



**NOTICE OF MEETING**

**Meeting:** Planning Committee  
**Date and Time:** Wednesday 26 May 2021 7.00 pm  
**Place:** Council Chamber  
**Telephone Enquiries to:** Committee Services  
Committeeservices@hart.gov.uk  
**Members:**

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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**AGENDA**

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

- 1. At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- 2. The Chairman will announce that this meeting will be recorded and that anyone remaining at the meeting has provided their consent to any such recording.**

**1 ELECTION OF VICE CHAIRMAN**

To elect a Vice-Chairman from among the councillors.

**2 MINUTES OF PREVIOUS MEETING (Pages 3 - 14)**

The Minutes of the meeting held on 10 March 2021 to be confirmed and signed as a correct record.

**3 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.

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

#### **6 DEVELOPMENT APPLICATIONS (Pages 15 - 19)**

To consider the planning reports from the Head of Place, and to accept updates via the Addendum.

#### **7 20/031111/ADV - FORMER DAIRY CREST SITE, ADJ. 36 MILL LANE, YATELEY, GU46 7TN (Pages 20 - 31)**

#### **8 21/00151/FUL - CO-OPERATIVE RETAIL SERVICES LTD, 13 READING ROAD, YATELEY, GU46 7UH (Pages 32 - 48)**

#### **9 CHANTRYLAND (Pages 49 - 57)**

This report is exempt from publication.

**Date of Publication: Tuesday, 18 May 2021**

## **PLANNING COMMITTEE**

**Date and Time:** Wednesday 10 March 2021 at 7.00 pm

**Place:** Council Chamber

**Present:**

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

**In attendance:** Davies, Makepeace-Browne and Smith

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

### **51 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of 10 February 2020 were confirmed and signed as a correct record.

### **52 APOLOGIES FOR ABSENCE**

None.

### **53 CHAIRMAN'S ANNOUNCEMENTS**

None.

### **54 DECLARATIONS OF INTEREST**

Councillor Delaney declared a personal interest in Item 102 (Connaught Road) due to parents living nearby and that this would not have any influence on her decision.

### **55 QUARTERLY UPDATE ON PLANNING ENFORCEMENT**

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

The Chairman requested that if Members had any specific questions on individual enforcement cases to take those up with the Enforcement Team or Mrs Whittaker outside of the meeting.

Members were informed that there is currently a review of the Enforcement Team and function and that will come forward as a separate paper to say how we are going to drive this in the future.

## **DECISION**

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

## **56 DEVELOPMENT APPLICATIONS**

Members accepted updates via the Addendum and considered the development applications from the Head of Place.

## **57 20/00580/FUL - FARNHAM LODGE, FARNHAM ROAD, ODIHAM, HOOK RG29 1HS**

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.

Members discussed:

- This will not be a transit site and will have permanent pitches within it. Any additional pitches would require Planning permission as is the case with other sites in the area.
- That the site will help meet the need for providing sites under the Gypsy and Traveller Assessment (GTA) and will only be occupied by people of that ethnicity and background.
- Any potential breaches of the use of the accommodation for occupants who do not come from that background will be enforced in the same way as any other planning condition and should there be a reason to suspect anything, Planning would investigate accordingly.
- Compliance with the Neighbourhood Transport Policy and if the lack of public transport and shopping facilities would cause a problem for the occupiers.

## **DECISION**

A: The Committee resolved to Grant planning permission subject to no new issues being raised by the Garden Trust and/or the Hampshire Gardens Trust and that the Head of Place be authorised delegated authority to issue the planning permission after the expiry date of the statutory consultation period.

Subject to the following Planning Conditions:

OR

B: That, should the Gardens Trust and/or the Hampshire Gardens Trust raise any issues in respect of the proposed development, the application be brought back to the Planning Committee for further consideration.

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 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.

Details to address condition no. 8 should contain native species rather than non-native species. New hedgerow and tree planting should follow that native species that are seen locally to the site.

Notes: Mr Nat Green spoke in favour of the application.  
Graham Chisnall (Dogmersfield Parish Council) and Mr Andrew Fraser-Urquhart QC spoke against the application

**58 20/02513/FUL - 84 CONNAUGHT ROAD FLEET GU51 3LP**

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

Members discussed;

- Whether the development is too large for this site.
- Safety concerns for children and adults using the pavement with cars exiting and potential safety issues caused by lack of visibility.
- Acknowledging the need for smaller houses for affordability reasons.
- The potential to make car parking in the area worse.
- Mitigation against possible development into the roof.

After a vote, Members refused the application.

**REASONS FOR REFUSAL:**

The proposed dwellings, by reason of their height, massing and overbearingness in conjunction with the cramped layout and parking arrangements, would result in a backland residential development out of keeping with the spacious nature of the pattern of development in the locality, contrary to adopted policy NBE9 of the Hart Local Plan (Strategy & Sites) 2016-2032, saved policy GEN1 of the Hart District Local Plan - Replacement (1996-2006), policy 10 of the Fleet Neighbourhood Plan (2018-2032) and paragraph 127 of the National Planning Policy Framework (2019).

Note: Mr Bruce Horrocks spoke against the application.

Meeting adjourned at 8.33pm and restarted at 8.39pm.

**59 20/01838/FUL – REDFIELDS PLANT CENTRE BOWLING ALLEY, CRONDALL, FARNHAM**

Retention of 2no. landscape bunds and associated proposed landscaping (part retrospective)

Members discussed:



- If there was a need for a bund and whether other methods of security could be used.
- The benefits of having a natural screen that blends in with the area.

**DECISION** – 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. Notwithstanding any information submitted with this application, details of a soft landscape strategy for the bunds, including a broad 3m wide native hedgerow and tree planting area adjacent to the existing bund to the western side for its entire length, wrapping around the northern end to meet the unmade access road, and a long-term landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority within two months of this approval.

The soft landscape details shall include native hedgerow species with whips 0.60-0.90m in height and trees size with 10-12cm in girth, quantity of trees and species mix of rich native wildflowers seeding for bunds. Landscape plans to include detailed schedule of plants/hedgerows/trees (scientific names), details of species, sizes, quantities/density of plants and implementation schedule of landscape proposals.

The landscape strategy as approved shall be implemented on and adjacent to the existing bund in the next planting season following the approval of the details and 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 policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006, policy DNP6 of the Dogmersfield Neighbourhood Plan 2016-2032 and the NPPF 2019.

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**

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.

## **60 20/03004/FUL - FLEET POND COUNTRYSIDE SERVICES WORKSHOP OLD PUMP HOUSE CLOSE FLEET GU51 3DN**

Widening of the northern footway and the provision of a slipway from Boathouse Corner

Members discussed:

- Why this has not been deferred until the final opinion from the Environmental Agency and when to expect that review.
- Whether the loss of trees could be replaced elsewhere and if there is scope to do this and were advised that a detailed tree assessment was considered by the Tree Officer and raised no objection.
- The reason why the LEP funding is time limited and were advised that this is allocated within the financial year.
- How many people are using this natural and well-loved asset and would benefit from the Green Grid project and the building new paths and cycleways.

A recorded vote was requested:

FOR the recommendation: Ambler, Blewett, Cockarill, Kennett, Quarterman, Southern, Worlock.

AGAINST the recommendation: Delaney, Radley.

ABSTENTIONS: none.

The Recommendation was therefore carried.

## **DECISION**

That, subject to the Environment Agency withdrawing their objection, the Head of Place Services delegate to GRANT approval 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.

Note: Mr John Elson, Head of Environmental and Technical Services, Hart District Council, spoke for the application.

The meeting closed at 9.39 pm



**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](http://www.hart.gov.uk)

**COMMITTEE REPORT  
ITEM NUMBER:**

APPLICATION NO.	20/03111/ADV
LOCATION	<b>Former Dairy Crest Site, Adj. 36 Mill Lane Yateley Hampshire GU46 7TN</b>
PROPOSAL	Display of 1 x non illuminated pole mounted signage, 2 x non illuminated off fence mounted signage and 1 x non illuminated fascia signage.
APPLICANT	Mrs Nicola Langston
CONSULTATIONS EXPIRY	14 April 2021
APPLICATION EXPIRY	11 May 2021
WARD	East Yateley
RECOMMENDATION	<b>Grant, subject to conditions.</b>



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## BACKGROUND

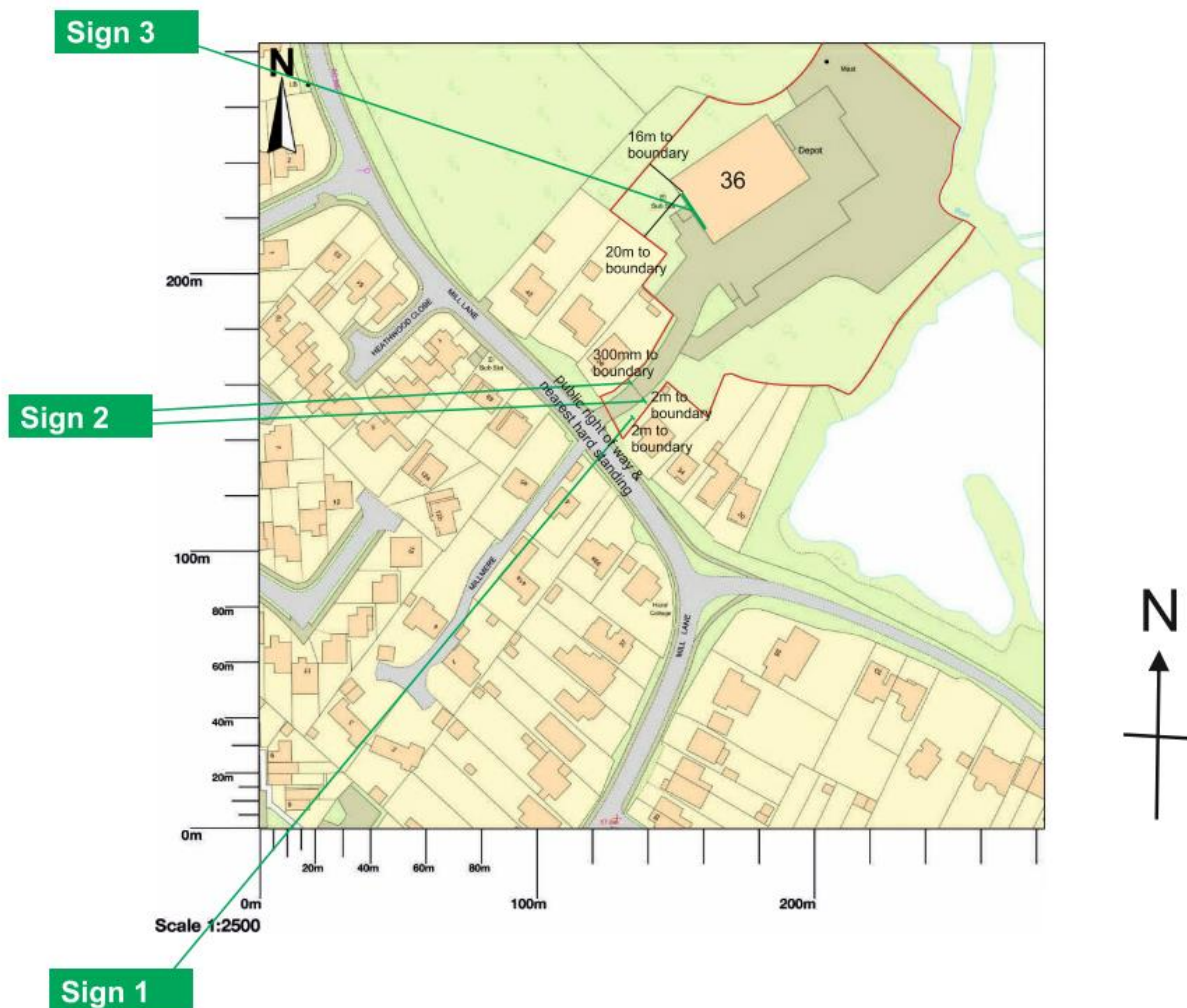
This advertisement consent application has been referred to Planning Committee at the discretion of the Head of Place due to the number of objections received to the proposal.

## SITE

The application site accommodates a warehouse/depot and associated parking and manoeuvring areas. It sits behind the residential curtilage of seven detached properties that front onto Mill Lane, Yateley. However, there is a gap in between them that allows a narrow frontage of the site to be visible and accessed via Mill Lane. The access gates are set well back from the back edge of the pavement.

There is a tool/plant hire business operating from the site that was granted planning permission (ref: 17/02790/FUL) in March 2018 to operate from the site but only for the storage of equipment, with an ancillary element of maintenance and washing/cleaning.

### 36 Mill Lane, Yateley, GU46 7TN



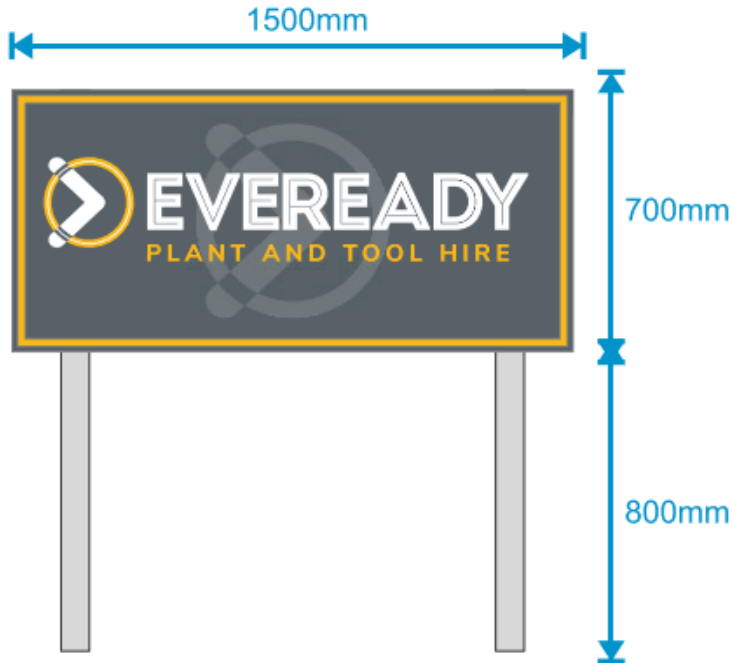
## PROPOSAL

Advertisement consent is sought for four signs. Their details are as follows:

All the signs would have a grey background with white and yellow lettering and yellow lines.

Sign 1

Non-illuminated sign mounted on posts. It would be 0.8m above the ground and would measure 1.5m by 0.7m. It would be installed 12m away from the back edge of the pavement along Mill Lane.



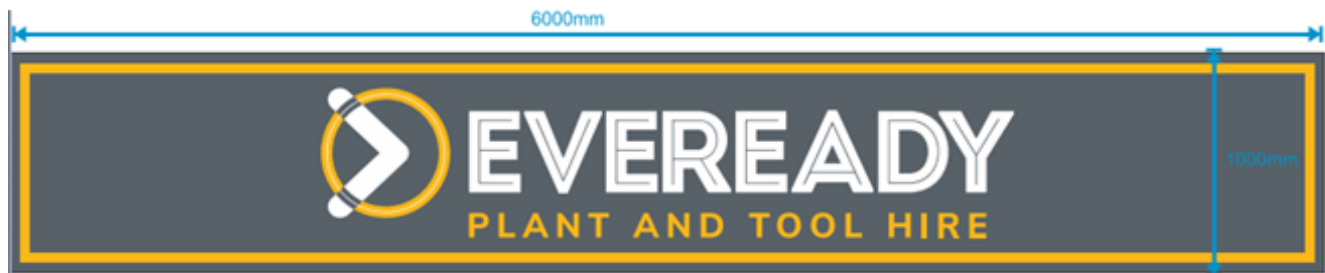
Sign 2 (x2)

Non-illuminated signs mounted on the palisade fencing that adjoins the access gates to the site. The application form states they would be 0.3m off the ground and would measure 1.8m by 0.84m. These signs would be approximately 17m away from the back edge of the pavement to Mill Lane.



Sign 3

Non-illuminated fascia sign mounted on the front elevation of the building above the main entrance. It would measure 6m by 1m and would be located 3m off the ground.



## RELEVANT PLANNING HISTORY

19/01806/AMCON- Refused, 01.10.2019

Variation of Condition 3 attached to Planning Permission 17/02790/FUL dated 09/03/2018 to amend the hours of operation of the storage and distribution use to 0600-1830 hrs Monday to Friday and 0800-15.30 hrs on Saturdays, no activities or deliveries shall take place outside the above hours, or on Sundays or public holidays.

18/02463/FUL- Refused, 25.01.2019

Engineering works comprising the formation grasscrete hard standing; minor amendment to the wash down facility (17/02790/FUL).

17/02790/FUL- Granted, 09.03.2018

Use of land and building as a plant / tool storage and distribution depot (Use class B8) related to a hire business (off-site); with associated external works (partly covered platform at rear, external washdown area with 2m high wall enclosure, palisade fencing and gates 2 no. to front of building, chain-link perimeter fence, and hardstanding car parking area with green fence along the entrance to site).

87/15492/OUT - Refused 21.09.1988

Erection of 50 No. dwellings (Formerly Unigate Dairies Mill Lane Yateley).

72/04878/H6 - Granted conditionally 08.08.1972

Erection of portal framed structure as an extension of existing milk depot (Formerly Unigate Dairies Mill Lane Yateley).

70/04878/H4 - Granted conditionally 20.08.1970

Use of part of dairy depot for repacking potatoes (Formerly Unigate Dairies Mill Lane Yateley).

68/04878/H3 - Granted conditionally 28.05.1968

Erection of milk distribution depot building (Formerly Unigate Dairies Mill Lane Yateley).

## CONSULTEES RESPONSES

### Hampshire County Council (Highways)

No objection.

### Yateley Town Council

No objection.

- The application address is incorrect and should show as Dairy Crest Ltd. Members also

agreed that three signs would be sufficient, rather than the four proposed

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

No comment to make.

### **Ecology Consult (Internal)**

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. 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 14.04.2021. At the time of writing the officer's report there had been 12 public representations received. The summary of objections is below.

- 3 large signboards at the entrance with identical messages goes far beyond what is necessary.
- Mill Lane is a residential area, and these signs are totally inappropriate.
- Some signage may be needed for postal deliveries, but the nature of this business does not need to attract passing trade.
- Sign 1 would be in front of signs 2, this is the only business in the residential area, signage is unnecessary.
- Signs 1 and 2 are ill-fitting in this unspoiled residential area.
- Need for obvious signs suggest business is planning to expand.
- 3 large signs at the entrance are out of character with the area.
- Sign 3 to the front of the building would not be visible from Mill Lane.
- Sign 3 would accentuate an undesirable and evolving commercial retail park.

Other planning related concerns raised relate to noise and disturbance, large vehicles coming into the site and increased business. However, these issues are not relevant as this application is only seeking advertisement consent.

## **CONSIDERATIONS**

### PLANNING POLICY

The relevant plan for Hart District is the Hart Local Plan: Strategy and Sites 2016-2032 (HLP32) and saved policies of the Hart District Local Plan (Replacement) 1996-2006 (DLP06). The adopted and saved policies are up-to-date and consistent with the NPPF (2019).

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

NBE9 - Design  
NBE11 - Pollution  
INF3 - Transport

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



Other relevant material considerations

Town and Country (Control of Advertisements) (England) Regulations 2007  
National Planning Policy Framework 2019 (NPPF)  
Planning Practice Guidance (PPG)

The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country (Control of Advertisements) (England) Regulations 2007 and the Regulations confirm that advertisements should be controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.

The Regulations require that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals.

"Amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, but it is indicated to include aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

It is, however, a matter of interpretation by the local planning authority as it applies in any particular case. In practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

Factors relevant to public safety are specified in regulation 3. It is confirmed that public safety is not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air.

The Regulations note that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.

VISUAL AMENITY

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. Saved policy URB24 allows advertisements that are related to the scale and character of the building and its setting in terms of its siting, size, materials, degree of illumination and visual intrusion.

Paragraph 132 of the NPPF also reinforces the above objectives by stating: *'the quality and character of places can suffer when advertisements are poorly sited and designed... Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'*

In terms of the three advertisements at the entrance of the site (signs 1 and 2(x2)), they would be visible from the public domain. It has been previously described that the access to the site is through a wide gap in the bungalows that front onto Mill Lane. This access features green verges at either side which adjoins the close boarded timber fencing of the adjoining dwellings. This irregular area measures on average 13m wide by 17m deep (to the entrance gates).



Figure 1 - Entrance to the site as existing.



Figure 2 - Proposed Sign 1 at the entrance.

The pole mounted sign (Sign 1) would be located close to the side elevation of the residential dwelling at 36 Mill Lane and the sign would be visible from the windows in the side elevation of that dwelling at both ground and first floor level, although the existing 1.8-metre-high close boarded fence along the boundary of the dwelling would screen the sign to some extent. However, given the sign would not be illuminated and would be located in excess of 5 metres from the side wall of the dwelling and would be positioned virtually side on to the dwelling it would not have any significant impact in outlook terms.

The smaller signs (Sign 2) on the existing palisade fencing would also be visible from the side garden and windows on No.36 but again would not have any adverse impact on amenity grounds.



Figure 3 - Palisade fencing at the entrance.



Figure 4 - Signs proposed fixed to palisade fencing.

The signs would also be visible from No.38 and other dwellings on the opposite side of Mill Lane, but given the distances involved and the lack of illumination to the signs, this would not give rise to any adverse amenity issues sufficient to warrant refusal of the application.

The advertisements on the access road would only be visible from Mill Lane in the immediate vicinity of the access road and would not be prominent in the street scene. Whilst it is acknowledged that the area is predominantly residential in character and that there are no other advertisements in the immediate vicinity, the commercial premises is authorised and has been present on the site for a number of years. There are also well-established trees on both sides of the access road which would further screen the proposed advertisements from public view.

In terms of the fascia sign proposed to the frontage of the building (sign 3), this would not be visible from the public domain, but it would be visible from the rear gardens and windows of the adjoining properties. However, the advertisement would be approximately 47m away from the rear elevation of closest residential dwelling and it is noted there are mature trees present that would soften views towards the application site.



Figure 5 - Fascia sign proposed for the existing building.

The surrounding area has no special designated characteristics and has no important scenic, historic, architectural or cultural features.

Therefore, these advertisements would not have a material impact on the amenity of the locality and would comply with the objectives of adopted policy NBE9 of the HLP32, saved policies GEN1 and URB24 of the HDLP06 and paragraph 132 of the NPPF.

### PUBLIC SAFETY

The proposed advertisements have been considered by the Local Highway Authority and they have raised no objection on highway safety grounds. The proposal would not present any safety issues with pedestrians or cyclists. As such no public safety concerns are anticipated with the proposed adverts.

The advertisements would therefore comply with adopted policy INF3 of the HLP32, saved policies GEN1 and URB24 of the HDLP06 and the NPPF in this regard.

### CLIMATE CHANGE

On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District.

The motion agreed by the Council is:

i "Following the successful adoption of Hart's Climate Change Action Plan, this Council now wishes to declare a climate emergency, which commits us to putting the reduction of CO2 in the atmosphere at the front and centre of all policies and formal decision making, particularly Planning, and will:

1. Pledge to make Hart District carbon neutral by 2040 whilst bringing forward the current 2040 target to 2035 for areas under direct control of Hart District Council.
2. Report to full Council every six months setting out the current actions the Council is taking to address this emergency and the plan to measure annual District wide progress towards meeting the 2040 target.
3. Meaningfully engage with the local community and to work with partners across the District and County to deliver these new goals through all relevant strategies and plans drawing on local, national, and global best practice.
4. Actively work with Hampshire County Council and the Government to provide the additional powers and resources needed to meet the 2040 target.
5. Actively encourage and push for Hampshire County Council to reduce its target for net zero Carbon to 2040, acknowledging that 2050 is too far away for such an emergency."

Policy NBE9 of the HLP32 requires developments to be resilient and aims to reduce energy requirements through carbon reduction and utilisation of energy generating technologies.

This advertisement consent application is not considered to raise any climate change issues.

## EQUALITY

The Equality Act 2010 legally protects people from discrimination in society. It replaced previous anti-discrimination laws (Sex Discrimination Act 1975; Race Relations Act 1976 and Disability Discrimination Act 1995) with one single Act.

The public sector Equality Duty came into force on 5 April 2011 In Section 149 of the Equality Act. It means that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy and delivering services.

The public sector Equality Duty requires that public bodies have due regard to the need to:

eliminate discrimination; advance equality of opportunity; and foster good relations between different people when carrying out their activities.

The relevant protected characteristics as set out in the public sector Equality Duty are - age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

Due regard is given to the aims of the general Equality Duty when considering applications and reaching planning decisions in particular the aims of eliminating unlawful discrimination,

advancing equality of opportunity and fostering good relations between those who share a protected characteristic and those who do not share it.

The advertisements, the subject of this application, are not considered to raise any equality issues.

## **CONCLUSION**

The proposed advertisements would be acceptable in terms of visual amenity as they are non-illuminated and would be of relatively modest size. They would not be widely visible in the public domain and therefore the amenity of the locality would not be materially affected.

In terms of public safety, the advertisements would not present a distraction to drivers to the extent that they would result in a public safety hazard. It is also noted that the Local Highway Authority has not raised any concerns on these grounds.

As such the advertisements proposed would comply with the objectives of the relevant policies of the HLP32, DLP06 and the NPPF (2019) cited in this report.

The advertisement consent application is therefore recommended for conditional approval.

## **RECOMMENDATION – Grant, subject to conditions.**

### **CONDITIONS**

- 1 This consent shall expire at the end of a period of five years from the date of this notice.

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations.

- 2 The advertisements hereby approved shall be installed in accordance with document ref: 78021, Pages Titled - Sign Number 1, Sign Number 2, Sign Number 3, drawings no. LaVasstu/2017/141/02 (x 2 Location Plan)

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

- 3 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations

- 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

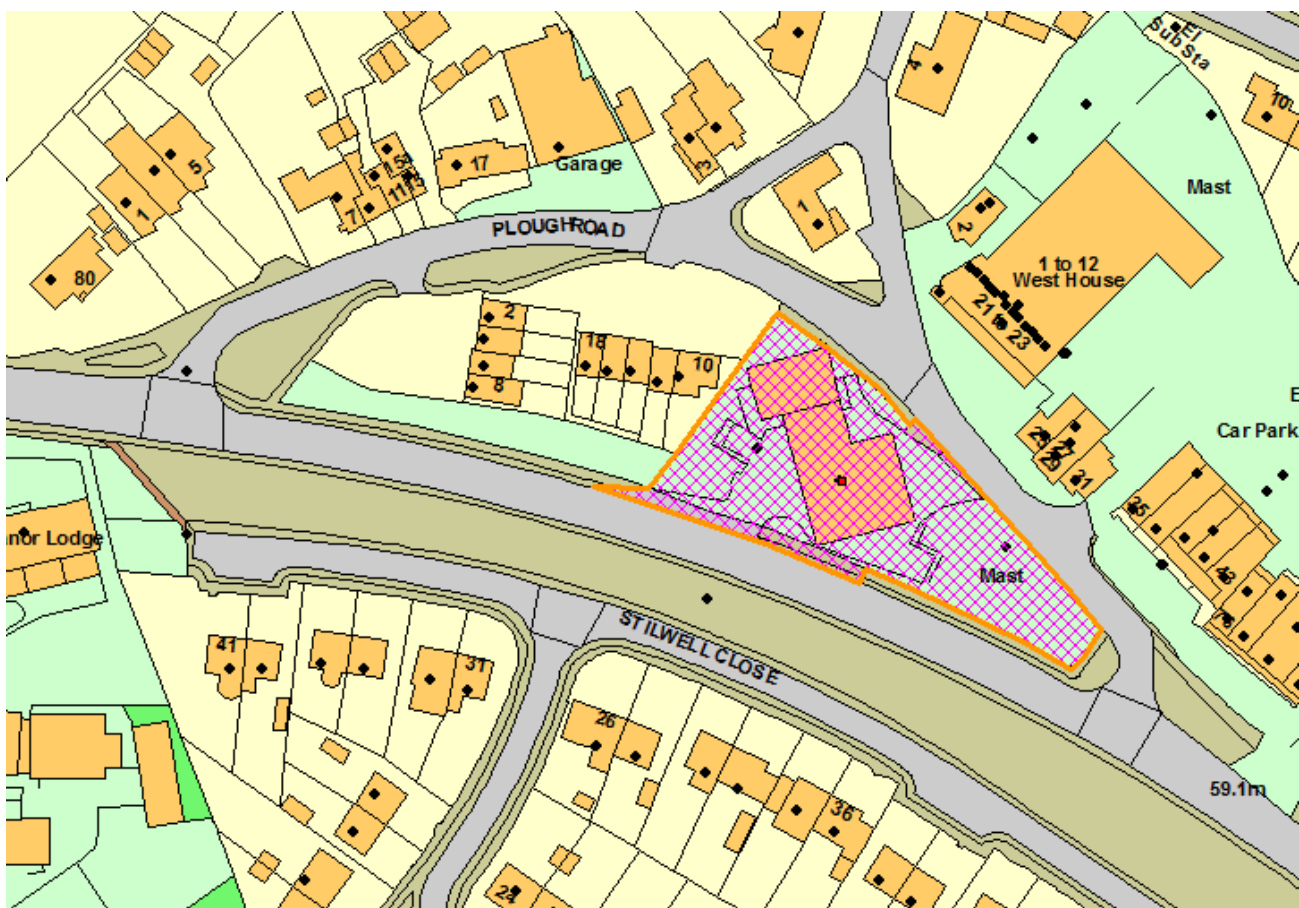
REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations.

### **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, the application was acceptable and no further engagement with the applicant was required.

## COMMITTEE REPORT ITEM NUMBER:

APPLICATION NO.	21/00151/FUL
LOCATION	<b>Co-operative Retail Services Ltd 13 Reading Road Yateley Hampshire GU46 7UH</b>
PROPOSAL	Replacement petrol station, including pumps, canopy and shop
APPLICANT	..
CONSULTATIONS EXPIRY	19 May 2021
APPLICATION EXPIRY	18 March 2021
WARD	East Yateley
RECOMMENDATION	<b>Grant, subject to conditions.</b>



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## **BACKGROUND**

This application is brought before the Planning Committee at the discretion of the Head of Place as a result of the number of public representations received.

## **THE SITE**

The application site comprises 13 Reading Road, Yateley. It has a stated area of 0.23 hectares and is a roughly triangular shaped site situated between Reading Road (B3272) and Plough Road.

The site is occupied by a petrol filling station that comprises a forecourt area with eight pumps underneath a canopy, associated single storey convenience retail store, a vehicular washing facility and vehicular air pumps. There are two points of vehicular access/egress, from Reading Road to the south and from Plough Road to the north.

There are a number of existing land uses within the vicinity of the site. Principally, these include the commercial uses within Yateley District Centre to the north and east and the residential dwellings of Fry's Lane, Plough Road and Stilwell Close to the north (also), west and south of the site. There is a commercial garage to the north-west on Plough Road.

## **PROPOSAL**

The application seeks full planning permission for a replacement petrol filling station, including pumps, canopy and shop.

The existing petrol filling station and associated development would be removed and replaced by a new realigned forecourt, larger convenience retail store (400sqm from the existing 149sqm) and twelve parking spaces. The proposed opening hours are 07:00 - 23:00. The accesses would be reconfigured such that entry (only) would be from Reading Road and egress (only) to Plough Road. The proposed site layout is shown on drawing no. 190508-03-11.

Petrol filling stations are a Sui Generis use under the terms of The Town and Country Planning (Use Classes) Order 1987 (as amended).

During the Local Planning Authority's (LPA) assessment of the application, minor amendments to the application were received from the applicant and accepted as part of the application submission by the LPA. These comprise the introduction of an extended footway from Reading Road to the proposed shop and confirmation that passive provision for two electric vehicle charging points would be provided. These are relatively minor changes that result in a betterment to the proposal and as a result, have not been separately consulted upon. Further information in relation to arboricultural matters was also received, there were no outstanding objections from the Council's Tree or Landscape Officer at this stage. It provides further clarification and does not seek to amend the proposed. This Council's Tree and Landscape Officers were consulted for any further comments.

## **PLANNING HISTORY**

Relevant planning history for the application site comprises:

20/02850/FUL - Replacement petrol station, including pumps, canopy and shop. Withdrawn 15.01.2021.

07/02716/FUL - Works to access road to improve vehicular access to petrol filling station. Approved 13.12.2007.

93/22551/FUL - Petrol station redevelopment. Approved 18.05.1993. The submitted plans and on-site observations indicate that this permission, as opposed to 92/21653/FUL below, was implemented.

92/21653/FUL - Petrol station redevelopment including car wash. Approved 23.11.1992.

More recent applications (2008 - 2017) relate to advertisements at the site.

## **CONSULTEES RESPONSES**

Summary of comments:

### **Yateley Town Council**

Objection: Members strongly object to the proposal on the following grounds:

1. The proposal will generate significant additional footfall and vehicular traffic, at a location where it is already difficult for pedestrians to cross the road due to the speed and volume of traffic. It is strongly felt that the safe pedestrian access to the proposed convenience shop can only be addressed by installing a pedestrian crossing.
2. The proposed parking area would remove existing soft landscaping, creating a stark and negative impact to the street scene.
3. The proposal misses the opportunity to provide charging points to meet the growing demands of electric cars and to enable the Government's target for all new cars to be electric powered by 2030.

Additionally, Members are concerned that this proposal will facilitate closure of the main Co-Operative store, resulting in a loss of retail provision at this end of the town. There is concern that a unit of this size would not be taken up by another retailer in the present economic climate, resulting in the negative impact of a large vacant unit, potentially for several years.

### **Local Highway Authority**

The highway authority previously provided a consultation response for planning application 20/02850/FUL, recommending no objection subject to conditions, for which the proposals submitted under application 21/00151/FUL are very similar. It has since been communicated that this site is a known encroachment onto highway land.

The highway authority is satisfied that the same recommendation of no objection can be made for application 21/00151/FUL subject to the applicant obtaining extinguishment of highway rights through the relevant Planning Act.

Construction method statement requested by condition.

### **Environment Agency**

The previous use of the proposed development site as a petrol filling station presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.

Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.

The application's preliminary risk assessment (PRA) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy.

### **Natural England**

No comments.

### **Farnborough Airport**

No objection.

### **HDC Environmental Health**

Reviewing the extant consents, 92/21653/FUL and 93/02251/FUL, I note that the only condition relating to the control of noise refers to operational times for the use of the car wash. The submitted drawing for the new proposed development does not show a car wash and so I conclude that it is not necessary to retain this control. I have also checked the Environmental Health database and there are no complaints relating to noise issues associated with the existing use.

Consequently, I will consider the application before you, in respect of changes that might pose a risk that the impact of the new proposal could be significantly worse than is currently the case.

I do not consider that the increased retail space would pose a significant additional risk of impact upon residential amenity, except in respect of noise from deliveries and the collection of waste taking account of the proposed location. However, considering the context, a satisfactory resolution could be achieved through the administrative control of the permitted hours.

The proposed location for fixed plant and equipment could pose risks of impact from noise emission. I also note the reference to removal of a close boarded fence and replacement with a paladin fence which could increase the risk of noise transmission from this location. This is a matter that is resolvable by careful acoustic design and maintenance.

It is not entirely clear what is proposed in respect of the replacement lighting scheme for the site. Lighting schemes if poorly designed can cause excessive illumination or glare to neighbouring residential uses and so I would recommend that you require that the design of the scheme prevents these problems arising.

With regard to the replacement of petrol tanks I note the recommendation for further investigation to explore any risks association with possible historic tank leakage. I understand that Hart DC would wish to apply the full standard contaminated land condition to any consent in this case.

Noise, dust, and odour emission from the re-development phase could impact temporarily upon residential amenity and I would advise that construction hours are limited, and that

appropriate methodology is used to mitigate these risks so far as practicable.

The applicant should be informed of the need to obtain a variation to the existing LAPC permit for the site. Application should be made in good time to Environmental Health to preserve expected opening dates.

Conditions and an informative recommended (as above). No objections raised.

### **HDC Tree Officer**

Both the Tree Protection Plan and new Arboricultural Method Statement provide additional information that, if followed, addresses the concerns previously raised. As such I now raise no objection to the application subject to the conditioning of the Arboricultural Method Statement and Tree Protection Plan.

### **HDC Landscape Officer**

I have no objections to the proposals in principle. However, amendments to the Arboricultural Impact Assessment (AIA) are needed and, if granted consent, a condition is needed requiring an Arboricultural Method Statement (AMS).

The AIA needs to take proper account of the remaining RPAs of the adjacent line of off-site Cypress trees. Special ground protection is required, and some form of protective fencing can be accommodated.

An AMS is required to ensure that the issues coming out of the AIA are followed through to the end of construction. The AMS should also include on-site arboricultural supervision for construction works in or near the remaining RPAs of the off-site Cypress trees, as well as a pruning specification.

Clarity is required regarding the symbol/hatch to the west side of the proposed structure. Apart from this, the landscape details appear acceptable.

### **HDC Conservation Officer**

This proposal will not cause any further harm to the setting of the designated heritage assets in the vicinity. No objection.

### **HDC Joint Client Waste Team**

No comments.

### **NEIGHBOUR COMMENTS**

A total of ten neighbour representations objecting to the application have been received. The following material planning considerations are raised in the objections:

- Site layout and design
- Adverse impact on residential amenity through development and proposed opening hours
- Traffic generation and highway safety
- Need for a pedestrian crossing over Reading Road and pedestrian access to the site
- Insufficient car parking

- Waste management
- Noise impacts
- Impact on off-site trees
- Impact on retail provision
- Impact on climate change, including absence of electric vehicle charging points

Objections have also been raised in relation to rights to light and a potential adverse impact upon residential property values, these are not material planning considerations.

## **CONSIDERATIONS**

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

- Planning policy and guidance
- Principle of development
- Design
- Heritage impact
- Residential amenity
- Contamination
- Highways, servicing and parking
- Landscaping and trees
- Flood risk and drainage
- Climate Change
- Equality

## **PLANNING POLICY AND GUIDANCE**

The Development Plan for the site and relevant policies are as follows:

Hart Local Plan (Strategy and Sites) 2032 (HLP32):

SD1 Sustainable Development  
 SS1 Spatial Strategy and Distribution of Growth  
 ED4 Town, District and Local Centres  
 ED6 District and Local Centres  
 NBE5 Managing Flood Risk  
 NBE9 Design  
 NBE11 Pollution  
 INF1 Infrastructure  
 INF3 Transport

The HLP32 identifies the site to fall within Yateley District Centre within the Yateley Settlement Boundary.

Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (updated 01.05.2020) (HLP06):

GEN1 General Policy for Development

The following policy and guidance have also informed this assessment:

National Planning Policy Framework (NPPF, 2019)  
Planning Practice Guidance (PPG)  
Hart District Council Parking Provision Interim Guidance (PPIG, 2008)  
Yateley Village Design Framework Supplementary Planning Document (YVDF, 2009)

## PRINCIPLE OF DEVELOPMENT

The application proposes a replacement petrol filling station and associated development including a replacement convenience store 251sqm larger than that existing. The petrol filling station would be a Sui Generis use and no change of use is proposed.

There are no specific development plan policies relating to petrol filling stations. The proposed replacement convenience store would increase the range of goods on offer.

HLP32 Policy SS1 seeks to direct and focus growth within settlements. Policy ED4 encourages town centre uses within district centres where they are appropriate to the scale, function and character of the centre and protection of the retail and local service function of local neighbourhood facilities. Policy ED6 relates to changes of use and new uses within district centres, this is not sought in the subject application.

The NPPF (Section 7) seeks to ensure the vitality of town centres and encourages planning decisions to take a positive approach to their growth, management and adaptation.

In line with the HLP and NPPF, there is not a requirement for a sequential test or retail impact assessment for the proposed increase of 251sqm of sui generis floorspace within a District Centre. This would also be the case if it were retail floorspace.

In this instance, the application is for a replacement of an existing established facility. The proposed increase of 251sqm of convenience floorspace, whilst not a defined town centre use, would be akin to it and there is no objection to this within the District Centre. The proposed (expanded) convenience store would cater for both motorists and the local community.

It is recognised that the intended convenience store operator has an existing larger retail store within the District Centre and the future intention is that this would be vacated. This is a market decision, and that retail unit is not part of the subject application. There is no application to change the use of that retail unit before the Council and the subject application would not result in the loss of any existing retail floorspace.

With due regard to the above policy and guidance there is no objection to the principle of the development in this instance.

## DESIGN

The application would involve the redevelopment of the existing petrol filling station. The pumps and canopy would be sited centrally but more squarely within the site. The convenience store would remain to the west of the pumps but would cover a greater footprint, extending further south adjacent to the boundary with 10 Plough Road. On the east side of the site, twelve vehicular parking spaces would be provided, extending the hardstanding area further east within the site. Vehicular access/egress points would remain from Reading Road and Plough Lane, the former would be entry only and latter exit only.

Some alterations are indicated to the footpath (to Reading Road) and kerb line (to Reading Road and Plough Lane). The existing footpath to Reading Road would extend into the site,

providing access to the convenience store.

The proposed replacement building would measure 27.1m (length) x 15.6m (width) x 4.9m (height). The forecourt canopy would be at 4.5m in height.

The general arrangement of the site would remain largely as existing, but the convenience store would increase in size and be more prominent within the street scene. The existing appearance of the west end of the site to Reading Road consists of a car wash and largely blank elevations; these are functional in appearance and do not make a positive contribution to the streetscene. The proposed convenience store building, whilst larger, would be a modern building featuring fenestration.

There would be some encroachment into the soft landscaping on the east part of the site to facilitate the parking area. Soft landscaping would be retained on the east part of the site. No objection has been raised by the Council's Landscape Officer.

The existing development on the site makes a limited contribution to the street scene or area and there is no objection to its demolition in design terms.

The size and form of the proposed development has been designed to reflect and accommodate the proposed uses. The replacement building and other development (including the replacement canopy) would be modern in appearance. The building would be finished in grey composite panels. There is a variety of materials and architectural styles existing within the local area and there is no overriding positive prevailing architectural style or appearance that should necessarily be followed.

The YVDF is a material consideration. It identifies an indicative urban design framework for areas with possible development potential. This subject site is identified for a possible village green. This is not proposed in the subject application, which is for a replacement facility and has been considered against relevant development plan design policies. Notwithstanding, there is conflict with the indicative vision in the YVDF.

Overall, the proposal development would replace an existing petrol filling station in an urban environment and would result in a more modern development that would not be out of keeping with the commercial uses of Yateley District Centre. The development therefore meets the design requirements of HLP32 Policy NBE9, HLP06 Policy GEN1 and the NPPF (paragraph 130), notwithstanding the conflict with the indicative vision in the YVDF.

### HERITAGE IMPACT

There are no designated heritage assets on or adjacent to the application site. Yew Tree Cottages are approximately 30m to the north-west of the site and Knellers Cottage approximately 70m to the west, both are Grade II listed. Yateley Green Conservation Area is approximately 100m to the west.

There is intervening built form between the site and these designated heritage assets. The Council's Conservation Officer has advised that the proposal will not cause any further harm to the setting of any designated heritage assets and raises no objection.

With due regard to the above, the proposal would not affect any designated heritage assets and does not engage the heritage tests in the NPPF or Development Plan.

## RESIDENTIAL AMENITY

The proposal is for a replacement petrol filling station, as such there are existing impacts from this use. The proposed development would introduce some additional potential impacts, and these are assessed in this report.

The proposal would introduce a larger building adjacent to the boundary with no. 10 Plough Road to the immediate west of the site. The building would measure 4.9m in height and be approximately 2.1m from the nearest point of the single storey attached garage and 4.1m from the corner of the two-storey living accommodation. The north-east (rear) elevation of the proposed building would be parallel to the south-east boundary of the rear garden.

There would be no overlooking from the proposed development, but it would affect the rear outlook from 10 Plough Road and neighbouring properties in the terrace to the west. This will be mitigated, in part, by the existing fencing and soft landscaping, the latter of which is significant. There is existing, albeit smaller, built form on this part of the application site and a car wash.

With due regard to the existing site situation, orientation of the proposed building and existing boundary treatments, the built form proposed would not result in a material loss of amenity to adjoining residential users through loss of privacy or overlooking in accordance with HLP06 Saved Policy GEN1(iii) or result in an overbearing impact such that planning permission should be refused on this basis.

The proposed opening hours are 07:00 - 23:00, this would result in an additional one hour opening in the evening (between 22:00 - 23:00) to the current opening hours, although the planning history does not indicate any current restrictions on opening hours.

The Council's Environmental Health Officer (EHO) has reviewed and commented on the application. The EHO has advised:

*The increased retail space would not pose a significant additional risk of impact upon residential amenity, except in respect of noise from deliveries and the collection of waste taking account of the proposed location. However, considering the context, a satisfactory resolution could be achieved through the administrative control of the permitted hours.*

*The proposed location for fixed plant and equipment could pose risks of impact from noise emission. The removal of a close boarded fence and replacement with a paladin fence could increase the risk of noise transmission from this location. This is a matter that is resolvable by careful acoustic design and maintenance.*

*Lighting schemes if poorly designed can cause excessive illumination or glare to neighbouring residential uses. Recommended that the design of the scheme prevents these problems arising.*

*Noise, dust, and odour emission from the re-development phase could impact temporarily upon residential amenity. Construction hours should be limited, and an appropriate methodology used to mitigate these risks so far as practicable.*

No objection is raised by the EHO subject to conditions restricting hours of construction and demolition activity, works being carried out in accordance with the submitted Demolition and Construction Method Statement, restrictions on deliveries and waste collection, details of any fixed plant or machinery and details of any external lighting. Such conditions are reasonable and necessary to ensure a satisfactory living environment for nearby residents, as would a



condition restricting opening hours.

The submitted Demolition and Construction Method Statement refers to specific dates for demolition and construction activities (para. 3.2). A short Addendum has been provided that updates this reference to a construction period of approximately six months.

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

### CONTAMINATION

The existing and proposed use of the site as a petrol filling station presents a risk of contamination. A Phase One Environmental Risk Assessment Report (Preliminary Risk Assessment) (PRA) has been submitted.

The Environment Agency (EA) have been consulted and have advised that there is a risk of contamination being mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.

The EA has advised that the PRA demonstrates that it will be possible to manage the risks posed to controlled waters by this development but recommends that further detailed information is required before built development is undertaken. A planning condition requiring a further investigation and a remediation strategy is recommended by the EA.

The Council's EHO has noted the recommendation for further investigation of contamination matters and also recommends a planning condition in this respect.

With due regard to the submitted information and comments of the EA and EHO, any contamination risks can be mitigated to acceptable levels in accordance with HLP32 Policy NBE11 and the NPPF (para. 178). This is subject to a planning condition securing further investigation and a remediation strategy.

### HIGHWAYS, SERVICING AND PARKING

The existing access and egress would alter so that entry would be from Reading Road and egress onto Plough Road. There are existing accesses in these locations, but they would be reconfigured. A new pedestrian route into the site from Reading Road to the convenience store would be provided. In addition to the parking for the eight petrol pumps, vehicular parking spaces would be provided on the east part of the site. Parking for six cycles would also be provided. Waste storage would be provided within the proposed building and externally within a dedicated area to the north (as per the existing arrangement).

The Local Highway Authority (LHA) have raised no objection to the proposed development. The LHA response makes reference to a known encroachment onto highway land, however this would be a land ownership matter and not material to the subject application. The LHA response recommends a condition to secure a construction method statement. However,

such a statement has been submitted with the current application and the LHA has subsequently advised the LPA that the submitted Demolition and Construction Method Statement is acceptable.

The NPPF (para. 109) is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. No such adverse impacts have been identified and the application meets the requirements of the NPPF, HLP32 Policy INF3 and HLP06 Saved Policy GEN1 in respect of highways matters.

A number of representations have made reference to the provision of a pedestrian crossing over Reading Road. Whilst such a crossing may be desirable to improve pedestrian access to the site and Yateley District Centre, it would be off-site infrastructure that would need to meet the requirements of the Community Infrastructure Regulations 2010 (as amended) (Regulation 122), NPPF (para. 56) and HLP32 Policy INF1. These are 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 to the development.

In this instance, the provision of a new pedestrian crossing for an application that would result in a net increase of 251sqm of convenience store floorspace at a replacement petrol filling station is not considered fairly and reasonably related in scale and kind to the development proposed. Furthermore, the proposal is not considered otherwise unacceptable such that a pedestrian crossing would make it acceptable. The LHA view has been sought and they have advised the LPA that the level of additional trips would appear unlikely to necessitate the installation of a pedestrian crossing.

The PPIG identifies the site to be in Parking Zone 2 but does not specify any parking standards for petrol filling stations. The proposal includes a convenience store of 400sqm and the PPIG seeks a maximum of 1 space per 14sqm for food retail. As an indicative indication, this would equate to 29 spaces.

In addition to the twelve dedicated parking spaces, vehicles would utilise the eight spaces adjacent to pumps when fuelling. One of the twelve spaces would be a disabled bay. A vehicle tracking drawing has been provided to demonstrate that the proposed spaces can be accessed safely. Following discussions with the LPA, the applicant has proposed to provide infrastructure for the future provision of two electric vehicle spaces (passive provision). This is supported and could be secured by planning condition.

Whilst the application is for a replacement petrol filling station and would, by its nature, attract car-based movements, the application site is in a sustainable location within Yateley District Centre such that the enlarged convenience store would be accessible to pedestrians and cyclists. The provision of a pedestrian footway into the site from Reading Road is an improvement on the existing situation and supported.

It is stated the no separate refuse collections will be undertaken. Rubbish collection takes place via delivery lorries on which waste is loaded for the return journey. As per the existing arrangement on the site, a storage area is proposed to north of the convenience store. Deliveries would take place within the site and no objection has been raised by the LHA or Council's Joint Client Waste Team.

With due regard to the above, the proposed parking and servicing arrangements are considered acceptable and meet the requirements of HLP32 Policies NBE9 and INF3 and HLP06 Saved Policy GEN1(vii).

### LANDSCAPING AND TREES

The proposed development would result in the loss of one tree, a category C horse chestnut. There is an existing row of off-site Cypress trees adjacent to the east boundary of the site. Concern has been raised from a neighbour regarding the impact on these trees. No objection has been raised by the Council's Tree Officer. Following the submission of a revised Arboricultural Method Statement (AMS) and Tree Protection Plan, the Council's Tree Officer has further confirmed that, subject to the implementation of the proposed arboricultural measures, there remains no objection. This can be secured by condition.

The AMS includes a pruning specification as sought by the Council's Landscape Officer and a Tree Protection Plan has been provided.

Further to the comments of the Landscape Officer, the applicant has confirmed that the symbol/hatch to the west side of the proposed structure represents gravel surfacing. The Landscape Officer has advised that the landscaping proposals are otherwise acceptable and raises no objection.

It should also be noted that the application is for a replacement petrol filling station in an urban environment.

Subject to a condition requiring implementation of arboricultural measures, there is no conflict with HLP32 Policy NBE9 in relation to trees and landscaping.

### FLOOD RISK AND DRAINAGE

The application site lies within Flood Zone 1. It is not identified as being within a surface water and groundwater flooding indicative flood problem area (IFPA), although Reading Road and parts of Plough Road adjacent to the site are identified surface water IFPA. The site is an identified causal flood area.

The proposed development would result in a relatively minor increase in impermeable area on the site with the introduction of a larger car parking area.

The application form confirms that a soak-away will be used.

No objection has been raised by the EA, but they have recommended a condition requiring that no drainage systems for the infiltration of surface water to the ground are permitted other than with the written approval of the LPA.

Full details of a surface water drainage strategy should be secured by condition to ensure that the proposed development would not increase the risk of flooding elsewhere and be safe from flooding as required by HLP32 Policy NBE5 and the NPPF (Section 14).

### CLIMATE CHANGE

On 29.04.2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District.

HLP32 Policy NBE9 requires developments to be resilient and aims to reduce energy

requirements through carbon reduction and utilisation of energy generating technologies. Whilst the application is for the replacement of a petrol filling station, efficiencies would be achieved through the requirement to meet modern building regulations requirements. Passive provision for electric vehicle charging points would also be provided.

An informative is recommended on any permission given to encourage the applicant to explore all opportunities to minimise impact on climate change.

## EQUALITY IMPACT

The Equality Act 2010 legally protects people from discrimination in society. It replaced previous anti-discrimination laws (Sex Discrimination Act 1975; Race Relations Act 1976 and Disability Discrimination Act 1995) with one single Act. The public sector Equality Duty came into force on 05.04.2011 In Section 149 of the Equality Act. It means that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy and delivering services.

Due regard is given to the aims of the general Equality Duty when considering applications and reaching planning decisions in particular the aims of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations between those who share a protected characteristic and those who do not share it.

## **CONCLUSION**

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Planning and Compulsory Purchase Act 2004 38(6) and NPPF paras. 2 and 47).

The application has been assessed against the development plan and relevant material considerations. There is no objection to the principle of the development and the proposal complies with the relevant development plan policies in relation to: design; heritage impact; residential amenity; contamination; highways, servicing and parking; landscaping and trees, and flood risk and drainage. This is subject to the planning conditions identified.

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

## **RECOMMENDATION – Grant, subject to 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 plans:

Proposed Site Layout 190508-03J  
Proposed Site Layout (1:200 Scale) 190508-03-1I  
Proposed Building Details 190508-05B  
Tracking Layout 190508-06E  
Landscape Plan 4630 01 Rev C

Reason

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

- 3 No development shall commence until a Remediation Strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy shall include:
  - a. A site investigation scheme, based on the Phase One Environmental Risk Assessment Report (Preliminary Risk Assessment) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - c. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall take place in accordance with the approved Remediation Strategy.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and the National Planning Policy Framework.

- 4 No construction shall take place until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles, has been submitted to, and approved in writing by, the Local Planning Authority.

Any proposed drainage system for the infiltration of surface water to the ground must be supported by an assessment of the risks to controlled waters.

The development shall take place in accordance with the approved Surface Water Drainage Scheme.

REASON

To ensure that the proposed development would not increase the risk of flooding elsewhere, be safe from flooding and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE5 and the National Planning Policy Framework.

- 5 Prior to the installation of any external fixed plant or machinery, details of such plant

and machinery shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

1. Proposed location(s)
2. Specific manufacturer's details
3. Expected noise emissions
4. An assessment of the expected cumulative noise impact of all fixed plant and equipment for which approval is sought under this condition
5. Specifications for any noise mitigation measures proposed.

The development shall take place in accordance with the approved external fixed plant details and plant and equipment shall be maintained so as to operate in accordance with the submitted details.

Reason

To ensure a satisfactory noise environment and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11, saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the National Planning Policy Framework.

- 6 Prior to the installation of any external lighting, an External Lighting Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include details of locations, direction, Lux levels, hours of operation and maintenance.

External lighting shall only be installed, operated and maintained in accordance with the approved External Lighting Scheme.

Reason

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

- 7 Prior to the occupation and use of the development hereby approved details of two passive electric vehicle charging points shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include the location and necessary infrastructure. The passive electric vehicle charging points shall be installed and maintained in accordance with the approved details.

Reason

To contribute to the reduction of climate change and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE9.

- 8 The development shall take place in accordance with Arboricultural Method Statement (Version 2).

Reason

To safeguard off-site trees and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE9.

- 9 The approved parking facilities for vehicles and cycles as identified on drawing no. Proposed Site Layout 190508-03J shall not be used for any purpose other than the parking of vehicles and cycles and access shall be maintained at all times to allow them to be used as such.

Reason

To ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policies NBE9 and INF3 and Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 10 The development shall take place in accordance with the Demolition and Construction Method Statement (January 2021) and Addendum (22.04.21).

Reason

To protect the amenity of nearby residential occupiers and to satisfy Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 11 Notwithstanding Condition 10, no demolition, construction or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours weekdays or 08:00 to 13:00 hours Saturdays. No demolition, construction or delivery of materials shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

To protect the amenity of nearby residential occupiers and to satisfy Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 12 The development hereby approved shall only be open for customers between 07:00 hours and 23:00 hours.

Reason

To protect the amenities of the area and to satisfy Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1

- 13 Deliveries to, and waste collection from, the convenience store shall only take place between 07:30 and 18:00 hours Monday to Saturday. No deliveries or waste collection shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

To protect the amenity of nearby residential occupiers and to satisfy Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1. D

## 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, the application was acceptable and no further engagement with the applicant was required.
- 2 Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.





By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Exempt from Publication

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