructed. As such, subject to a planning condition, the development would comply with policy NBE5 of the HLP32, policy 6 of the DCNP and the NPPF.

4. BIODIVERSITY/ ECOLOGY/TREES

The Ecology/Biodiversity Officer from the Council was consulted on this application (reported above) and raised no concerns on either of these grounds. He supported the proposed landscaping of the bunds with native planting and wildflowers.

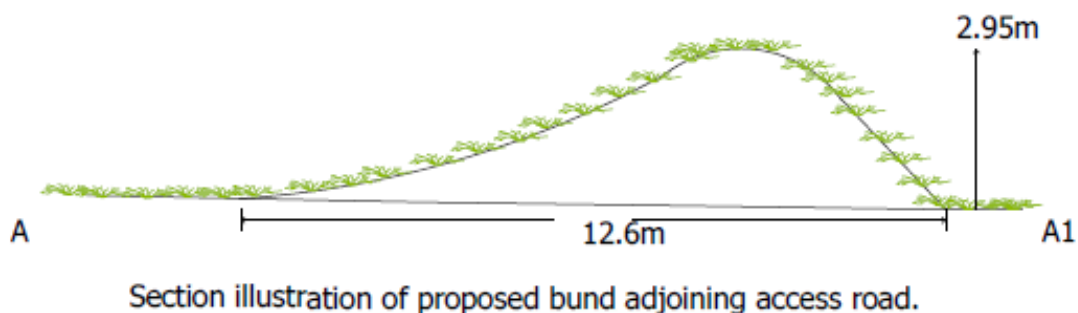


Figure 5 – Bund section.

The objections received also raise strong concerns about biodiversity and ecology. They state that there were no surveys undertaken and submitted, hence compliance with adopted policy NBE4 is unclear. The concerns raised also mention that the dumping of 1800 cubic metres of soil is unlikely to enhance biodiversity and fulfil policy NBE4 (c).

However, given the Ecology/Biodiversity Officer provided his professional opinion and raised no concerns, it is not considered that the development is unacceptable on these grounds.

It is noted the Tree Officer raised concerns about changes to ground levels along the eastern side of the access road. However, from the site inspection undertaken at the end of September and in November 2020, no changes to ground levels were visible. The land adjoining the eastern side of the access road featured untidy vegetation adjoining the large trees that are visible in that area.

The development does not, therefore, raise any material conflict with the objectives of policy NBE4 of the HLP32, saved policy CON8 of the DLP06, policy 6 of the DCNP or the NPPF in this regard.

6. OTHER MATTERS

It is also noted objections state that the unacceptability of the bunds is equal or greater to the installation of fencing/wall of similar height in the subject location. The comments also refer to a refusal of planning permission for a car showroom/garage building on another site in the vicinity mentioning that the bunds are equally non-compliant to NPPF paragraphs 127 and 177.

However, it is considered that the landscape bunds subject to this application can neither be compared to a building nor to a fence/wall, even if they have a similar height. They are materially different developments. In any case each application has to be assessed on its own merits and officers are simply assessing the development that is before the Council for consideration.

The works would not have any implications in terms of design, neighbours' amenity or parking/highways.

In terms of the objections and concerns of the neighbours that were received, all are duly noted. They mainly concern the commercial activities taking place on adjoining land and on that basis alone, they raise an objection to the proposal. This is a separate matter to the considerations relating to this application and there are ongoing enforcement investigations which are being undertaken not only by Hart District Council but also by Hampshire County Council, as the waste authority. Therefore, the land use currently in operation on this adjoining land does not have any bearing on the consideration of this application.

Finally, it is noted the construction of the bunds (the existing and the one not yet constructed), would use an inert material by-product of the material crushing operations in the adjoining business.

Having sought advice from the Environmental Section from Hampshire County Council (HCC) about the adequacy/suitability of inert material for landscape features, they advised that such material is not hazardous or polluting in its chemical composition. Regardless of the planning status of the adjoining land and operations, HCC has advised that the adjoining operations are covered by a permit from the Environment Agency and the by-product is suitable for engineering and landscaping works.

HCC has also advised that it is common for such a by-product to be used in restoration of landfill sites and bund construction. An important detail in landscaped bunds is that the top surface of the bunds contains clean material free from large solid objects to a sufficient depth to allow the landscaping to establish (e.g. approximately 250mm for grass/wildflowers or approximately 1000mm or more for trees/shrubs).

HCC has advised that several sites in the District have made use of crushed inert material for different purposes. The Peacocks Nursery was restored using material recycled, the Chandlers Farm quarry restoration at Eversley utilises recycled material and the large screening bunds along the A327 for the Collards Secondary Aggregate Recycling Facility at Heath Warren (just to the south of Eversley) were constructed similarly.

Therefore, given the advice provided by officers from Hampshire County Council, the use of inert material for the bunds would not raise any environmental concern and therefore the development would be acceptable in this respect.

CONCLUSION

This application must be determined in accordance with the policies of the development plan unless any material planning considerations indicate otherwise. The part retention of the development carried out on site so far and the remaining elements that are proposed (second bund and soft landscaping works) would not have a discernible impact on the wider countryside or the visual landscape of the area.

Landscaped bunds are features that can be acceptable in both natural and man-made landscapes if suitably integrated. In this case the mounds are proposed to feature rich grass, which once established would blend them into the surrounding landscape in an acceptable manner.

In terms of flooding, the second bund (of smaller scale) not yet formed could potentially impact on the watercourse that adjoins the unmade access road. However, imposing a planning condition to require the submission of construction details of the bund to demonstrate the preventative measures that would be taken to avoid any interference with the watercourse would address any potential technical issue.

The proposal would not result in undue harm to amenity of the nearby PRoW, ecology/biodiversity, highways nor neighbours. As such officers find no material conflict with policies of the adopted HLP32, the DCNP or the NPPF. However, it is necessary to impose conditions to secure the soft landscaping that is proposed and also to ensure the watercourse crossing the south-eastern corner of the site is not blocked or interfered with so that surface water flows are not interrupted.

RECOMMENDATION – Grant, subject to planning conditions.

CONDITIONS

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

- 103-270720 (Proposed Landscape Plan)

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

2. The existing bund shall be landscaped in accordance with the landscaping scheme hereby approved in the next planting season following this planning approval.

REASON: To ensure the development is adequately landscaped in the interest of visual landscape and the character of the surrounding countryside, in accordance with policy NBE2 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, policy GEN1 of the saved Hart District Local Plan (Replacement) 1996-2006 and section 15 of the NPPF.

3. Following the implementation of the soft landscaping works hereby approved, any vegetation which dies or becomes damaged or otherwise defective within the five-year period, following the completion of the development, shall be replaced not later than the end of the following planting season, with planting of similar size, species, number and positions.

REASON: To ensure the development is adequately landscaped in the interest of visual landscape and the character of the surrounding countryside, in accordance with policy NBE2 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, policy GEN1 of the saved Hart District Local Plan (Replacement) 1996-2006 and section 15 of the NPPF.

4. No work shall take place in relation to the construction of the bund in the south-eastern corner of the site, until and unless detailed plans of the existing and proposed

surface water drainage proposals for this part of the site have been first submitted to and approved in writing by the Local Planning Authority.

The bund shall be constructed in accordance with the approved details and shall have no impact on surface water drainage in this area of the site.

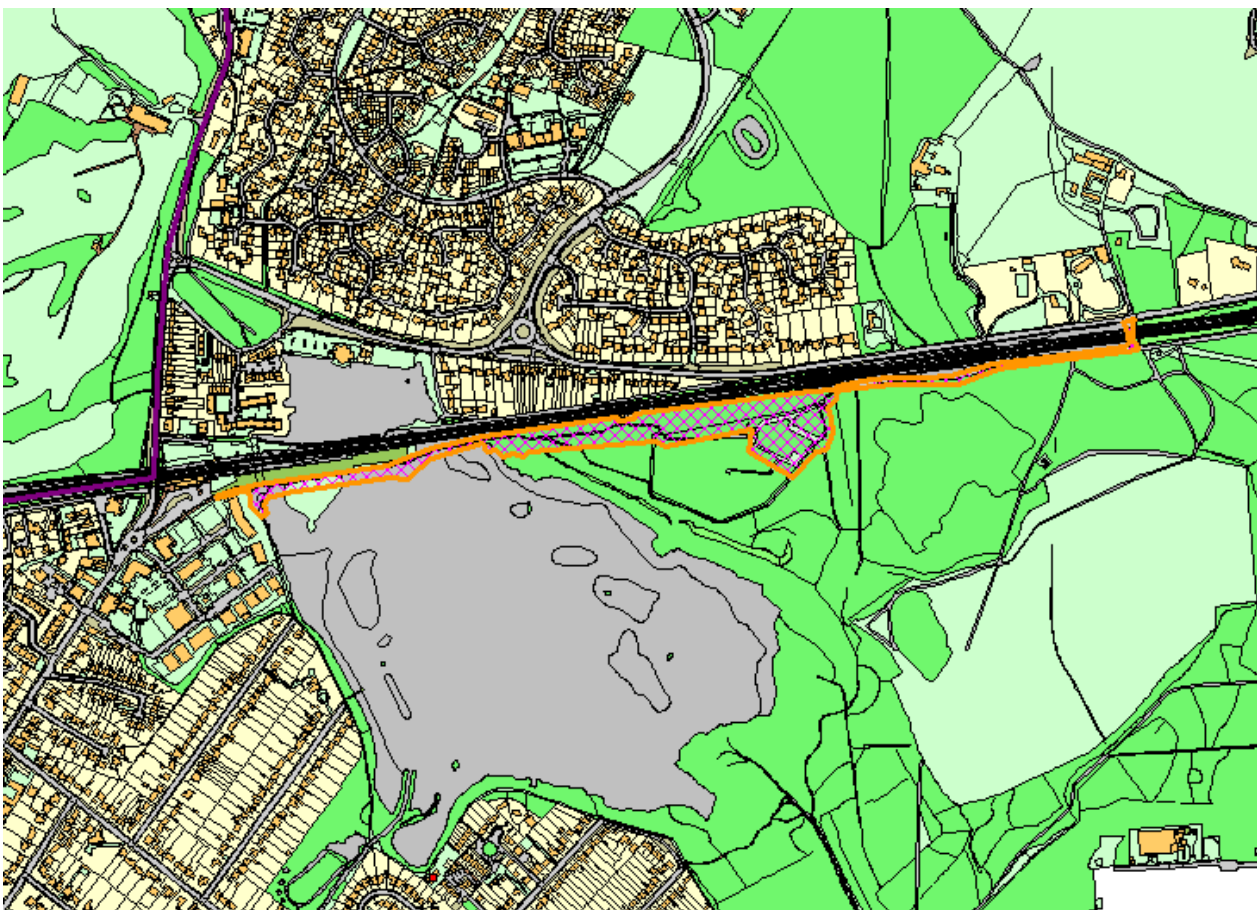
REASON: To minimise the risk of surface water flooding on the site and adjoining land in accordance with policy NBE5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the section 14 of the NPPF.

INFORMATIVE

1. 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: 104**

APPLICATION NO.	20/03004/FUL
LOCATION	Countryside Services Workshop Old Pump House Close Fleet GU51 3DN
PROPOSAL	Widening of the northern footway and the provision of a slipway from Boathouse Corner
APPLICANT	Hart District Council
CONSULTATIONS EXPIRY	11 January 2021
APPLICATION EXPIRY	5 February 2021
WARD	Fleet East Ward
RECOMMENDATION	Grant, subject to planning conditions



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BACKGROUND

The application is being presented at Planning Committee as Hart District Council (HDC) is the applicant.

Additional information has been submitted to address the concerns raised by the Environment Agency.

THE SITE

The application site forms the northern part of Fleet Pond which is designated as a Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR). The site is located to the southern side of Fleet Station railway line and to the east of Fleet Road A3013.

Fleet Pond is a freshwater lake and the LNR comprises of 54.6 hectares (141 acres) of varied habitats. The pond itself occupies approximately half of this area. The surrounding land features heathland, woodland, reed bed and marsh.



Figure 1 -Location Plan

The SSSI designation was first made in 1951 and was subsequently re-designated in 1984. The site was declared a LNR in 1977 and this designation covers the same area as the SSSI designation. The pond is the largest freshwater pond in Hampshire and supports an extensive variety of different habitats and species of flora and fauna including some that are rare species.

The pond is also a designated reservoir owned and managed by HDC in partnership with the Fleet Pond Society (FPS).

To the west and east of the site are residential areas, to the south-west is the Waterfront Business Park, to the immediate north is Fleet Railway Station and the railway line and

residential properties beyond.

Currently there is a permissive path along the northern edge of the Pond with both pedestrians and cyclists allowed to use this route. This path links to national cycle routes both at the Train station (linking to Fleet) and linking through to Farnborough.

PROPOSAL

Planning permission is being sought for the widening of the northern path and the provision of a slipway from Boathouse Corner.

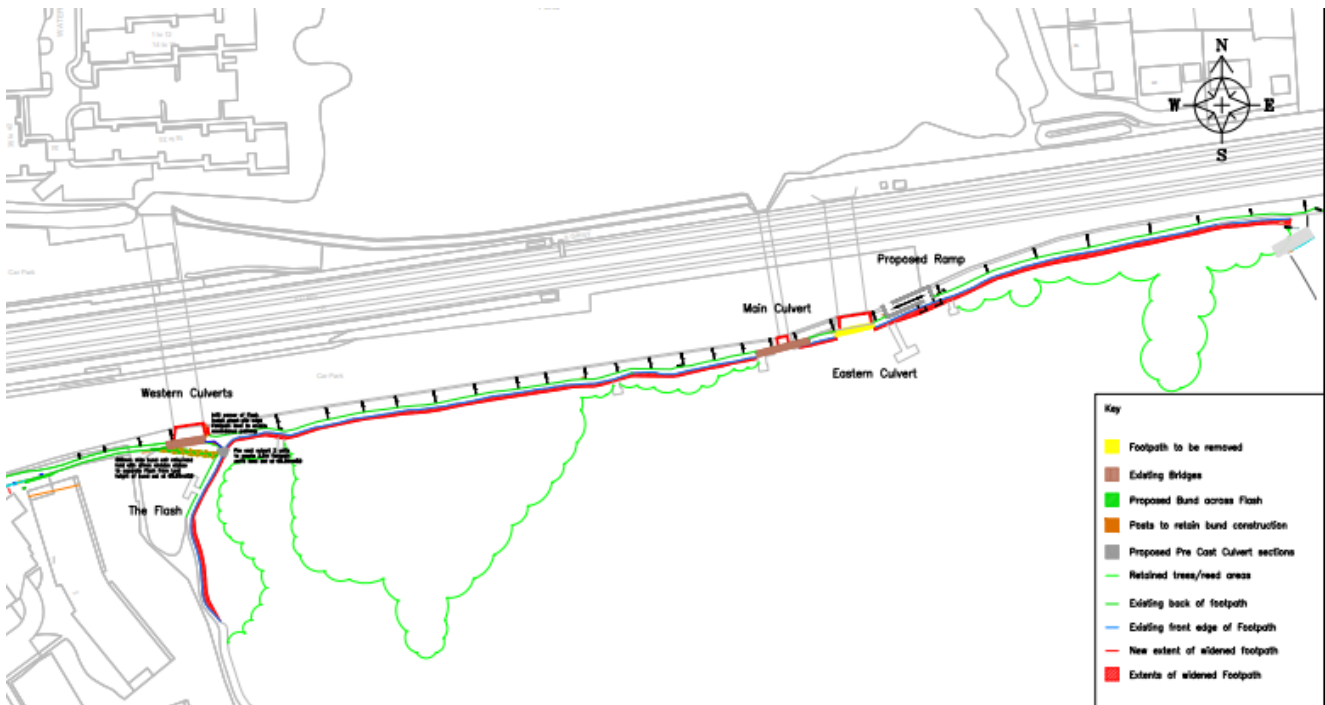


Figure 2 – Proposed Site Plan

The principal of the enhanced footpath and cycleway connecting Hartland Village and Fleet Train Station was agreed at the time of determining the application at Hartland Village, and would also form the first part of the Council's Green Grid strategy. The works would be part funded by S106 contributions from the Hartland Village development and also a contribution from the M3 Local Enterprise Partnership.

As Fleet Pond is a designated Reservoir the applicant is also proposing to undertake works which are required to ensure Fleet Pond's function as a reservoir can continue to be met.

The proposed works would include the following:

- Northern path widening which would include a new slipway and a proposed access ramp to the Fleet Train Station the raising of the path to the Eastern section between the quay and Eastern culvert and the future installation of the access ramp to the station will allow greater access to Fleet pond.
- The path across the eastern culverts would be removed to allow uninterrupted flow to the culverts. The path would be replaced a bridge would be placed across the void with a soffit height of 68.25m AOD. It is proposed to widen the existing path from the quay to the eastern culverts to 3m wide and to raise the path to 68.25m AOD so the

path stays dry up to the 1;150++CC flood event within Fleet Pond. The section of the northern path from the eastern culverts to the Flash would only be widened to 2.5m and existing levels would be maintained and only adjusted to ensure the path is smoother.

- Where the western and northern paths meet it is proposed this would be removed and precast concrete culvert sections would be installed to allow a minimum flow of 1 m³/s through the culvert for uninterrupted flow to the western culverts. A new surface would be laid on top of the culvert sections and the existing path would be designed to accommodate an exceedance flow path to ensure water can flow to the western culvert.
- Dwell points, information boards and staggered gateways would be introduced at three key points; where western path meets northern path, staggered gateway features at the proposed ramp to the Eastern Culverts to slow users of the path and manage cycling users of the path.

The proposed materials are as follows:

- Backfill material - The backfill material to be used will be a 20mm nominal size aggregate
- Surfacing material - The proposed surfacing material for the path is to use CEMEX Harmer Warren self-binding gravel and MOT Type 1
- Sheet piling - The path edge along its whole length would be constructed using sheet piling, but where sections of path are exposed to views across the pond, staked coir rolls will be laid on a faggot bed to provide a softer engineered finish
- Coir Rolls (unplanted) would be used along the majority of the path works to soften the edge of the sheet piling.
- Timber Fenders will be used to face any concrete foundations for the new bridge to match the existing fenders on the abutments of the bridge across the main culvert.

The area would be closed to the public throughout the construction period.

The new widened route would be a shared surface would still remain accessible for all users including pedestrians, cyclists and wheelchair users.

RELEVANT PLANNING HISTORY

None

CONSULTEES RESPONSES

Fleet Town Council: Objection

First and foremost, the Fleet Pond Area is a SSSI and a Nature Reserve an important environmental site for Fleet. Under Section 15 of the NPPF decisions should contribute to and enhance the natural and local environment by 170d) minimising impacts on and providing net gains for biodiversity'. The proposed scheme seriously negatively impacts on local biodiversity. Legislation is in process to require projects to generate a minimum of 10% increase In biodiversity.

The edge of the new path is contained by sheet piling which will give the pond a hard edge

for some considerable time and it is not obvious that there will be any extensive replanting to recover the natural edge to the path. Totally out of keeping with the SSSI status of the pond and that it is nature reserve.

This path is overly engineered and distracts from the natural appeal of the pond area.

The loss of trees will make the car park structure more visible and destroy a significant view across the pond.

If the primary reason for the works is accessibility from Hartland Village it should not be to the detriment of a SSSI and a nature reserve.

Its value as part of a Green Grid is not appreciated as it does not provide a wildlife corridor, potentially the reverse.

It looks as if the timing of construction has missed a window of opportunity and the works if approved should be delayed.

Real value of the pond is the open water vista and so compensation by developing an open water area within the marginal reeds does not compensate for the loss of the impact of open water.

Hampshire County Council (Highways):

There is no objection to the proposals from a highway perspective.

All works are contained within private (non-HCC owned) land, and are a betterment of existing facilities, rather than a generator of new users that may otherwise have generated additional highway trips.

Environment Agency:

Object to the proposed development as submitted due to the adverse impact it would have on nature conservation and Fleet Pond. Fleet Pond has several habitats listed of 'principal importance' (for example: eutrophic standing water, reed bed, wet woodland) in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, and these are all interest features listed in the Fleet Pond SSSI citation.

The proposed development involves significant hard engineering of natural bank which will adversely impact the ecological functioning of the lake ecosystem.

The submitted planning application and associated documents indicate that the installation of sheet piling and changes banks of Fleet Pond and will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016. This is unlikely to be granted for the current proposal.

We therefore recommend that planning permission is refused, due to the impacts on nature conservation and physical habitats.

It may be possible to overcome our objection by submitting justification for bank protection. Any scheme should avoid the use of hard engineering of banks. The scheme should utilise softer and more sustainable methods to retain the bank line and support the footpath. This could form part of the net gain in biodiversity provision for this development.

Environmental Health (Internal):

No objection subject to conditions

The project poses the potential to cause adverse impacts on neighbouring uses during the construction phase. I have reviewed the submitted Construction Environmental Management Plan and note in particular, the reference to sheet piling and I also note that decisions have not yet been made regarding construction methods and mitigation although the Plan references these as being considerations. I would recommend that the Local Planning Authority should require specific details of the higher risk activities with the potential for causing significant impact and mitigation to be submitted for approval once the construction methodology has reached a more mature phase. The simplest approach would be to require approval of an updated CEMP which is anticipated in the documentation once main contractors are appointed. I would recommend therefore, that any consent is subject to conditions.

Ecology Consult (Internal)

No objection

Tree Officer (Internal):

No objection

Notes that several trees require removal to facilitate the proposed development.

G27 (group of B Category oak) is the most significant. These trees are some of the larger trees along the embankment, visible from the adjacent path and from footpath on the other side of the Pond. These trees provide partial screening of the nearest corner of the car park building. The loss of these trees would remove this section of screening. Given the position of the proposed walkway, replacement planting would not be possible in this location.

Other trees to be removed are of low individual quality. These trees include T5 (alder), T7 (alder), T24 (oak), T25 (oak), T26 (oak), T28 (hazel), T29 (alder), T37 (alder) and T38 (alder). A section of G50 (willow, alder) requires partial removal. Several of these trees would be expected to be removed as part of routine tree management around the pond, although not necessarily in the immediate future. T24-28 comprise of trees in front of the "yard" area of the railway station. These trees provide minor screening of the eastern elevation of the car park as viewed from the footpath on approach from the east. The others are intermittent trees to the south of the existing path. These trees (and part of G50) are within or immediately adjacent to the proposed path therefore require removal to allow its construction. This is a thin section of wet woodland which would naturally fall, regenerate and succeed from pond habitat into terrestrial habitat (ultimately, broadleaved woodland). This process will readily continue if the proposal is implemented.

Many trees require minor pruning works, mostly crownlifting, to enable contractor access beneath. The minor pruning works are of little significance either in terms of tree health or visual amenity.

There will be some loss of amenity caused mainly by the loss of G27. As above, replacement planting would not be possible in the same location. Despite this, the improved access has its own benefits which will need to be balanced by the Case Officer.

Should permission be granted, please ensure that a condition is applied requiring that works are carried out in accordance with the RMT Tree Consultancy Arboricultural Method Statement and Tree Protection Plan ref: RMT574.

Natural England:

No objection subject to conditions

Consider that without appropriate mitigation the application would:

- Damage or destroy the interest features for which Fleet Pond Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- The advice detailed within the letter from Natural England dated 23.3.20 and referenced 306402 DAS Pre-App Call, subsequent 'Northern Path Mitigation Overview' document and 'Tabulated DAS Discussion Results'.

Advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Further Comments received on 06.01.2021

State that it has been brought to Natural England's attention that the works are planned to take place during the bird nesting season. The DAS discussion held in March 2020 advised the works be done over the winter, and outside of the nesting season. There could therefore currently be potential impacts from the construction phase during the summer on the bird populations. Whilst the bird populations are not a notified feature of the SSSI according to the FCT and DS views, they are mentioned on the citation for the SSSI and should therefore be taken into consideration.

Would therefore like to reiterate our advice given in our DAS letter as to the timings of the proposed works.

NEIGHBOUR COMMENTS

With regards to the comment about lack of neighbour notification and site notice, the Statutory requirements for publicity are set out in The Town and Country Planning (Development Management Procedure) (England) Order) 2015 (as amended) and are in this case the notification of the adjoining properties or the display of a site notice. In this case the adjoining properties/owners were notified by post. In addition, due to COVID19 pandemic movement restrictions, the Council's Statement of Community Involvement was amended such that Hart District Council are only required to carry out the Statutory publicity requirements so in this case it was not necessary to display a site notice. The consultation period as set in the "neighbour notification letters" ran between 14.12.2020 and 11.01.2020.

39no. letters of objection have been received, including representations from the Fleet Pond Society and the Fleet and Church Crookham Society, in which the following summarised planning-related comments were raised:

- Lack of notification or consultation
- Loss of tree and habitat
- Loss of natural screening to the car park and extensive border of steel piling will create a linear and unnatural and hard border that will be visible from multiple aspects from around the nature reserve
- Proposed edging is out of keeping and highly visible
- Timing of the proposed works inappropriate as it would be during bird and fish breeding season
- No need for further works required to ramp at the western end of the car park
- Widening will generate additional users at the cost of wildlife

- Proposal will affect the SSSI status of the Pond
- How does the proposal meet the Biodiversity Net Gain laid out in the National Planning Policy Framework
- Widening of footpaths might attract reckless use of bikes and motorbikes and influx of people
- Some of the documentation is incomplete and appears to be draft
- Lack of like for like re-compensation for lost habitat

CONSIDERATIONS

1. Planning Policy.
2. Principle of Development.
3. Design and Impact on Character of the Area.
4. Impact on Neighbour amenity.
5. Accessibility/Movement.
6. Flooding and drainage.
7. Trees and Landscaping.
8. Ecology and Biodiversity.

1. PLANNING POLICY

Section 70 of the Town and Country Planning Act 1990 and 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications are determined in accordance with the development plan unless other material considerations indicate otherwise. The National Planning Policy Framework is also a material planning consideration.

National Planning Policy Framework (NPPF) FEB 2019]

2 - Achieving sustainable development

4 - Decision making

12 - Achieving well-designed places

14 - Meeting the challenge of climate change, flooding and coastal change

15 - Conserving and enhancing the natural environment

16 - Conserving and enhancing the historic environment

In Hart the Development Plan comprises:

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

SD1 - Sustainable Development

NBE4 - Biodiversity

NBE5 - Managing Flood Risk

NBE8 - Historic Environment

NBE9 - Design

NBE11 - Pollution

INF2 - Green Infrastructure Network

INF4 - Open space, sport and recreation

Saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP 06)

GEN 1 - General policy for development

CON 7 - Riverine Environments

CON8 - Trees, Woodland & Hedgerows: Amenity Value

RUR 1 - Definition of areas covered by RUR policies

Fleet Neighbourhood Plan

Policy 10 (General Design Management Policy) contains several general design principles amongst the following:

- Development shall seek to retain existing mature hedging and established trees and to enhance landscaping including providing SUDS where appropriate to provide for biodiversity and to also help manage surface water runoff sustainably. Where loss of significant amenity trees is justified, compensation planting must be provided to mitigate their loss.
- Development shall integrate wherever possible with existing pathways and cycleways and should not restrict transit for cyclists or pedestrians, including those with limited mobility.
- In relation to flooding, development shall create a safe environment for all uses and not increase off-site flood risk. In areas where surface water flooding is a problem "Finished Floor Levels" may need to be raised and/or Passive Property Level Protection measures installed to minimise the risk of internal flooding. The use of SUDS as a form of flood risk management will be supported where circumstances of the proposed development make such an approach both appropriate and practicable.

Corporate Policy

Hart District Council Vision 2040: Theme 1 – Be the place to live, work and enjoy
Theme 3 – Enhance the Environment to live in, work in and enjoy

2. Principle of Development

The site is located outside the settlement policy boundary of Fleet, as defined within the Hart Local Plan 2032. The proposed works however relate to improvement works to an existing open space and LNR and thus the principle of development of this nature is acceptable subject to the proposal according with any relevant Local Plan policies.

Policy INF4 of the Local Plan is a key policy that supports proposals where recreational facilities, including accessible facilities, are enhanced.

In addition to the Local Plan, the Council's own Vision 2040 is a material consideration that should be taken into account in the consideration of this application. In particular Themes 1 and 3 are particularly relevant as they seek to ensure that we create the environment for our residents that connects work, education, health and other facilities through effective walking, cycling, road and rail transport. Theme 3 expands this further by setting out the Council's vision to create green corridors between settlements to encourage sustainable and healthy transport; this is known as the Green Grid Project. The works proposed at Fleet Pond would form part of this Green Grid Project.

The proposal would improve accessibility to Fleet Pond for all potential users, including walkers, cyclists and those with mobility issues and would enhance this important part of the green infrastructure network in the district and is therefore acceptable in principle and would accord with the requirements of policy INF4 of the Local Plan.

Members will also recall that, as part of the section 106 legal agreement associated with the Hartland Park residential development of up to 1,500 homes (planning application reference

number 17/00471//OUT), a requirement was included to secure a financial contribution toward works at Fleet Pond, including: "... b/. improvements to the pathway to north and east of the Pond"; and "...c/. widening of bridges."

This application is essential to facilitating the carrying out of those improvements required to be undertaken to accord with the terms of the planning permission for the Hartland Park development.

The principle of development not only complies with the policies of the HLP32 and is a requirement of the Hartland Park development. Additionally, it is also fully supported by the Council's own Vision and aspirations to create a sustainable Green Grid within the District.

3. Design and Impact on Character of the Area

The proposed works would be viewed against the backdrop of Fleet Station's car park and the existing bank and trees to the north of the Pond as is evident from the photograph (Below) and would not appear visually intrusive.



Figure 3 - Fleet Station's single deck car park adjoining the northern footway

The widening of the footway would be a significant improvement as the existing footway is narrow and uneven in parts with some areas subject to pooling of water. The widening and resurfacing of the footway would also improve accessibility of the Pond and link to the train station; this is a significant benefit.

The widened path would be surfaced with self-binding gravel, which would be in keeping with the character and appearance of the area.

Tree removal is a concern raised by a number of local residents, Fleet Town Council and the Fleet Pond Society. Specifically concerns relate to the loss of biodiversity and to the opening up of views through to the train station that the tree removal may have.



Figure 4 – Section of the narrow northern footway facing west



Figure 5 – Section of the narrow northern footway facing east

The proposal would require the removal of 9 individual trees (all Category C), a group of Category B oaks and parts of two further groups of Category C trees, and this would have an impact on the character and appearance of the area, but the removal would be of a limited extent, there are 41 individual trees, 9 tree groups and one area of woodland adjacent to the path route, and other vegetation and planting would be retained. The resultant impact would not be so significant as to be unacceptable given the wider benefits of the development.

4. Impact on Neighbour amenity

Saved Policy GEN1 seeks to permit development that avoids any material loss of amenity to existing and adjoining residential, commercial, recreational, agricultural or forestry uses, by virtue of noise, disturbance, noxious fumes, dust, pollution or traffic generation.

The Environmental Health Officer has recommended that further details are sought regarding some of the construction activities that may have impacts on amenity such as piling; this can be secured through planning condition requiring a Construction Environmental Management

Plan to be submitted and agreed.

Once constructed and operational the works are unlikely to cause any harm or material loss of amenity to adjoining residential or commercial occupiers.

In light of the above, the proposal accords with the relevant Local Plan Policy.

5. Accessibility/Movement

Policy INF3 of the Local Plan states, amongst other things, that:

“Development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future.

Development proposals will be supported that:

- a) integrate into existing movement networks;*
- b) provide safe, suitable and convenient access for all potential users;*
- c) provide an on-site movement layout compatible for all potential users; ...”*

The proposed development would accord with these policy requirements.

There is no objection to the proposals from a highway perspective. The Highways Officer commented that all works are contained within private (non-HCC owned) land, and are a betterment of existing facilities, rather than a generator of new users that may otherwise have generated additional highway trips.

The proposed improvements and widening of the footway would assist in reducing potential conflict between users, such as cyclists and walkers, and the staggered gateways features would assist in reducing cycling speeds at appropriate locations.

The proposals would also improve the accessibility of the footpath/cycleway route as a result of the proposed resurfacing and widening.

As mentioned elsewhere, the footway/cycleway improvements are required to be delivered in connection with the Hartland Village Development and are in fact part funded through the planning obligation linked to that planning permission. Additionally, the scheme is the first element of the Council's Green Grid project and accords with the Council's own aspirations as set out in the Council's Vision 2040.

The proposal is thus not considered to have an impact on highway safety and would accord with the requirements of policy INF3 of the Local Plan and with the Council's Vision 2040.

6. Flood Risk and Drainage

According to the submitted supporting statement, the proposed works to widen the northern path will not affect the fluvial flood risk to the Fleet Brook as the works will ensure uninterrupted flow to both the eastern and western culverts which currently are blocked. These works will allow the reservoir to function as originally designed allowing greater flow of water between the two ponds as both the Eastern and Western Culverts will be opened to allow uninterrupted flow. The works will allow the designed flow of the reservoirs and will reduce the pressure on the railway embankment during the modelled flood events.

The Flash will be modified to allow the new flow path to the western culvert without having to remove the Flash. A new coir roll and reed bund will be constructed from the southern edge of the new culvert section running to the western edge of the existing bridge.

The proposal accords with the requirements of policy NBE5 of the Local Plan in respect of managing flood risk.

The proposal is therefore acceptable in relation to flood risk.

7. Trees and Landscaping

The proposal would involve removal of some trees along the length of the proposed works.

There are no protected trees nearby that would be affected by the development but there are mature trees along the path that would be retained.

The Council's Tree Officer has reviewed the submitted Arboricultural Information and does not raise any objections to the proposed tree works/removals. In particular, he notes that there are some Grade B Category Oaks that would need to be removed (Group G27) and that given the location of the proposed walkway replacement planting would not be possible in this area.

In relation to other tree works, the trees affected are generally of an individual lower quality and it is noted that some of the works would likely be carried out at some point through routine tree management in any case.

Many trees require minor pruning works, mostly crown lifting, to enable contractor access beneath. The minor pruning works are of little significance either in terms of tree health or visual amenity.

Whilst the tree loss is regrettable it is necessary to facilitate the access improvements proposed which are of significant public amenity value. The surrounds of Fleet Pond do contain a large number of established trees and it is not considered that the tree removal proposed would significantly impact on the sylvan character of the setting of Fleet Pond and as such it is considered that the tree removal proposed to facilitate the development given the wider public benefit that would result from the proposal is acceptable.

A condition can be imposed to ensure adequate tree protection measures are put in place to minimise any impact on retained trees.

It is therefore considered that the loss of trees at the site is acceptable given the significant benefits that the proposal generates.

8. Ecology and Biodiversity

Saved Policy CON7 states that development proposals which would have a significant adverse effect on the nature conservation, landscape or recreational value of riverine environments (which include those of the rivers Hart, Whitewater and Blackwater), wetlands and ponds will not be permitted.

Saved Policy CON 8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term or if removal is necessary new planting is undertaken to maintain the value of these

features. Planning conditions may be imposed to require the planting of new trees or hedgerows to replace those lost.

The Ecology Officer has advised that they have no objections to the proposal on ecology/biodiversity grounds.

The Environment Agency (EA) have raised objections to the proposals as they consider they would have an adverse impact on nature conservation and Fleet Pond as the proposed development involves significant hard engineering of natural bank which they consider will adversely impact the ecological functioning of the lake ecosystem.

They do however indicate that it may be possible to overcome their objection by submitting justification for the bank protection. As a result of the objection further information has been submitted to address the EA's concerns; the EA has been consulted on the additional information.

It has been indicated that the advantage of sheet piles over a flexible MSE system [which is a softer method to retain a bank], is that sheet piles would provide longevity and structural integrity to both the path and rail embankment, whilst reducing the risk of bank and path slippage in the future. Whilst the flexible MSE system can provide a similar level of structural integrity, it lacks the same level of longevity due to damage that will be caused by the environment: damage from tree roots and burrowing animals, and displacement from the action of water over time.

Furthermore, it has been indicated that the current edge treatment is showing its age with the alignment significantly disrupted in many places along its whole length; in some places the existing tar impregnated rail sleepers appear to be missing. This is being caused by root growth from colonising trees penetrating the existing retaining edge. Furthermore, in the summer months when it is hot, the sleepers still sweat impregnated tar into the pond, which is a protected ecosystem. The existing path edge was constructed by Fleet Pond Society some 30 years ago, and now needs to be replaced.

Whilst the proposal would involve a hard engineered solution for the natural bank there are benefits, as identified above, of using this system and this should be taken into account in the determination of the application. It should also be noted that Natural England (NE) has not raised any objections to the use of the hard engineered bank solution that is proposed.

NE has commented that without appropriate mitigation the application could damage or destroy the interest features for which Fleet Pond Site of Special Scientific Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the recommended mitigation options can be secured via a planning condition.

They also advised that the works should be done over the winter, and outside of the nesting season to avoid potential impacts from the construction phase during the summer on the bird populations.

The applicant has confirmed that the works would start outside of the bird nesting season and that a programme has been agreed with Natural England which has been confirmed as being acceptable in an Assent letter dated 23.02.2021 which covers the period from 01.09.2021 to 31.03.2022.

In light of the lack of objection from NE and the Council's own Ecologist on ecology matters, it is recommended that if the EA lifts its objection, then the planning permission can be granted. If the EA does not lift its objection, then the Committee would need to reconsider

this point

PRE-COMMENCEMENT CONDITIONS

The recommendation proposes pre-commencement planning conditions, therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority wrote to the applicant to seek agreement to the imposition of such conditions on 25.01.2021. These were agreed in writing on 27.01.2021.

CONCLUSION

As set out above, there would be some loss of trees associated with the proposed development which would increase some views through the site towards the train station. Unfortunately, replacement tree planting in areas is not possible as a form of mitigation. It is also noted that the EA has an outstanding objection to the use of a hard engineered solution to edge of the bank raising. The applicant has justified the use of this solution setting out the benefits of this versus a softer and more natural approach.

Notwithstanding the concerns raised above, the proposal would enhance public access to Fleet Pond, an important area of Green Infrastructure within the district and would provide improvements for all users in accordance with adopted Development Plan. The development would also facilitate part of the sustainable access requirements related to the Hartland Park residential development and would also form an important component of the Council's emerging Green Grid project. The proposal would also comply with the Council's Vision 2040.

The proposed changes to the widened path would become permanent features of the landscape, however the backdrop is the Fleet Station car park and current structures around the Pond. There would be some opening up of views however this is necessary to facilitate the significant improvements to the accessibility of this green route.

Prior to the submission of the planning application, it is clear from the Supporting Statement that the applicants gave consideration to both alternative ways of dealing with the design issues, impact on biodiversity, impact on trees and risk of conflict or collision amongst users of the path and also the details of elements such as the sourcing of materials to minimise impact whilst assuring maximum benefit through betterment or improvement of the existing narrow path.

However, it is important that the mitigation measures set out in the submitted documents are implemented and this can be controlled through a planning condition of any given planning permission.

The application is therefore recommended for approval, subject to the objection from the Environment Agency being satisfactorily addressed.

RECOMMENDATION:

RECOMMENDATION A

That, subject to the Environment Agency withdrawing their objection, the Planning Committee resolve to **GRANT** planning permission, subject to the following planning conditions:

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 plan nos. and documents:

Plans:

2019_41 0001 Location Plan
2019_41 0002- Location Plan (Fleet Pond SSSI Boundary)
2019_41 0005 Planning area boundary
2019_41 0006 Widened Footpath Extents
2019_41 0007 Works Area Extent
2019_41 0008 The Flash Bund & Culvert
2019_41 0010 Raised Footpath & New Bridge
2019_41 0011 Location of Dwell Points and Staggered Timber Gateways
2019_41 0012 Footpath Construction Option A & B

Documents:

Construction Phase Plan (CPP) & Construction Environmental Management Plan (CEMP)V1.0 8/12/2020
Fleet Pond Supporting Statement December 2020 V1.2
Northern Path Mitigation Overview
Tabulated DAS discussion results
Causal Flood Area Proforma dated 10.12.2020
Flood Risk Assessment December 2020
BS5837:2012 Arboricultural Survey Implications Assessment & Arboricultural Method Statement (Ref: RMT574) January 2021

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

- 3 Prior to the commencement of construction activity including site clearance, demolition or groundworks, an updated Construction Management Plan shall be submitted to the Local Planning Authority for approval. The Plan shall detail the significant risks posed to amenity from the emission of noise, vibration and dust and set out the mitigation measures to be employed to control such emissions and mitigate the effects of such emissions on neighbouring land uses. The Plan shall include the following detail:

1. Arrangements for the parking of vehicles for site operatives and visitors.
2. Arrangements and locations used for loading, unloading of plant and materials to and from site.
3. The arrangements for the erection and maintenance of hoarding to the site boundary.
4. Mitigation measures to be used for the control of dust emission.
5. Arrangements for the control of noise and vibration emission. This shall include a specific method of work including noise mitigation to be employed for the carrying out of piling operations.
6. Arrangements for keeping public roads and access routes free from dirt and dust.
7. A scheme for the storage and disposal of waste, providing maximum recycling

opportunity.

8. Monitoring arrangements for assessing the emission of noise, vibration and dust and assessing the adequacy of any mitigation measures.

9. Arrangements for community liaison, notification and complaint handling.

Unless otherwise agreed by the Local Planning Authority, construction activity shall only take place in accordance with the approved CEMP.

REASON: In the interest of amenity of neighbouring occupiers or uses during the construction phase and to satisfy policies NBE9 and INF3 of the Hart Local Plan - Strategy and Sites 2016-2032 and saved policy GEN1 of the Hart Local Plan 2006.

- 4 The development hereby approved shall be carried out in accordance with the RMT Tree Consultancy Arboricultural Method Statement and Tree Protection Plan ref: RMT574.

REASON: To ensure appropriate tree retention and tree protection and to satisfy saved policy CON8 of the Hart Local Plan 2006.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure the continuity of amenity afforded by existing vegetation and to satisfy policy NBE9 of the Hart Local Plan - Strategy and Sites 2016-2032 and saved policy GEN1 of the Hart Local Plan 2006.

- 6 The Development hereby permitted shall be carried out strictly in accordance with the mitigation strategies set out in the submitted Pre-App DAS Call summary letter 23.04.20, Northern Path Mitigation Overview and tabulated DAS discussion results unless otherwise approved in writing by the local planning authority.

REASON: To avoid impact on protected species and/or interest features of the Fleet Pond Site of Special Scientific Interest in accordance with policy NBE4 of the Hart Local Plan - Strategy and Sites 2016-2032 and saved policy CON8 of the Hart Local Plan 2006.

- 7 Unless otherwise agreed, no construction or demolition activity shall be carried out and no construction related deliveries shall occur, taken at or dispatched from the site except between the hours of 7:30 hours and 18:00 hours on Monday to Friday and 08:00 hours and 13:00 hours on Saturday except in the case of Bank or Public Holidays when no such activities or deliveries shall take place. Unless otherwise agreed, no such activities or deliveries shall take place on Sundays.

REASON: In the interests of amenity and of the environment of the development in the accordance with policy NBE9 the Hart Local Plan - Strategy and Sites 2016-2032 and saved policy GEN1 of the Hart Local Plan 2006.

INFORMATIVES

- 1 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operative's vehicles should be normally arranged on site.
- 2 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.

RECOMMENDATION B –

That, should the Environment Agency not withdraw its Objection, the application be brought back to the Planning Committee for further consideration.