

# Public Document Pack



## NOTICE OF MEETING

<b>Meeting:</b>	<b>Planning Committee</b>
<b>Date and Time:</b>	<b>Wednesday 13 October 2021 7.00 pm</b>
<b>Place:</b>	<b>Council Chamber</b>
<b>Telephone Enquiries to:</b>	<b>Committee Services Committeeservices@hart.gov.uk</b>
<b>Members:</b>	<b>Ambler, Blewett, Cockarill, Delaney, Kennett, Oliver (Chairman), Quarterman, Radley, Southern, Wheale and Worlock</b>

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.**

**Please download all papers through the Modern.Gov app before the meeting.**

- At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- 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 MINUTES OF PREVIOUS MEETING (Pages 3 - 4)**

The Minutes of the meeting held on 8 September 2021 to be confirmed and signed as a correct record.

## **2 APOLOGIES FOR ABSENCE**

To receive any apologies for absence from Members\*.

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

## **3 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.

## **4 CHAIRMAN'S ANNOUNCEMENTS**

## **5 DEVELOPMENT APPLICATIONS (Pages 5 - 10)**

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

## **6 21/02051/FUL - 28 FINNS BUSINESS PARK, BOWENHURST LANE, CRONDALL, FARNHAM GU10 5HP (Pages 11 - 40)**

## **7 20/03140/HOU - LAUNDRY FARM HOUSE, WEDMANS LANE, ROTHERWICK, HOOK RG27 9BX (Pages 41 - 64)**

## **8 20/03141/LBC - LAUNDRY FARM HOUSE, WEDMANS LANE, ROTHERWICK, HOOK RG27 9BX (Pages 65 - 86)**

## **9 21/00608/FUL - LAND EAST OF READING ROAD, HOOK (Pages 87 - 124)**

## **10 21/01048/OUT - OWENS FARM, NEWNHAM ROAD, HOOK RG27 9NG (Pages 125 - 159)**

**Date of Publication: Tuesday, 5 October 2021**

## **PLANNING COMMITTEE**

**Date and Time:** Wednesday 8 September 2021 at 7.00 pm

**Place:** Council Chamber

**Present:**

Blewett, Clarke (substitute), Cockarill, Kennett, Oliver (Chairman), Quarterman, Radley, Southern and Worlock

**In attendance:**

Councillor Delaney

**Officers:**

Mark Jaggard	Head of Place
Steph Baker	Interim Development Management & Building Control Mgr
Miguel Martinez	Principal Planning Officer
Julia Taylor	Planning Officer
Emma Bethell	Shared Legal Services
Sabrina Cranny	Committee Services Officer

### **35 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 11 August 2021 were confirmed and signed as a correct record.

### **36 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Ambler substituted by Councillor Tony Clarke.

### **37 DECLARATIONS OF INTEREST**

To discuss the approach for virtual meetings in particular the upcoming Planning Committee Working Party.

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

Mark Jaggard announced Steph Baker had successfully been recruited permanently into the role of Development Management & Building Control Manager. The Chairman congratulated her on behalf of all members.

### **39 DEVELOPMENT APPLICATIONS**

The planning reports from the Head of Place were considered and the updates via the Addendum were accepted.

**40 21/01253/HOU - 13 BRAMLING AVENUE, YATELEY GU46 6NX**

Members considered the application and discussed the following:

- The parking plan
- The side elevation

**DECISION – GRANT** as per officer recommendation, subject to planning conditions.

**41 21/00378/FUL - THE BELL INN, 36 FROGMORE ROAD, BLACKWATER, CAMBERLEY GU17 0NP**

Members considered the application and discussed the following:

- Whether 12 car parking spaces would be enough
- Staff numbers and shift patterns and possible impact on parking
- Potential location of solar energy panels
- The design and height of the building in relation to surrounding properties
- Room sizes and building storeys
- School traffic times in vicinity
- Current flooding and drainage problems
- Differences between nursing homes and dementia care homes

**DECISION – GRANT** as per officer recommendation, subject to the planning conditions in the Addendum and an additional Travel Plan condition:

“Prior to the first occupation of the development hereby approved, a travel plan in respect of movement, parking and delivery arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be limited to, arrangements for delivery vehicle parking during unloading, staff transportation and parking, visitor travel and parking, promotion of sustainable transport modes to encourage modal shift, opportunities for car-sharing and measures to be put in place during shift changes for staff within the facility.

REASON: In order to ensure that sustainable travel modes are taken up and to ensure convenient and safe access for all users in line with Policies NBE9 and INF3 of the HLP32 and Para 113 of the NPPF 2021.”

*Notes:*

*Site Visit - 8 September 2021 and attended by Councillors Blewett, Quarterman and Southern.*

*Councillor Harward spoke for the Town Council against the application*

*Mr G. Hatch spoke against the application*

*Ms E. Noden spoke for the application*

The meeting closed at 8.28 pm



**HEAD OF PLACE**  
**REPORT TO THE PLANNING COMMITTEE OF**  
**2021**

**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:

- Hart Local Plan (Strategy and Sites) 2032, adopted April 2020
- Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (updated 1st May 2020)
- Policy NRM6 (Thames Basin Heaths Special Protection Area) of the South East Plan (adopted May 2009)
- Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park Minerals and Waste Local Plan 2013
- 'Made' Neighbourhood Plans for the following Parishes: Crondall; Crookham Village; Dogmersfield; Fleet; Hartley Wintney; Hook; Odiham and North Warnborough; Rotherwick; Winchfield.

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)

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## COMMITTEE REPORT

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APPLICATION NO.	21/02051/FUL
LOCATION	<b>28 Finns Business Park Bowenhurst Lane Crandall Farnham GU10 5HP</b>
PROPOSAL	Retention of a replacement dwelling (retrospective)
APPLICANT	Mr B. Finn Ms L. Walker
CONSULTATIONS EXPIRY	30 September 2021
APPLICATION EXPIRY	01 November 2021
WARD	Odiham
RECOMMENDATION	<p><b>A.</b> That the Head of Place be authorised delegated authority to take the application to Full Council as a departure with a recommendation to <b>GRANT</b> permission subject to conditions (listed below);</p> <p><b>B.</b> That the Head of Place be authorised delegated authority to <b>REFUSE</b> planning permission for appropriate reasons (listed below).</p>

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## BACKGROUND

This application is brought before the Planning Committee at the discretion of the Head of Place. This is in line with Appendix A (1b) of the Council's Constitution relating to the Scheme of Delegation as The Head of Place considers that the application should be considered by Planning Committee.

The application before Planning Committee is identical to the application which was considered by Planning Committee in January 2021.

Members discussed:

- The need to look carefully at the background of this application and the possible consequences of refusing planning permission for the current occupants.
- Would permission have been granted if the Council had been approached in the first instance.
- Whether the proposed dwelling would have a likely adverse effect on the Thames Basin Heaths Special Protection Area (TBHSPA) given that prior to its demolition there was a converted building that had secured the appropriate mitigation.
- The visual impact of the new building compared to the previous building.
- The internal levels if the building in relation to the potential surface water flooding issue.
- Whether the building would be appropriate accommodation for the future.
- The impact on the surrounding business park which is a designated Locally Important Employment Site (LIES) if this application was approved.
- Whether the site was suitable in terms of the environment (eg noise) and whether it was a sustainable location.
- That the demolition of the building extinguished any fall-back position.
- That it was not appropriate to grant a personal permission.

Members debated:

- That the Planning Committee did not have the delegated powers to grant planning permission as the proposal represented a Departure to the Development Plan.
- That the proposal was a material Departure to the Development Plan as it was contrary to policies SS1 and ED3 of the Plan. It was the view of the Planning Committee that whilst this was a Departure to the Development Plan that the fact that there was previously a dwelling was material and that this weighed in favour of approving an exception to Policy.
- The need to understand the Policy implications of rejecting this Application.
- The perceived risk to the property from surface water flooding in the area.
- Environmental Health Officer's report in relation to noise complaints in that location.
- Whether by granting this Application could this set a precedent for future applications.
- It was the view of the Committee that although the demolition of the original building extinguished the approved residential use of the site and any fall-back position, the fact that there was a previous dwelling at the site that had secured appropriate mitigation against the impact on the TBHSPA meant that this dwelling would not have a likely adverse effect on the TBHSPA.

As a result of a vote not to refuse planning permission, the Chairman proposed an alternative recommendation to refer to full Council to grant planning permission subject to the Secretary of States referral.

- The Application being advertised as a Departure and no further issues being raised subject to the Secretary of State referral.

- The Recommendation is subject to conditions to be drafted by the Chairman of the Planning Committee and the Planning Ward Councillor and subject to the Applicant satisfying the surface water flooding issue by providing additional information.
- The material reason for the departure is based on the fact is that there was previously a dwelling here and the Committee felt there is an exceptional circumstance upon which to have a departure to the recently adopted Hart District Local Plan.
- If the advertisement of the departure raises new material considerations that need to be taken into account, there will be a need to bring it back to full Council or Planning Committee depending on what it is.

The planning application was referred to Full Council on 28 January 2021. The grant of retrospective planning permission, which resulted in a Departure to the Local Development Plan was deemed to be acceptable by Full Council.

Prior to a decision being formally issued Officers noted that the ownership certificates provided on the application form were incorrectly completed, as the applicant was not the legal owner of the land. The applicant confirmed they were not the owners (at the time) of the land/property.

The Local Planning Authority were therefore required to proceed to close the case with a 'Refuse to Entertain' decision, in line with relevant legislative requirements.

Consequently, the recommendation on this application is the same as the resolution of Planning Committee earlier this year, namely:

That the application be **referred to Full Council as a Departure** from the Hart Local Plan (Strategy & Sites) 2016-2032 with the recommendation to grant subject to conditions or refuse if flood risk matters were not addressed. Since this time, the applicant has addressed drainage and flood risk concerns.

## HISTORY

In 2016, Prior Approval for change of use of units 10, 11, 27 and 28 from business uses (Use Class B1) to residential use (Use Class C3) were considered to comprise permitted development. Following the change of use of unit 28 to residential under permitted development rights, the owner/occupiers subsequently demolished the unit. This extinguished any permitted development or lawful residential use rights for the land.

A building was later constructed and occupied for residential purposes without the benefit of planning permission. A retrospective planning application was submitted in January 2020 which was refused planning permission under delegated powers (19/02844/FUL) in March 2020 for the following reasons:

1. The retention of a dwelling with a substandard internal floor area and a poor-quality outdoor amenity space in a light industrial/business location with unneighbourly commercial uses adjoining it and overhead electricity power lines over the building would result in a poor environment and not high-quality residential accommodation and amenity for its occupiers.
2. The retention of a dwelling among light industrial/business uses and adjoining unneighbourly commercial activities, in conjunction with other non-employment uses within Finns Business Park would contribute negatively to the long-term sustainable operation of this Locally Important Employment Site.

No appeal was lodged against the refusal. **Page 13**

A subsequent application (20/01539/FUL) was submitted in July 2020 which sought to address the above refusal reasons and achieve retrospective planning permission. This application also sought permission to construct an open porch/veranda and for the retention of an unauthorised outbuilding within the private amenity area to the rear of the building. This was presented to Planning Committee on 13 January 2021, as summarised above.

This retrospective submission seeks to obtain retrospective permission for the development that has occurred on the land (described below). The applicant has confirmed that they are now the sole landowner and therefore the certification completed as part of the application form is now procedurally correct.

## **THE SITE**

The application site is located within Finns Business Park which is located near the village of Crondall. The business park is accessed off Farnham Road (A287) via a no-through road, Bowenhurst Lane. The application site is located close to the south-eastern corner of the Business Park.

The Finns Business Park is designated as a Locally Important Employment Site (LIES) within the adopted Hart Local Plan (Strategy & Sites) 2032 (HLP32) and is also subject to an Article 4 Direction which removes Permitted Development rights for conversion of business units into residential accommodation.

The access to the Business Park provides access to other commercial premises such as a construction company yard, a cesspool/sewage waste collection company, a crane rental business, a modest storage company, a golf centre and a restaurant. There are also three dwellings accessed from Bowenhurst Lane.

The settlement boundary of Mill Lane is located approximately 215m south from the application site. This settlement adjoins the northern side of Farnham Road (A287) and contains a BP petrol service station, retail unit and car sale business. The above cluster of different buildings and uses are surrounded by open countryside.

## **PROPOSAL**

Retrospective planning permission is sought for the construction of a dwelling. The building has a rectangular footprint and measured externally, is 11m wide by 4.45m deep. It has been built with a shallow dual pitch roof at a maximum height of 3.5m and with an eaves height of 2.8m. The front elevation of the building features 3 no. windows and a main entrance door. The rear elevation has 2 no. windows and a secondary door which provides access to an enclosed rear amenity area.

As part of this proposal, retrospective planning permission is also sought to retain an outbuilding to the rear/side of the dwelling. This measures 3.08m by 2.1m at a maximum height of 2.6m.

The area to the front of the building is used as car parking for 2 no. vehicles. At the rear of the building there is an outdoor amenity area measuring 10.85m in depth by 4.85m in width. The application also proposes the installation of a canopy above the existing entrance door and a veranda covering an area of 2.25m by 0.65m and a flat-roofed canopy to the side of the building.

## **RELEVANT PLANNING HISTORY**

20/01539/FUL – Retention of a replacement dwelling (retrospective). Decline to Entertain, 20.05.2021.

19/02844/FUL - Retention of a replacement dwelling (retrospective). Refused, 05.03.2020.

16/00471/PRIOR - Application for Prior Approval under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 of Proposed Change of use from B1 to C3 - Units 10, 11, 27 and 28. Prior Approval Not required, 25.05.2016.

14/00382/FUL - Retention of re-organised car park, additional car, cycle and motorcycle parking, relocation of HGV parking, provision of open storage area for relocated portacabins and containers, retention of vehicle storage, retention of two buildings for B1 Business use and erection of fencing. Granted 03.04.2014.

## **CONSULTEE RESPONSES** (Summarised unless stated)

### **Crandall Parish Council** (Verbatim)

No objection (as per comments on previous application).

- Conforms to NBE1 (Development in the Countryside) pursuant to (g), being a replacement dwelling (the pre-existing dwelling was lawful before its demolition).
- This dwelling is one of four in a defined part of the site.
- The dwelling meets the standard dwelling size.
- Dedicated outside space has been provided.

### **Streetcare Officer (Internal)**

No objection (as per comments on previous application).

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

Objection. (As per comments on previous application, the information submitted with this application is exactly the same as that previously submitted, therefore previous objection is relevant and applicable).

Environmental Health Officers (EHO) looked at the noise information submitted and objected based on the monitoring window in June 2020, due to lack of information regarding attenuating figures from glazed windows, potential noise exceedance levels at night and resultant suitability of the site for residential use due to amenity for occupiers.

The applicant provided a response to the above matters. This response was reviewed by the EHO, and advised the following (in summary):

- The applicant's consultant has not assessed the impact of noise using the British Standard 4142 (BS4142) methodology or he has not reported it correctly so that third parties can make sense of the findings.
- No conclusions can be reached on the basis of the noise report in accordance with the British Standard. This failure is my major objection to the adequacy of the report.
- The consultant does not accurately report high sound levels, background noise and low rating levels.
- Absolute sound level parameters contained in the British Standard would take no account of the degree to which the residential uses are impacted by noise of an industrial character.

- The noise criteria used by the noise consultant is usually used for steady unobtrusive noise sources (e.g., distant traffic noise).
- Industrial noise generated close to residential uses typically will contain distinguishable character such as tonal and intermittent noises (e.g., reversing beepers; impulsive noise from items being dropped or metal on metal impacts; plant and equipment noise). Residents are much less likely to tolerate noise of this type of character than noise at a similar level arising from distant road traffic.
- The original basis for the consultant's conclusions is not a robust basis. I would expect the consultant to make reasonable enquiries regarding the industrial activity that occurs and its variation before producing a quantitative assessment. This should be set out in his report. One gets no sense of what noise emissions should be expected on these sites.
- There is no description of the activity levels observed on site during the monitoring period. Given the absence of such commentary, it seems likely that the consultant was not in attendance during the survey period.
- It cannot be established what noise sources contributed to the measured levels or attempt any guess at how representative they might be of typical conditions on the adjoining industrial sites.
- An understanding of the nature of the sound source; its location with reference to windows might allow a slightly more refined assessment, but I find none of this detail in the acoustic report.
- The consultant comments that the noise levels reported between 6:00 and 7:00 hours are attributable to a barking dog. It is uncertain how the consultant knows this. Has he been advised this was the case? Has he determined this by direct observation? Has he assessed source by captured audio records?
- Has he been able to count the number of noise events by recording audio for the whole period? One cannot be sure on any of these questions.
- This site seems to experience a large number of 15-minute noise periods with high levels and this seems to commence around 03:00 hours for the whole morning and on a less frequent basis for the afternoon. It is not known if the noises are intermittent or impulsive industrial noise, the applicant's noisy dog or some other as yet undescribed source. This returns us to a central criticism; we do not know what noise sources were measured and are represented in graphs submitted.

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

No objection.

### **Natural England**

No comments to raise.

### **Drainage (Internal)**

No objection.



## **NEIGHBOUR COMMENTS**

The statutory requirements for publicity, as set out in the Development Management Procedure Order 2015 (as amended) are in this case the notification of the adjoining properties, the display of a site notice and in addition a press notice. The Council's Statement of Community Involvement has recently been amended so that we are only required to carry out the statutory publicity requirements.

The application was formally notified as a Departure from the development plan by way of a Site Notice and a Public Notice in the local paper.

Neighbour letters were also posted providing interested parties with a minimum of 21 days to comment. At the time of writing this report there have been no public representations received.

The Press Advertisement was published on 17.09.2021 and the 21-day expiry is the 08.10.2021. Should any public representations be received as a result of this press advert between the 04.10.2021 and the 08.10.2021 these would be reported to Planning Committee on the Addendum.

## **CONSIDERATIONS**

1. Planning Policy.
2. Principle of Development.
3. Finns Business Park Viability- LIES designation and adjoining commercial uses. Prior Approval and Conversion of the Unit.
4. Design of the Development and Appearance of the Locality.
5. Quality of the Residential Accommodation.
6. Housing Land Supply and Delivery.
7. Impact on Adjoining Occupiers.
8. Thames Basin Heaths Special Protection Area.
9. Parking and Access.
10. Flooding.
11. Refuse.
12. Climate Change and Equality
13. Other Matters.

### **1. PLANNING POLICY**

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

The relevant plans for Hart district are the Hart Local Plan (Strategy & Sites) 2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06), the South East Plan 2006 and the Crondall Neighbourhood Plan 2017-2032 (CNP32). Adopted and saved policies of the development plan are up-to-date and consistent with the NPPF 2021.

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

SD1 - Sustainable Development

SS1 - Spatial Strategy and Distribution of Growth

H6 - Internal Space Standards for New Homes

ED2 – Safeguarding Employment Land and Premises (B-Use Classes)

NBE1 – Development in the Countryside  
NBE2 - Landscape  
NBE3 – Thames Basin Heaths Special Protection Area  
NBE4 – Biodiversity  
NBE5 - Managing Flood Risk  
NBE9 - Design  
NBE11 - Pollution  
INF3 – Transport

Saved Policies of the Hart District Council Local Plan (Replacement) 1996 – 2006 (HLP06)

GEN 1 - General Policy for Development

Saved policy of the South East Plan 2009 (SEP)

NRM6 - Thames Basin Heaths Special Protection Area

Crandall Neighbourhood Plan 2017-2032 (CNP32)

Policy 1 - Spatial Plan  
Policy 2d - Thames Basin Heaths Special Protection Area  
Policy 3 – Housing Design  
Policy 6 – The Natural Environment

Other relevant material considerations

National Planning Policy Framework 2021 (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide (NDG)  
Technical Housing Standards - nationally described space standard (DCLG 2015)  
BRE Report - Site layout planning for daylight and sunlight: a guide to good practice (2011)  
Employment Land Review (2016)  
Strategic Housing Market Assessment 2016 (SHMA)  
Hart Five Year Housing Land Supply Position Statement (1st April 2020)  
Parking Provision Interim Guidance (2008)

## **ASSESSMENT**

The starting point for the determination of any application is whether or not the proposal accords with the Development Plan; where a development is in accordance with the Development Plan it should be approved.

However, if a development conflicts with the provisions of the development plan, then it will be necessary to consider if there are any material planning considerations which indicate that planning permission should be granted contrary to the development plan. The assessment below is undertaken in accordance with this NPPF requirement.

## **2. PRINCIPLE OF DEVELOPMENT**

The adopted HLP32 designates the site as being within the countryside and within a Locally Important Employment Site (LIES). The CNP32 also locates the site outside of any settlement policy boundary relating to its spatial strategy. The HLP32 spatial strategy and distribution of growth is set out in Policy SS1 which clearly states that development will be focused within defined settlement boundaries, on previously developed land in sustainable locations and on allocated sites as shown on the policies map.

Policy SS1 of HLP32 outlines the Council's spatial strategy and distribution of growth within Hart. It clearly states:

*'Development will be focused within:*

- *defined settlement boundaries;*
- *previously developed land in sustainable locations; and*
- *on allocated sites as shown on the Policies Map.'*

Taking into account the above location for development, this policy also makes provision for new homes for the plan period 2016-2032 through:

- *Development completions and committed development since October 2017;*
- *permitting further development/redevelopment within defined settlement policy boundaries (subject to other plan policies);*
- *delivery of 1500 dwellings at Hartland Village;*
- *through Neighbourhood Plans; and*
- *permitting rural exception sites outside defined settlement policy boundaries that accord with adopted policies H3 and NBE1*

In this case, the site is located on previously developed land. However, it is considered to be within an unsustainable location as there are limited facilities in the locality to meet the day-to-day needs of occupiers and in addition the limited pedestrian/cycling infrastructure and availability of public transportation options in the immediate area would place a reliance on the private vehicle. Residents of the development would depend on private motor vehicles to access nearby settlements with the facilities for day-to-day needs to be met in terms of shopping, health care or education.

Furthermore, the development plan recognises that exemptions to normal policies of restraint can be considered, in terms of housing provision, where these are reasonably necessary. The principal policies in this regard are policies H3 (Rural Exceptions Sites – Affordable Housing), H4 (Specialist Housing) and NBE1 (Development in Countryside - in specific circumstances). However, none of these policies are applicable to the development subject of this retrospective application. In particular, as the site is located within a designated Locally Important Employment Site, policy NBE1 is not applicable.

Adopted policy ED2 is also directly relevant which safeguards employment land and premises (B-Use Classes). Finn's Business Park, Crondall is specifically named under policy ED2 2x as a Locally Important Employment Site. The Use Classes Order was updated on 1<sup>st</sup> September 2020. However, this does not affect the effectiveness of the policy. Policy ED2 is clear that planning permission for change of use or redevelopment of land and buildings will only be supported in if it can be demonstrated that one or more of the four criteria are met. These are considered below:

*a) there are no strong economic reasons to retain the employment use;*

The applicant has not made a case to suggest that the land could not be retained in employment use or that there are unfavourable economic reasons to do so.

*b) market signals indicate that the premises / site are unlikely to be utilised for employment use;*  
*or*

The application does not contain any information demonstrating that market conditions for the employment uses/sector have prevented the use of the land for employment purposes.

In contrast, the information submitted in support of this application and discussed below, demonstrates that units within the Business Park have been in demand, as stated in the letter provided from the commercial property consultants Hollis & Hockley.

*c) the proposed use is of a similar character to employment uses in Use Classes B1, B2 and B8;  
or*

The proposed development is not of a similar character to any employment use. A residential use is an incompatible land use to the commercial activities which take place on the wider site.

*d) the site is not appropriate for the continuation of its employment use due to a significant detriment to the environment or amenity of the area.*

The applicant has not made a case to suggest that the land could not continue in employment use. It is noted that the demolished building was occupied and used as a dwelling for a short period, however the building was removed and therefore the benefits granted by the Prior Approval under 16/00471/PRIOR to use the building as a dwelling were extinguished with its demolition. Therefore, criterion d of Policy ED2 remains relevant.

The principle of development therefore fails on all the above planning policy grounds.

The development does not conform to the relevant policies of the development plan which direct the provision of new housing within settlements and sustainable locations. There are no housing policies in the HLP32 or CNP32 which allow housing in this protected employment location.

Furthermore, this submission is not accompanied by robust information demonstrating that a suitable employment use on the land is not viable, or that other factors would preclude the land from returning to an employment use.

The retention of a home in this location is contrary to the objectives of Policies SS1 and ED2 of the HLP32 and Policy 1 of the CNP32, which also directs development to sites within settlement boundaries of the Neighbourhood Area. Given the adopted spatial strategy for development to occur within settlements, the retention of this dwelling on the subject site would represent a departure of the HLP32 and its objectives.

### 3. VIABILITY OF FINNS BUSINESS PARK - LOCALLY IMPORTANT EMPLOYMENT SITE (LIES) AND ADJOINING COMMERCIAL SITE.

It has been established that Policy ED2 of HLP32 seeks to safeguard employment land and premises. It is noted the land subject to this application ceased to perform an employment function when the change of use to residential was implemented in 2016 however as previously mentioned the site is within a protected employment site.

Given the importance of the LIES through its positive function and contribution to the local economy in the district, the employment site was also an area covered by the District's Employment Article 4 Direction. This Article 4 Direction was imposed in 2018 to prevent loss of employment land to residential uses through permitted development rights.

The applicant submitted a report titled 'Commercial Sustainability of Finns Business Park' produced by a commercial real estate company. The report outlines that they have carried out a number of open-market transactions in the business park and that the residential properties within the Business Park were not a deterrent to these transactions.

This indicates that the market signals for employment uses have been strong and that the Business Park remains a sought-after location for business that want to establish in the District. Residential dwellings in the business park do not contribute to the economic function of the employment site and in the long term would undermine its effective operation and function.

The flexibility to accommodate suitable uses, which are difficult to provide elsewhere, would also be reduced due to residential neighbouring amenity. The supporting text of adopted policy ED2, makes it clear in this respect stating:

*'These smaller employment sites provide important business locations and in some instances provide a location for valuable 'bad neighbour' activities... industrial process which may cause nuisance by reason of noise, vibration, smell and fumes'*

The threat to the future viability of the LIES, therefore, is whether future occupiers of residential units in unsuitable locations are more likely to raise pollution complaints about existing lawful commercial operations that take place around them. This conflict between commercial and residential use is termed 'the agent of change' principle within the NPPF 2021 (paragraph 187) and the PPG (Noise PPG Paragraph 009). This is clear that the responsibility for mitigating the effects of changes in land use falls with the new user introducing the change of use, not existing business or community uses around a site.

Unfortunately, under permitted development rights, the agent of change principle has not been captured in the legislation and this has led to numerous inappropriate locations for residential occupiers being situated amongst incompatible uses. This has generated complaints against existing businesses operating at their normal and permitted level and unreasonable restrictions being imposed on commercial activities. This has hindered economic activity and in some cases resulted in a cessation of economic activity altogether on a site. This situation is one reason that the Council chose to impose an Article 4 Direction on key employment land.

Furthermore, as part of this submission the applicant has submitted a letter (dated 15 January 2021) also produced by the commercial real estate company referenced above. This letter was produced in answer to the planning assessment of the proposal against adopted planning policy ED2. In summary it states the following about the application site:

- It represents only 0.6% of the 7ha Business Park area.
- It has a remote location away from other business uses on the business park.
- It is unlikely that residential use would harm the attractiveness/viability of business park.
- Sales/lettings of other units have continued since the residential conversion in 2016.
- Finns Business Park is restricted by a condition to use Classes B1 use only.
- The building is unsuitable for letting as an industrial unit.
- There are several doubts over the sustainability/attractiveness of building as a commercial letting option because of internal layout (kitchen and bathrooms) unsuitable for office use.
- Small office occupiers prefer urban centre locations.
- Bespoke office buildings provide immediate connectivity to data and telephony systems.
- Recent economic circumstances and increase in home working from last year have resulted in a reduction of enquiries for small office locations of this size.

The comments stated in this letter are noted, however it is worth clarifying that the original planning permission for whole Finns Business Park was granted for the operation of B1 and B2 uses (currently falling within E and B use classes, respectively).

The recent changes in the Use Class Order have resulted in the former B1 use class now forming Use Class E which comprises much wider-ranging uses such as retail, sale of food and drink on the premises, financial/ professional and other services, indoor sport/ recreation or fitness, medical or health services, creche/ day nursery or centre/ offices, research and development or industrial processes. Use Class B2 continues to allow uses for industrial process excluding incineration, chemical treatment or landfill/ hazardous waste.

It is important to note the wide spectrum of potential neighbouring uses and the impacts that these could have on residential occupiers of this development.

The planning permission for the retention of the original business unit at no. 28 (removed from the land) was granted for B1 uses only.

The letter states that small businesses prefer town centre locations, yet, from the several business park inspections undertaken in the past all of the units seemed occupied. A further inspection in September 2021 revealed that only 3 units appear to be vacant (1 industrial and 2 office units), discounting those previously converted into residential use before the Article 4 Direction imposition.

The applicant also submitted flyers demonstrating 4 no. units for sale/ to let within the business park. In addition to Officers' visits to the business park, an internet search undertaken in September 2021 did not reveal any of the business park units on the market at the present time. An internet search, including the website of the commercial real estate company used by the applicant, does not currently list any property as being available at the business park, which despite the comments made, and the findings reported, occupancy in the business park appears to remain high. This raises ambiguity on the information submitted by the applicant and the commercial agent.

At the present time Officers are not satisfied that the effective operation/function of the LIES would not be affected in the longer term from the retention of the unauthorised residential development. The subject dwelling within the LIES would appear to impact negatively on the long-term sustainability of operations on the LIES.

#### 4. PRIOR APPROVAL AND CONVERSION OF THE UNIT

In this case the development must be assessed against the provisions of the development plan and a decision reached on the basis of prevailing policy, unless material considerations indicate an exception to policy should be made.

The applicants seek to justify the unauthorised dwelling by arguing that the previous building was converted into a dwelling. It is noted that the applicants obtained Prior Approval (16/00471/PRIOR) for the conversion of the former office building on the land to residential which it appears was implemented in summer 2016. However, once the former building was demolished, any permitted development rights associated with the former building were extinguished, including any rights for residential use.

The applicant advised that the business unit was not fit for purpose when the conversion took place, despite any internal adaptation works that may have been undertaken. By September 2018 it became necessary to replace the roof as rainwater/damp was discovered. The applicant resolved to demolish the building and rebuild the structure to achieve a clean environment for the family to occupy.



Figure 1 -Subject building May 2016

The photograph shows the condition of the business unit just prior to its conversion, depicting a worn timber structure building with bitumen roof sheets (uninsulated walls 10 cm in thickness- according to the Noise Report submitted). The submitted Planning Statement at page 7 shows a photograph similar to the above and a second photograph showing the building with similar roofing, but the timber cladding and window frames painted.

The photograph above and the applicant's statements confirming the extent of water ingress and damp problems were serious issues and indicates that whilst the building was occupied, it is evident that it was not in a suitable condition to provide habitable accommodation. The problems identified would appear to have been a long-term issue given the poor construction quality of the building.

It should be noted that the permitted development rights under Class O or any other Class of the Order that allow the changes of use of buildings into residential, assume that the building is capable of conversion to functioning as a dwelling for the long term. The rights under Class O do not preclude internal building operations which are necessary to convert the building, however it is not the intention of the permitted development right to allow conversion of a building into a dwelling if it is not fit for purpose. This appears to have been the case for the original building since removed from the land, given the statements of the applicant.

This has been well established by case law as part of conversions of buildings within Part 3 of the General Permitted Development Order (GPDO) (*Hibbitt, and Another v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)* (9 November 2016)).

The above case relates to a dismissed appeal where the works necessary to create a dwelling from the structure on site did not fall within the scope of what is permissible under permitted development rights granted by the GPDO. The reason being that the building was in such poor state of repair that the magnitude of the works required would result in a 'rebuild' or a 'fresh new building'.

Although the above High Court case relates to a conversion of a building under Class Q of Part 3 (agricultural buildings into dwellinghouses), the ruling also extends to Classes M (retail, takeaways, and specified Sui-Generis uses to dwellinghouses) and N (specified Sui- Generis uses to dwellinghouses).

As such the relevant principle laid out by the above High Court decision, which would also be applicable to the former building removed from the subject site, is that buildings authorised for conversion under Permitted Development Rights should already be fit for occupation in order to satisfactorily accommodate a residential use in the long term.

The fact that the applicant decided to remove the original building from the site in its entirety shortly after its conversion confirms that the original building was not fit for habitation.



Figure 2- Existing building on site.

Therefore, no consideration or material weight can be afforded to the occupation of the sub-standard and uninhabitable building which has since been removed. As a result of the demolition of the former building on site, there is no longer any lawful residential use on the land. The background which led to the removal of the unit is not a material planning consideration and cannot be given weight in the determination of the current application.

## 5. DESIGN OF THE DEVELOPMENT AND APPEARANCE OF THE LOCALITY

Policy NBE9 of the HLP32 and saved policy GEN1 of the HLP06 require that development is in keeping with the local character by virtue of design, massing, height, prominence, materials and landscaping. Policy 3 of the CNP32 requires that development in the Neighbourhood Area demonstrates high design quality. All these local policies are consistent paragraphs from Section 12 of the NPPF 2021.

In this instance the design is neither outstanding nor innovative. The current dwelling on site is simply a utilitarian structure which reflects the appearance of buildings in the Business Park.

It is noted that this submission is comprised of better quality/colour plans depicting more details in the building (e.g. planting boxes hanging from the windows), proposing an entrance porch canopy and hard/soft landscaping plans, etc. All these details are intended to enhance the appearance of the shed-like building and offer a residential feeling to it and the immediate land surrounding it.

In terms of the integration of the subject dwelling with the appearance of the business park, the dwelling does not look significantly discordant due to its utilitarian appearance.

The impact of the dwelling to the locality beyond the compounds of the business park is limited due to the fact that the ground levels of the subject site are lower than those of Bowenhurst Lane, the modest scale of the building and the established landscaping separating the Lane and higher ground adjoining the site to the south.



Thus, the dwelling would not have a disproportionate impact on the locality as it is located within the confines of the business park. There are no material conflicts with the design objectives of Policy NBE9 of HLP32, saved policy GEN1 of the HLP06, Policy 3 of the CNP32 or the NPPF 2021.

## 6. QUALITY OF THE RESIDENTIAL ACCOMMODATION

### - Internal Floor Standards

The Nationally Described Space Standards (NDSS) conforms with government aspirations to achieve better places to live. The NDSS standards have been adopted within HLP32 under Policy H6 which requires developments for new homes to meet the NDSS.

An internal inspection to the dwelling was undertaken to corroborate the applicants' statements that the internal spaces are constructed to a good standard.

The NDSS requires a minimum gross internal floor area (GIA) of 50m<sup>2</sup> for a 1 storey, 1 bed 2-person home. The development has a GIA of 44.4m<sup>2</sup>.

The unauthorised residential home is substandard and falls short of the GIA standards set by the Government and adopted by the Council within Policy H6. The GIA set in the NDSS is inclusive of storage and other ancillary spaces that are needed for a high-quality accommodation.

This submission infers that because there has been an outbuilding constructed (without planning permission) to the rear and is in daily use, the floor area of that structure should be added to the GIA of the dwelling and therefore meets the minimum standards set in the NDSS. The applicant has previously stated that nothing in the NDSS mentions that outbuildings cannot be included in the GIA of dwellings, which is incorrect. The NDSS clearly states in point 8 of the 'Using the Space Standard' Section:

*"The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs."*

The accompanying Note states that:

*"The internal face of a perimeter wall is the finished surface of the wall. For a detached house, the perimeter walls are the external walls that enclose the dwelling, and for other houses or apartments they are the external walls and party walls."*

Thus, only the internal floorspace contained within the walls of the dwelling itself is the one relevant.

The substandard size of the unit was a reason for refusal on the previous planning permission (19/02844/FUL) and the unauthorised residential accommodation subject of this application remains substandard in size, failing to meet the NDSS standards and Policy H6 of the HLP32.

The residential unit is substandard and does not provide practical/adequate facilities for comfortable daily living in the dwelling as required by the NDSS, regardless of quality of internal finishes or provision of an outbuilding.

There are no compelling reasons provided by the applicant to justify the failure to meet objectives of Policy H6 of the HLP32.

- Suitability of the area for residential accommodation.

The rectangular area to the rear of the dwelling is laid out as an outdoor amenity area measuring 52sqm. The separation distance between the rear elevation of the building and the 1.5m high timber boundary fence to the rear is 4.85m. The outdoor space is screened by mature trees along the boundary with Bowenhurst Lane (on a higher ground level).



Figure 3 - Rear garden view towards Bowenhurst Lane.

There are immediately adjacent commercial operations to the south of the site. The neighbouring ground level is substantially higher when compared to the site's ground levels. The adjoining commercial site has a metal fence as its boundary treatment which is higher than the dwelling itself by approximately 0.40m, reaching therefore an approximate total height of 3.9m when measured from the ground levels of the outdoor amenity area. This results in an imposing and unneighbourly relationship towards the application site.



Figure 4 - Rear garden west facing view.

There is a gap with unkept vegetation between the two boundaries, and there is watercourse passing between them. In addition to the harsh industrial appearance of the metal fencing, there are overhead electricity lines passing obliquely almost directly above the dwelling with a pylon also standing within the business park, 20m away from the outdoor amenity space. Thus, the environment surrounding the residential unit and its amenity space is not regarded to be of high quality for residential development regardless of the proposed landscaping that may be undertaken within the amenity space.

The development would not provide satisfactory living conditions for occupants with regard to outlook and the provision of external amenity space. It would conflict with Policy NBE9 of the HLP32 which requires high quality design. It fails to accord with the NPPF 2021 which seeks development that promotes health and well-being, with a high standard of amenity for future users.

At the front of the dwelling, there is an area currently used for the parking of 2 no. vehicles. This submission proposes to undertake soft/hard landscaping works to enhance it. The parking spaces are visually separated from the car parking for the business units by a 1.8m high close boarded timber fence. Whilst the landscaping works proposed are noted, the site and the dwelling appear to be very much still part of the Business Park and fully dependent on it for access. However, the changes proposed would not materially alter the industrial environment surrounding the application site.

It is noted that the previous poor-quality building converted and achieved through the change of use, was located among the same business/industrial environment officers experienced during the site inspections. The considerations for compliance of permitted development rights for the change of use of the building removed from the land did not require any assessment of housing quality and/or the surrounding environment. However, these factors are now a material consideration that are part of this assessment and the objectives of adopted policies, and such an environment would not be considered a suitable location for new residential development.

This application is accompanied by the same noise report submitted for the previous application which attempts to demonstrate that the surrounding environment does not have detrimental effects on the living conditions provided by the residential unit and along with the previous noise consultant's response to the original objections raised by EHO. However, there are some elements to note, as part of this noise assessment submitted.

The report refers to the commercial business adjoining the application site to the south as Hazelwood commercial storage. However, an inspection of the adjoining premises was undertaken and the business immediately adjoining the application site is a sewage waste disposal company. Several sewage tankers park immediately behind the metal fencing that adjoins the rear garden of the application site.

The clerk of the company advised during an Officer visit last year that they leave early (generally before 0700hrs) and return at different times of the afternoon/early evening. This is in contrast to the statements provided within the noise report that they leave at 0800hrs and return at 16:00hrs and the noise readings contained in the report.

The other business adjoining the metal fence 20m west along the same boundary, is a construction company. Other businesses adjoining the construction company to the South site is a crane hire business and there is a storage business of minor scale located to the east of the crane business.



Figure 5 - Aerial View of site and adjoining commercial uses (google)



Figure 6 - Waste disposal business adjoining the subject site.

In terms of noise issues arising by the location of commercial operations adjoining the site to the south, in summary, the EHO previously raised an objection to the information submitted on the following grounds and revised information provided by the applicant has not addressed these concerns. The following EHO advice remains relevant:

- Appropriate methodology was not used or not properly reported;
- there is no description of the activity levels observed on site during the monitoring period;
- one cannot be sure what noise sources contributed to the measured levels or attempt any guess at how representative they might be of typical conditions;
- understanding of the nature of the sound sources, their location with reference to windows might allow a slightly more refined assessment, but none of this is detailed in the acoustic report;
- comments that the sound levels reported between 6:00 and 7:00 hours are attributable to a barking dog. Has consultant been advised this was the case? Has he determined this by direct observation? Has he assessed source by captured audio records? Has he been able to count the number of events by recording audio for the whole period or using triggers on the instrument? One cannot be sure on any of these questions. It should also be noted that during the site inspection undertaken by Planning Officers, there was neither visible pets on site nor paraphernalia associated with pets inside or outside the dwelling;
- this site seems to be characterised by a large number of 15-minute periods with high sound levels and this seems to commence around 03:00 hours for the whole morning and on a less frequent basis for the afternoon. Central criticism is that it is not known what noise sources were measured and are represented in graphs submitted.

The noise report states the construction specification of the existing dwelling is timber framed insulated walls with a thickness of approximately 15cm, which include 1.2cm of soundproof plasterboard. However there appears to be no Building Control application on record about this construction to confirm these figures and materials used in order to inform the assessment of the suitability of the internal residential environment.

The EHO previously advised there have been a number of noise complaints logged in their system. It appears that the most relevant complaints come from the crane/ heavy haulage hire business located in the adjoining commercial land south of the application site (first number in the reference below is the year of complaint):

15/00389/NOCOM - Reference being woken by lorries from TN leaving at 4:30 hrs; Reference disturbance from lights.

17/0816/NOCOM - Reference metal on metal squeaks; dust emission and shouting. References TN noise from 03:00 hours.

18/00744/NCOM - Reference noise and diesel fumes emitted from TN. Noise references plant noise, reversing beepers in the early morning.

18/01120/NDOM - Reference multiple companies creating noise, dust and odour.

19/01837/NCOM - References noise from various companies including HIT Scaffolding and TN. References cranes leaving site around 6:30; crashing noise at 23:00 hours; reversing beepers; heavy engine noise; possibly air brake noise; flashing lights; cement mixer noise.

The EHO has stated that given the above complaints and the noises reported, all indicate that the character of noise in this location is especially likely to disturb as they all occurred very early morning and late evening. The EHO has advised that if typical activity is characterised by noise of open yard industrial type activity associated with intermittent, impulsive noise with tonal reversing beepers and heavy plant movements, consideration of the type of noise emission would be especially important in a case of this type.

The EHO advised that the use of the absolute BS8233 Table 4 criteria as the consultant has done here would be wholly inappropriate, if the resident's allegations at these times correctly characterises the noise type.

The location of a residential unit among unneighbourly industrial and business uses together with the poor quality of the surrounding environment was a previous reason for refusal in respect of the previous planning application (19/02844/FUL). This has not been addressed as part of this revised retrospective planning application.

The immediate surrounding locality represents a poor environment for residential use and enjoyment of external amenities. The character of the environment within the business park along with that of adjoining commercial sites is not conducive to achieve the high-quality residential development for occupiers required by the HLP32 or the NPPF 2021.

## 7. HOUSING LAND SUPPLY AND DELIVERY

Paragraph 120 of the NPPF supports the development of underutilised land especially where this would help meet identified housing needs in areas of constrained land supply.

In this instance the Council can demonstrate a healthy housing land supply of over 9 years, according to the latest figures contained in the Hart Five Year Housing Land Supply Position Statement (1st April 2020).

It should also be noted the Housing Delivery Test 2020 recently introduced by Central Government also illustrates that the District has a Housing Delivery Test measurement of 201% given a total housing requirement of 878 homes between 2017 and 2020 and a delivery of 1,766 homes over that same period.

The applicant has not contested the above.

## 7. IMPACT ON ADJOINING OCCUPIERS

There are no amenity impacts caused to neighbouring occupiers as a result of the dwelling constructed (physical building).

However, as noted by the comments made by the EHO above, they have received complaints from dwellings in the surroundings due to noise nuisance arising from the industrial uses in the locality. The dwelling subject to this application is within a business park and adjoins industrial uses, whereas other dwellings are further away. Since the occupiers would expect certain level of enjoyment in the subject accommodation, it could lead to further complaints about the operation/ activities of adjoining businesses, which could materially impact their operation in the long term..

## 8. THAMES BASIN HEATHS SPECIAL PROTECTION AREA

Policies NBE3 and NBE4 of the HLP32 seek to protect the Thames Basin Special Protection Area (SPA). Policy NRM6 of South East Plan policy NRM6 requires adequate measures to avoid or mitigate any potential adverse effects on the Thames Basin Special Protection Area (SPA).

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

The site falls within the 5km zone of influence to the SPA. The converted residential building removed addressed negative effects on the SPA at the time of conversion through a legal agreement tied to the prior approval. However, since the building was demolished, the prior approval permitted development right has been extinguished the SPA mitigation that was secured has also fallen away.

Given the lack of SANG for the retention of the development and the fact the applicant has not secured any SANG from a third party, the Council is unable to conclude that the proposal has not had a significant effect on the SPA. The second element of the mitigation required is a financial contribution towards the Strategic Access Management and Monitoring project (SAMM) and whilst this could be secured by way of a legal agreement no such agreement is in place.

The applicant has submitted an Appropriate Assessment in support of their application, which essentially relies on the fact that the residential conversion of the original building now removed, secured SANG with the Council and therefore the current unlawful dwelling does not require SPA mitigation due to the fact there would not be a net increase in dwellings on the land. However, it does not discuss the fact that any benefit from which the lawful residential conversion benefited has been extinguished as a result of its demolition.

As such the Appropriate Assessment submitted to demonstrate that without the SANG mitigation and a contribution towards SAMM the proposal would not have a significant effect on the SPA is flawed. There is no evidence of grounds of overriding public interest and the application fails the test of 'no alternative solutions' (Regulation 64).

Natural England have decided to make no comment on the proposal and previously raised no objection to the development. However, the LPA is the 'competent authority' for the purposes of the Habitats Regulations. As the dwelling subject to his application is a new building and in the absence of any appropriate mitigation, it is concluded that the scheme would fail to meet the requirements of the Habitats Regulations and that this development would, either on its own or in combination with other plans and projects have a detrimental impact on the nature conservation status of the Thames Basin Heaths SPA.

Consequently, the application is unacceptable and contrary to Policy NBE3 of the HLP32, Policy NRM6 of the South East Plan, Policy 2d of the CNP32 and the NPPF 2021.

## 9. PARKING AND ACCESS

No concerns are raised in this respect from an operational perspective or in terms of parking numbers within the subject site.

## 10. FLOODING

The subject site is in a Flood Zone 1 location. However, part of the site is in a surface water overland flow route where flood depths can be up to 300mm and/or 900mm in parts of the Business Park. Finns Business Park has a history of flooding with several of the units flooding in 2007, August 2015 and again in August 2020. There are no Thames Water surface water sewers in the area and only a private foul sewer.

Previous concerns raised by the Drainage Officer to this proposal related to the potential for internal flooding and whether or not the dwelling is safe in this respect. The applicant has now submitted an updated flooding technical note prepared by the applicant flooding consultant and confirms that the walls of the residential unit have not been constructed to resist flood water and advises that it is not necessary as the height of the floor (internal level) is above predicted floor levels.

The Drainage Officer has reviewed the updated information and given the comments made in the technical note, has raised no objection.

As such the retention of the dwelling would not conflict with adopted Policy NBE5 of the HLP32, Policy 6 of the CNP32 or the NPPF 2021.

## 11. REFUSE

No concerns are raised in this respect as there is enough space in the front of the dwelling to accommodate refuse/recycling wheelie bins.

## 12. CLIMATE CHANGE AND EQUALITY

On 29.04.2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District. HLP32 policy NBE9 requires demonstrate they would:

i) reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and

j) they incorporate renewable or low carbon energy technologies, where appropriate.

The retrospective dwelling does not raise concerns in terms of layout as the internal areas are dual aspect. However, from details provided in this application about the construction of the dwelling (submitted as part of previous application) and confirmed by the updated flooding information now submitted, the walls of the dwelling are of timber construction. The noise report from 2020 states:

*'The construction detail of the replacement dwelling ... is as follows':*

*3mm plaster sat on 12.5mm soundproof plaster board. Applied to 4x2 timber uprights with 100mm insulation. The exterior has ½ inch OSB board finish (compressed wood strands panels). The updated flooding information submitted also confirms that walls are made of timber.*

Therefore, it is highly unlikely that the building envelope of the dwelling can achieve any meaningful reduction of energy consumption, given that walls are wood panels with standard insulation thickness and external wooden cladding. These materials would not be regarded to provide a highly thermally insulated building envelope as to exceed requirements of thermal insulation for a dwelling over and above current Buildings Regulations to provide a development that is high energy efficient.

Whilst controlled under separate legislation (building regulations) it is noted that the dwelling was constructed without building regulations approval. In terms of climate change there would not have been compliance in respect of ventilation, thermal efficiency, water efficiency, conservation of fuel and power. This is a material dis-benefit of the scheme.

The dwelling does not incorporate any renewable or low energy technologies commensurate with the type of development undertaken (high efficiency gas boilers or water saving features would not fall within the technologies required by this adopted policy).

Therefore, the proposal would fail to meet sustainability requirements of Policies NBE7 and NBE9 of the HLP32 and as such would not contribute to Council's objectives to address Climate change.

In terms of 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 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 has been 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. This application would not raise any issue in this regard.

### 13. OTHER MATTERS

The applicant has referred to in the submitted information that the retention of the building will provide a residential environment conducive to helping the occupiers manage several difficult personal issues / circumstances cited by the applicant.

Officers have considered the information provided. Whilst the predicament of the applicant is noted, it would not constitute 'very special circumstances' to allow substandard housing in an unsuitable location. It should also be noted that the application has been made on a permanent non-personal basis.

The Local Planning Authority, in some instances would consider the granting of a planning permission on a personal basis. However, the personal reasons expressed by the applicant would not result in a compelling reason to provide a dwelling in this industrial/business location. The internal inspection undertaken did not reveal any internal adaptations or any other specially installed or bespoke elements in the rooms, indicating the building is unique to the current occupiers and that remains the case in this submission, despite the applicant submitting photos this time around of 'disability aids' (a door handle, walking stick, UV glasses). Overall, the interior arrangements of the dwelling are no different from a policy compliant residential building in a suitable location.

Paragraph 015 (ref: 21a-015-20140306) of the PPG advises in this respect, the following:

***Planning permission usually runs with the land, and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need. (Officers' emphasis)***

In this instance therefore it would be inappropriate to consider a personal planning permission.

The applicant also has made reference to the adjoining business unit no. 27 as currently being occupied by Council tenants. However, that it was an incorrect assertion as that dwelling is in private ownership and is neither managed by the Council or a registered provider.

The applicant has also mentioned about other planning applications approved for existing units, however none of them are related to a new dwelling in this business park, and in any event each application is assessed in its own merits.

Therefore, the arguments made in support of the applicants' circumstances cannot be attributed any weight in the consideration of this application.

It is also noted that the applicant puts a strong emphasis in their submission to the fact that the Planning Committee resolved to overturn the planning officer's recommendation to refuse, and this was agreed at Full Council.

Whilst it is a material consideration, the retention of the dwelling in the subject site remains contrary to the planning policy objectives of the development and there have not been any material change in planning objectives /circumstances as to indicate that the unlawful development is now in accordance with the policies of the HLP32. The strength of these resolutions does not outweigh the policy conflict and harm which would be generated by the development therefore the Officers recommendation remains for refusal.

## CONCLUSION

Members of Committee are advised to consider the A and B recommendations set out below in line with the information detailed within the report above.

## RECOMMENDATION:

As a consequence, the recommendation on this application is the same as the decision of Planning Committee earlier this year, namely:

That the application be **referred to Full Council as a Departure** from the adopted Hart Local Plan (Strategy & Sites) 2032 with the following recommendation:

### RECOMMENDATION A:

If members are minded to approve, that Planning Committee delegate authority to the Head of Place Services to take the application to Full Council as a departure with a recommendation to **GRANT** planning permission and issue the decision if no objection is raised, subject to the following planning conditions:

1. The development hereby permitted shall be retained in accordance with the following plans:

PL16 Rev. A (Block Plan), PL19 Rev. A (Unit 28- proposed), PL20 Rev. A (Utility/ Store Details and Bin Store Details), JEP Drawing No.1 Rev. A (Location plan -Garden Block Garden Plan), garden Landscaping plan 2 (Front & Side Garden Sketch 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 the provisions of Classes A, B, D, E and F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent order revoking and re-enacting that Order with or without modifications), no enlargement, improvement or other alteration to the dwellinghouse hereby approved under these classes shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

REASON: Due to the restricted confines of the site so the Local Planning Authority can properly consider the effect of any future proposals on the character of the locality in accordance to policy NBE9 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006, the NPPF 2021 and policy 3 of the Crondall Neighbourhood Plan 2017-2032.

3. The car parking area to the front of the dwelling hereby approved shall be retained for the parking of vehicles and shall not be used for any other purpose. Access to the parking area shall be always maintained to allow this area to be used for vehicular parking.

**REASON:** To ensure that the development retains adequate parking and to satisfy policy INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the NPPF 2021.

## **RECOMMENDATION B:**

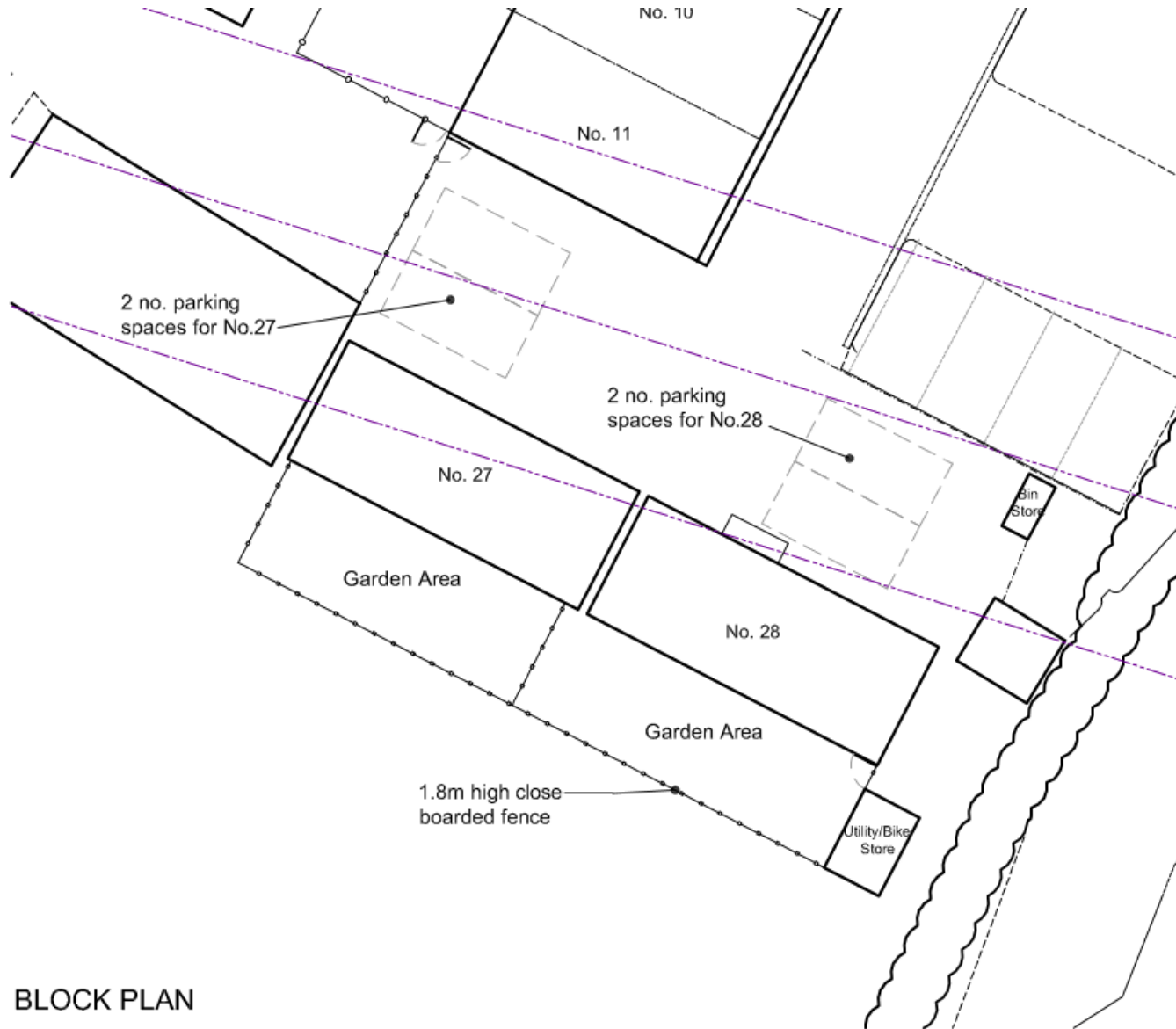
That the Head of Place be granted delegated authority to **REFUSE** planning permission for the following reasons:

### **REASONS FOR REFUSAL**

- 1 The retention of a dwelling, with a substandard internal floor area outside settlement boundaries and lack of high energy efficiency materials and renewable/ low carbon technologies, in a site subject to unreasonable level of industrial noise and surrounded by unneighbourly industrial /business land uses and unsightly electricity infrastructure in close proximity, would all represent a poor-quality environment that is unsuitable and harmful to accommodate residential development, to the detriment of residential amenity. As such the retention of the dwelling in this location is contrary to policies SS1, ED2, H6, NBE9 and NBE11 of the adopted Hart Local Plan (Strategy & Sites) 2016-2032, saved policy GEN1 of the Hart District Local Plan - Replacement (1996-2006), policy 1 of the Crondall Neighbourhood Plan 2017-2032 and Paragraph 130 of the National Planning Policy Framework (2021).
- 2 The retention of a dwelling amongst light industrial/business uses and adjoining unneighbourly commercial activities, in conjunction with other non-employment uses within Finns Business Park would be detrimental to the long-term viability and operation of this Locally Important Employment Site, contrary Policy ED2 of the Hart Local Plan (Strategy & Sites) 2016-2032 and Paragraph 81 of the National Planning Policy Framework (2021).
- 3 The site is located within 5km of the Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (SPA). In the absence of any evidence that the test of no alternatives under the Conservation of Habitats and Species Regulations 2017 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the SPA. As such the proposal is contrary to Policy NBE3 of the Hart Local Plan (Strategy and Sites) 2016-2032, saved policy NRM6 of the South East Plan and Paragraphs 181-182 of the National Planning Policy Framework (2021).

### **INFORMATIVES**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the proposed development was deemed to be unacceptable in many respects (for the number of reasons above) and therefore no further additional information was required/ requested; nor could the scheme have been amended to address the Council's specific concerns without significantly changing the nature of the proposal. The development was therefore determined on the basis of the information provided.



Rev	Comment	By	Date
A	Notes added.	JAS	28.10.20

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### BLOCK PLAN

Scale 1:200



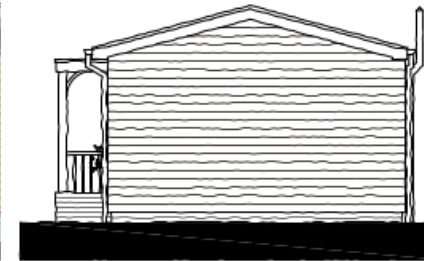
Client: Mr B. Finn & Ms L. Walker		
Address: Unit 28, Finns Industrial Park, Mill Lane, Crondall.		
Drawing title: Block Plan		
Scale: 1:200	Date Drawn: 16.12.19	Drawn by: JAS
Job No: 0283	Dwg No.: PL16	Rev: A
Status: PLANNING		

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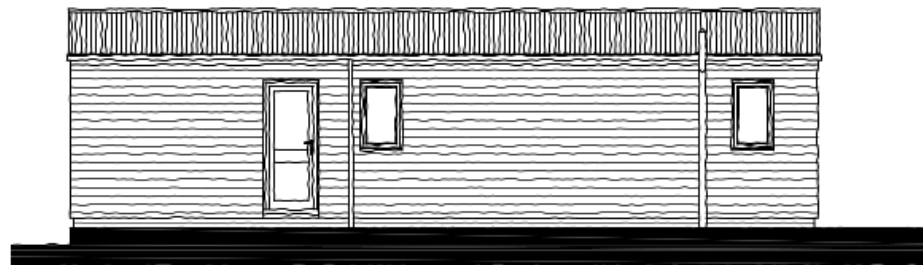
Do not copy without prior written consent.			
Rev	Comment	By	Date
A	Amendments made at request of planning consultant, JAS		02.07.20



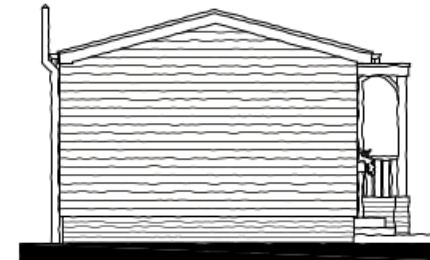
Front Elevation



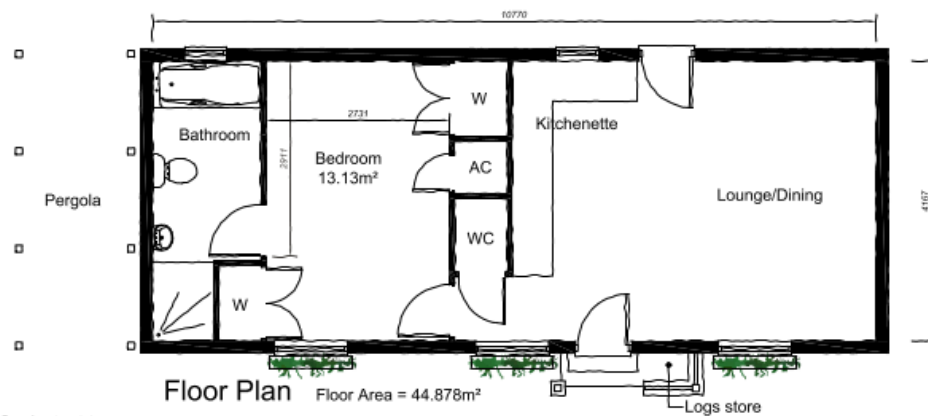
Side Elevation



Rear Elevation

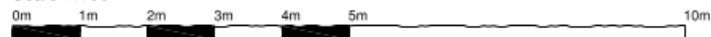


Side Elevation



Floor Plan Floor Area = 44.878m<sup>2</sup>

Scale 1:100



### Space Schedule

	Floor Area required	Floor Area achieved
1B/2P HOUSE	50.0m <sup>2</sup>	44.878 + 6.352m <sup>2</sup> = 51.23m <sup>2</sup>
Lounge/dining area	N/A	
Kitchen	N/A	
Storage (wardrobe)	1.5m <sup>2</sup>	1.54m <sup>2</sup>
Bedroom	11.5m <sup>2</sup>	13.13m <sup>2</sup>

Floor to ceiling height 2.3m

Client: Mr B. Finn & Ms L. Walker		
Address: Unit 28, Finns Industrial Park, Mill Lane, Crondall.		
Drawing title: Unit 28 - proposed		
Scale: 1:100	Date Drawn: 30.06.20	Drawn by: JAS
Job No: 0283	Dirg No: PL19	Rev: A
Status: PLANNING		

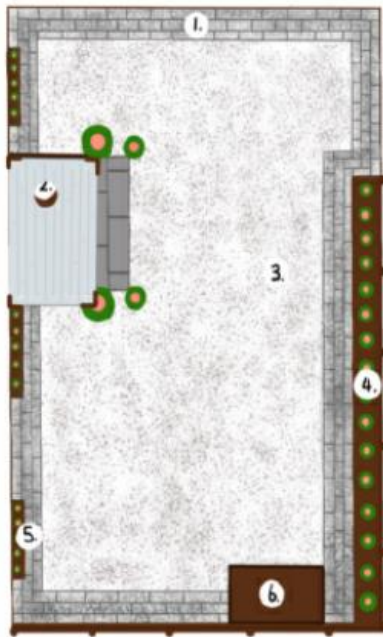
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Date	Drawn By
Dr. No. Garden Landscaping Plan 2	Rev.

# James Ewen Powell

GARDEN DESIGN • LANDSCAPES • GARDEN LIGHTING • GROUNDS MAINTENANCE

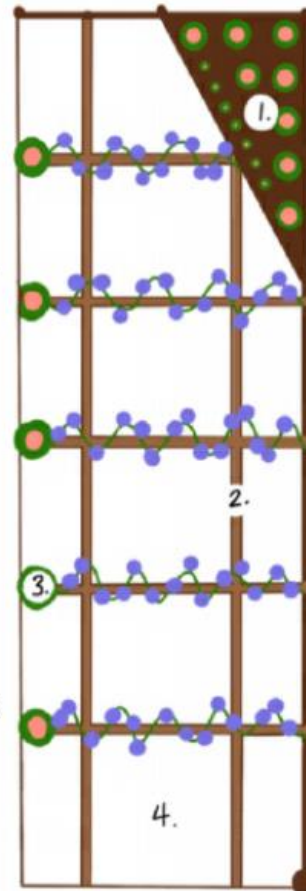
Page 38



Proposed landscaping works for front entrance garden at 28 Finns Business Park. Please relate the numbered descriptions to drawing shown.

1. Charcoal paving blocks to be used in a 3 row formation to create boundary and act as a retainer for driveway stone.
2. A 2 x 1 metre timber constructed open front porch, providing shelter upon entrance in bad weather. Using 4 inch square post to support a flat roof made with premium grade felt. Double levelled steps leading into porch greatly improves the front aspects of this property. Finished off with hanging baskets and plant pots upon entrance.
3. Derbyshire quarried stone to be used on driveway, this naturally light stone helps lift the front elevation upon arrival.
4. Long sunflower bed to be planted at 12 inches from one end to the other, creating great contrast against the dark oak coloured background.
5. Hanging planted beds to be placed under each of the 3 front elevation windows.
6. Timber constructed bin storage, helping to improve front aspect.

All boundary fencing to be painted in dark oak

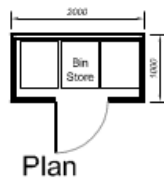
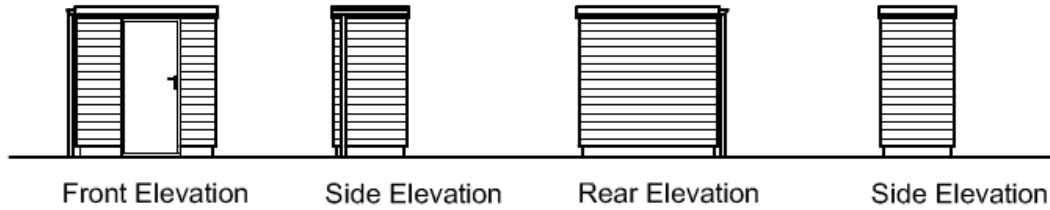
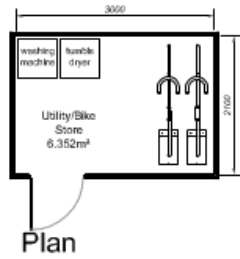
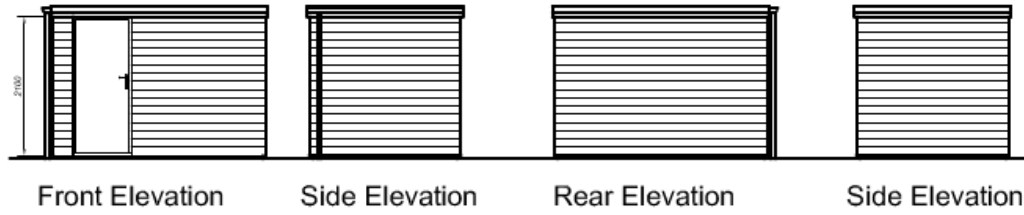


Proposed landscaping works for side entrance at 28 Finns Business Park please relate the numbered descriptions to drawing shown.

1. Double levelled raised planting bed, making use of an unused space. This creates a colourful entrance to the rear Of the property
2. Timber framed pergola running the whole way from front garden down the side of property, leading to the rear garden
3. Planting climbing wisteria at the base of each pergola support. Once established this will create a beautiful living archway to the rear of property.
4. Floor area to be paved with natural paving slabs.

All boundary fencing and pergola to be painted dark oak.

Rev	Comment	By	Date
A	Dimensional added.	JAS	01/17/20



Client: Mr B. Finn & Ms L. Walker		
Address: Unit 28, Finns Industrial Park, Mill Lane, Crondall.		
Drawing title: Utility/Store Details and Bin Store Details		
Scale: 1:100	Date Drawn: 30.06.20	Drawn by: JAS
Job No: 0283	Org No: PL20	Rev: A
Status: PLANNING		

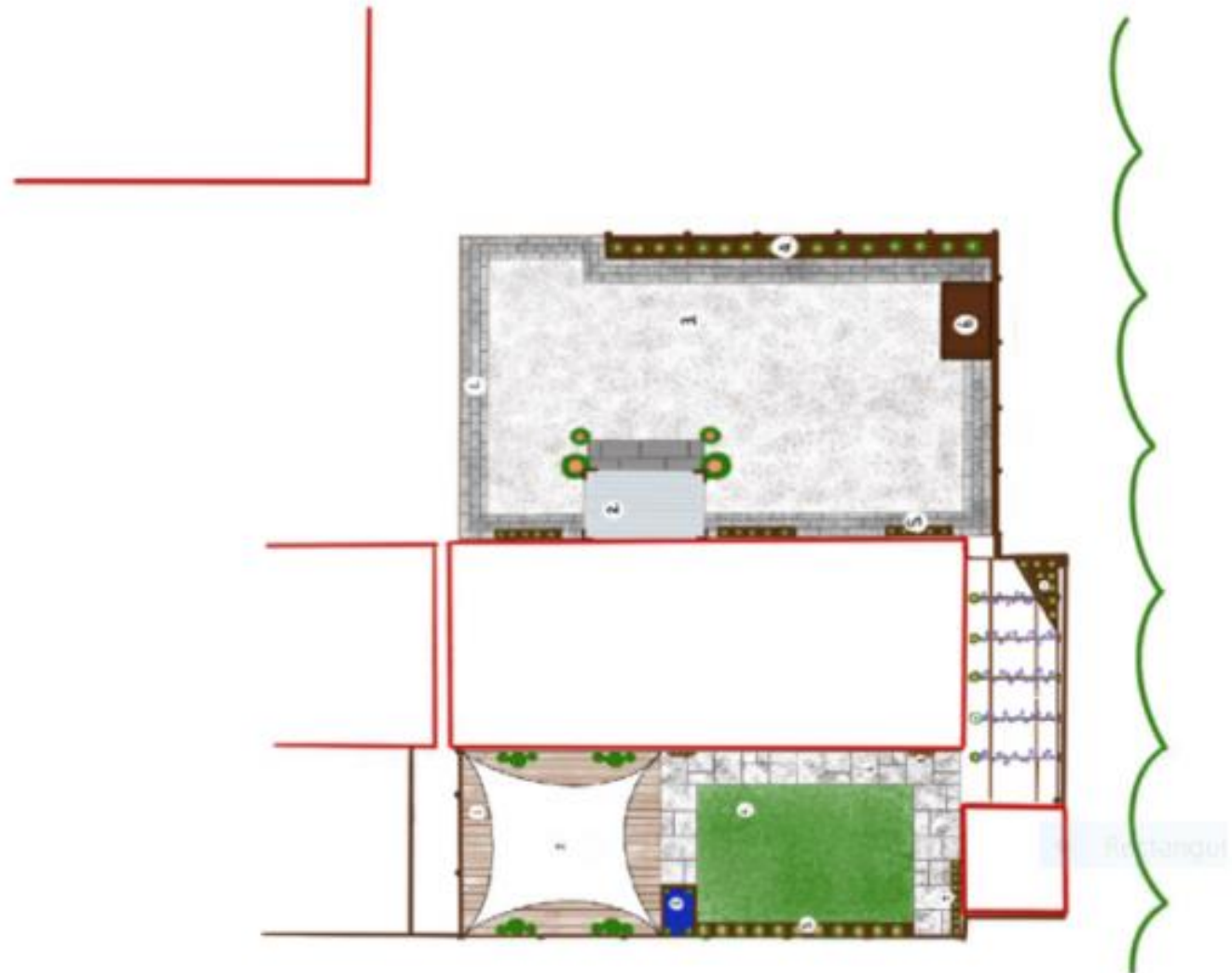
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Dr. No.	
JEP Drawing No.A1	Rev.
Rev.A	

# James Ewen Powell

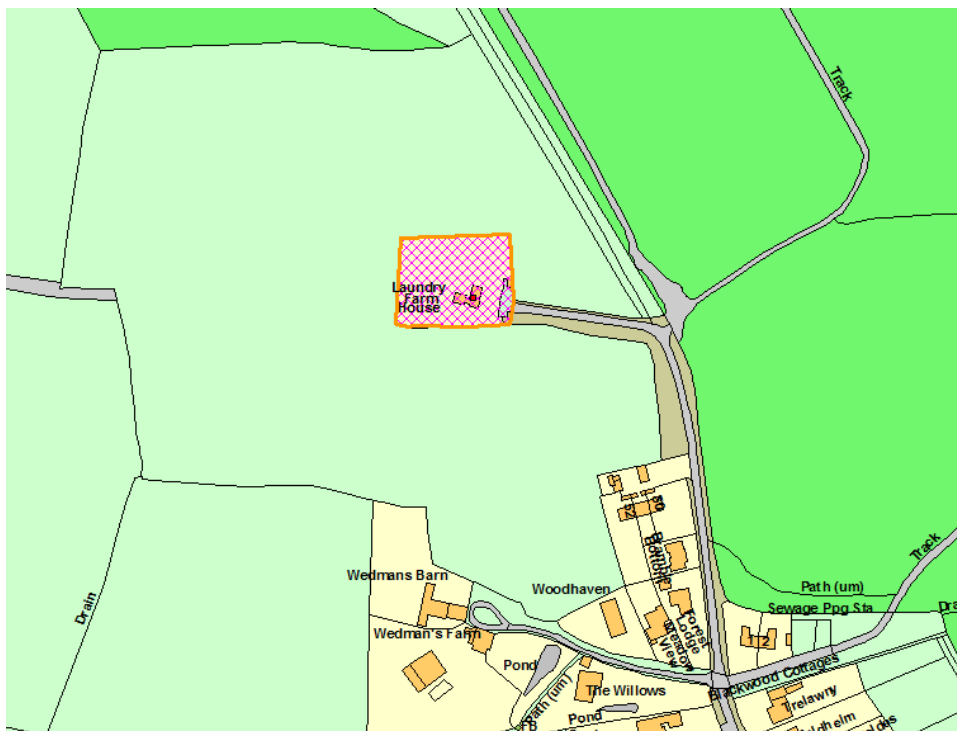
GARDEN DESIGN • LANDSCAPES • GARDEN LIGHTING • GROUNDS MAINTENANCE





## COMMITTEE REPORT

APPLICATION NO.	20/03140/HOU
LOCATION	<b>Laundry Farm House Wedmans Lane Rotherwick Hook RG27 9BX</b>
PROPOSAL	Erection of a two storey rear extension following demolition of existing single storey extension, insertion of a set of double doors to ground floor rear and a window to ground floor side and internal alterations
APPLICANT	Mr and Mrs G Denovan
CONSULTATIONS EXPIRY	10 February 2021
APPLICATION EXPIRY	9 March 2021
WARD	Hook
RECOMMENDATION	<b>Refuse</b>



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## **SITE**

Laundry Farm House is a detached two-storey Grade II Listed dwellinghouse, which has origins from the 17th Century. It is situated within a generous garden, which has a pasture appearance and is a fitting backdrop to the rustic simplicity of the dwelling. The property is a vernacular, lobby-entry house with timber framing and brick infilling.

The dwelling is a Listed Building with a high degree of 'intactness' as it displays many original features. There are limited services within the building, the wet services are all provided in a single storey linked extension positioned to the rear of the building.

The site is accessed from Wedmans Lane and can be viewed from a public right of way to the north (byway no.13) which extends northwards from the end of Wedmans Lane. The site is close to the settlement policy boundary of Rotherwick but it is located in the countryside, in a rural setting.

## **PROPOSAL**

The application seeks the demolition of the existing rear extension, erection of a replacement rear extension, internal and external alterations and creation of a French drain.

## **RELEVANT PLANNING HISTORY**

20/01344/PREAPP : Proposed Extension and Alterations to Dwelling and New Outbuilding. Opinion issued.

63/05181/H : Erection of a garage. No Objection.

### Listing Description

"First listed : 26-June-1987, SU 75 NW ROTHERWICK WEDMANS LANE, 4/71 Laundry Farmhouse, - II

C17. 2 storeys, 2 windows. Red tile roof, 1/2-hipped; tile-hung south gable. Upper walling has exposed timber frame with red brick infill and other walling (in Monk bond). Casements. Plain door. Weather-boarded outshot at north end.  
Listing NGR: SU7173256692."

It should be noted that a listing description is not an exhaustive record of all significance within a property, it is simply a description sufficient to identify the building.

## **CONSULTEES RESPONSES**

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

The property appears to be a historic timber framed house with traditional tiled roof with a modern link and a 20th century building. It is in a rural area surrounded by open fields with woodland (much of which is ancient in origin) and Sites of Importance for Nature Conservation nearby (The closest Black Wood SINC approximately 50m east of the boundary). The documents and comments suggest it is currently unoccupied.

I have reviewed and accept the findings of the 'Bat Hibernation & Bat Roost Survey Report' (enims, Sept 2020). This reports that the dwelling supports a hibernation roost of brown long-eared bats and occasional summer roosts of brown long-eared bats and both common and soprano pipistrelle bats. In addition, there was evidence of a historic maternity roost of brown

long-eared bats. The report provides a summary of the required mitigation (section 4.3) which should be undertaken under a European Protected Species License (EPSL), I support this approach particularly as there is the opportunity to restore the formerly suitable conditions for the historic maternity bat roost.

The proposals also include a slight change of footprint and the instillation of a gravel driveway. Due to the lack of occupancy, I would advise a precautionary approach with all areas of grass to be impacted to be cut short prior to works and vegetation clearance should ideally take place outside of the bird breeding season (march - September inclusive). If this cannot be done that a check to ensure there are no active nests should be carried out immediately before work is carried out.

Subject to the above precautionary approach and the proposed bat mitigation being implemented under a EPSL I have no objection to this application on the grounds of biodiversity.

### **Rotherwick Parish Council**

'Laundry Farm House has been allowed to run down over many years such that it is now in a poor state for habitation. The proposal takes a positive approach to design which emphasises the heritage value of the original 17th century building whilst proposing a replacement rear extension which is subservient to the host structure and respects the setting of the property and the character of Rotherwick.

Though of modern construction, the proposed barn-style hipped roof design of the rear extension with oak weatherboards is typical of several local properties, e.g. Wedmans Barn nearby in Wedmans Lane. Generally, RPC considers the development proposed would establish a good standard of amenity for existing and future occupants of the property to enable the listed building to be viable for many years to come.

However, RPC notes that the Design & Access Statement mentions PV solar panels as one of the proposed energy efficiency measures. These are not shown on the plans. If a PV solar installation is to be included in the scheme, further clarity is needed about the location and size of panels being proposed for the site. In the absence of such clarity, RPC is not able to assess this aspect of the proposed development.'

*Officer note: the solar panels were subsequently removed from the proposal*

### **Conservation/Listed Buildings Officer (Internal)**

The works and development proposed would cause harm to the character, appearance and significance of the listed building. The level of harm caused would be within the spectrum of the 'less than substantial' level of harm according to the NPPF.

The development proposed to demolish the single storey curtilage listed building and link building would cause harm to the curtilage listed buildings through their loss. The level of harm caused would be within the spectrum of the 'substantial harm' level of harm according to the NPPF.

### **Rationale for Objection:**

The removal of the single storey extension would eliminate the contribution it currently makes to an understanding of how the principal listed building has evolved and was furnished with domestic facilities and services through the provision a late C19th/early C20th single storey service wing.

Demolition of this building would erase both the aesthetic and the (illustrative) historic value that it contributes to our understanding of this context and the occupation of the listed building.

By virtue of its scale and design, the proposed replacement extension would have a detrimental impact on the character and appearance of the listed building and would cause harm to its setting.

Removal of the existing single storey element and link without a securing an appropriate replacement would also cause harm to the principal building, through loss of facilities which maintain its viability in a residential use.

The information submitted to support the case for elements of the proposal is insufficient to allow for an informed decision to be made as to whether the works and development proposed would cause harm to elements which contribute to the character, appearance and defined special interest or significance of the listed building, or to allow for an accurate assessment of the level of harm that might be caused, given the level of information submitted.

## **NEIGHBOUR COMMENTS**

6 public support comments, from 5 separate addresses have been received, summarised as follows:

- The proposal would involve minimal development in keeping with the character of the building and neighbourhood
- Restoration with little change to appearance of the cottage
- Improvements to 'liveability'
- No traffic impacts to Wedmans Lane
- Climate change benefits
- Design appropriate and does not detract from original cottage and would not affect surrounding views

No public objection comments were received.

## **CONSIDERATIONS**

### **RELEVANT PLANNING POLICY**

The relevant plan for Hart District is the Hart Local Plan: Strategy and Sites 2016-2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (DLP06) and adopted neighbourhood plans. The adopted and saved policies are up-to-date and consistent with the NPPF (2021).

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

Policy SD1 Sustainable Development  
Policy NBE1 Development in the Countryside  
Policy NBE4 Biodiversity  
Policy NBE8 Historic Environment  
Policy NBE9 Design  
Policy INF3 Transport

## Hart District Local Plan (Replacement) 1996-2006 'saved' policies (HLP06)

Policy GEN1 General Policy for Development  
Policy RUR1 Definition of areas covered by RUR policies

## Rotherwick Neighbourhood Plan 2016-2032 (Rotherwick NP)

Policy SP01 - Sense of Place  
Policy SP02 - Location and nature of development  
Policy SP03 - Countryside features  
Policy NE03 - Biodiversity and nature conservation  
Policy BE01 - Design  
Policy BE02 - Conservation Area (refers to listed buildings)  
Policy BE03 - Dwellings in the countryside

## National Planning Policy Framework (NPPF) 2021

Section 2 - Achieving sustainable development  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment  
Section 16 - Conserving and enhancing the historic environment

## Other Material Considerations

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning Practice Guidance (PPG) on Climate Change - last update of 15 March 2019  
PPG on Consultation and pre-decision matters - last update of 19 July 2021  
PPG on Determining a planning application - last update of 24 June 2021  
PPG on Historic environment- last update of 23 July 2019  
PPG on Natural environment - last update of 21 July 2019  
PPG on Neighbourhood planning - last update of 25 September 2020  
PPG on Use of planning conditions - last update of 23 July 2019  
Adopted Parking Provision Interim Guidance (2008)  
Hart's Climate Change Action Plan  
Hart's Equality Objectives for 2021 - 2023

## **CONSIDERATIONS**

### Principle

Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The tests set out in Section 16(2) and 66(1) of the Listed Buildings and Conservation Areas Act (1990) that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As set out above, the starting point for determining planning applications is the Development Plan. There is no in-principle objection to making the property more suitable for modern living and refurbishing existing facilities.

In this regard, the updating of the existing rear extension would be in principle acceptable and could bring conservation benefits from retaining wet services in a less sensitive part of the property. The careful use of appropriate forms of insulation may also bring with it modest climate change betterment.

The application site is located without a settlement boundary and is therefore in the countryside as defined by the HLP32.

Policy SD1 is a general policy that states that when considering planning applications, the Council will apply the presumption in favour of sustainable development; this policy mirrors the requirements of the NPPF. Under SD1, planning applications that accord with the policies in the Development Plan will be approved unless material considerations indicate otherwise.

Policy NBE1 of the HLP32 applies to proposals for development in the countryside. This policy seeks to ensure that only appropriate development is permitted in the countryside. The policy allows exceptions which are set out in criteria within the policy. Relevant to this application, NBE1 (g) supports development which provides either a replacement dwelling, an extension to an existing dwelling or the subdivision of an existing residential dwelling.

HLP32 Policy NBE8 requires proposals to conserve or enhance heritage assets and their settings, taking account of their significance. The policy states that proposals that lead to harm to the significance of a heritage asset will not be permitted unless they meet the relevant tests and assessment factors specified in the NPPF.

Rotherwick NP Policy BE01 supports development which secures high quality design and reflects and enhances its immediate setting and the local character. Policy BE03 supports extensions to dwellings in the countryside if the extension does not materially change the impact of the dwelling on the countryside.

Rotherwick NP Policy BE02 confirms that proposals that would have a detrimental impact on, or result in the loss of, listed buildings will not be supported, unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, as appropriate to the significance of the heritage asset.

The NPPF instructs local planning authorities to approach decisions on proposed development in a positive and creative way. Section 12 establishes that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

In determining applications which would affect the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. If harm is identified, the approach by lpa is guided by the level of harm identified:

- Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the impact is necessary to achieve substantial overriding public benefits or the heritage asset prevents all reasonable uses of the site, no viable use can be found, conservation by not for profit ownership/funding is demonstrably not possible and the impact is outweighed by the benefit of bringing the site back into use.

- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Whilst the size of the existing rear single storey extension is acknowledged and the applicants' desire to provide 21st Century living accommodation is noted, the modest property has limited capability for development of the nature proposed without harming its significance. As confirmed by the Conservation Officer, the current arrangement of accommodation and services is in line with good conservation practice, where invasive facilities are provided in less sensitive areas of the property.

### Significance

The listed building is a remarkably intact example of a historic vernacular building typically known as a 'lobby entry' dwelling, with origins in the 17th century. Its key features are still immediately appreciable, owing to the limited disturbance of the historic plan form and fabric that the building has undergone since construction. A noteworthy contribution to the intactness of the building is made by the 'service wing' extension to the rear. This single storey element provides the essential kitchen and sanitary facilities that have allowed the building to continue to be used as a dwelling into the present without the need to alter or adapt the more historic elements present within the main house.

Paragraph 195 of the NPPF 2021 sets out the duty for LPAs to identify and assess the significance of any Heritage Asset which would be affected by the proposal and take available evidence and necessary expertise into account. In this instance, the significance is set out in the Historic England listing, the Conservation Officer's response, and additional conservation comments. The necessary expertise provided by the Conservation Officer has been considered (as required by the NPPF).

### Impact of the proposals

The proposed development is for the demolition of the existing rear extension and link and the replacement with a proposed rear extension with link, the upgrading of a retained outshut, internal alterations and the installation of a french drain and soakaway.

The extension would measure 5.3m in width, 8m in depth and 6.4m in height. The link would be 2.6m in width, 2m in depth and 2.6m in height.

The new extension would have a larger footprint than the existing structure by some 8 square metres and would have a ridge height 0.6m below the main house ridge. It would provide accommodation over two floors; the ground floor would contain the kitchen and dining area, and a WC and the first floor would provide a bedroom with en-suite shower room. A second set of stairs would allow both storeys to be accessible from the ground floor link. The exterior of the extension would be covered with oak weatherboarding and the roof would be clay tile. The link would be oak framed, with glazed panels and a glazed door.

A concurrent householder planning application (20/03140/HOU) has been submitted alongside this application which considers impacts in addition to the effect of the proposal on the special interest of the listed building.

The proposed extension would replace a smaller building in a similar location. The size increase and external appearance of this extension would not have a materially greater impact on the countryside setting than the existing structure.

The works to install a French drain and soakaway would not have a detrimental impact on the countryside setting.

### **Design and appearance, impact on the listed building**

The setting is rural, and the un-landscaped character of the site befits and enhances the setting of the vernacular charm of the historic building. Sitting to the rear of the building is a single storey brick and tile building.

The outbuilding / extension

This is a single storey brick building dating from the early 20th Century. Once a detached outbuilding, it has been linked via a short passage to the back of the host. It is a functional, plain brick building with a pitched clay tile roof, the ridge of which sits some 1.3m below the level of the main house ridge.

The building is equipped with plumbing and pipe runs and provides the sanitary and kitchen facilities for the property.

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The building is equipped with plumbing and pipe runs and provides the sanitary and kitchen facilities for the property.

The proposal involves removing this structure and link and constructing a larger, one and a half storey extension, which would be linked with a short passage to the main house, in a slightly different position from the existing link. The new extension would have a larger footprint than the existing structure by some 8 square metres and would have a ridge height 0.6m below the main house ridge. It would provide accommodation over two floors; the ground floor would contain the kitchen and dining area, and a WC and the first floor would provide a bedroom with en-suite shower room. A second set of stairs would allow both storeys to be accessible from the ground floor link. The exterior of the extension would be covered with oak weatherboarding and the roof would be clay tile. The link would be oak framed, with glazed panels and a glazed door.

The existing rear extension has a visually benign impact on the setting of the listed building. This is due to its subservient physical presence and relationship to the host building; it sits quietly alongside the principal building and does not challenge the dominance of its host. It contains the kitchen and sanitary services of the property and in doing so, these facilities do not interfere with the fabric of the listed building for the provision of pipe runs, water tanks, drainage etc.

Impact of the proposal on the existing rear structure.

The Conservation Officer has explained how the existing rear extension benefits the main building by relieving it of wet services, and they further describe how the provision of a structure to provide these facilities is an example of good conservation principles and practice. In this situation, the provision of facilities in less sensitive locations has allowed the house to retain a high level of intactness, which enhances the overall heritage value of the building.



The presence of the rear addition informs the historic development of this property and contributes to the aesthetic and (illustrative) historic value of it. Of itself, the extension is an unpretentious structure, clearly subordinate to the host building. It presents as a building designed and constructed for a purpose, to sustain and aid the occupation of the main dwelling. It has not been erected as a low-rate building which has subsequently been encumbered with domestic wet service paraphernalia, rather it contains features which show that it was built with intent and with polite deference to the host, such as exposed rafter feet, brick flooring with a flagstone threshold, and tiled window cills.

The Conservation Officer describes the structure as a good quality example of an early 20th Century 'service' addition and explains how its form and function accommodates kitchen and sanitary facilities, thereby allowing the property to continue in viable use as a residential dwelling. The removal of the existing extension would take with it this evidential and illustrative historic value which is encapsulated in this structure and consequently its removal would negatively impact the setting of the listed building.

As a curtilage listed structure, the extension has undertaken a role in shaping the setting of the heritage asset and has a positive role in preserving its significance. The presence of this later addition tells a story about historic changes that have been made to the building. The building's rare degree of survival, its high level of intactness and its lack of inappropriate alteration, made possible by the service addition, contributes to its enhanced heritage value.

In deciding if the works to demolish the rear building and link, and to construct a larger replacement extension and link would preserve the setting of the listed building, considerable importance and weight should be given to the desirability of preserving the setting of the listed building in the planning balancing exercise.

The conservation officer has identified that the removal of the existing historic extension and its replacement by the structure proposed would cause 'substantial harm' to a curtilage listed building by its complete demolition and removal and would result in 'less than substantial' of harm to the setting of the listed building.

The removal of the single storey element without securing an appropriate replacement would also cause harm to the principal listed building as it would remove those services which it currently accommodates and are essential for its continued viable use as a residential building.

Where harm to statutory designated heritage assets is identified, the requirements of planning legislation, set out in Sections 16(2) & 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the planning policy contained in Section 16 of the NPPF requires the decision maker to 'have special regard to' and to 'give great weight to the conservation of the heritage asset'. This requirement is necessary 'irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Paragraph 200 of the NPPF 2021 then goes on to state that:

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. Paragraphs 201 and 202 set out the parameters in which harm may be supported. In such cases importantly the proposal must deliver a level of discernible public, not merely private, benefit that balanced against the weight of harm caused by the proposal, it must outweigh not just be equal to it. These are the policy tests which must be applied to planning balance judgement applicable to this case.

## The proposed extension

The proposal includes the construction of a replacement structure for the demolished outbuilding, located on the rear of the property but slightly more to the north of the existing extension. This would provide wet services inasmuch as it would have the kitchen, a WC and shower room, but the main bathroom would be in the principal building.

The extension would therefore mostly continue to meet the good conservation principle of keeping intrusive services away from the most sensitive part of the heritage asset. The installation of a bathroom in the main house is discussed later in this report. The use of a glazed link to attach the extension to the host would keep intrusion of the physical fabric of the house to a minimum and would make use of a bricked up previous opening. The existing opening would be retained and slightly widened to accommodate a pair of French doors.

The use of a glazed link would serve to provide a light-weight, functional solution to the proposal to extend the property with minimal physical impact. However, the design solution is larger than it needs to be in order to provide a passageway between the two areas of the house. The footprint of the link would echo the dimensions of the proposed bathroom, giving it the appearance of a room rather than a corridor.

The scale of the proposed extension is larger than the structure it would replace and more equivalent in size to the host building. The ridge height would be 0.6 lower than the main ridge and the footprint of the extension would be marginally shorter than that of the main house, while the width would be the same as the width of the house. The roof form would echo the form of the house but would feature a dormer of which there are none on the main house. This would add to the bulk of the structure. The scale, design and external features of the extension would give it the appearance of a second dwelling on the site, rather than being read as a subservient addition.

Whilst the scale and appearance of the existing addition is modest and benign, the proposed extension would have a greater visual presence than the existing extension. Even if there were no existing extension to compare the structure to, the proposed extension would not appear as deferential to the host building; by virtue of its scale and design it would challenge and compete with the vernacular form of the host. This combined effect would not be lessened by the position of the extension to the rear, since, as demonstrated by the applicant's heritage statement, the building would be visible from public vantage points.

The proposal would result in an appreciable change to the character and appearance of the building, the effect of this would be to create an appreciable level of harm to the character and setting of the listed building. Whilst the harm to be caused would be in the less than substantial end of the spectrum, it would nonetheless be present. Harm of this nature can only be considered acceptable where it is outweighed by public benefits. This will be considered further in the planning balance.

## Doors

The rear elevation of the dwelling is balanced and consistent. The proposed installation of French doors into the rear elevation of the house are not considered appropriate in the context of the appearance of the host property and the opening would appear to require widening by 0.5m to receive these doors. Their installation would dilute the unassuming, vernacular appearance of the building as well as causing unnecessary anticipated loss of some historic fabric. No explanation or justification for this element of the proposal has been submitted.

The application further proposes replacement of the existing front door. No justification or explanation has been submitted to clarify why the loss of the existing historic door is necessary. Further justification in relation to this element of the proposal is required as in principle, loss of historic fabric is resisted.

#### The side lean-to

The existing side lean-to addition is proposed to be retained and upgraded. The Conservation Officer has acknowledged that replacing the existing boarding and lining the structure would be appropriate. They have raised no objection to the principle of inserting a window but have queried the dimensions of this in relation to the timber uprights which frame the structure. If permission is granted, such matters could be conditioned. Unfortunately, insufficient information has been submitted to enable a complete assessment of the works to this part of the building.

Details of how the wet services for the utility room will be installed have not been provided. In the absence of details, it is not possible to determine how the works would affect the fabric of the building and accordingly, if harm would arise. Whilst a condition requiring further information might be imposed on the grant of any permission, work to the fabric of the building to accommodate wet services would not fall within the scope of this permission.

Similarly, the Conservation Officer has further noted that the works do not include reference to treatment of the existing earthen floor and as such, any works to this would require separate consent.

#### The roof

Works proposed to the roof of the house and lean-to would consist of removing the existing roof coverings and re-laying the salvaged and re-claimed tiles with sarking felt. The supporting documentation for these works is silent on the reason for necessity of these works. . In the absence of a rationale for the works or details of how the re-roofing works would be achieved, the lpa cannot agree the principle.

An aspect of the proposed works to the roof that has been sufficiently described for the Conservation Officer to comment on is the proposed lead flashing to the chimney. This is not considered to be a sympathetic way of treating the junction of the chimney with the roof and this alteration has been identified as unacceptable as it would diminish the aesthetic contribution that this element makes to the special interest of the building. As such, they have identified that the proposed works to the chimney would constitute harm. The level of harm is less than substantial.

#### The installation of a French drain & soakaway

The proposals include the creation of a French drain to the perimeter of the original building, which will drain to a soakaway to be created within the curtilage. This arrangement is acceptable in principle as it would be a beneficial intervention to help alleviate damp caused by high ground levels abutting the building. Details of how and where the drain and soakaway would be constructed have not been submitted so would be necessary to be submitted prior to commencement of the work and agreed in writing through a condition if permission were granted.

#### Internal works

Internally, the building is proposed to be lined with lath and plaster and thermally insulated

with a breathable insulation. Conservation benefits from upgrading the thermal efficiency of older buildings can in some instances outweigh harm, however, a sufficient level of information needs to be provided to enable a balanced judgement.

Details of how the internal work will be achieved and what impact the works would have on the dimensions of the rooms and how the boarding would relate to architraves, windows and other architectural features and other concerns has not been submitted. In the absence of this information, it is not possible to weigh the benefits of the work against any potential harm that would result.

The principle of replacing the first floor ceiling is acceptable however this element of the works is again lacking in sufficient detail for a comprehensive assessment of the benefits versus potential harm to be made. There appear to have been no investigative works undertaken to discover whether an older ceiling exists above the modern ceiling boards and why the boarding was installed. Whilst the details of proposed ceilings could be controlled by condition, there needs to be some investigation of the space above the modern boarding, and of the roof space, to inform how the treatment of the ceilings of the upstairs rooms will be achieved, as this may reveal hitherto hidden features which could change the proposed treatment of the ceilings here.

#### Installation of a bathroom

Whilst most of the intrusive services are proposed to be contained within the new extension, the works also include the conversion of the small bedroom on the north side of the house to a family bathroom.

The Conservation Officer has stated that "the fitting of sanitaryware, pipework runs, installation of vents, installation of waterproof coverings on walls and floors and so forth would need to be accomplished without having an adverse impact on the character and fabric of the building for it to be acceptable".

No detailed information has been submitted to clarify the impact of this element of the proposals on the character and fabric of the building. In this respect the Conservation Officer has expressed misgivings regarding the suitability of the structure of the house to receive the additional loading that would be an inevitable part of the installation and subsequent use of a full bathroom.

No structural assessment has been supplied to the lpa to assist with the consideration of how the structure would react to this or whether it would prompt structural improvements which do not form part of the submission and which, therefore, have not been appraised.

In the absence of fundamental information, such as whether the building can structurally accommodate the proposed works, it is not possible to make a full assessment of the impact of the works. However, given the extra-ordinary level of intactness of the building and a realistic option to locate bathroom facilities elsewhere, there would need to be clear and convincing, and fully informed, reasons for the proposed bathroom installation and this is currently missing from the proposal.

#### Impact on Neighbour Amenity

By virtue of the scale and design, and distance to neighbouring properties, the proposal would not be anticipated to result in unacceptable impacts on the amenities of neighbouring occupants. As such, it would be policy compliant.

## Parking and highway safety

The proposal would not result in a change to the number of bedrooms at the property, so the proposal would not alter the parking provision at the property. The parking plan supplied identifies that a permeable parking area would be provided, which would supply parking for in excess of 2 vehicles, plus a turning area.

Highway safety is not anticipated to be reduced by the proposal and parking provision is considered acceptable.

## Impact on the Natural Environment

- Biodiversity

The application was supported by a bat assessment by a professional ecologist. The survey confirmed that the property supports bats.

The Council's Ecology Officer commented and raised no objections to the proposal, subject to works being implemented under an EPS licence and in full compliance with the mitigation measures set out in the 'Bat Hibernation & Bat Roost Survey Report' (enims, Sept 2020) and a precautionary approach to be undertaken.

By conditioning the recommended mitigation measures and adding an informative with regards to site works, the LPA can be reasonably assured that the works would not have an adverse impact on biodiversity.

- Climate Change

Hart has announced a climate change emergency and is committed to reducing carbon emissions. By virtue of the scale of the development, the proposal would not be anticipated to have a significant impact on carbon emissions. If permission is granted, an informative regarding climate change would be added to the decision.

## Other Matters

Equality Issues: The proposal raises no concerns in respect of equality issues.

## **CONCLUSION**

### PLANNING BALANCE and CONCLUSIONS

Both individually and cumulatively, the changes proposed would impact negatively on the significance and heritage values of the statutorily protected Heritage Asset.

The proposed removal of the single storey element would inhibit future understanding of how the use of building evolved and how its layout and accommodation functioned historically. It would also remove an element that is more appropriate in this context in terms of its scale and design than its proposed replacement. The replacement extension by virtue of its scale, design and relationship with the host would cause harm to its character and have an adverse impact on its setting.

Some of the proposals are likely to result in loss and erosion of both character and historic fabric, and there is a lack of sufficient information with regards to the impact of some of the proposed works on the setting and fabric of the building.

Except for the demolition of the single storey building and existing link the cumulative level of harm would lie within the spectrum of 'less than substantial harm'. Where 'less than substantial harm' is identified this requires the harm must be balanced against the provisions of either paragraph 196 or paragraph 202 of the NPPF 2021.

Regarding the demolition of the curtilage listed building the harm that would result could not be anything other than 'substantial harm' requiring a consideration of paragraph 196 in conjunction with paragraph 201 of the NPPF 2021.

On this basis, under the provisions of paragraphs 201 and 202, any harm identified needs to be able to deliver discernible 'public benefits' which would outweigh the level of harm that would be caused.

There are no identified significant conservation public benefits which arise from the scheme currently before the LPA from the demolition of the existing rear extension.

The alterations to the main house by and large require additional information to be supplied to enable the decision maker to make a fully informed assessment of any harm that the works may cause and whether the harm would be justified.

Whilst the alterations and extensions proposed are desirous of the applicant these have not been demonstrated in the submission as being reasonably necessary for the building's continued viable use.

Whilst the introduction of lining/insulation might improve the energy efficiency of the dwelling, little weight can be attributed to this element of the proposals given the lack of certainty or information provided within the submission, however, I do attribute limited weight to the public benefit associated with this improved efficiency and its resultant impact on climate change.

As such, on balance, little weight is attributed to the modest public benefits associated with the work. The public benefits of the proposal would not outweigh the harm resulting from the proposed works.

## **RECOMMENDATION - Refuse**

### **REASONS FOR REFUSAL**

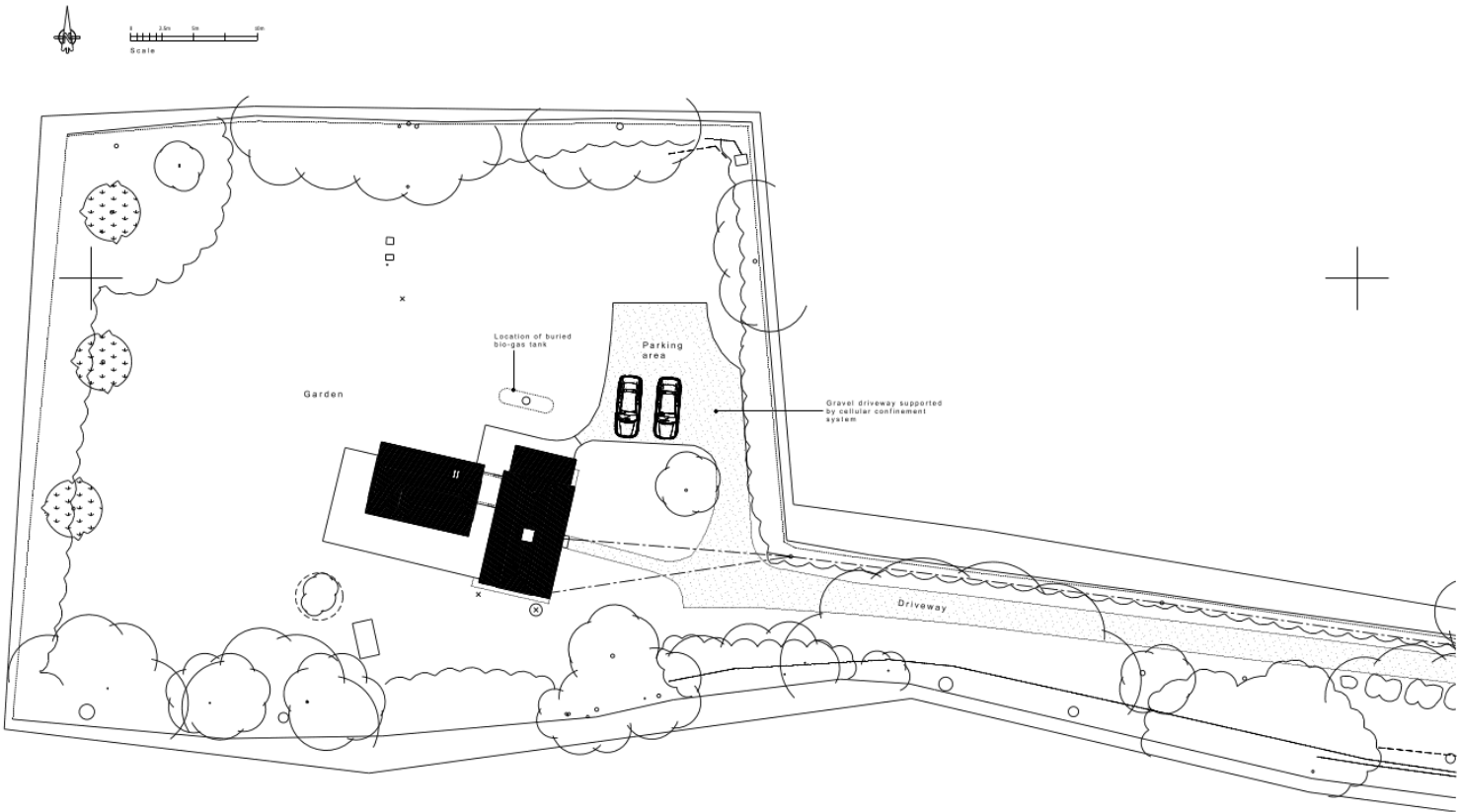
- 1 The proposed works would result in harm at both the substantial level of harm and the less than substantial level of harm on the spectrum of harm set out in the National Planning Policy Framework. The limited public benefits deriving from the proposal would not outweigh the harm to the heritage asset.

The proposal would therefore fail the national policy tests of 16 of the 2021 NPPF and would conflict with Development Plan policies NBE8 and NBE9 of the Hart Local Plan 2032 and saved policy GEN1 of the Hart Local Plan 2006. Policy BE02 of the Rotherwick Neighbourhood Plan (made 2016). It would further fail the legislative requirements of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **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 provided with pre-application advice. However, the application did not follow the recommendations of that advice and the proposal is unacceptable for the reasons given above.



A019-004

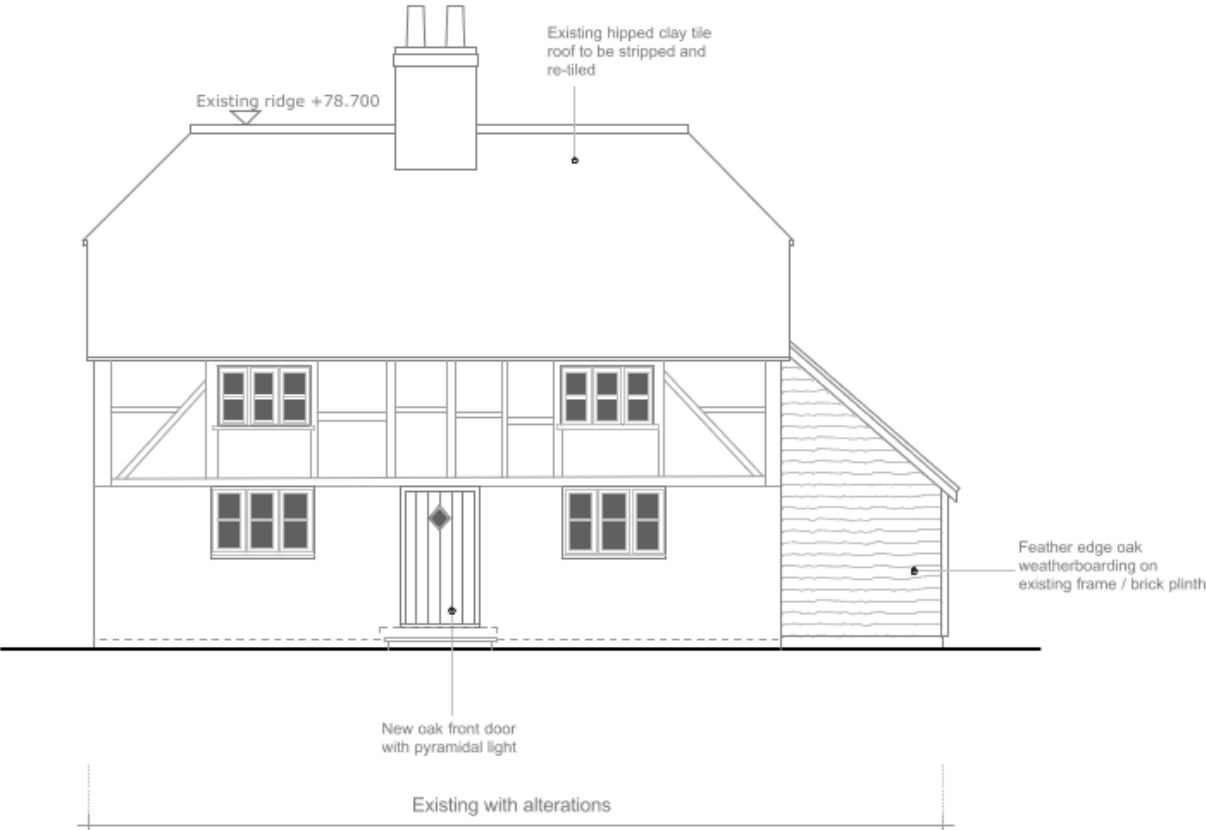


Existing and proposed east elevations (front)

Existing

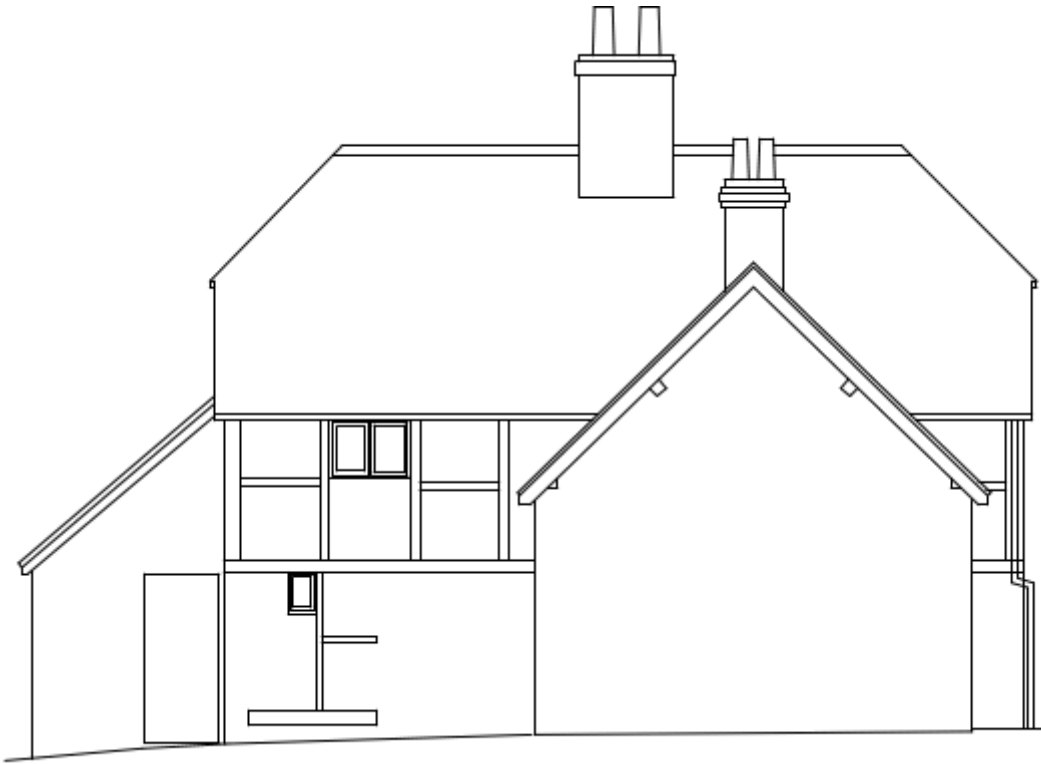


Proposed

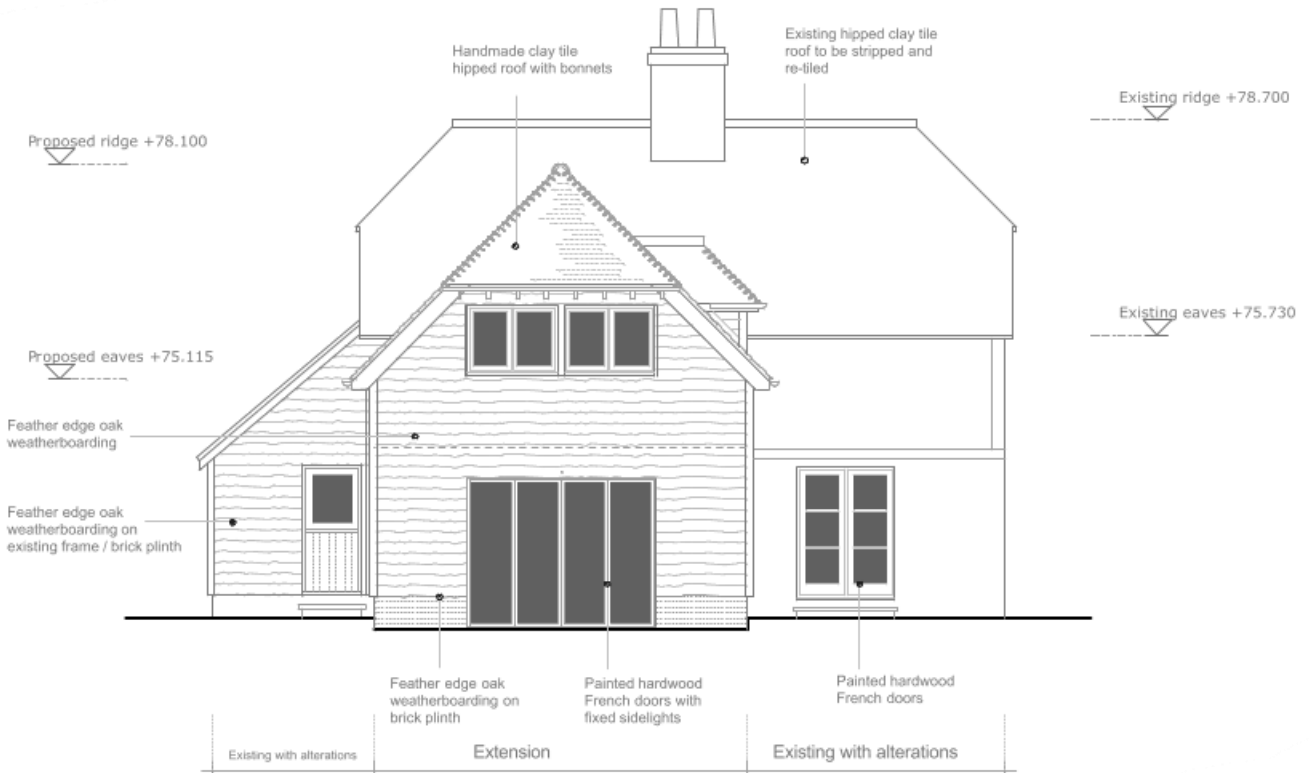


Existing and proposed west elevations (rear)

Existing



Proposed

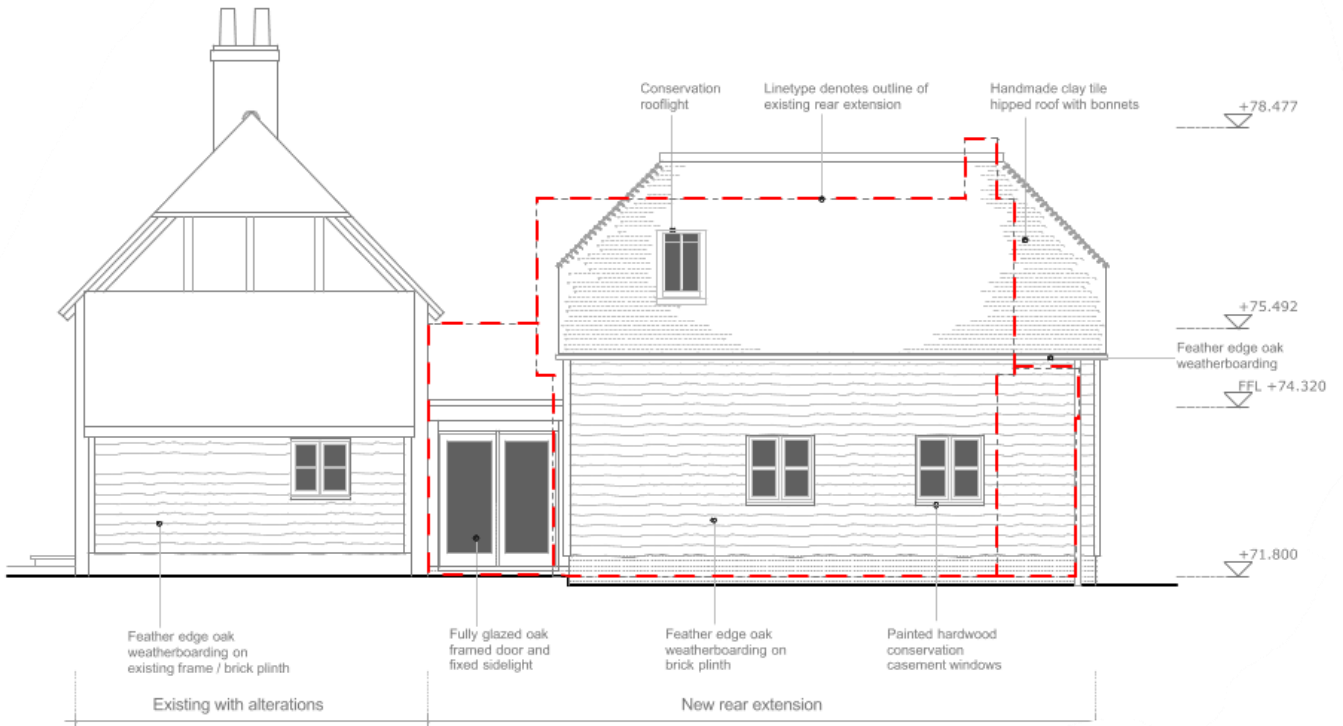


Existing and proposed north elevations (side)

Existing



Proposed

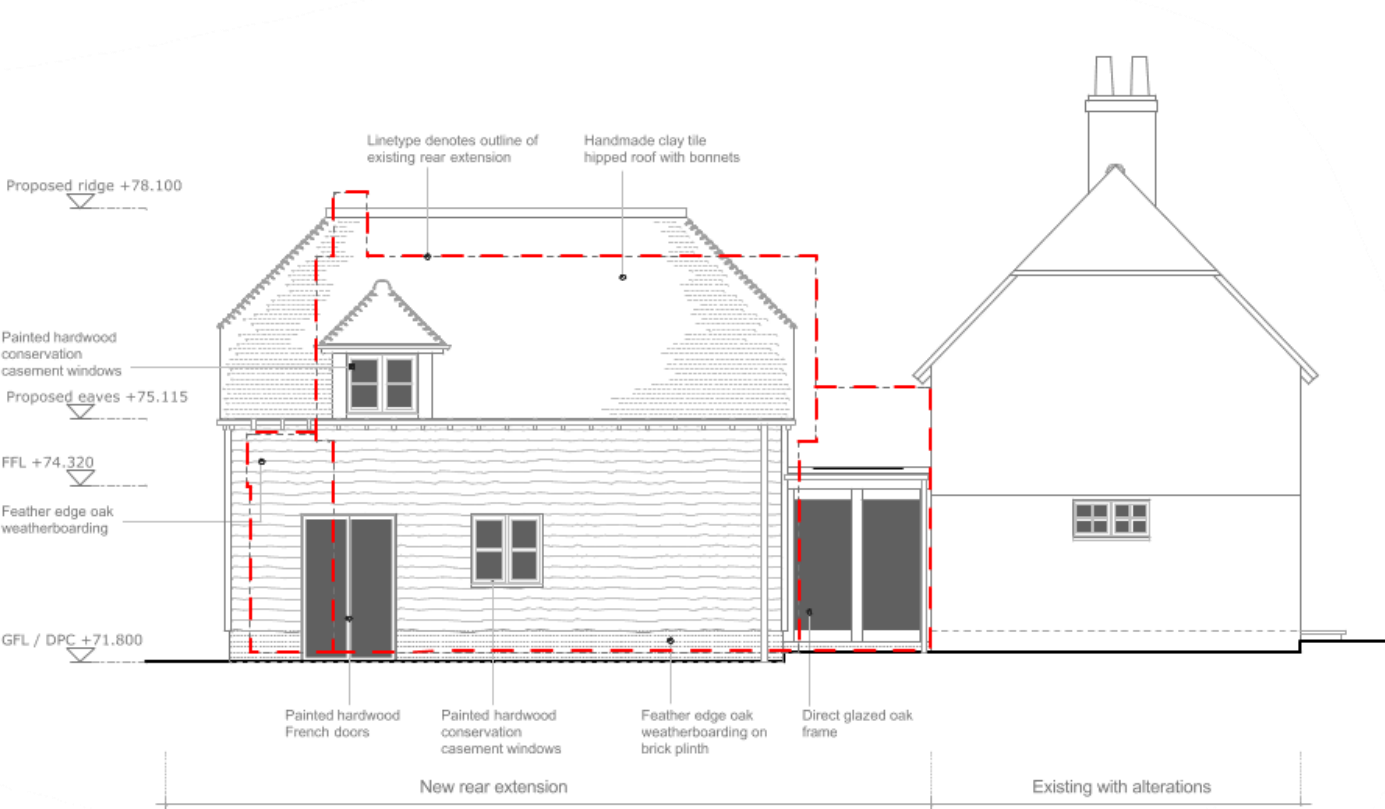


Existing and proposed south elevations (side)

Existing

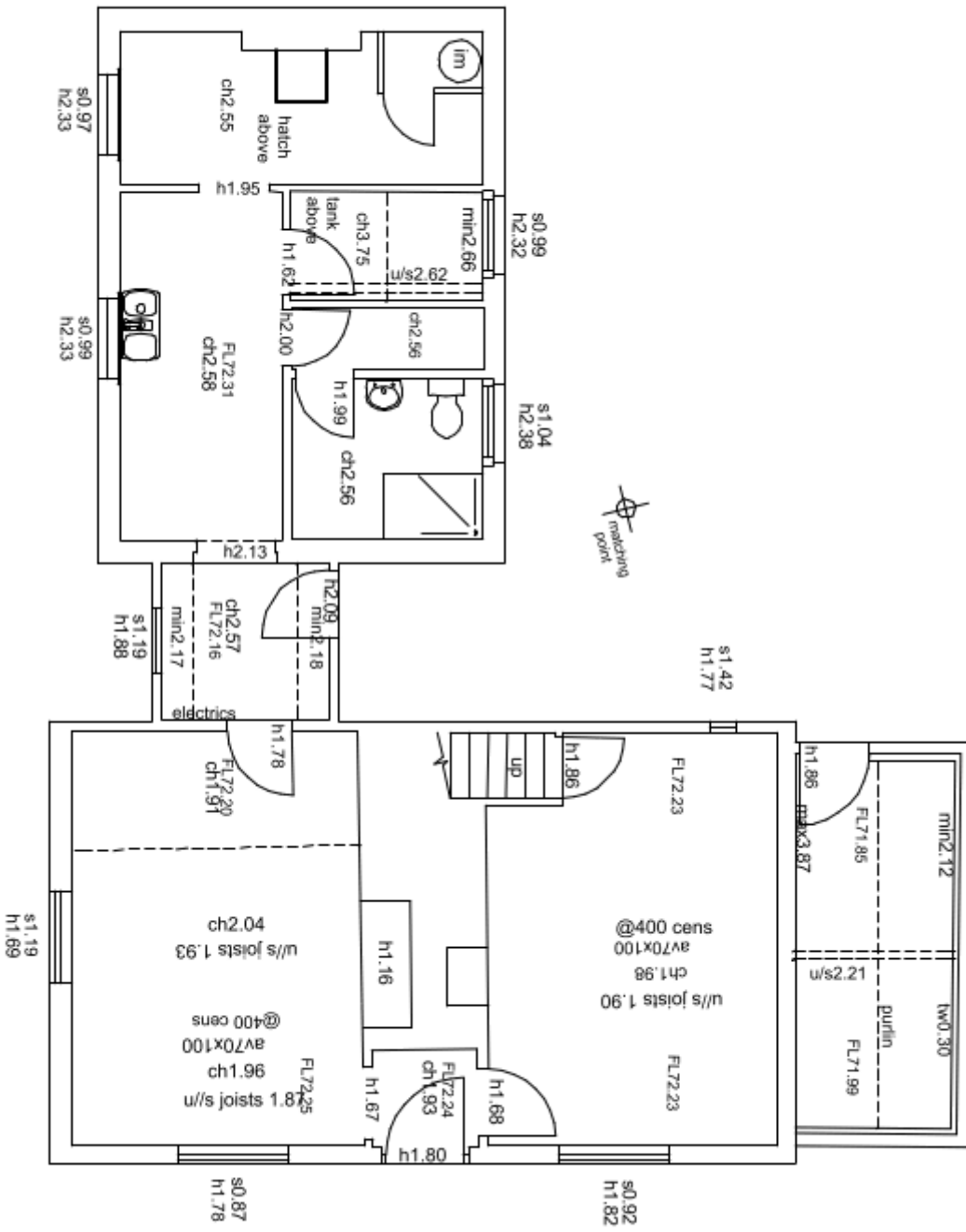


Proposed

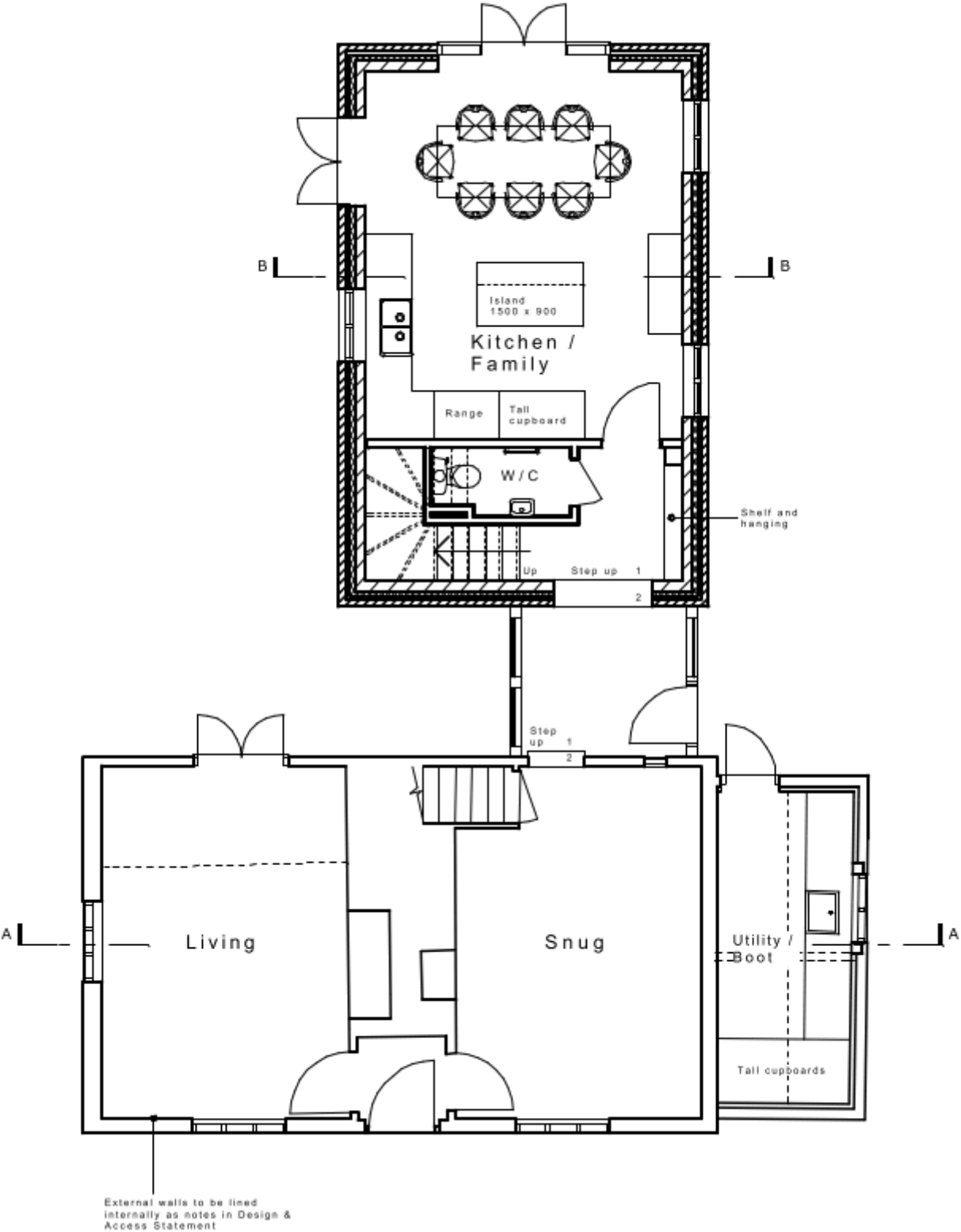


Existing and proposed floor plans

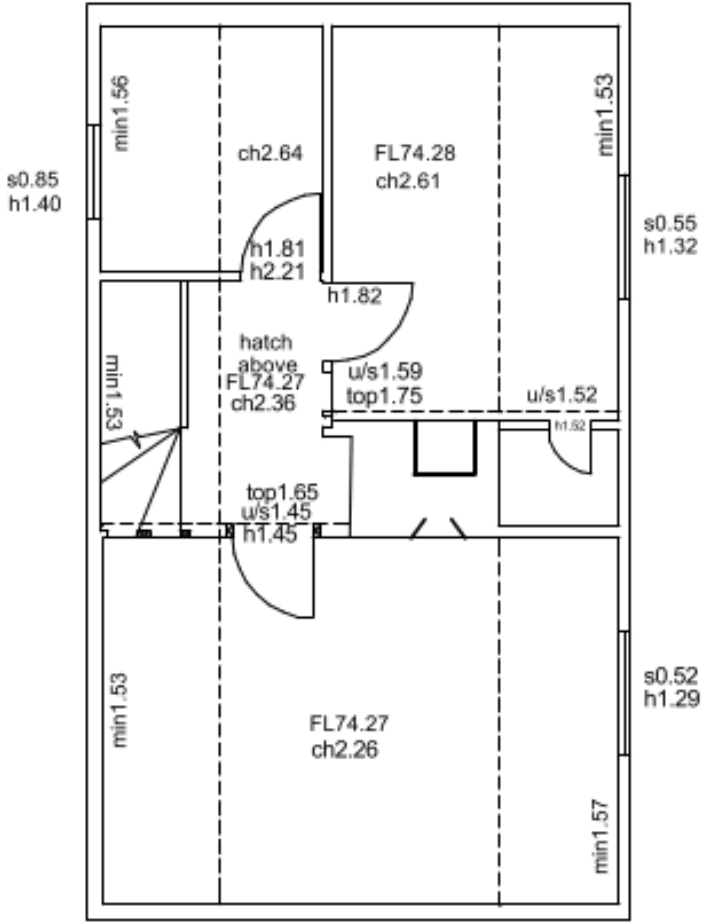
Existing ground floor plan



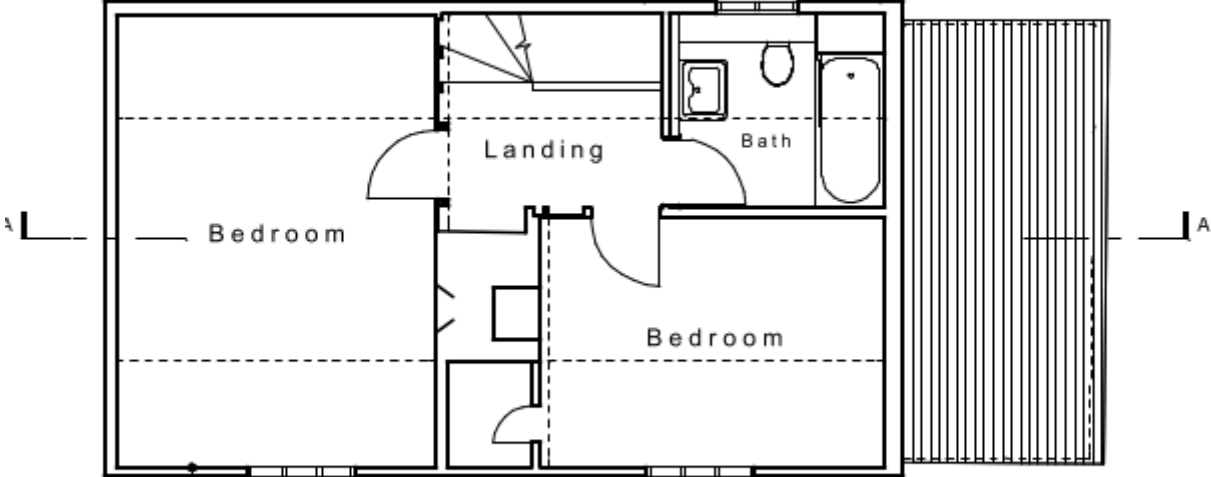
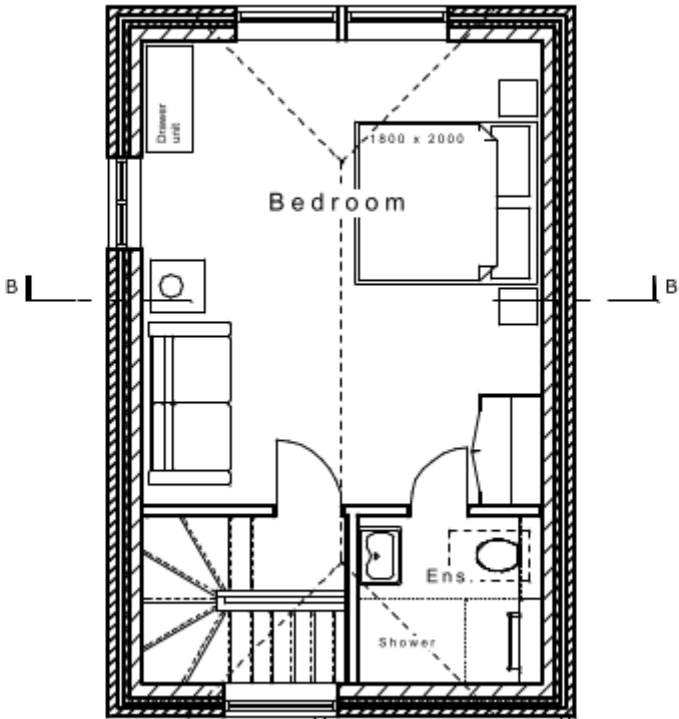
Proposed ground floor plan



Existing first floor plan



Proposed first floor plan

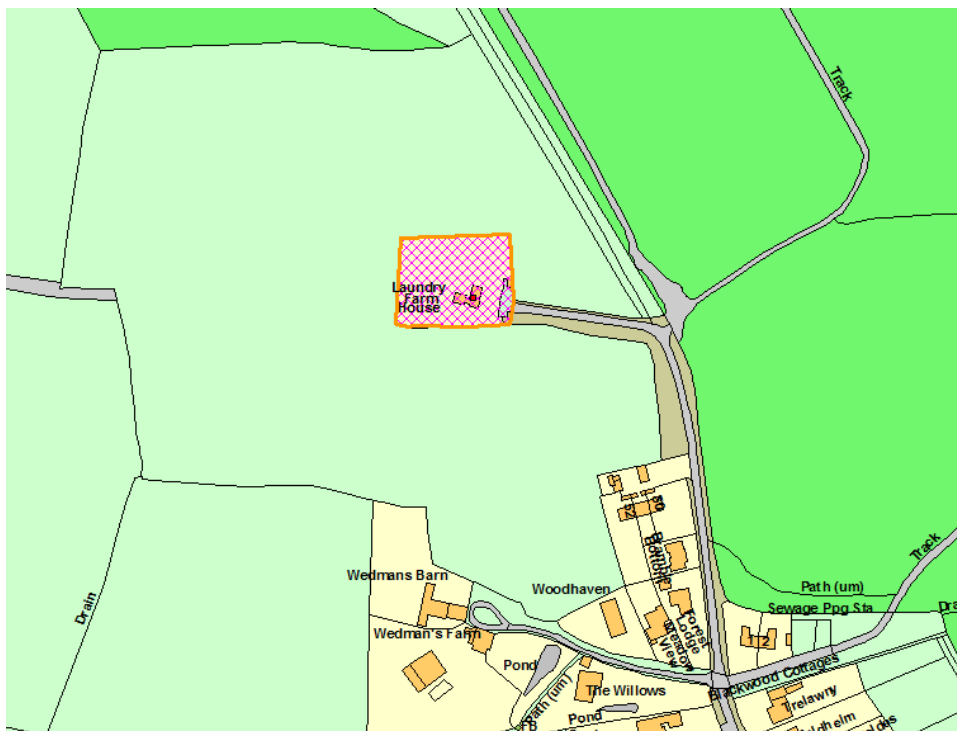


External walls to be lined internally as notes in Design & Access Statement



## COMMITTEE REPORT

APPLICATION NO.	20/03141/LBC
LOCATION	<b>Laundry Farm House Wedmans Lane Rotherwick Hook RG27 9BX</b>
PROPOSAL	Erection of a two storey rear extension following demolition of existing single storey extension, insertion of a set of double doors to ground floor rear and a window to ground floor side and internal alterations
APPLICANT	Mr and Mrs G Denovan
CONSULTATIONS EXPIRY	16 February 2021
APPLICATION EXPIRY	5 March 2021
WARD	Hook
RECOMMENDATION	<b>Refuse</b>



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## **SITE**

Laundry Farm House is a detached two-storey Grade II Listed dwellinghouse, which has origins from the 17th Century. It is situated within a generous garden, which has a pasture appearance and is a fitting backdrop to the rustic simplicity of the dwelling. The property is a vernacular, lobby-entry house with timber framing and brick infilling.

The dwelling is a Listed Building with a high degree of 'intactness' as it displays many original features. There are limited services within the building, the wet services are all provided in a single storey linked extension positioned to the rear of the building.

The site is accessed from Wedmans Lane and can be viewed from a public right of way to the north (byway no.13) which extends northwards from the end of Wedmans Lane. The site is close to the settlement policy boundary of Rotherwick but it is located in the countryside, in a rural setting.

## **PROPOSAL**

The application seeks the demolition of the existing rear extension, erection of a replacement rear extension, internal and external alterations and creation of a French drain.

## **RELEVANT PLANNING HISTORY**

20/01344/PREAPP : Proposed Extension and Alterations to Dwelling and New Outbuilding. Opinion issued.

63/05181/H : Erection of a garage. No Objection.

### Listing Description

"First listed : 26-June-1987, SU 75 NW ROTHERWICK WEDMANS LANE, 4/71 Laundry Farmhouse, - II

C17. 2 storeys, 2 windows. Red tile roof, 1/2-hipped; tile-hung south gable. Upper walling has exposed timber frame with red brick infill and other walling (in Monk bond). Casements. Plain door. Weather-boarded outshot at north end.

Listing NGR: SU7173256692."

It should be noted that a listing description is not an exhaustive record of all significance within a property, it is simply a description sufficient to identify the building.

## **CONSULTEES RESPONSES**

### **Conservation/Listed Buildings Officer (Internal)**

Summary of comments (for full commentary refer to website)

### **OBJECTION**

Removal of the late C19th/C20th service wing would erase both aesthetic and historic value of the listed building and would make use of the property unviable without a suitable replacement.

The level of harm to be caused by the demolition of the extension would cause substantial harm within the spectrum of harm according to the NPPF.

The replacement building proposed would have a detrimental impact on the character and

appearance of the listed building and would harm its setting.

The level of harm to be caused would be within the spectrum of the less than substantial harm according to the NPPF.

Insufficient information has been submitted in relation to the proposed internal/external alterations to clarify whether elements of the proposal would cause harm to the significance of the heritage asset or allow accurate assessment of the level of harm which might be caused. (For example structural elements have not been fully explored.)

### **Rotherwick Parish Council**

'Laundry Farm House has been allowed to run down over many years such that it is now in a poor state for habitation. The proposal takes a positive approach to design which emphasises the heritage value of the original 17th century building whilst proposing a replacement rear extension which is subservient to the host structure and respects the setting of the property and the character of Rotherwick.

Though of modern construction, the proposed barn-style hipped roof design of the rear extension with oak weatherboards is typical of several local properties, e.g. Wedmans Barn nearby in Wedmans Lane. Generally, RPC considers the development proposed would establish a good standard of amenity for existing and future occupants of the property to enable the listed building to be viable for many years to come.

However, RPC notes that the Design & Access Statement mentions PV solar panels as one of the proposed energy efficiency measures. These are not shown on the plans. If a PV solar installation is to be included in the scheme, further clarity is needed about the location and size of panels being proposed for the site. In the absence of such clarity, RPC is not able to assess this aspect of the proposed development.'

*Officer note: the solar panels were subsequently removed from the proposal*

### **NEIGHBOUR COMMENTS**

7 support comments, from 6 addresses, were received, summarised as follows:

- o The proposal would involve minimal development in keeping with the character of the building and neighbourhood
- o Restoration with little change to appearance of the cottage
- o Improvements to 'liveability'
- o No traffic impacts to Wedmans Lane
- o Climate change benefits
- o Design appropriate and does not detract from original cottage and would not affect surrounding views

No objection comments were received from members of the public.

### **CONSIDERATIONS**

#### **RELEVANT PLANNING POLICY**

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

and consistent with the NPPF (2021).

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

Policy SD1 Sustainable Development  
Policy NBE8 Historic Environment  
Policy NBE9 Design

Hart District Local Plan (Replacement) 1996-2006 'saved' policies (HLP06)

Policy GEN1 General Policy for Development

Rotherwick Neighbourhood Plan 2016-2032 (Rotherwick NP)

Policy BE01 - Design  
Policy BE02 - Conservation Area (refers to listed buildings)

National Planning Policy Framework (NPPF) 2021

Section 2 - Achieving sustainable development  
Section 12 - Achieving well-designed places  
Section 16 - Conserving and enhancing the historic environment

Other Material Considerations

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning Practice Guidance (PPG) on Climate Change - last update of 15 March 2019  
PPG on Consultation and pre-decision matters - last update of 19 July 2021  
PPG on Determining a planning application - last update of 24 June 2021  
PPG on Historic environment- last update of 23 July 2019  
PPG on Neighbourhood planning - last update of 25 September 2020  
PPG on Use of planning conditions - last update of 23 July 2019  
Hart's Climate Change Action Plan  
Hart's Equality Objectives for 2021 - 2023

**CONSIDERATIONS**

Principle

Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The tests set out in Section 16(2) and 66(1) of the Listed Buildings and Conservation Areas Act (1990) that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As set out above, the starting point for determining planning applications is the Development Plan. There is no in-principle objection to making the property more suitable for modern living and refurbishing existing facilities. In this regard, the updating of the existing rear extension would be in principle acceptable and could bring conservation benefits from retaining wet services in a less sensitive part of the property. The careful use of appropriate forms of insulation may also bring with it modest climate change betterment.

The application site is located without a settlement boundary and is therefore in the countryside as defined by the HLP32.

Policy SD1 is a general policy that states that when considering planning applications, the Council will apply the presumption in favour of sustainable development; this policy mirrors the requirements of the NPPF. Under SD1, planning applications that accord with the policies in the Development Plan will be approved unless material considerations indicate otherwise.

HLP32 Policy NBE8 requires proposals to conserve or enhance heritage assets and their settings, taking account of their significance. The policy states that proposals that lead to harm to the significance of a heritage asset will not be permitted unless they meet the relevant tests and assessment factors specified in the NPPF.

Rotherwick NP Policy BE01 supports development which secures high quality design and reflects and enhances its immediate setting and the local character.

Rotherwick NP Policy BE02 confirms that proposals that would have a detrimental impact on, or result in the loss of, listed buildings will not be supported, unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, as appropriate to the significance of the heritage asset.

The NPPF instructs local planning authorities to approach decisions on proposed development in a positive and creative way. Section 12 establishes that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

In determining applications which would affect the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. If harm is identified, the approach by lpa is guided by the level of harm identified:

- o Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the impact is necessary to achieve substantial overriding public benefits or the heritage asset prevents all reasonable uses of the site, no viable use can be found, conservation by not for profit ownership/funding is demonstrably not possible and the impact is outweighed by the benefit of bringing the site back into use.

- o Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Whilst the size of the existing rear single storey extension is acknowledged and the applicants' desire to provide 21st Century living accommodation is noted, the modest property has limited capability for development of the nature proposed without harming its significance. As confirmed by the Conservation Officer, the current arrangement of accommodation and services is in line with good conservation practice, where invasive facilities are provided in less sensitive areas.

## Significance

The listed building is a remarkably intact example of a historic vernacular building typically known as a 'lobby entry' dwelling, with origins in the 17th century. Its key features are still immediately appreciable, owing to the limited disturbance of the historic plan form and fabric that the building has undergone since construction. A noteworthy contribution to the intactness of the building is made by the 'service wing' extension to the rear. This single storey element provides the essential kitchen and sanitary facilities that have allowed the building to continue to be used as a dwelling without the need to alter or adapt the more historic elements present within the main house.

Paragraph 195 of the NPPF 2021 sets out the duty for LPAs to identify and assess significance of any Heritage Asset which would be affected by the proposal and take available evidence and necessary expertise into account. In this instance, the significance is set out in the Historic England listing, the Conservation Officer's response, and additional conservation comments. The necessary expertise provided by the Conservation Officer has been considered (as required by the NPPF).

## Impact of the proposals

The proposed development is for the demolition of the existing rear extension and link and the replacement with a proposed rear extension with link, the upgrading of a retained outshut, internal alterations and the installation of a french drain and soakaway.

The extension would measure 5.3m in width, 8m in depth and 6.4m in height. The link would be 2.6m in width, 2m in depth and 2.6m in height.

The new extension would have a larger footprint than the existing structure by some 8 square metres and would have a ridge height 0.6m below the main house ridge. It would provide accommodation over two floors; the ground floor would contain the kitchen and dining area, and a WC and the first floor would provide a bedroom with en-suite shower room. A second set of stairs would allow both storeys to be accessible from the ground floor link. The exterior of the extension would be covered with oak weatherboarding and the roof would be clay tile. The link would be oak framed, with glazed panels and a glazed door.

A concurrent householder planning application (20/03140/HOU) has been submitted alongside this application which considers impacts in addition to the effect of the proposal on the special interest of the listed building.

The proposed extension would replace a smaller building in a similar location. The size increase and external appearance of this extension would not have a materially greater impact on the countryside setting than the existing structure. The works to install a french drain and soakaway would not have a detrimental impact on the countryside setting.

## **Design and appearance, impact on the listed building**

The setting is rural and the un-landscaped character of the site befits and enhances the setting of the vernacular charm of the historic building. Sitting to the rear of the building is a single storey brick and tile building.

The outbuilding / extension

This is a single storey brick building dating from the early 20th Century. Once a detached outbuilding, it has been linked via a short passage to the back of the host. It is a functional,

plain brick building with a pitched clay tile roof, the ridge of which sits some 1.3m below the level of the main house ridge.

The building is equipped with plumbing and pipe runs and provides the sanitary and kitchen facilities for the property.

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The building is equipped with plumbing and pipe runs and provides the sanitary and kitchen facilities for the property.

The proposal involves removing this structure and link and constructing a larger, one and a half storey extension, which would be linked with a short passage to the main house, in a slightly different position from the existing link. The new extension would have a larger footprint than the existing structure by some 8 square metres and would have a ridge height 0.6m below the main house ridge. It would provide accommodation over two floors; the ground floor would contain the kitchen and dining area, and a WC and the first floor would provide a bedroom with en-suite shower room. A second set of stairs would allow both storeys to be accessible from the ground floor link. The exterior of the extension would be covered with oak weatherboarding and the roof would be clay tile. The link would be oak framed, with glazed panels and a glazed door.

The existing rear extension has a visually benign impact on the setting of the listed building. This is due to its subservient physical presence and relationship to the host building; it sits quietly alongside the principal building and does not challenge the dominance of its host. It contains the kitchen and sanitary services of the property and in doing so, these facilities do not interfere with the fabric of the listed building for the provision of pipe runs, water tanks, drainage etc.

Impact of the proposal on the existing rear structure.

The Conservation Officer has explained how the existing rear extension benefits the main building by relieving it of wet services, and they further describe how the provision of a structure to provide these facilities is an example of good conservation principles and practice. In this situation, the provision of facilities in less sensitive locations has allowed the house to retain a high level of intactness, which enhances the overall heritage value of the building.

The presence of the rear addition informs the historic development of this property and contributes to the aesthetic and (illustrative) historic value of it. Of itself, the extension is an unpretentious structure, clearly subordinate to the host building. It presents as a building designed and constructed for a purpose, to sustain and aid the occupation of the main dwelling. It has not been erected as a low-rate building which has subsequently been encumbered with domestic wet service paraphernalia, rather it contains features which show that it was built with intent and with polite deference to the host, such as exposed rafter feet, brick flooring with a flagstone threshold, and tiled window cills.

The Conservation Officer describes the structure as a good quality example of an early 20th Century 'service' addition and explains how its form and function accommodates kitchen and sanitary facilities, thereby allowing the property to continue in viable use as a residential dwelling.

The removal of the existing extension would take with it this evidential and illustrative historic value which is encapsulated in this structure and consequently its removal would negatively impact the setting of the listed building.

As a curtilage listed structure, the extension has undertaken a role in shaping the setting of the heritage asset and has a positive role in preserving its significance. The presence of this later addition tells a story about historic changes that have been made to the building. The buildings rare degree of survival, its high level of intactness and its lack of inappropriate alteration, made possible by the service addition, contributes to its enhanced heritage value.

In deciding if the works to demolish the rear building and link, and to construct a larger replacement extension and link would preserve the setting of the listed building, considerable importance and weight should be given to the desirability of preserving the setting of the listed building in the planning balancing exercise.

The conservation officer has identified that the removal of the existing historic extension and its replacement by the structure proposed would cause 'substantial harm' to a curtilage listed building by its complete demolition and removal and would result in 'less than substantial' of harm to the setting of the listed building.

The removal of the single storey element without securing an appropriate replacement would also cause harm to the principal listed building as it would remove those services which it currently accommodates and are essential for its continued viable use as a residential building.

Where harm to statutory designated heritage assets is identified, the requirements of planning legislation, set out in Sections 16(2) & 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the planning policy contained in Section 16 the NPPF requires the decision maker to 'have special regard to' and to 'give great weight to the conservation of the heritage asset'. This requirement is necessary 'irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Paragraph 200 of the NPPF 2021 then goes on to state that:

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. Paragraphs 201 and 202 set out the parameters in which harm may be supported. In such cases importantly the proposal must deliver a level of discernible public, not merely private, benefit that balanced against the weight of harm caused by the proposal, it must outweigh not just be equal to it. These are the policy tests which must be applied to planning balance judgement applicable to this case.

The proposed extension

The proposal includes the construction of a replacement structure for the demolished outbuilding, located on the rear of the property but slightly more to the north of the existing extension. This would provide wet services inasmuch as it would have the kitchen, a WC and shower room, but the main bathroom would be in the principal building.

The extension would therefore mostly continue to meet the good conservation principle of keeping intrusive services away from the most sensitive part of the heritage asset. The installation of a bathroom in the main house is discussed later in this report.



The use of a glazed link to attach the extension to the host would keep intrusion of the physical fabric of the house to a minimum and would make use of a bricked up previous opening. The existing opening would be retained and slightly widened to accommodate a pair of French doors.

The use of a glazed link would serve to provide a lightweight, functional solution to the proposal to extend the property with minimal physical impact. However, the design solution is larger than it needs to be in order to provide a passageway between the two areas of the house. The footprint of the link would echo the dimensions of the proposed bathroom, giving it the appearance of a room rather than a corridor.

The scale of the proposed extension is larger than the structure it would replace and more equivalent in size to the host building. The ridge height would be 0.6 lower than the main ridge and the footprint of the extension would be marginally shorter than that of the main house, while the width would be the same as the width of the house. The roof form would echo the form of the house but would feature a dormer of which there are none on the main house. This would add to the bulk of the structure. The scale, design and external features of the extension would give it the appearance of a second dwelling on the site, rather than being read as a subservient addition.

Whilst the scale and appearance of the existing addition is modest and benign, the proposed extension would have a greater visual presence than the existing extension. Even if there were no existing extension to compare the structure to, the proposed extension would not appear as deferential to the host building; by virtue of its scale and design it would challenge and compete with the vernacular form of the host. This combined effect would not be lessened by the position of the extension to the rear, since, as demonstrated by the applicant's heritage statement, the building would be visible from public vantage points.

The proposal would result in an appreciable change to the character and appearance of the building, the effect of this would be to create an appreciable level of harm to the character and setting of the listed building. Whilst the harm to be caused would be in the less than substantial end of the spectrum, it would nonetheless be present. Harm of this nature can only be considered acceptable where it is outweighed by public benefits. This will be considered further in the planning balance.

## Doors

The rear elevation of the dwelling is balanced and consistent. The proposed installation of French doors into the rear elevation of the house are not considered appropriate in the context of the appearance of the host property and the opening would appear to require widening by 0.5m to receive these doors. Their installation would dilute the unassuming, vernacular appearance of the building as well as causing unnecessary anticipated loss of some historic fabric. No explanation or justification for this element of the proposal has been submitted.

The application further proposes replacement of the existing front door. No justification or explanation has been submitted to clarify why the loss of the existing historic door is necessary. Further justification in relation to this element of the proposal is required as in principle, loss of historic fabric is resisted.

## The side lean-to

The existing side lean-to addition is proposed to be retained and upgraded. The Conservation Officer has acknowledged that replacing the existing boarding and lining the

structure would be appropriate. They have raised no objection to the principle of inserting a window but have queried the dimensions of this in relation to the timber uprights which frame the structure. If permission is granted, such matters could be conditioned. Unfortunately, insufficient information has been submitted to enable a complete assessment of the works to this part of the building.

Details of how the wet services for the utility room will be installed have not been provided. In the absence of details, it is not possible to determine how the works would affect the fabric of the building and accordingly, if harm would arise. Whilst a condition requiring further information might be imposed on the grant of any permission, work to the fabric of the building to accommodate wet services would not fall within the scope of this permission.

Similarly, the Conservation Officer has further noted that the works do not include reference to treatment of the existing earthen floor and as such, any works to this would require separate consent.

### The roof

Works proposed to the roof of the house and lean-to would consist of removing the existing roof coverings and re-laying the salvaged and re-claimed tiles with sarking felt. The supporting documentation for these works is silent on the reason for necessity of these works. . In the absence of a rationale for the works or details of how the re-roofing works would be achieved, the lpa cannot agree the principle.

An aspect of the proposed works to the roof that has been sufficiently described for the Conservation Officer to comment on is the proposed lead flashing to the chimney. This is not considered to be a sympathetic way of treating the junction of the chimney with the roof and this alteration has been identified as unacceptable as it would diminish the aesthetic contribution that this element makes to the special interest of the building. As such, they have identified that the proposed works to the chimney would constitute harm. The level of harm is less than substantial.

### The installation of a French drain & soakaway

The proposals include the creation of a French drain to the perimeter of the original building, which will drain to a soakaway to be created within the curtilage. This arrangement is acceptable in principle as it would be a beneficial intervention to help alleviate damp caused by high ground levels abutting the building. Details of how and where the drain and soakaway would be constructed have not been submitted so would be necessary to be submitted prior to commencement of the work and agreed in writing through a condition if permission were granted.

### Internal works

Internally, the building is proposed to be lined with lath and plaster and thermally insulated with a breathable insulation. Conservation benefits from upgrading the thermal efficiency of older buildings can in some instances outweigh harm, however, a sufficient level of information needs to be provided to enable a balanced judgement.

Details of how the internal work will be achieved and what impact the works would have on the dimensions of the rooms and how the boarding would relate to architraves, windows and other architectural features and other concerns has not been submitted. In the absence of this information, it is not possible to weigh the benefits of the work against any potential harm that would result.

The principle of replacing the first-floor ceiling is acceptable however this element of the works is again lacking in sufficient detail for a comprehensive assessment of the benefits versus potential harm to be made. There appear to have been no investigative works undertaken to discover whether an older ceiling exists above the modern ceiling boards and why the boarding was installed. Whilst the details of proposed ceilings could be controlled by condition, there needs to be some investigation of the space above the modern boarding, and of the roof space, to inform how the treatment of the ceilings of the upstairs rooms will be achieved, as this may reveal hitherto hidden features which could change the proposed treatment of the ceilings here.

#### Installation of a bathroom

Whilst most of the intrusive services are proposed to be contained within the new extension, the works also include the conversion of the small bedroom on the north side of the house to a family bathroom.

The Conservation Officer has stated that "the fitting of sanitaryware, pipework runs, installation of vents, installation of waterproof coverings on walls and floors and so forth would need to be accomplished without having an adverse impact on the character and fabric of the building for it to be acceptable".

No detailed information has been submitted to clarify the impact of this element of the proposals on the character and fabric of the building. In this respect the Conservation Officer has expressed misgivings regarding the suitability of the structure of the house to receive the additional loading that would be an inevitable part of the installation and subsequent use of a full bathroom.

No structural assessment has been supplied to the lpa to assist with the consideration of how the structure would react to this or whether it would prompt structural improvements which do not form part of the submission and which, therefore, have not been appraised.

In the absence of fundamental information, such as whether the building can structurally accommodate the proposed works, it is not possible to make a full assessment of the impact of the works. However, given the extra-ordinary level of intactness of the building and a realistic option to locate bathroom facilities elsewhere, there would need to be clear and convincing, and fully informed, reasons for the proposed bathroom installation and this is currently missing from the proposal.

## **CONCLUSION**

### PLANNING BALANCE and CONCLUSIONS

Both individually and cumulatively, the changes proposed would impact negatively on the significance and heritage values of the statutorily protected Heritage Asset.

The proposed removal of the single storey element would inhibit future understanding of how the use of building evolved and how its layout and accommodation functioned historically. It would also remove an element that is more appropriate in this context in terms of its scale and design than its proposed replacement. The replacement extension by virtue of its scale, design and relationship with the host would cause harm to its character and have an adverse impact on its setting.

Some of the proposals are likely to result in loss and erosion of both character and historic

fabric, and there is a lack of sufficient information with regards to the impact of some of the proposed works on the setting and fabric of the building.

Except for the demolition of the single storey building and existing link the cumulative level of harm would lie within the spectrum of 'less than substantial harm. Where 'less than substantial harm' is identified this requires the harm must be balanced against the provisions of either paragraph 196 or paragraph 202 of the NPPF 2021.

Regarding the demolition of the curtilage listed building the harm that would result could not be anything other than 'substantial harm' requiring a consideration of paragraph 196 in conjunction with paragraph 201 of the NPPF 2021.

On this basis, under the provisions of paragraphs 201 and 202, any harm identified needs to be able to deliver discernible 'public benefits' which would outweigh the level of harm that would be caused.

There are no identified significant conservation public benefits which arise from the scheme currently before the LPA from the demolition of the existing rear extension.

The alterations to the main house by and large require additional information to be supplied to enable the decision maker to make a fully informed assessment of any harm that the works may cause and whether the harm would be justified.

Whilst the alterations and extensions proposed are desirous of the applicant these have not been demonstrated in the submission as being reasonably necessary for the building's continued viable use.

Whilst the introduction of lining/insulation might improve the energy efficiency of the dwelling, little weight can be attributed to this element of the proposals given the lack of certainty or information provided within the submission, however, I do attribute limited weight to the public benefit associated with this improved efficiency and its resultant impact on climate change.

As such, on balance, little weight is attributed to the modest public benefits associated with the work. The public benefits of the proposal would not outweigh the harm resulting from the proposed works.

## **RECOMMENDATION - Refuse**

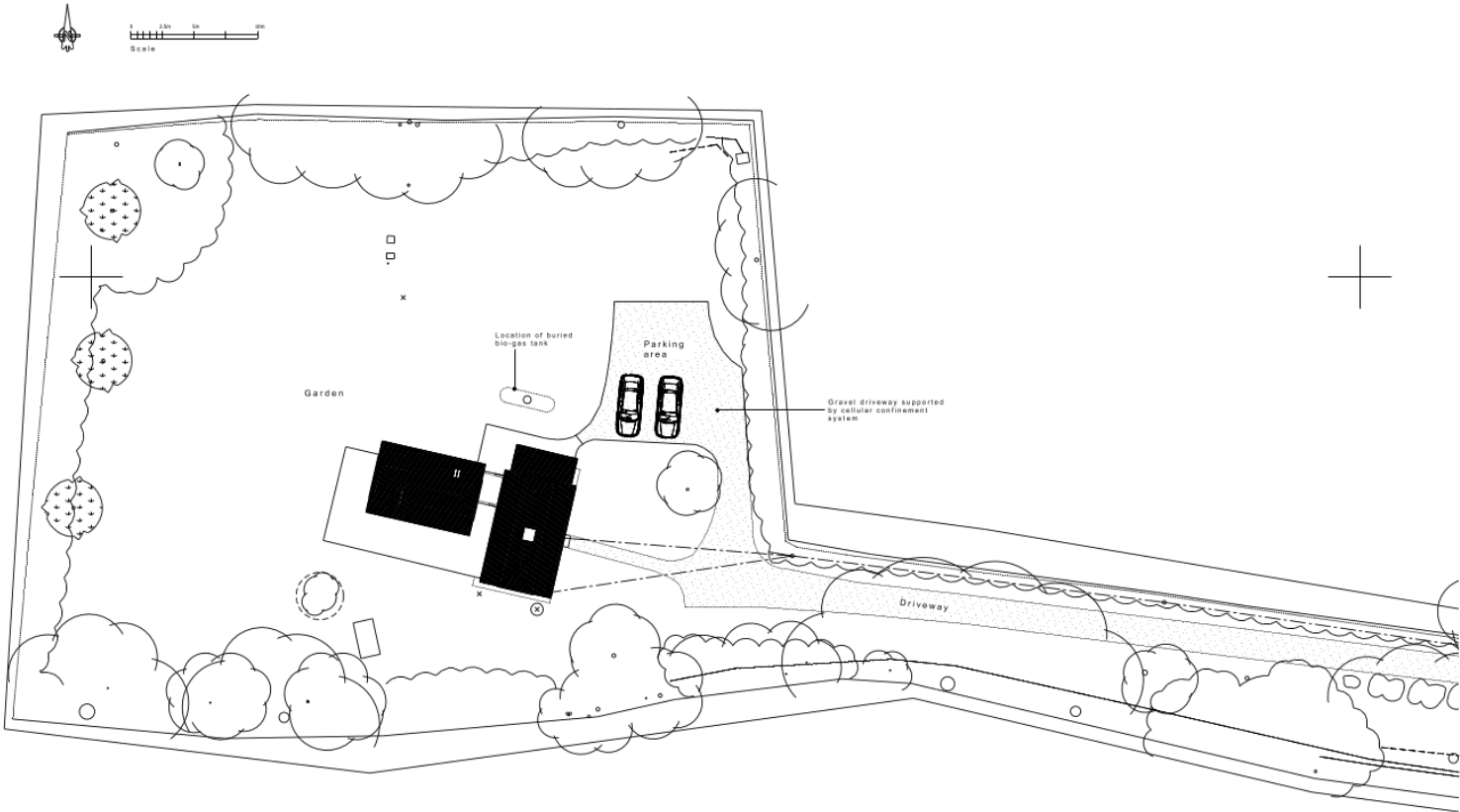
### **REASONS FOR REFUSAL**

- 1 The proposed works would result in harm at both the substantial level of harm and the less than substantial level of harm on the spectrum of harm set out in the National Planning Policy Framework. The limited public benefits deriving from the proposal would not outweigh the harm to the heritage asset.

The proposal would therefore fail the national policy tests of 16 of the 2021 NPPF and would conflict with Development Plan policies NBE8 and NBE9 of the Hart Local Plan 2032 and saved policy GEN1 of the Hart Local Plan 2006. Policy BE02 of the Rotherwick Neighbourhood Plan (made 2016). It would further fail the legislative requirements of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: o The applicant was provided with pre-application advice. However, the application did not follow the recommendations of that advice and the proposal is unacceptable for the reasons given above.



A019-004

Existing and proposed east elevations (front)

Existing

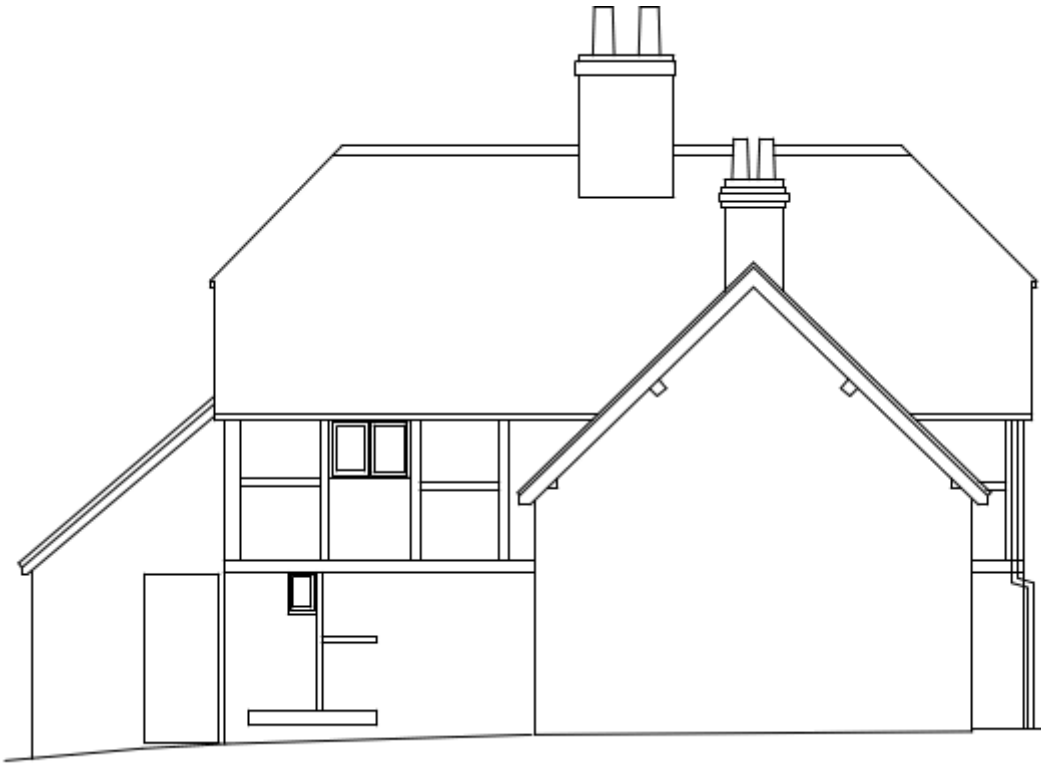


Proposed

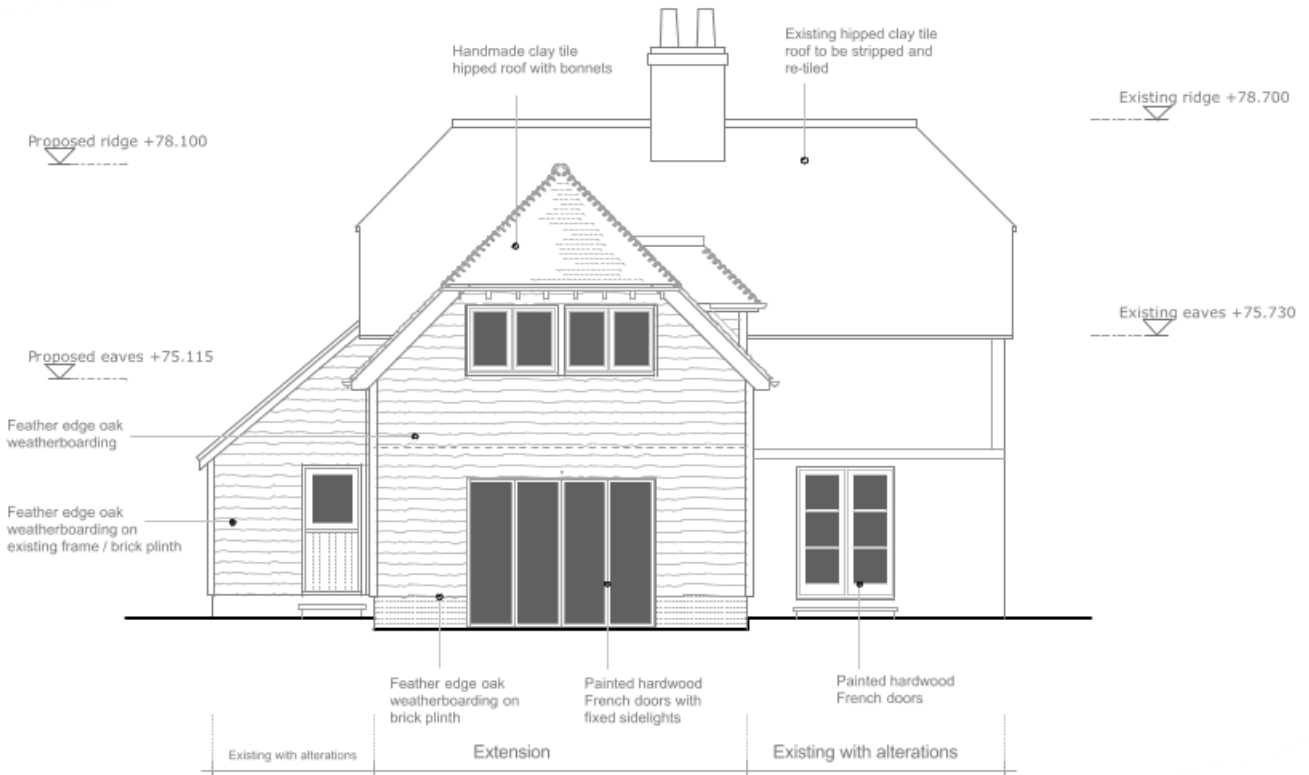


Existing and proposed west elevations (rear)

Existing



Proposed



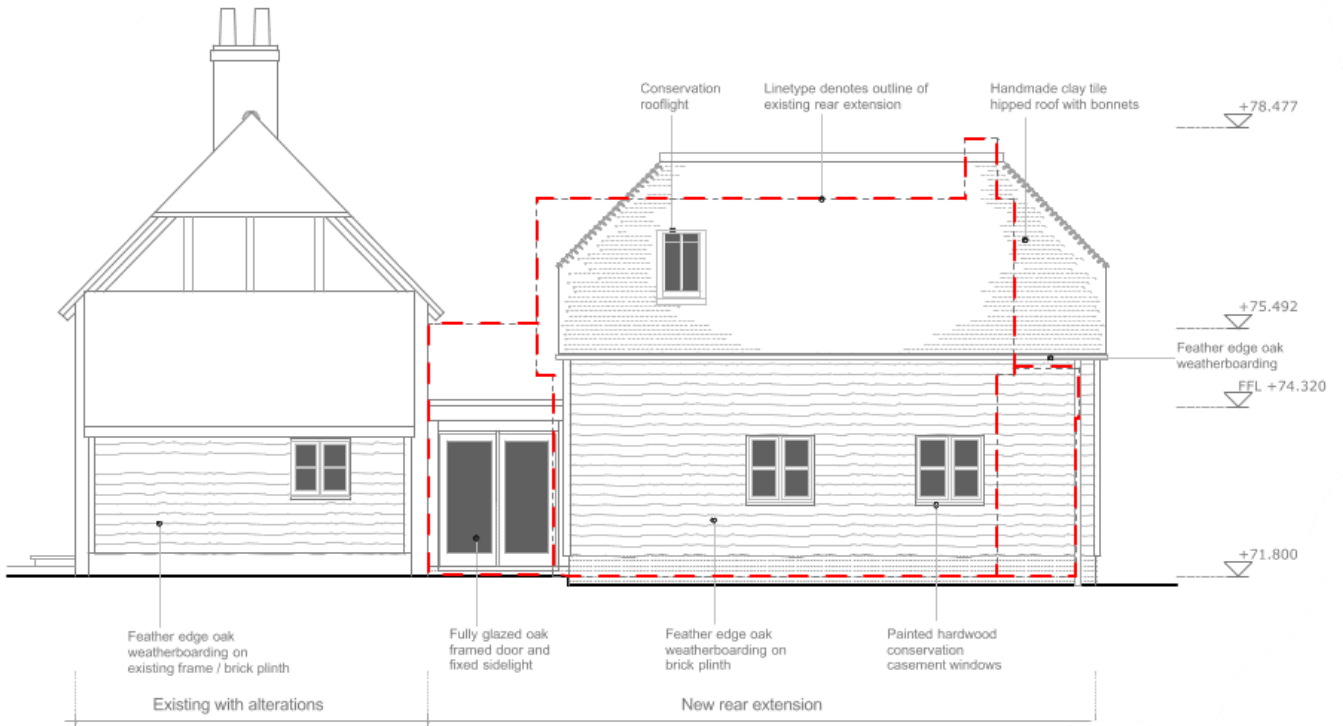


Existing and proposed north elevations (side)

Existing



Proposed

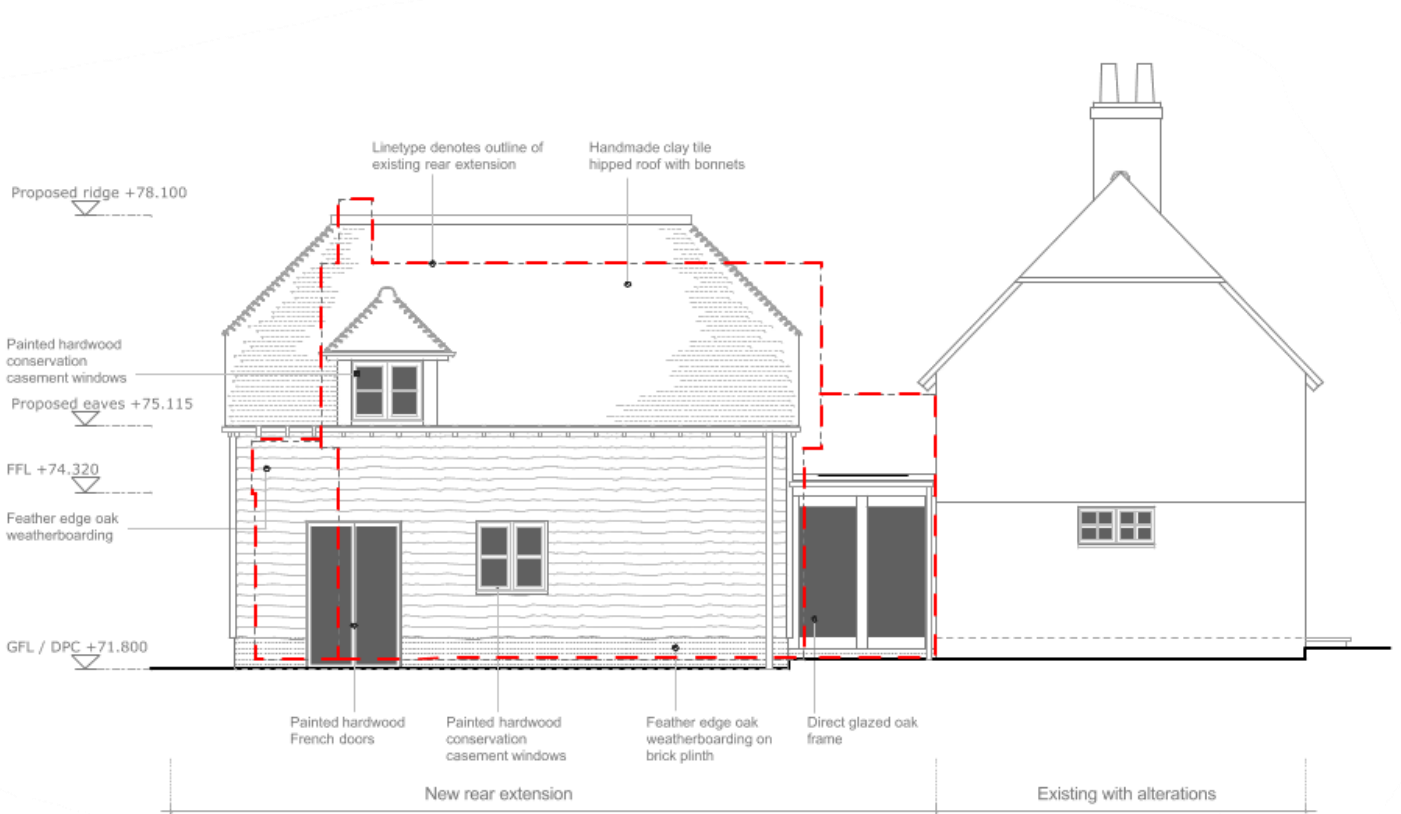


Existing and proposed south elevations (side)

Existing

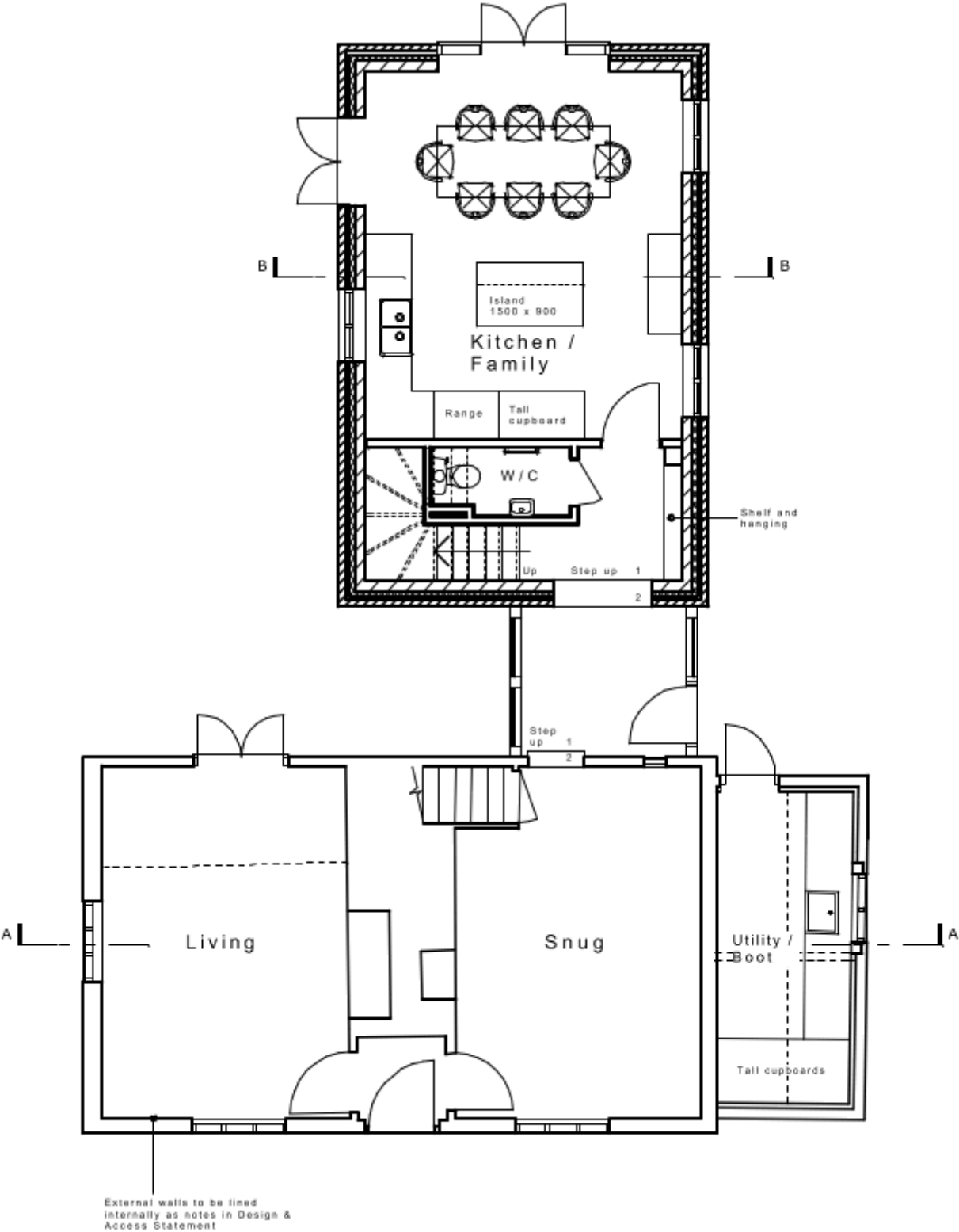


Proposed

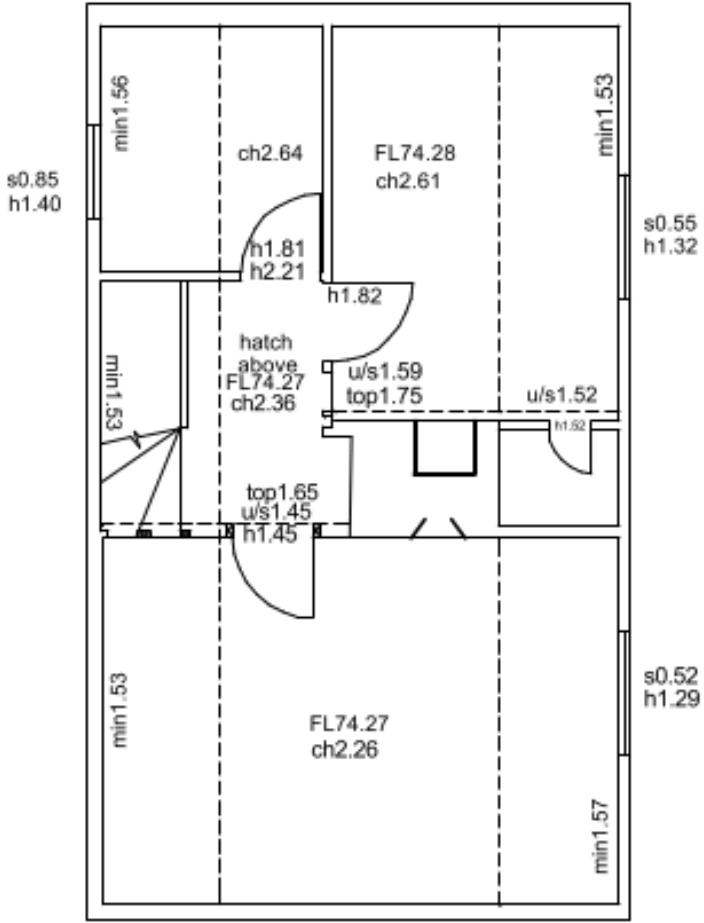




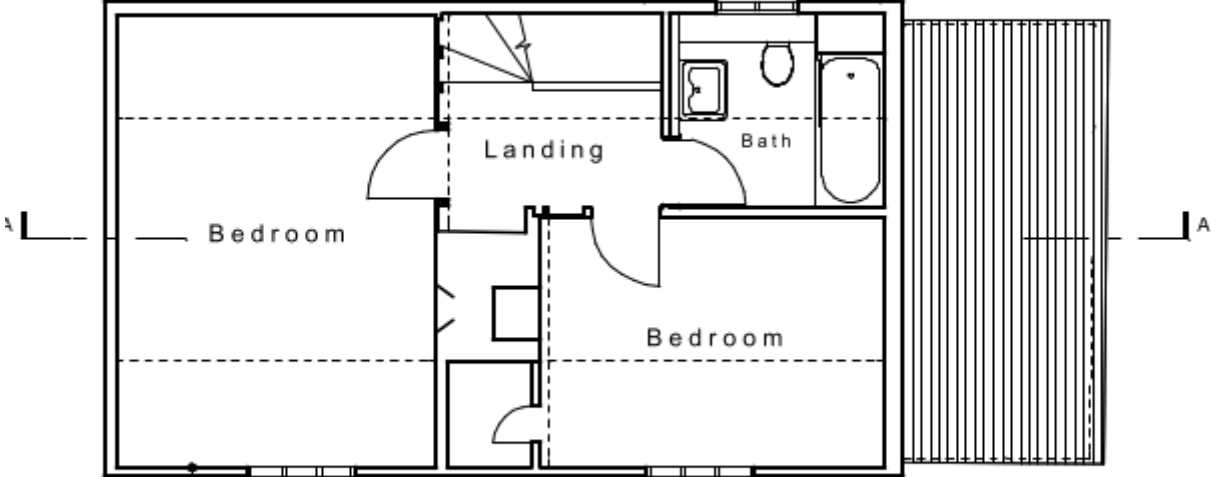
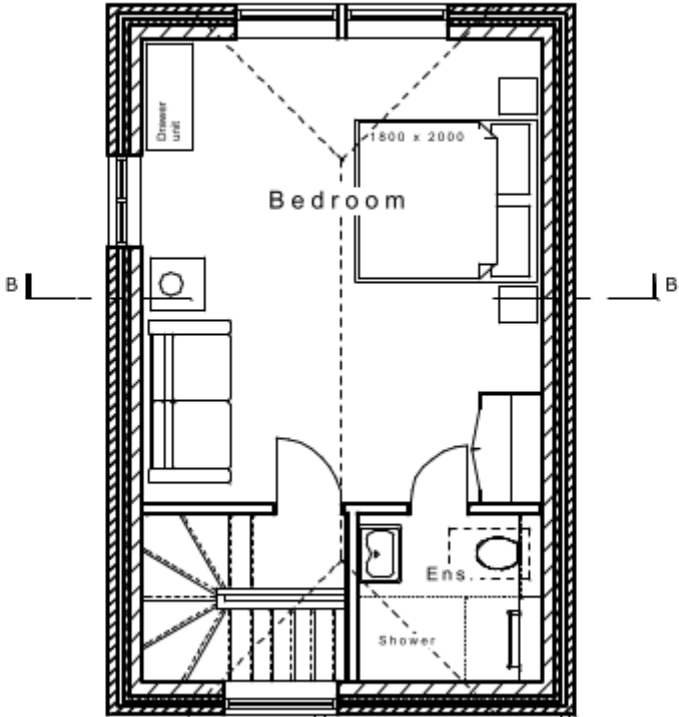
Proposed ground floor plan



Existing first floor plan



Proposed first floor plan



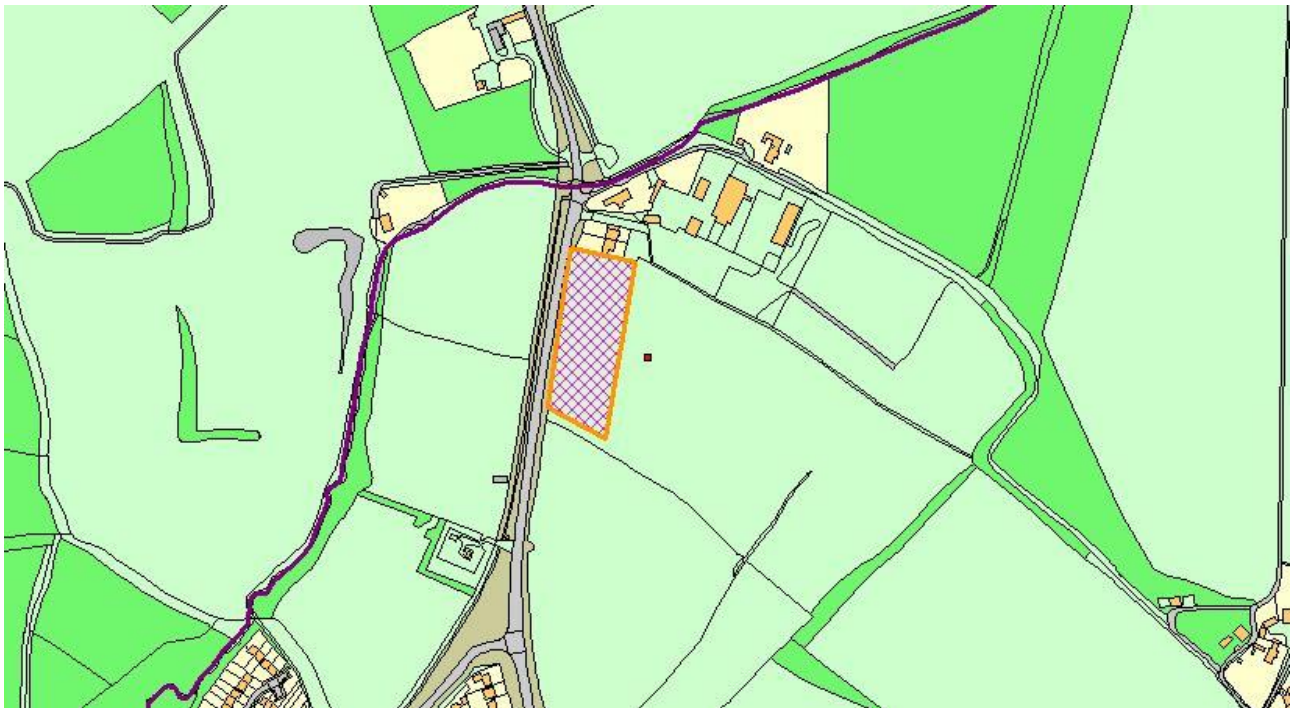
External walls to be lined internally as notes in Design & Access Statement

## COMMITTEE REPORT

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APPLICATION NO.	<b>21/00608/FUL</b>
LOCATION	Land East of Reading Road Hook Hampshire
PROPOSAL	Erection of a 72 bedroom care home (Use Class C2) with associated access, parking, landscaping and site infrastructure
APPLICANT	Care UK
CONSULTATIONS EXPIRY	20 August 2021
APPLICATION EXPIRY	9 June 2021
WARD	Hook
RECOMMENDATION	<b>Refuse</b>

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## **BACKGROUND**

This application is brought before the Planning Committee at the discretion of the Head of Place. This is in line with Appendix A (1b) of the Council's Constitution relating to the Scheme of Delegation as The Head of Place considers that the application should be considered by Planning Committee.

## **THE SITE**

The subject site comprises an agricultural field to the east of Reading Road (B3349), to the north of Hook. It has a stated area of 0.78 hectares and is roughly rectangular in shape. The site is currently open grassland, there is significant soft landscaping to the south and landscaping on the northern and part of the western boundaries. Part of the western boundary and that to the east are open such that views of countryside around the site are widely available in a west-east direction.

Adjacent to the site immediately to the north there is a small cluster of buildings with a pair of semi-detached dwellings known as Orchard Cottages. Further north there is an area containing lodges/guest houses and barn-like buildings associated with a garden centre. To the south and south-east is a residential development. To the east and west is largely open countryside.

## **PROPOSAL**

The application seeks full planning permission for the erection of a 72-bedroom care home (Use Class C2) with associated access, parking, landscaping and site infrastructure.

The applicant is Care UK, a care home provider operating 122 care homes (Planning Statement, para. 12). The proposed care home would be a Class C2 planning use.

The proposed application is described in more detail in the relevant sections of this report.

## **PLANNING HISTORY**

There is limited planning history directly related to the application site.

Of most relevance is the pre-application advice request 20/00286/PREAPP for 72-bed care home and associated parking and landscaping. The Council's opinion was issued on 8<sup>th</sup> June 2020. The pre-application request was made by the same applicant for a similar scheme to that currently proposed.

The application site is included within the boundary line of various previous applications relating to the garden centre to the north.

88/16249/FUL was granted for a crossover for agricultural purposes on the east side of Reading Road on 24<sup>th</sup> May 1988.



To the west of Reading Road opposite the north part of the site, application 21/01958/FUL has been submitted for: “20 affordable dwellings on an entry-level exception site with vehicular access from Reading Road alongside landscaping, public open space, internal roads, parking and associated drainage infrastructure.” This application was validated on 6<sup>th</sup> August 2021 and is currently pending determination.

## **PLANNING POLICY**

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

### South East Plan (SEP)

Saved Policy NRM6 Thames Basin Heaths Special Protection Area

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

SD1 Sustainable Development  
SS1 Spatial Strategy and Distribution of Growth  
H4 Specialist and Supported Accommodation  
NBE1 Development in the Countryside  
NBE2 Landscape  
NBE3 Thames Basin Heaths Special Protection Area  
NBE4 Biodiversity  
NBE5 Managing Flood Risk  
NBE7 Sustainable Water Use  
NBE9 Design  
NBE11 Pollution  
INF3 Transport

### Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (HLP06)

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

### Hook Neighbourhood Plan 2020 (HNP20)

HK1 Spatial Policy  
HK4 Protecting and Enhancing the Biodiversity of Hook  
HK5 Landscape  
HK8 Control of Light and Noise Pollution  
HK9 Pedestrian and Cycle Paths  
HK10 Parking  
HK11 Residential and Mixed-use Windfall Development  
HK12 Design

The site is adjacent to, but outside of, the Hook Settlement Boundary as identified in the HLP32 and HNP. The site is within the Thames Basin Heaths Special Protection Area 5km Zone of Influence.

The following policy and guidance have also informed this assessment:

National Planning Policy Framework (NPPF, July 2021)  
Planning Practice Guidance (PPG)  
Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment 2014-2032 (SHMA, 2016)  
Advice on the need for specialised accommodation for older people within Hart District as set out in the 2016 SHMA (NSAOP, June 2021)  
Report on the Examination of the Hart District Local Plan – Strategy and Sites (HLPiR, Feb 2020)  
National Design Guide (NDG, Jan 2021)  
Building for a Healthy Life (BfHL, June 2020)  
Hart District Landscape Assessment (HLA, 1997)  
Hart Landscape Capacity Study (HLCS, 2016)  
Hart District Council Parking Provision Interim Guidance (PPIG, 2008)

## **CONSULTATION COMMENTS**

### **CONSULTEE COMMENTS** (summary)

#### **Hook Parish Council**

##### Objection

- Proposed location is on a greenfield site, isolated from the village;
- Travel Plan is not reflective of the true site conditions;
- The application provides an inaccurate assessment of need and an inadequate assessment of alternative sites;
- Lack of details relating to foul water and surface water drainage are of concern;
- Site is in an unsustainable location in terms of access to facilities and services, and makes no provision for necessary infrastructure;
- SANG issue is unclear as the mobility of residents has not been detailed;
- Proposal is contrary to development plan policy H4 (of the HLP32) (Specialist and Supported Accommodation) and policies HK1 (Spatial Policy), HK5 (Landscape), HK8 (Control of Light and Noise Pollution) and HK9 (Pedestrian and Cycle Paths) of the Hook Neighbourhood Plan;
- Overall, the proposal would have significant adverse impacts on the character and appearance of the countryside which would not be justified by the limited social and economic benefits that may be provided to the village.

**Natural England:**

No objection, subject to appropriate mitigation measures being secured either by condition or through a legal agreement to restrict the use of the development and to ensure that residents would not result in any adverse impact on the nature conservation value of the Thames Basin Heaths Special Protection Area.

**Local Highway Authority:**

Have requested further information in relation to the proposed access and visibility splays, tree removal, footway links, parking provision and vehicle tracking in order to provide detailed comments.

**Environment Agency:**

No comments or objection raised.

**Local Lead Flood Authority:**

Further information required.

We note that the applicant has revised the drainage proposals at the application site and a direct connection with the River Whitewater has been proposed for surface water management.

The outfall pipe is still crossing the road, agreement from the relevant highway authority is required at this stage. The new outfall pipe is quite long and will need to go through land owned by a third party. Therefore, at this stage we request written agreement from all the relevant landowners authorising the passage of any drainage asset through their land.

Considering that this is an application for full planning permission, at this stage we request detailed network hydraulic calculations for all rainfall events.

The EA should be consulted on the re-designed drainage strategy as an environmental permit may now be required.

**Thames Water:**

No objection subject to condition.

No objection in respect of surface water drainage. Unable to determine wastewater needs with the information provided. Condition requested to require that all wastewater networks required to accommodate the development are completed or an infrastructure phasing plan is agreed and adhered to.

**HCC Archaeology:**

No objection.

**Farnborough Airport Safeguarding:**

No objection.

**Planning Policy:**

Objection

Using new work on the need for specialist accommodation for the elderly, and factoring in new planning permissions, the updated need for residential and nursing care in Hart to 2035 is 160 bedspaces.

The new work also confirms that in meeting these needs, delivery should aim to match needs over the plan period rather than frontloading supply. Using this latest evidence, the need to 2025 is just 19 bedspaces, and to 2030 is 85 bedspaces.

The policy preference is for the district's needs to be met within settlements without encroaching into countryside unless it is necessary to do so to meet needs. Sites within settlements have been coming forward in recent months/years as illustrated by the planning permissions set out in the position statement.

Therefore, in light of the updated information on the need for care homes and supply, it is considered that there is insufficient need within the district to justify the release of a greenfield site in the countryside at this time.

Under Policy H4 the applicant must also show that there are no alternative sites within settlements. The site search does not appear convincing in that sites over 0.8 hectares have not been considered. It is apparent that the Geffery's House site within Hook is on the market and would appear to be of a size that would accommodate a care home.

**Landscape:**

Objection.

With regard to the sites existing context, the existing roadside hedgerow is not robust but does provide rural features on the northerly approach into the settlement of Hook. In recent times, due to the development of housing in northeast Hook, the settlement boundary on the east side of Griffins Way North has shifted north from the A30 London Road by 0.65km, so a significant amount.

Part of the boundary has no hedgerow, and this allows views from the road to the east of a mosaic of rural landscape features; broad expansive, open fields bounded by tree lines and

woodlands. This results in a crisp transition from urban to rural when leaving Hook and vis versa entering Hook from the north. The effect of this has been partly reduced by the residential development on the west side of Reading Road that also extends the settlement boundary north but not substantially past the southern extent of this site.

The details show 80m+ of 9m high continuous built form set back approx. 6m from the highway boundary on a greenfield site on the approach. These proposals would not enhance the character, visual amenity and scenic quality of the landscape and are therefore contrary to a) and b) of Policy NBE2 Landscape.

**Housing:**

No comments or objection raised.

**Conservation:**

No comments or objection raised.

**Drainage:**

No objection.

**Joint Waste Team:**

Request clarification whether this is a domestic or commercial site.

**Environmental Health:**

No objection subject to conditions and an informative.

Recommended conditions in respect of construction hours, a construction environmental management plan, detailed acoustic design schemes and detailed design of cooking extract system and informative in relation to the reporting of any unexpected, contaminated land.

**Biodiversity:**

No objection subject to conditions.

The recommendations given in the Ecological Impact Assessment (Table 4.1 and Drawing 3) with regards to protected species (bats, nesting birds and hedgehogs), hedgerow protection, planting compensation and biodiversity enhancement should be followed.

Following the provision of further information in respect of reptiles and dormouse, no outstanding objection in relation to these species.

## **Trees:**

No objection subject to condition.

None of the trees on or adjacent to the site is currently protected with a tree preservation order. The site currently offers moderate arboricultural interest, and the trees shown to be retained are predominantly located on the northwestern and southern perimeters. Encouraged to see native tree planting proposed.

If the recommendations in the supporting arboricultural documents are followed, it is unlikely that the proposed development will cause unreasonable harm to the local arboricultural amenity. Recommended that the development is implemented in accordance with the Tree Survey Report and Arboricultural Development Statement.

## **NEIGHBOUR REPRESENTATIONS**

A total of 190 letters of objection to the application have been received over the two consultation periods. This includes representations from 'Hook Action Against Overdevelopment'. The following material planning considerations are raised in the objections:

- Contrary to development plan
- Absence of need
- Insufficient infrastructure
- Impact on countryside and landscape
- Transport implications
- Impact on climate change
- Lack of accessibility
- Impact on ecology

Eight letters of support have been received. These refer to the need for accommodation for older persons and the suitability of the site for such development.

Hampshire Swifts have recommended that swift bricks are incorporated within the development.

## **ASSESSMENT**

The main planning considerations for the application comprise:

- Principle of development
- Landscape and design
- Sustainability and climate change
- Residential amenity
- Highways, servicing and parking
- Flood risk and drainage

- Ecology
- Trees
- Other planning considerations
- Planning balance

## **Principle of Development**

### The Proposed Development

The application proposes a 72-bed care home falling within Use Class C2. It would contain 72 no. individual en-suite bedrooms. There would be 2 no. nursing stations on each floor. No staff accommodation (bedrooms) would be provided however on-site staff facilities would include offices, changing areas and meeting and staff rooms. The care home would comprise two floors with a total area of 3,568sqm GIA.

The Hart Local Plan 2016-2032 (HLP32) defines a care home as a residential setting where a number of people live, usually in single rooms, and have access to on-site care services. The Planning Practice Guidance (PPG) at paragraph 10 (ref ID. 63-010-20190626) defines residential care homes and nursing homes as:

*“These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes.”*

The advice on the need for specialised accommodation for older people within Hart District as set out in the 2016 SHMA (NSAOP, June 2021) provides guidance on categories of specialised housing and accommodation for older people, including:

*“Residential care. Provides live-in accommodation, typically in en-suite rooms, with 24 hour-a-day supervised staffing for residents, who may need extra help and support with their personal care. For example, help with things such as washing, dressing, personal hygiene, medication, toileting, communication, feeding and mobility.*

*Nursing care. These provide 24-hour care and support, as with residential care, but with added nursing care and assistance for residents who require input from and supervision by a registered nurse, who is in situ to devise and monitor care plans and provide and administer treatment.”* (NSAOP para. 1.04).

The applicant has advised that they intend for the proposed care home to be registered by the Care Quality Commission (CQC) as a 'Care home with nursing' to include beds of nursing, dedicated dementia and residential care. The applicant considers that the proposed facility will primarily fall into the nursing care category set out within the NSAOP.

With due regard to the application submission and above definitions, the proposal is a care home/nursing home as defined in the PPG and a residential care and nursing care home as

identified in the NSAOP. A planning condition could be used to secure the proposed care home in the nursing care use.

### Key Policies to the Principle of the Development

Policy SD1 of the HLP32 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development. Policy SS1 states that development will be focused within defined settlements, on previously developed land in sustainable locations and on allocated sites. Policy HK1 of the Hook Neighbourhood Plan (HNP20) states that the focus for growth will be within the existing settlement boundary of Hook Village. The application site does not fall within any of these categories and is therefore situated within the countryside.

Policy NBE1 of the HLP32 relates to development in the countryside and includes for development that provides specialist housing (category f), cross referencing Policy H4. Paragraph 223 of the HLP32 in the supporting text to Policy NBE1 which indicates that to meet identified specialist accommodation needs, it may be appropriate to permit such development within the countryside in line with Policy H4.

Policy H4 is therefore a key policy to the determination of this application and relates to specialist and supported accommodation, including Class C2 uses that meet the needs of older persons or others requiring specialist care, such as that proposed in the application. Supporting text (paragraph 156) to Policy H4 is clear that sites within settlements are the preferred choice for meeting these needs particularly at locations close to services and facilities. However, H4(b) allows for such development in the countryside subject to meeting all identified criteria at i-iii:

*“i. there is a demonstrated need for the development; and  
ii. there are no available and viable alternatives within settlement boundaries; and  
iii. the site is well related to an existing settlement with appropriate access to services and facilities either on or off site.”*

The Council's Planning Policy Team have provided a consultation response (the 'Planning Policy Response') which includes a 'Position Statement' on the need for specialist and supported accommodation for older persons in Hart District. It is not repeated in full in this Report, but the below assessment is informed by this response.

### Need

Supporting text (para. 156) to Policy H4 states that where there is proven unmet need, particularly for C2 accommodation, specialist accommodation may, where justified, be permitted on suitable sites outside settlement boundaries.

The need for older persons housing in Hart District is derived from the SHMA, this document forms part of the evidence base for the HLP32. The SHMA analyses the estimated requirement for older persons housing. The SHMA uses data from the Housing LIN Strategic



Housing for Older People (SHOP) toolkit to estimate the requirement for specialist housing for older people in the period 2014-35. A number of these figures are referenced in the HLP32 (para. 152). The estimates for residential care and nursing care in Hart District are 685 residential care bedspaces and 472 nursing care bedspaces.

The Council has sought updated advice from Housing LIN on the HLP32 older persons housing need figures and this is provided in the NSAOP. The base date for this is March 2020. This identifies a residual net need of 58 residential care bedspaces and 232 nursing care bedspaces in the period 2020-2035 (290 in combination).

The Planning Policy Response identifies new supply between March 2020 and 8 September 2021. Due to challenges distinguishing between residential care and nursing care for new developments, these figures have been combined. This identifies a new supply of 130 residential/nursing care bedspaces. Of this supply, 70 are committed residential/nursing care bedspaces with planning permission and 60 are from an allocated site where a resolution to grant planning permission has been reached.

The resultant District wide net residual need for residential/nursing care bedspaces to 2035 is therefore 160 bedspaces.

The Planning Policy Response concludes:

*“..in light of the updated information on the need for care homes and supply, it is considered that there is insufficient need within the district to justify the release of a greenfield site in the countryside at this time.”*

The following should also be noted in respect of the need for older persons housing:

- There is no requirement to ‘frontload’ the provision of older persons housing within the plan period.
- There are other applications coming forward for older persons housing, including on sites within settlement boundaries.
- HLP32 Policy H1 (a ‘general’ housing policy) supports a mix of dwelling types and sizes, accessible and adaptable homes and specialist/supported accommodation. Part of the reasoned justification to H1 specifically identifies how the Policy has considered accommodation for older people (paras. 128-131). Such an approach is recognised in the PPG which states (para. 012, ref ID. 63-012-20190626): *“Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs.”*

A Planning Need Assessment (PNA) and Addendum (PNAA) have been submitted by the applicant. This is based on: market catchment of six miles and Hart District area, estimated demand based on population projections, existing care home provision (including a reduced figure to account for ‘market standard’ accommodation), supply and residual need. This (the July 2021 Addendum) identifies a need for 198 care beds in the market area and 79 in the

Hart District area at 2023. This is stated as the earliest the proposed care home could be operational.

The PNA (Sections 5-12) provides descriptive contextual information that is not directly used as part of the assessment of need. It is acknowledged in the PNA (para. 6.5) that the care home bed need will not tally with the Council's evidence base, and the assessments do not directly use the Council's evidence base in the need assessments. The total demand for care home beds is calculated based upon LaingBuisson's Age Standardised Demand rates for determining the risk of entering a residential care establishment. No supporting detail is provided in relation to *how* this demand has been calculated.

Importantly, there is no clear justification for departing from the plan-led approach. In this respect, the Hart Local Plan Inspectors Report (para. 137) was clear in stating:

*"I appreciate that the use of other data sources may result in differing or higher levels of need. However, the SHMA has followed the approach suggested by national policy. Whilst the Plan is being examined under transitional arrangements, it is also worth noting that the new PPG guidance (Paragraph: 004 Reference ID: 63-004-20190626), now specifically refers to the SHOP analysis tool kit as being an appropriate toolkit. Given all of the above, I consider the assessment of need for housing for older people to be in accordance with national policy and is therefore sound."*

And (para. 145): *"I accept that need is best established on a district level, as identified in the SHMA ..."*

Overall, in relation to the need for the proposed development, there is an identified need for older persons accommodation in the plan period, including for the residential and nursing care proposed in the application. As set out in the NSAOP this need is for 290 residential/nursing care beds in Hart District in the period March 2020 to 2035. The residual need allowing for commitments (planning permissions) and allocations is 160 beds.

The HLP32 provides an up to date and robust strategy for delivering this accommodation and the NSAOP and Planning Policy Response confirm that accommodation is being delivered. There is no demonstrated local need for a development of the scale proposed in the application at this time or justification for a departure from the plan-led approach. As such, HLP32 Policy H4(b)(i) is not satisfied.

#### Alternative Sites

An Alternative Site Assessment (ASA) has been submitted. Supporting text (para. 156) to HLP32 Policy H4 advises:

*"A proportionate level of evidence should demonstrate that there are no suitable sites within defined settlements, that are in the vicinity of the application site (it will not be necessary to investigate all settlements in the district)."*

The search area in the ASA (Section 7) covers Hart District and the applicant's identified market catchment. This area goes beyond that required in the HLP32 and on this basis there is no objection to its geographic scope.

The ASA considers sites of between 0.4-0.8ha. The application site is 0.78ha and whilst it is noted (para. 8.4) that sites of over 0.8ha are not suitable it is not clear why this would be the case.

The Planning Policy Response advises:

*"The site search does not appear convincing in that sites over 0.8 hectares have not been considered." And: "In addition, it is apparent that the Geffery's House site within Hook is on the market and would appear to be of a size that would accommodate a care home."*

Geffrey's House is a 1.86ha site currently on the market. It is located on London Road, within the Hook Settlement Boundary approximately 675m south of the application site. It is approximately 350m from Hook District Centre.

Consequently, concerns are raised regarding the size of site searched for and the availability of an alternative site within Hook.

However, notwithstanding the above, the ASA and its parameters is predicated on the need for the proposed development been demonstrated. As set out in the previous section this is not the case and HLP32 Policy H4(b)(ii) is not therefore satisfied.

#### Relationship to Hook

Supporting text to HLP32 Policy H4 (para. 156) states:

*"... developments would need appropriate access to the necessary services (for residents and staff) and be well related to an existing settlement, for example in terms of impact on landscape, heritage assets, and the setting of the settlement. The nature of the care to be provided and the level of facilities proposed on the site will be important considerations in determining whether a proposed development will have suitable access to appropriate services."*

The impact upon the landscape and its relation to the settlement is assessed below in the 'Landscape and Design' section of this report. However, this concludes that the proposal conflicts with relevant development plan landscape policies.

In terms of appropriate access to services and facilities either on or off site, the proposed development would provide a number of on-site facilities for both residents and staff. Communal facilities would include gardens, communal lounges and dining areas, activity rooms and a café, cinema, hairdresser and quiet room. There would be a staff room. Residents would receive care on-site.

The submitted Planning Statement (paras. 81-85) provides limited commentary in respect of the accessibility of the site, referring to large planning permissions to the south and accessibility to the 'town centre'. The Transport Assessment (para. 4.2.2) makes reference to walkable neighbourhoods being characterised by a range of facilities being up to 800m away with reference to the 'Manual for Streets'.

The site is located close to the Hook Settlement Boundary to the south but approximately 1.1km to Hook District Centre to the south via Reading Road. The nearest bus stops are approximately 0.8km to the south on London Road and Hook Railway Station is approximately 1.5km to the southwest. It is also material that the entrance to the proposed care home would be on its northern elevation, further from these facilities.

The site is not in an isolated location and is close to the Hook Settlement Boundary. A new shared 3m foot/cycle way is proposed on the east side of Reading Road adjacent to the application site. On-site facilities would also be provided for residents and staff, reducing the need for journeys off-site. However, the proposed care home would be outside of typical 'walkable neighbourhood' distances as acknowledged by the applicant. Access to local services is therefore limited by the distances to them. Furthermore, the proposed development would not be well related to Hook in terms of the impact on landscape and the setting of the settlement and would conflict with HLP32 Policy H4(b)(iii).

#### Conclusion on the Principle of Development

The site does not comply with the spatial strategy in the HLP32 or HNP and has been assessed against HLP32 Policy H4 which specifically relates to specialist and supported accommodation. The relevant criteria in respect of need, alternative sites and relationship to an existing settlement have not been satisfied. The proposal would not be sustainable development and the principle of the development is not supported in this instance. Accordingly, the proposal conflicts with HLP32 Policies SD1, SS1, NBE1(f) and H4(b) and HNP Policy HK1.

#### **Landscape and Design**

The application proposes a Class C2 use care home in a large building on the centre/ south part of the site. It would have a total floorspace of 3,568sqm over two floors. The care home would provide 72 resident bedrooms with 24-hour care. The only vehicular access to the site would be from Reading Road to the north of the site. Internal circulation, parking (35 spaces), cycle, refuse and recycling storage, open space and hard and soft landscaping would be provided within the development.

At pre-application stage, design feedback was provided to the applicant on an earlier iteration of the scheme (LPA reference 19/01093/PREAPP). This advice is not repeated in full but in summary:

- As a result of the sheer scale of the building, it would cause a significant detrimental impact to the countryside, its landscape setting and visual amenity. The proposals would

inevitably remove rural qualities of this landscape character area and replace them with a strong urban character in conflict with HLP32 NBE1(a and b).

- It would also represent a strong conflict with the objectives and essence of HNP Policy HK5, which seeks to protect and enhance the positive characteristics of the landscape area, as the proposal seeks to strongly resemble an urban character without seeking to blend or integrate it to the positive characteristics of this landscape character area.
- The resulting approach is a development with a strong urban feel that would provide a radical change to the existing character of the area.
- Whilst the design/appearance of the development, when considered in isolation, is not regarded as a poorly designed building; it is the nature and open character of the location chosen to accommodate this development that renders it unsuitable/inappropriate.
- Despite the break in height the development depicts, the manner in which the whole shape, footprint and wide frontage has been resolved, would not appear to minimise the monolithic scale of the development.
- The significant massing and quantum of development proposed would not only radically contrast with the surrounding rural context, but it would also do so with adjoining development (within/outside the settlement boundary) which generally display modest footprints and small scale.

The DAS (para. 3.1) advises that the design has evolved in response to pre-application feedback. The design evolution is shown at Figures 15 and 16 of the DAS. In summary:

- Reduction in building mass through the use of single ground level plane
- A more muted material colour palette and use of glazed links
- Re-shaping of the roof and reduction of ridge height
- The access and parking are now proposed at the north end of the site

The Local Planning Authorities (LPAs) assessment of the landscape impacts and design is as follows:

### Landscape Impacts

The greenfield site is located in the open countryside. The HLCS identifies the site to fall within area HO-02 'adj. NE of Hook to Mattingley' which has a low/medium overall landscape capacity. Such capacity is characterised as:

*“Thresholds for development are low and development can be accommodated only in limited situations, providing it has regard to the setting and form of existing settlements and the character and sensitivity of the adjacent landscape character areas.”*

The summary of characteristics for HO-02 include: *“A mosaic of grazing fields and reasonably intense arable cultivation throughout, medium to large scale in places”; “high levels of tranquility, especially on the valley floor close to the river, although OH power lines and pylons (overhead) dominate the sky”; and “new settlement edge to be formed in southwest corner of this area due to major site planning consent.”*

The site is within the Tylney Landscape Character Area in the HLA. The HLA summarises this area and enhancement priorities:

*“Landscape quality and condition within this Character Area is generally good, with a strong structure of hedgerows, trees and blocks of woodland, much of which form remnants of formerly extensive parklands and grounds of country estates (eg. Tylney Hall). The overall priority is for conservation of these characteristics, while the need for intervention centres mostly upon localised restoration of weakened landscape structure and strengthening of particular landscape character that is in decline (eg. parkland).”*

The site and its environs feature positive characteristics noted by the landscape character assessments. The site and immediate land around display a more level ground, with Public Rights of Way (PRoW) in proximity to the site with a combination of mixed farmland and scattered blocks of woodland in the vicinity. There is generally a good level of landscape structure.

Landscape qualities are also identified by the Landscape Officer who identifies that part of the boundary has no hedgerow, and this allows views from the road to the east of a mosaic of rural landscape features; broad expansive, open fields bounded by tree lines and woodlands. This results in crisp transition from urban to rural when leaving Hook and vice versa entering Hook from the north. The effect of this has been partly reduced by the residential development on the west side of Reading Road that also extends the settlement boundary north but not substantially past the southern extent of this site.

A public footpath (PRoW5) runs to and from Reading Road north of Orchard Cottages towards Searl’s Farm to the northeast of the site.

The Landscape Officer objects to the development, stating:

*“The details show 80m+ of 9m high continuous built form set back approx. 6m from the highway boundary on a greenfield site on the approach. These proposals would not enhance the character, visual amenity and scenic quality of the landscape and are therefore contrary to a) and b) of Policy NBE2 Landscape.”*

Whilst there have been some design amendments to the scheme from the pre-application stage, it has not fundamentally changed and the LPAs landscape concerns that were clearly communicated to the applicant have not been addressed.

The proposed built form would take up a significant portion of frontage along Reading Road (80m of 130m). The crisp urban/rural transition would be lost. This would be materially damaging to the character of the undeveloped land that surrounds the settlement of Hook, which contributes to its setting and serves to clearly denote the edge of the settlement.

Due to the scale and massing of the proposed building and presence of associated development, the proposal would remove rural qualities of the landscape and replace them

with an urban character. This erosion of character would be highly visible to public and private receptors, in particular from Reading Road and PRoW5.

A good proportion of trees and hedgerows on the site would be retained and additional tree planting is proposed. Landscaping would be provided within the development but located primarily to the rear of the proposed development and comprise of more formal domestic gardens.

For the reasons identified above, the proposed development would fail to respect or enhance the special characteristics, value and visual amenity of the District's landscape and would adversely impact upon the qualities of the landscape and visual amenity and scenic quality of the landscape. It would therefore conflict with HLP32 Policies NBE2(a and b) and NBE9(d), HLP06 Saved Policy GEN1(iv and v) and HNP Policy HK5. The NPPF (para. 174b) also states that planning decisions should recognise the intrinsic character and beauty of the countryside.

Whilst the proposal would detract from the amenity of users of PRoW5 and suburbanise part of its surroundings, in this instance there would be a degree of physical separation such that it would not seriously detract nor therefore conflict with HLP06 Saved Policy CON23.

### Design

The site analysis in the DAS (para. 2.4) states that views into the site are predominantly from Reading Road therefore consideration should be given to the building orientation to enhance the street frontage to correspond to the character of the road. A number of bedrooms and communal areas would face Reading Road. However, the main entrance would be on the north elevation facing the car park, and this would be the furthest part of the building from the Hook Settlement Boundary, existing development and the facilities within Hook. There is no recognition of pedestrian movement in the site analysis. To reach the main entrance on foot from the nearby settlement of Hook would involve walking nearly the length of the site past railings and hedgerows and passing a bin store and delivery entrance. The design of the south elevation would not assist in terms of the legibility of the site and locating the main entrance. As such, in urban design terms the orientation and the arrangement of the building has been approached in a way that is not responsive to the site and its context.

The DAS claims that the glazed links would break up the mass of the care home frontage to resemble a row of detached houses. Whilst the glazed elements would add some variation and break-up of this elevation, the roof would continue at the same eaves height over these partly glazed elevations and it would not be read as, or resemble, detached houses. This is evident from submitted visuals. This elevation would present 80m of unbroken two-storey elevation to Reading Road at a height of between 7.5m-9.5m.

The large mass of the building, which would have a footprint of 1,784sqm and floorspace of 3,568sqm, would to some extent be visually broken-up through the use of gables, varied eaves heights and materials. However, whilst reduced from the pre-application proposal, this significant massing and quantum of development proposed would not only contrast with the

surrounding rural context, but it would also contrast with adjoining development (within and outside the settlement boundary) which generally display modest footprints and small-scale domestic buildings. This urban scale would be imposed on the countryside and would not positively respond to this context. Again, concerns were raised at pre-application stage by the LPA in this respect.

The LPA recognises that the proposed care home would require a level of critical mass to operate effectively, however this does not in itself provide justification for the size of the building proposed in the countryside.

Proposed materials would comprise buff bricks and matching mortar, light brown and grey/black cladding and grey concrete roof tiles. Grey window frames and black rainwater goods are proposed. There is no in principle objection to these materials.

The use of native planting and tree planting in the proposed soft landscaping scheme is supported and full details of these, and hard landscaping features, could be secured by condition.

For the reasons identified above, the development would not achieve a high-quality design or positively contribute to the overall appearance of the area as required by HLP32 Policy NBE9 and HNP Policy HK12. The development would not promote, reflect or incorporate the qualities of its surroundings in terms of the proposed scale, density, mass and height nor would the layout enhance permeability and is therefore in conflict with HLP32 Policy NBE9(a and c) and HLP06 Saved Policy GEN1(i).

## **Sustainability and Climate Change**

The Council has declared a Climate Emergency. The proposal is likely to have some impact on delivery of carbon reduction targets through the additional energy demand and emissions.

The applicant has sought to address the development's impact on climate change through the following measures:

- Incorporation of photovoltaic (PV) panels within the development on the roof of the proposed care home building totaling 343sqm.
- Proposed exceedance of building regulation standards through thermal efficiency of walls, windows and roof and reducing air permeability.
- Planting of 70 new trees which would aid carbon absorption.
- Ecological enhancements including provision of habitats.
- Provision of six electric vehicle charging points (EVCP, four active and two passive)
- A new shared use path to the west of the site adjacent to Reading Road.
- A Travel Plan to promote sustainable transport modes and reduce journeys by car.

The proposed measures to reduce the development's potential impact on climate change are in some cases policy requirements and expectations for a development of this scale and nature. However, some measures such as the provision of PV panels and EVCP would go



beyond development plan requirements and play a part in addressing the climate emergency. Full details of the above measures could be secured by condition to ensure a meaningful contribution. Subject to such conditions, the proposal would reduce energy consumption through its design and incorporate renewable energy such that it would comply with HLP32 Policy NBE9(i and j) and be acceptable in terms of sustainability and climate change.

### **Residential Amenity**

The nearest existing residential properties to the site would be those on Woodgate to the south and Orchard Cottages to the north. These would be approximately 40m and 45m respectively away from the nearest elevation of the proposed two-storey care home. There is some existing soft landscaping between the site and these properties and additional soft landscaping is proposed as part of the development. Given the nature of the proposed development, these features and separation distances, the proposal would not result in a material loss of amenity to neighbouring residential properties.

Reading Road to the west of the site has the potential to impact upon the residential amenity of residents of the proposed care home, particular those bedrooms or communal areas on the west elevation.

The Council's Environmental Health Officer (EHO) has raised no objection to the proposal subject to conditions relating to; construction hours, a construction environmental management plan, detailed acoustic design schemes and detailed design of cooking extract system. An informative in relation to the reporting of any unexpected, contaminated land is also recommended.

All bedrooms would have an en-suite. Supporting facilities within the building would include communal lounges and dining areas, activity rooms and a café, cinema, hairdresser and quiet room.

Externally, patios and outdoor areas would be provided with direct access from ground floor bedrooms and lounge/dining areas. A communal garden of approximately 365sqm would be provided to the rear of the building with the care home wrapping around it on three sides. This area would be the external focal point of the development, be overlooked and provide refuge from Reading Road. A further garden of approximately 300sqm would be provided to the south of the building.

In combination, the proposed internal and external areas would provide a variety of private and semi-private spaces for residents.

If all other matters were acceptable, a demolition and construction management plan could be secured by condition to minimise temporary adverse impacts on residential amenity or the wider area during these periods. These has also been requested by the EHO.

Overall, there would be no material loss of amenity to any existing residents or other uses and the location of the main external communal areas have responded to the site constraints

(Reading Road) and care home requirements. The development would provide a good standard of amenity for future users. Potential sources of pollution that could impact upon the development, such as noise and air quality, would be mitigated subject to the conditions recommended by the EHO. External lighting could also be minimised and controlled by condition. Accordingly, Policy NBE11 of the HLP32, Policy GEN1(ii and iii) of the HLP06, Policy HK8 of the HNP and Paragraph 130(f) of the NPPF 2021 have been satisfied and there is no objection to the application on the grounds of residential amenity.

### **Highways, Servicing and Parking**

The proposed development would be accessed from a new priority junction to Reading Road on the north part of the site. Entry would be from a new 'ghost lane' when approaching from the south. Within the site, the internal access road perpendicular to Reading Road would provide access to a 35-space car park to the north of the proposed care home building. Cycle and bin stores are indicated between the car park and building. A new shared use route 3m in width is indicated to the Reading Road frontage but this would fall outside of the application boundary.

The LHA have confirmed that based on the 50mph speed limit on Reading Road, a visibility splay of 4.5m x 160m is required. The proposed visibility splay looking northward indicates trees within the inside bend of the road would obstruct visibility to oncoming traffic, and this was supported by on-site observations. In addition, the visibility splays provided do not demonstrate the entire length of the splay. Left visibility splays are intersected by trees adjacent to the proposed access. It has been recommended that the visibility splay drawings should be re-drawn to show the entire visibility splays to the edge of the carriageway and to demonstrate the impact that the trees will have on the envelope of visibility.

It is also noted that the applicant would need to confirm ownership of the trees that obstruct the visibility splays and of the trees that will be removed to the left of the access to accommodate the proposed footpath.

If deliverable, the proposed footpath would support the principles of HNP Policy HK9 which seeks the creation of new footpaths and cycle paths, although it would not be in a location identified for such opportunities.

In the absence of appropriate visibility splays that satisfy the LHA, or demonstration that required off-site works would be achievable, it has not been demonstrated that safe, suitable and convenient access would be provided for all users as required by HLP32 Policy INF3(b) or that adequate arrangements on site for access would be provided as required by HLP06 Saved Policy GEN1(vii). For the above reasons it has not been demonstrated that the proposal would not have an unacceptable impact on highway safety as required by the NPPF (para. 111)

The site is outside of the settlement boundary and in a Zone 3 parking zone location as identified in the PPIG (notwithstanding the comments of the LHA or those by the applicant in the Planning and Transport Statements). The PPIG requires one vehicular space per four

residents plus 0.75 spaces per full time equivalent (FTE) staff for nursing and rest homes. Cycle parking is required at one space per six staff. The proposed 72-bed care home would therefore generate a need for 18 resident spaces. The applicant has stated (Application Form Q18 and Planning Statement para. 150) that the proposed care home would have a total of 80 FTE employees, resulting in a requirement for 60 vehicular spaces and 14 (13.3) cycle spaces for staff.

A total of 35 vehicular parking spaces would be provided on site. However, one would be a delivery space and one an ambulance space. Of the remaining 33 for residents, staff and visitors, two would be accessible spaces. These 33 spaces would be well below and less than half the 78 sought in the PPIG.

Notwithstanding, it is recognised that the standards should not necessarily be applied inflexibly, and each application should be considered on its own merits. HLP32 Policies NBE9(f) and INF3(d) require sufficient well-designed and appropriate parking respectively.

It is stated that the applicant will use management measures to ensure that the car park is used only by staff and visitors. In this instance, the staff would work on a rotation system over 24 hours. The Transport Assessment (TA, para. 6.4) advises that there would be a maximum total of 48 staff at any one time. Using the 0.75 standard in the PPIG, this would equate to a benchmark parking requirement of 36 spaces for staff. However, the TA Parking Assessment refers to 60 FTE staff, thereby conflicting with the other application documents and likely underestimating staff parking requirements.

The applicant has provided evidence from other care homes operated by the applicant. This demonstrated that the average requirement for parking is 0.31 spaces per bed and that 0.4 spaces per bed would cover peak demand at all care homes. These figures would equate to 22 and 29 spaces respectively.

A Draft Travel Plan (DTP) has been provided that proposes a number of measures to encourage more sustainable transport patterns. These proposals include pedestrian, cycle and public transport initiatives as well as car sharing. The provision of six electric vehicle charging bays (four active and two passive) is supported.

Overall, the proposed parking quantum is below standard but justification for this has been provided. The proposed development would provide sufficient and appropriate parking as required by HLP32 Policies NBE9(f) and INF3(d). This is subject to the proposed pedestrian improvements being provided and planning conditions requiring a car park management plan (that restricts parking for the use of staff and visitors) and a final Travel Plan.

Cycle parking would be provided in the form of a dedicated covered cycle shelter close to the building entrance. This would provide eight cycle spaces at a ratio of one per six staff based on a maximum of 48 staff being at the site at any one time. Changing facilities would be provided within the building. The proposed cycle spaces would be located in a convenient location and accord with the above policies and guidance. The proposed cycle parking is therefore acceptable, and its provision and retention could be secured by condition.

The proposal would contain large bins for general (3), recyclable (2), clinical (1) and food (2) waste. These would be provided in a dedicated bin store area to the north of the building and vehicle tracking has been provided to show refuse vehicle access in a forward gear. A dedicated delivery space would also be provided to the north of the building adjacent to a staff/service entrance which is separate from the main entrance. The Council's Joint Waste Client Team (JWCT) have raised no objection to the application but requested clarification on who would be reasonable for waste and recycling collections. Full details could reasonably be secured by condition(s) in this instance.

On this basis, the proposal has considered future servicing requirements and would provide appropriate waste and recycling storage areas as required by HLP32 Policies NBE9(h) and INF3(e) and is acceptable in this regard.

### **Flood Risk and Drainage**

The site is 'greenfield' and the majority is within Flood Zone 1 which has the lowest risk from flooding. However, the River Whitewater and Dorchester Stream are Main Rivers to the north (50m) and east (150m) of the site respectively and a very small portion of the site is within Flood Zone 3 which has the highest flood risk, to the north. This area also falls with a Surface Water Indicative Flood Problem Area as designated within the HLP32.

A Flood Risk Assessment has been provided and supplemented by a Surface Water Drainage Technical Note and Proposed Drainage layout. Surface water is proposed to be discharged to the River Whitewater via a piped connection beneath Reading Road to the northwest of the site. Within the proposed development site permeable paving and attenuation crates are proposed. Foul water would be disposed of through the public sewer system.

The LLFA have noted that the long outfall pipe would cross the road and agreement from the owners of any third-party land is required at this stage. Written agreement from all the relevant landowners authorising the passage of any drainage asset through their land is sought. Detailed network hydraulic calculations for all rainfall events are also sought.

During discussion on the application, the applicant has made reference to an appeal decision relating to the former Fleet Police Station within the District (19/02659/FUL) where detailed surface water drainage details were secured via condition. That site is a brownfield site with existing infrastructure as recognised by the LLFA in their response which recommended conditions. It is not comparable to the subject site or development which has been considered on its own merits.

Thames Water have been unable to determine wastewater needs with the information provided. They recommend a condition to ensure that foul water network infrastructure is provided to meet the requirements of the development.

The Environment Agency and the Council's Flood Risk Engineer have not raised any objection.

It is important that the proposed surface water and foul water strategies are attainable and feasible as these are fundamental to the proposal. With due regard to the comments of the LLFA and Thames Water, this has not been demonstrated at this time. The proposal is for a major development and in the absence of a level of detail in respect of surface water drainage that satisfies the LLFA, the LPA is unable to conclude that the proposed development complies with HLP32 Policy NBE5 which requires that flood risk is managed such that over its lifetime development would not increase the risk of flooding elsewhere and will be safe from flooding. The NPPF (para. 167) also requires that local planning authorities should ensure that development does not increase flood risk elsewhere.

## **Ecology**

The site comprises of a largely open grassed field with some broken hedgerow on the site boundary. It is greenfield land. There are no formal ecological designations, but the site is located within a Site of Special Scientific Interest Risk Zone. Hook Wooded Hedgerows Site of Importance for Nature Conservation is approximately 225m to the southeast of the site.

An Ecological Impact Assessment and Addendum have been provided and their findings accepted by the Council's Biodiversity Officer. The Biodiversity Officer raises no objection to the proposal subject to the proposed mitigation and enhancement measures in the Assessment being followed. These measures include: checks and controls at construction stage, provision of habitat features (hedgehog boxes, bird bath, tables and boxes, log piles and bat tube) and planting (wildflower grassland and native hedgerows).

No objection has been raised by Natural England on ecological grounds (see separate section in respect of the TBHSPA).

If all other matters were acceptable then the above measures could be secured by condition and subject to that, there would be no conflict with HLP32 Policy NBE4, HNP Policy HK4 or the NPPF (para. 180) which seek to conserve and enhance biodiversity and deliver biodiversity net gain.

## **Trees**

There are no Tree Preservation Orders (TPOs) on or adjacent to the site. A Tree Survey Report and Arboricultural Development Statement (ADS) have been submitted. These indicate that the development will require the removal of one group of trees, one single tree (category U) and a section of hedge. Twelve trees would be retained, two groups of trees and a section of hedgerow would be retained. It is stated that 70 new trees would be planted. Details of tree protection and planting methods have been provided.

The Council's Tree Officer has raised no objection to the application subject to the recommendations in the ADS being followed. Full details of replacement tree planting could form part of a detailed landscaping condition.

The planting of native trees is supported in principle by the LPA and the NPPG (para. 131) supports the incorporation of trees in development as proposed.

Subject to the above conditions, the proposal would incorporate existing trees and provide new trees as sought by HLP32 Policy NBE9(d) and HNP Policies HK4 and HK12(1)(e) and would not adversely affect trees of amenity value as required by HLP06 Saved Policy CON8. The application is therefore acceptable in terms of arboriculture.

## **Other Planning Considerations**

### Heritage

The site is not within or adjacent to a conservation area. The nearest designated heritage assets are the Milestone located some 67 metres to the southwest of the site boundary and Hadley Dene House and Kilns located around 200 metres from the site to the northwest. These are all Grade II listed.

The Council's Conservation Team have been consulted and have raised no objection nor identified any heritage harm. Accordingly, no heritage impacts have been identified and the application does not engage the heritage tests in the NPPF (para. 200).

### Impact on the Thames Basin Heath Special Protection Area

The site is within the 400m – 5km Thames Basin Heath Special Protection (TBHSPA) zone of influence. Policy NBE3 of the HLP32 states that proposals for Class C2 uses will be assessed on a case-by-case basis in consultation with Natural England (NE).

NE have requested a number of mitigation measures. As identified in this report, the proposed care home is proposed as a residential care and nursing home, and this could be secured by planning condition. No staff accommodation is proposed, and parking would be for staff and visitors.

Given the above, the proposed development would not have an adverse effect on the TBHSPA in accordance with Saved Policy NRM6 of the South East Plan and Policies NBE3 and NBE4 of the HLP32.

### Equality Impact

The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. The Public Sector Equality Duty under the Equality Act 2010 identifies 'age' as a 'protected characteristic'.

The proposed care home would provide accommodation for older persons and the application raises no adverse equality impact issues.

## **Planning Balance**

The provision of a 72-bed residential/ nursing care home providing specialist C2 accommodation for the needs of groups with specific housing requirements is supported by the NPPF (para. 62). The HLP32 recognises that there is likely to be a substantial increase in the number of older people residing within the District over the plan period. This planning benefit is therefore given significant weight in the planning balance.

The operational phase would deliver economic benefits in the form of employment within the care home (80 FTE jobs) and spending in the local economy. There would also be temporary economic benefits to the local economy during the construction phase in the form of jobs and spending. Collectively, these economic benefits are also given moderate weight in the planning balance.

Other planning benefits would include a new cycle/pedestrian path along the development frontage, tree planting and ecological enhancements. The weight attributed to these is reduced by the fact the path is proposed on land outside the applicant's control, that it is largely required to serve the proposed development itself, the site for the path being greenfield land and that it would result in further harm to the landscape. These benefits are therefore given limited to moderate weight in the planning balance.

Notwithstanding the benefits identified above, the proposed development is in clear conflict with the development plan as a whole for the reasons identified in this report. Specifically in relation to the principle of the development, landscape impacts, design, access and flood risk and drainage. The application is also contrary to the aims of the NPPF in these respects.

The above material considerations comprising planning benefits are limited and are not of sufficient weight to indicate that a departure from the development plan should be taken in this instance.

## **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 and it is recognised that it would bring some planning benefits, most notably in respect of the delivery of specialist housing for older persons and job creation.

However, a number of conflicts with the development plan have been identified as set out in this report relating to the principle of development, impact on the landscape, design, access

and flood risk and drainage. The development is therefore in conflict with HLP32 Policies SD1, SS1, H4, NBE1, NBE2, NBE5 and INF3, HLP06 Saved Policy GEN1 and HNP Policies HK1, HK5 and HK12 and the NPPF.

## **RECOMMENDATION - Refuse**

### **REASONS FOR REFUSAL**

1. The proposed development does not comply with the spatial strategy of the development plan. The application has failed to satisfy the relevant criteria for specialist and supported accommodation to meet the needs of older persons within the countryside in respect of; demonstrated need, alternative sites and relationship to an existing settlement. As such, the proposal is contrary Policies SD1, SS1, NBE1(f) and H4(b) of the Hart Local Plan (Strategy and Sites) 2016-2032 and Policy HK1 of the Hook Neighbourhood Plan 2018-2032.
2. By virtue of the proposed siting, scale and massing, the proposed development would erode the rural qualities of the landscape and introduce a harmful urban character. It would fail to respect or enhance the special characteristics, value and visual amenity of the District's landscape and would adversely impact upon it. As such, the proposal is contrary Policies NBE2(a and b) and NBE9(d) of the Hart Local Plan (Strategy and Sites) 2016-2032, Saved Policy GEN1(iv and v) of the Hart Local Plan (Replacement) 1996-2006, Policy HK5 of the Hook Neighbourhood Plan 2018-2032 and Section 15 of the National Planning Policy Framework 2021.
3. By virtue of the proposed layout, scale and massing, the proposed development would not achieve a high-quality design, positively contribute to the overall appearance of the area or be in keeping with local character. As such, the proposal is contrary Policy NBE9(a and c) of the Hart Local Plan (Strategy and Sites) 2016-2032, Saved Policy GEN1(i) of the Hart Local Plan (Replacement) 1996-2006, Policy HK12 of the Hook Neighbourhood Plan 2018-2032 and Section 12 of the National Planning Policy Framework 2021.
4. In the absence of satisfactory visibility splays or demonstration that required off-site works would be achievable, it has not been demonstrated that safe, suitable and convenient access would be provided for all users. As such, the proposal is contrary to Policies NBE9(b) and INF3(b) of the Hart Local Plan (Strategy and Sites) 2016-2032, Saved Policy GEN1(vii) of the Hart Local Plan (Replacement) 1996-2006 and Section 9 of the National Planning Policy Framework 2021.
5. In the absence of sufficient information, justification or mitigation in relation to flood risk and drainage, it has not been demonstrated that the proposal would be safe from flooding for its lifetime and that it would not increase the risk of flooding off-site. As such, the proposal is contrary to Policy NBE5 of the Hart Local Plan (Strategy and Sites) 2016-2032 and Section 14 of the National Planning Policy Framework 2021.

### **INFORMATIVES**



1. The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the proposed development was deemed to be unacceptable for a number of reasons as listed above. The development was therefore determined on the basis of the information provided.



**PROPOSED SITE PLAN** (in full)



**PROPOSED SITE PLAN** (northern half)



PROPOSED SITE PLAN (southern half)

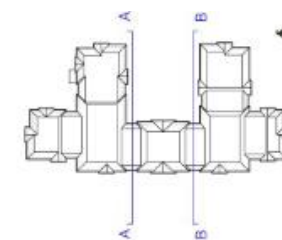
-  Communal Areas
-  Circulation Areas
-  Stores and Plant Rooms
-  Staff
-  Bathrooms and Wet Rooms
-  Bedrooms



**PROPOSED GROUND FLOOR**



PROPOSED FIRST FLOOR



Section AA

-  Roof: Grey Fibre Cement Slates
-  Buff/Light Brown Brick with Matching Mortar
-  Grey/ Brown Weatherboard
-  Dark Brown Weatherboard
-  Dark Grey Fascias and RWP
-  Windows and Doors: Dark Grey uPvc/ Aluminium Frames



Section BB



- Roof: Grey Fibre Cement Slates
- Buff/Light Brown Brick with Matching mortar
- Grey/ Brown Weatherboard
- Dark Brown Weatherboard
- Dark Grey Fascias and RWP
- Windows and Doors: Dark Grey uPvc/ Aluminium Frames



East Elevation



West Elevation

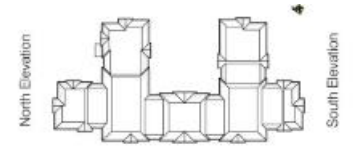




South Elevation



North Elevation



-  Roof: Grey Fibre Cement Slates
-  Buff/Light Brown Brick with Matching Mortar
-  Grey/Brown Weatherboard
-  Dark Brown Weatherboard
-  Dark Grey Fascias and RWP
-  Windows and Doors: Dark grey uPvc/Aluminium Frames

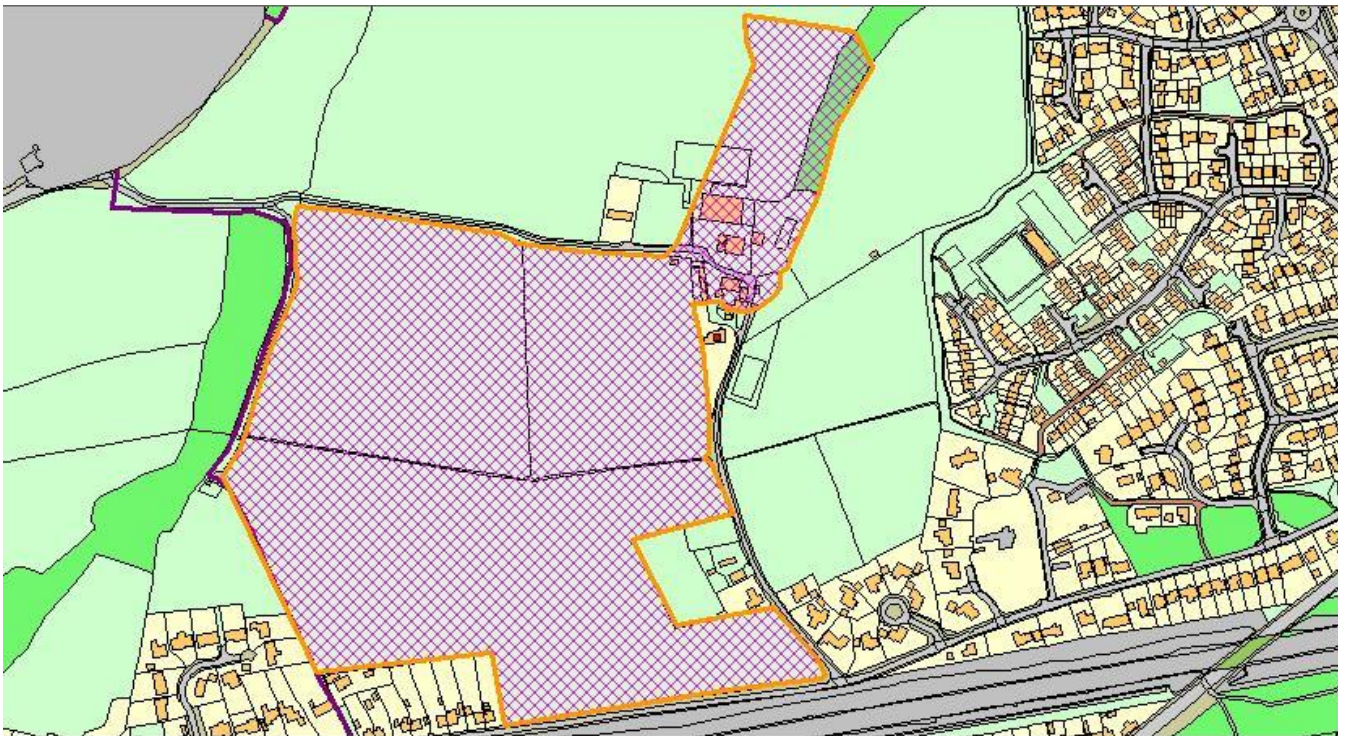






## COMMITTEE REPORT

APPLICATION NO.	21/01048/OUT
LOCATION	<b>Owens Farm Newnham Road Hook Hampshire RG27 9NG</b>
PROPOSAL	Hybrid application for a) Outline development (with matters except access reserved) for a retirement care living development comprising up to 160 units (C2 use) and local community facilities, pedestrian and vehicular access, parking areas and landscaping and b) change of use of agricultural land to Suitable Alternative Green Space (SANG) with sustainable drainage pond
APPLICANT	Apsley House Capital Plc
CONSULTATIONS EXPIRY	4 June 2021
APPLICATION EXPIRY	29 July 2021
WARD	Hook
RECOMMENDATION	<b>Refuse</b>



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## **BACKGROUND**

This application is brought before the Planning Committee at the discretion of the Head of Place. This is in line with Appendix A (1b) of the Council's Constitution relating to the Scheme of Delegation as The Head of Place considers that the application should be considered by Planning Committee.

## **THE SITE**

The application site is located to the west of Hook and comprises an area of 15.62ha. The site is bound to the south by Newnham Road from which access is gained to Owens Farm via a narrow track, which provides access for other residential properties. The site currently contains farm buildings which are located in the north-eastern corner of the site, and they are surrounded by grazing and arable land. The dwelling known as High Ridge House and the farmhouse and granary at Owen's Farm adjoin the site to the north and east respectively.

The site is located outside of the settlement of Hook in the open countryside and forms part of the Hook to Newnham Local Gap as defined by the Hook Neighbourhood Plan.

It lies within a Flood Zone 1 location which has the lowest risk of flooding.

To the south of the site, on the opposite side of Newnham Road, a railway line (London - Southampton Line) runs parallel to the road. The western boundary of the site runs along the western boundary of the District which is shared with Basingstoke and Deane Borough Council (BDBC). To the southwest there is residential development along Newnham Road towards the village of Newnham (designated as a Conservation Area). To the east and southeast there is residential development forming part of the Hook settlement located around Newnham Road, Church Path and Hop Garden Road.

## **RELEVANT PLANNING HISTORY**

The development site has been the subject of numerous applications for development of small scale as part of the farms within the land, however the most relevant planning history is shown below:

17/02317/OUT - Outline permission for the development of up to 700 dwellings, a 2ha site for a primary school, a 0.5ha site for a nursery, a 245m<sup>2</sup> retail facility, a 284m<sup>2</sup> community facility, together with associated vehicular, pedestrian and cycle access, open space and landscape works. All matters, other than access, are reserved for consideration at a later date. Full planning permission for the provision of 9.68ha Suitable Alternative Natural Greenspace and means of access. Refused 20.06.2018

17/00857/EIA - Scoping Opinion under Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended 2015). Issued on 12.05.2017

## **PROPOSAL**

This hybrid application seeks outline and full planning permission for the following elements:

a) Outline permission (with all matters reserved except access) for a retirement care living development comprising up to 160 units (C2 use) and local community facilities, pedestrian and vehicular access, parking areas and landscaping; The housing provision would comprise:

24 no. care bedrooms - En-suite bedrooms  
7 no. close care units (2 bed /2-person flats)  
29 no. linked care units (10 x 2 bed 2-person flats and 19 x 2 bed 3-person flats)  
100 no. extra care units (10 x 1 bed 1-person flats, 80 x 2 bed 3-person flats, 10 x 2 bed 3-person bungalow)

The parking provision for the residential element of the proposal would be 148 spaces. The break down provided is as follows:

100 spaces to serve the 100 extra care units (Parking standard applied - Active elderly residents with resident warden).

15 spaces to serve the 60 units in core building (Parking standard applied - Nursing/rest homes).

23 spaces to serve as staff parking for the 30 care staff (Parking standard applied - Nursing/rest homes).

10 spaces to server the SANG proposed.

b) Full Planning Permission for change of use of agricultural land to Suitable Alternative Green Space (SANG) with sustainable drainage pond.

## **CONSULTEE RESPONSES** (Summarised)

### **Hook Parish Council**

Objection.

- Hook Parish Council strongly objects to the proposals presented in this planning application.
- Detrimental impacts to the Gap
- Detrimental countryside and landscape impacts cannot be justified with questionable public benefits.
- Significant environmental, social, economic and residents' well-being impacts from high car use.
- SANG is out of character, it does not blend with locality with formal footpaths and car parking.
- There is a need of Specialised accommodation in the District but not all evident in Hook. There are already new facilities for this type of accommodation under construction in the centre of the village.
- Definitions of care in the mix of units are unclear and how relate to the Local Plan categories is not transparent.
- Claims of future sustainable travel solutions for the site are totally unfounded.
- This site is relatively isolated from Hook village and any public transport, there are not contiguous footpaths to Hook, cycle infrastructure is lacking, and it cannot be relied on community groups for transport needs of this community.
- Upgrade of footpaths (surface/lighting) would have environmental impacts.
- Highway safety concerns.
- Proposal fails to meet requirements of the Local Plan, The Hook Neighbourhood Plan and the NPPF and should be refused.

## **Newnham Parish Council**

Objection.

- Detrimental to Gap designation.
- Detrimental to rural/agricultural setting of the area.
- SANG proposal would change the nature of the landscape to a suburban parkland.
- The historic Church Path route, the environment and wildlife, amenity of residents of both settlements and their physical/mental wellbeing would be affected by the intrusion/modifications by a housing development and a SANG.
- Sense of separation and rural isolation will be lost.

## **Chief Planning Officer (Basingstoke & Deane Borough Council)**

Objection, the development would:

- Have a negative impact on the area between Newnham and Hook, infilling a strategic gap.
- Be detrimental to the local character having an undesirable urbanising effect on the rural setting of the Newnham Conservation Area (NCA).
- Have a possible impact on Hook Common SSSI 100m to the south of the site and on The Strings Site of Importance to Nature Conservation (SINC) both which lie within BDBC.
- Be detrimental to the landscape character by introducing large scale-built form in open countryside.
- Be detrimental to the visual amenity from public rights of way across the site and views towards College Copse SINC- Ancient Woodland, Owens Farm Meadow SINC and Owens Farm Southeast SINC.
- More information is needed to understand the impact of the proposal on heritage assets.
- Heritage Statement concludes the harm to the setting of the NCA would be negligible based on the current proposal. BDBC cannot agree with this conclusion.
- Taking this NE objection into account it is concluded that further information is necessary in order to: "Assess the effects of the proposed development, whether beneficial or harmful, on the significance [of the heritage asset] or on the ability to appreciate it" and "Explore ways to maximise enhancement and avoid or minimise harm".
- Views out of the NCA on its eastern edges relate particularly to two open areas. Although these are not within the Conservation Area, they make an important contribution to the character of the area.
- These two open areas are marked on the NCA Appraisal Map (see below) as Open Areas of Village Scap Significance (OAVSS).
- The submitted LVIA has not referenced or assessed the NCA Appraisal Map vistas, described as: "important general view[s] especially of the wider landscape setting".
- The proposal does not demonstrate that conflict with the heritage asset's conservation will be avoided/minimised. There is no clear and convincing justification for this harm

## **Natural England**

Objection.

As submitted, the application could have potential significant effects on the Hazeley Heath Site of Special Scientific Interest (SSSI), which forms part of the Thames Basin Heaths SPA.



Natural England advise that this proposal is not currently in accordance with Policy NRM6 or the Hart Thames Basin Heaths Local Plan Policy.

### **Thames Water Property Services**

No objection, subject to conditions to ensure:

Capacity exists off site to serve the development or a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or all wastewater network upgrades required to accommodate the additional flows from the development have been completed.

### **Highways England**

No objection.

### **Historic England**

Historic England does not wish to offer any comments, seek the views of your specialist conservation and archaeological advisers, as relevant.

### **Network Rail - South East Territory**

No objection subject to informative conditions to protect Network Rail assets.

### **Grounds Management**

Objection on lack of information to determine this application.

Full management plan is required covering (but is not limited to) the following areas:

- Fully costed details of the maintenance and delivery of the SANGs.
- Financial detail on how this will be achieved over the 80 years
- Details of monitoring for its success
- Visitor Strategy (how are you engaging with your users /how is this dog friendly?)
- Details of the appropriate authority who will be managing the SANGs
- Equalities and Diversity assessment
- Climate Change / sustainability assessment (ideally a carbon neutral/negative provision)
- Detail on access for emergency vehicles
- Details and specifications for all the built features/paths/signage/etc

There are two current access routes across the site and there is no supporting information of the current level of use in line with the capacity of the SANGs. This will need to be detailed and discounted from the site.

There is sufficient SANGs in Hart to deliver the current Local Plan. Any surplus would raise questions on the viability of delivering the current avoidance strategy. This could cause previously agreed SANGs to fail and pose a threat to the SPA.

The proposed circular path does not meet the "Must Have" requirements in the SANGs guidelines. Paths should also have a minimum of 100m between them in open ground.

No car park is provided so the developer must confirm that the SANGs will only be for the sole use of the development.

There should be a perimeter boundary that is secure for dogs getting out.

### **Conservation/Listed Buildings Officer (Internal)**

No objection.

### **Lead Local Flood Authority (HCC)**

Objection.

The ground investigation report submitted concluded that soakaway drainage would not be suitable at the site, however, an infiltration pond has been proposed at the north of the application site.

Infiltration testing in full accordance with the BRE365 at a depth and location commensurate with the infiltration features is required.

Applicant to demonstrate that there will be at least 1m unsaturated zone between the base of any infiltration feature and the highest groundwater level recorded including winter months.

Calculations and values used for the greenfield runoff rates and proposed discharge rates are required.

The ditch where surface water drainage is proposed to be discharged to appears as an offline drainage feature. Discharging surface water into an offline system will increase surface water flood risk downstream. Additional information on the watercourse location, flow, direction route, evidence of gravity connection to another watercourses and evidence which demonstrate adequate capacity and condition for the proposed discharge rate is required.

### **Streetcare Officer (Internal)**

No objection in principle. Proposed layout required showing appropriate access for a 26-ton Refuse Collection Vehicle. The plans required should also contain bin collection points, swept paths for vehicle movements and turning head/points.

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

Objection. The arboricultural impact assessment for the site does not comply with BS5837:2012 in that it does not provide standard information on individual trees, rather has lumped many into groups of trees even when species are mixed and provided average information, yet then shows some information within plan appendixes.

Within the northeast of the site a number of buildings are pushed up against the site boundary which is a woodland strip. Due to the proposed occupancy this is likely to lead to future conflict between trees and residents, as trees block out light and view and will lead to pressure to remove or reduce trees significantly.

## **Ecology Consult (Internal)**

Objection.

Further bat emergence surveys on two buildings to be demolish is required prior to determination so the impacts on bats can be fully assessed.

The pond closest to the development was surveyed and found to be negative for GCN, two additional ponds were not surveyed however, attempts should be made to survey these ponds going forward to further inform the plans.

Full updated dormouse and reptile surveys will be required to be submitted, along with further details of the proposed mitigation for these species, at reserved matters stage.

The Biodiversity Metric has been applied and this appears to demonstrate a significant Biodiversity Net Gain (BNG) (51.88% habitat and 12.61% hedgerow units). However, this calculation includes the habitat enhancements on the proposed SANG and is therefore an overestimation of the BNG of the development. The current guidance is that habitat enhancements necessitated to meet SANGs requirements, or other legal compliance, cannot be used within the BNG calculation to avoid double counting. The BNG calculation should therefore be re-run to provide BNG values for the development only, excluding the required enhancements for SANG provision.

## **Local Highway Authority (HCC)**

Objection.

The visibility splays should be 2.4m x 108m eastbound and 2.4m by 98m westbound. The applicant has attached an access drawing that displays visibility of 2.4m x 107.1m and 2.4m x 59.64m for eastbound and westbound traffic respectively. This does not correspond with the TG3 requirements.

Evidence of spare capacity is required to determine impacts of the proposal in the operation of the following junctions: Station Road / London Road / Elms Road, Old School Road / London Road and Newnham Road / London Road.

A footway would need to be constructed from the proposed sites access to the existing foot way at Seton Drive. Tactile paved dropped kerbs would need to be installed at Seton Drive. Improvements to footpaths 25b and 26 would be required and would need to be secured via S278.

## **Environmental Health (Internal)**

No objection subject to planning conditions to secure:

- Hours of construction
- A Construction Management Plan
- An Acoustic Design Statement and Noise Impact Assessment

## **County Archaeologist**

No objection, subject to planning conditions to secure a preliminary archaeological survey and archaeological mitigation strategy for any archaeological remains to be identified by the archaeological evaluation and appropriately recorded.

## **Landscape Architect (Internal)**

Objection.

The conclusion of the Gap Analysis (GA) is not agreed. It is incorrect to use overhead (OH) powerlines as a justification for including additional built form into the countryside. OH powerlines can be a feature, albeit a detracting one, marching across an AONB, just as motorway or a railway line might, so in this regard they are not an influence on how a gap functions.

The characteristic of buildings being visible from many locations within the Gap around the edges recognises that the Gap is small but sufficient to inform that Hook is separate from Newnham, and vice versa. 5ha (12.5% incl. access road) in a broadly central location within the 49ha Gap, is developed with a central core at 3 storeys, descending through 2.5 to 1.5 storeys, including the site access road, also a form of development, that bisects the experience of the Gap on Newnham Road.

Currently, the forward view is devoid of large developments, buildings of Owens Farm, some of which are traditionally built is entirely in context with the countryside setting of the Gap and has no impact on its function.

During the summer when the hedgerow is in full leaf the development may be screened from immediate view, not so in winter, but will nonetheless be in the walker's awareness given the visibility a matter of a few minutes back from where they left Hook.

The supporting GA information for the application says that the development of the Gap with built form up to 3 storeys in height, maintains a physical gap between the two settlements, which is true. However, it is not true to say that the ability of the land to function effectively as a Gap is not compromised by the development. The extent of the Gap has been suitably tested. It cannot be argued that the area it covers is not necessary for its function; nor is it excessive. The function of the Gap will be significantly compromised by the proposals, contrary to Hook NP policy HK5 and HK6 and Hart LP 2032 policy NBE2 e).

## **Housing (Internal)**

Objection.

It is unclear from the information provided what level of care is expected to be provided for each of these types of accommodation. Many older people are active into their later years and may not want or need the higher level of care provision. Some of the properties being proposed appear to allow for independent living.

Understanding what affordable housing provision is being proposed is required as there is little detail on this at present.

## **Planning Policy (Internal)**

Objection.

Using new work on the need for specialist accommodation for the elderly, and factoring in new planning permissions, the updated need for residential/nursing care in Hart to 2035 is 160 bedspaces.

The new work also confirms that in meeting these needs, delivery should aim to match needs over the plan period rather than frontloading supply. Using this latest evidence, the need to 2025 is just 19 bedspaces, and to 2030 is 85 bedspaces.

The policy preference is for the district's needs to be met within settlements without encroaching into countryside unless it is necessary to do so to meet needs. Sites within settlements have been coming forward in recent months/years as illustrated by the planning permissions set out in the position statement.

Therefore, in light of the updated information on the need for care homes and supply, it is considered that there is insufficient need within the district to justify the release of a greenfield site in the countryside at this time. Under Policy H4 the applicant must also show that there are no alternative sites within settlements. It is apparent that the Geffery's House site within Hook is on the market and would appear to be of a size that would accommodate a care home.

## **PUBLIC COMMENTS**

The statutory requirements for publicity in this instance, as set out in The Development Management Procedure Order 2015 (as amended) are neighbour letters together with the display of a site notice and a press advert. The Council's Statement of Community Involvement has been amended to align with the statutory publicity requirements.

The public consultation exercise expired on 04.06.2021. At the time of writing, 420 public representations have been received. 418 of these were submitted in objection to the proposal and 2 representations have been submitted in support or as neutral representations.

The grounds of objections can be summarised as follows:

- Encroachment on Strategic Gap
- Increased traffic
- No need for this type of accommodation
- Increased risk of flooding
- Impact on wildlife/ ecology
- Use of Greenfield site
- Unsustainable location
- Impact on infrastructure
- Impact on Historic PROW
- Contrary to Local Plan/ Neighbourhood Plan
- Impact on Countryside
- Impact on amenity
- Road safety/ access

## **CONSIDERATIONS**

1. Planning Policy
2. Principle of Development
3. Landscape and Design
4. Sustainability and Climate change
5. Residential Amenity
6. Highways/Servicing and Parking
7. Flood Risk and Drainage

8. Ecology
9. Trees
10. Other Planning Considerations
11. Planning Balance

## 1. PLANNING POLICY

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

The relevant adopted Development Plan for the District includes the Hart Local Plan: Strategy and Sites 2016-2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06), the Hook Neighbourhood Plan 2018-2032 (HNP) and saved policy NRM6 of the South East Plan. Adopted and saved policies are up-to-date and consistent with the NPPF (2021).

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

SD1 Sustainable Development  
SS1 Spatial Strategy and Distribution of Growth  
H1 Market Housing  
H4 Specialist and Supported Accommodation  
NBE1 Development in the Countryside  
NBE2 Landscape  
NBE3 Thames Basin Heaths Special Protection Area  
NBE4 Biodiversity  
NBE5 Managing Flood Risk  
NBE7 Sustainable Water Use  
NBE8 Historic Environment  
NBE9 Design  
NBE11 Pollution  
INF1 Infrastructure  
INF3 Transport

### Saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06)

GEN 1 - General policy for development  
CON 8 - Trees, woodland & hedgerows: Amenity Value

### Saved policy of the South East Plan 2009 (SEP)

NRM6 - Thames Basin Heaths Special Protection Area

### Hook Neighbourhood Plan 2018-2032 (HNP)

HK1 – Spatial Policy  
HK4 Protecting and Enhancing the Biodiversity of Hook  
HK5 – Landscape  
HK6 – Hook to Newnham Gap  
HK7 – Views  
HK8 – Control of Light and Noise Pollution  
HK9 – Pedestrian and Cycle Paths  
HK10 – Parking

HK11 – Residential and Mixed-use Windfall Development

HK12 – Design

HK13 – Locally Significant Heritage Assets

### Other relevant material considerations

National Planning Policy Framework (NPPF, July 2021)

Planning Practice Guidance (PPG)

National Design Guide (NDG, Jan 2021)

Building for a Healthy Life (BfHL, June 2020)

Hart's Landscape Assessment (1997)

Hart's Landscape Capacity Study (2016)

Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment 2014-2032 (SHMA, 2016)

Advice on the need for specialised accommodation for older people within Hart District as set out in the 2016 SHMA (NSAOP, June 2021)

Conservation of Habitats and Species Regulations 2017

Thames Basin Heaths Delivery Framework 2009 (TBHDF)

Hart District Council Parking Provision Interim Guidance (PPIG, 2008)

## 2. PRINCIPLE OF DEVELOPMENT

The outline element of this application proposes 160 units of accommodation falling within Use Class C2. It would contain:

24 no. care bedrooms - En-suite bedrooms

7 no. close care units (2 beds /2 person flats)

29 no. linked care units (10 x 2 beds 2pperson flats and 19 x 2 beds 3 person flats)

100 no. extra care units (10 x 1bed 1-person flats, 80 x 2bed 3-person flats, 10 x 2 beds 3-person bungalow).

The indicative masterplan submitted shows a cluster of buildings located towards the northeast end of the site where the flatted buildings and bungalows would be located. However, no details are provided at this stage of the GIA of the accommodation proposed due to the type of application submitted.

The HLP32 defines Specialist Supported Accommodation (Land Use Class C2) as Housing specifically designated to meet the identified needs of older people and people with support needs. The spectrum of housing within this definition is wide but focusing on this subject development, the proposed accommodation provision would be:

- Extra Care Housing (Also known as Housing with Care, Close Care, Sheltered Housing and Assisted Living) - Popular with people whose disabilities, frailty or health needs make ordinary housing unsuitable but who do not need or want to move to long-term care (residential or nursing homes). It is used to describe a range of developments that comprise self-contained homes which have been designed, built or adapted to facilitate the care and support needs that its owner/ tenants may have now or in the future, with access to care and support 24 hours a day either on site or by call.
- Care Homes - Residential setting usually in single rooms, where a number of people live and have access to on-site personal care services only - help with washing, dressing and giving medication.)

The Advice on the need for specialised accommodation for older people within Hart District as set out in the 2016 SHMA commissioned by the Council (NSAOP - para. 1.04) provides guidance on categories of specialised housing and accommodation for older people, including:

*“Housing for older people. This includes what was referred to in the SHMA as ‘sheltered’ and ‘enhanced sheltered’. These terms included but did not distinguish between for rent and for sale tenure distinctions. In addition, the term ‘enhanced sheltered’ is now used by very few social landlords. Housing for older people includes:*

- *Older people’s housing for social/affordable rent, e.g., contemporary ‘sheltered’ housing.*
- *Older people’s housing for sale, (typically referred to as retirement housing.*

*Housing with care. This mirrors the term ‘extra care housing’ used in the SHMA, but it does not distinguish between for rent and for sale tenure distinctions. In the private market, the term ‘extra care housing’ is almost never used, this term being used primarily by social landlords. Housing with care includes:*

- *Extra care housing for rent.*
- *Housing with care for sale/shared ownership. These are sometimes referred to as retirement villages (where it may or may not have an onsite care home).”*

*“Residential care. Provides live-in accommodation, typically in en-suite rooms, with 24 hour-a-day supervised staffing for residents, who may need extra help and support with their personal care. For example, help with things such as washing, dressing, personal hygiene, medication, toileting, communication, feeding and mobility.’*

The applicant was requested to provide clarification about the type of accommodation proposed in relation to the housing categories of specialised housing and accommodation for older people set out in the NSAOP, however it was not provided.

Therefore, with due regard to the accommodation breakdown submitted with the application and the above definitions, there would be 136 self-contained units of accommodation with different levels of care, which would be considered to fall within the ‘Sheltered/Extra Care housing’. Also, there would be 24 en-suite care bedrooms which would be considered to fall within the ‘Residential Care’ category. Both as identified in the NSAOP.

- Key Policies to the Principle of the Development

Policy SD1 of the HLP32 states that the Council will take a positive approach to decision making that reflects the presumption in favour of sustainable development. Policy SS1 of the HLP32 states that development will be focused with defined settlements, on previously developed land in sustainable locations and on allocated sites. Policy HK1 of the HNP states that the focus for growth will be within the existing settlement boundary of Hook Village. The application site does not fall within any of these categories.

Policy NBE1 of the HLP32 relates to development in the countryside and includes for development that provides specialist housing (category f), cross referencing Policy H4. Supporting text to Policy NBE1 confirms (para. 223) that to meet identified specialist accommodation needs, it may be appropriate to permit such development within the countryside in line with Policy H4.



Policy H4 is therefore a key policy to the determination of this application and relates to specialist and supported accommodation, including Class C2 uses that meet the needs of older persons or others requiring specialist care, such as that proposed in the application. Supporting text (para. 156) to Policy H4 is clear that sites within settlements are the preferred choice for meeting needs particularly at locations close to services and facilities. However, H4(b) allows for such development in the countryside subject to meeting all identified criteria at i-iii.

The Council's Planning Policy Team have provided a consultation response (the 'Planning Policy Response') which includes a 'Position Statement' on the need for specialist and supported accommodation for older persons in Hart District. The below assessment is informed by this position statement.

- Need

Supporting text (para. 156) to Policy H4 of the HLP32 states that where there is proven unmet need, particularly for C2 accommodation, specialist accommodation may, where justified, be permitted on suitable sites outside settlement boundaries.

The need for older persons housing in Hart District is derived from the SHMA, this document forms part of the evidence based for the HLP32. The SHMA analyses the estimated requirement for older persons housing. The SHMA uses data from the Housing LIN Strategic Housing for Older People toolkit (SHOP) to estimate the requirement for specialist housing for older people in the period 2014-35 (Figure 14.10). A number of these figures are referenced in the HLP32 (para. 152). The estimates shown for Sheltered/ Extra Care in Hart District are 1254 and for residential/nursing care 1157 bedspaces.

The Council has sought updated advice from Housing LIN on the HLP32 older persons housing need figures and this is provided in the NSAOP. The base date for this is March 2020. This document identifies the residual net need of 648 Sheltered /Housing with Care units and 290 residential/nursing care bedspaces in the period 2020-2035 (Local Plan covers up to the year 2032). However, there has been planning permissions issued after March 2020 which bring down the residual need to 493 Sheltered /Housing with Care units and 160 residential/nursing care bedspaces in the period 2020-2035.

The Planning Policy Response identifies new supply between March 2020 and 8 September 2021. Due to challenges distinguishing between residential care and nursing care for new developments, these figures have been combined. This identifies a new supply of 130 total residential/nursing care bedspaces. Of this supply, 70 are committed residential/nursing care bedspaces with planning permission and 60 are from an allocated site where a resolution to grant planning permission has been reached.

The resultant District-wide net residual need for residential/nursing care bedspaces to 2035 is therefore 160 bedspaces.

The Planning Policy Response concludes that *"..in light of the updated information on the need for care homes and supply, it is considered that there is insufficient need within the district to justify the release of a greenfield site in the countryside at this time."*

The following should also be noted in respect of the need for other older persons housing:

- There is no requirement to 'frontload' the provision of older persons housing within the plan period.

- There are other applications coming forward for older persons housing, including on sites within settlement boundaries.
- Policy H1 of the HLP32 (a 'general' housing policy) supports a mix of dwelling types and sizes, accessible and adaptable homes and specialist/supported accommodation. Part of the reasoned justification to H1 specifically identifies how the Policy has considered accommodation for older people (paras. 128-131). Such an approach is recognised in the PPG which states (para. 012, ref ID. 63-012-20190626): *"Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs."*

A Housing Needs Assessment (HNA) has been submitted by the applicant. The HNA sets out the estimated need for specialised housing and accommodation for older people for Hart District in two stages. The HNA identifies HDC's housing requirements for older people "based on the calculation submitted to the Hart District Local Plan examination in 2018." These estimates are drawn from the Council's SHMA (2016, 2017). The estimates of need for specialised housing for older people were produced by Wessex Economics based on 'prevalence rates' published by the Housing LIN/CSIP in 2008.

The HNA then applies 'prevalence rates' that were published in a document (Strategic Housing Resource Pack) from the Housing LIN in 2013 to the most recent ONS 2018-based population projections.

The applicants' HNA identifies a total need of 4698 units/bedspaces for 2032:

- 2,603 sheltered housing units (rent and sale).
- 585 extra care housing units (rent and sale).
- 78 housing-based provision for dementia (units).
- 1,432 residential and nursing care bedspaces.

The HNA uses this estimated need to 2032 (4,698 units/bedspaces) and deducts current provision and provision that has a planning consent that is under construction or not yet started. This identifies at 2032, a 'residual' need in Hart district for:

- 2,487 sheltered housing units (rent and sale). - very substantially above the estimate of need calculated in the NSAOP.
- 200 extra care housing units (rent and sale). - closely aligned to the estimate of need calculated in the NSAOP.
- 78 housing-based provision for dementia (units).
- 1,164 residential and nursing care bedspaces. - very substantially above the estimate of need calculated in the NSAOP.

The applicants' HNA (Sections 4) highlights contextual evidence that modifications to the Hart Local Plan would have the effect of reducing the provision of specialised housing for older people, i.e., supporting the argument for further development of such housing. However, this section provides descriptive contextual information; this is not evidence that is *directly* used as part of the quantitative assessment of need for specialised housing and accommodation for older people.

The applicants' HNA conclusion notes that the current provision of specialised housing and accommodation for older people is not evenly distributed across the district with a greater concentration in the central/eastern areas, i.e., the implication being that the proposed site at Hook is a location which is currently 'under supplied'.

However, the HNA quantitative assessment of need is based on using 'prevalence rates' that were published in a document (Strategic Housing Resource Pack) from the Housing LIN in 2011 and applying these to the most recent ONS 2018-based population projections. It should be noted that the Housing LIN no longer publishes any suggested 'prevalence rates' for specialised housing and accommodation for older people on its website nor endorses the use of earlier 'generic' prevalence rates for estimating need for specialised housing and accommodation for older people.

The reason being that the previous prevalence rates were based on an earlier assessment of the market for this type of housing and accommodation, earlier evidence of the provision of this type of housing and accommodation, they do not take account of localised factors affecting need and they do not take account of qualitative evidence in relation to the preferences of older people for different types of specialised housing and accommodation.

The Housing LIN now uses its SHOP model to undertake bespoke assessments of need for specialised housing and accommodation modifying the 'prevalence rates' as appropriate to take account of local factors, research the Housing LIN has conducted with older people and prevailing market conditions for specialised housing and accommodation for older people.

Therefore, on this basis the estimates of need for specialised housing and accommodation for older people in the applicants HNA are not based on locally sensitive 'prevalence rates' and should not be considered robust evidence of need and as seen above they are overestimated. Importantly, there is no clear justification for departing from the plan-led approach. In this respect, the Hart Local Plan Inspectors' Report (para. 137) was clear in stating:

*"I appreciate that the use of other data sources may result in differing or higher levels of need. However, the SHMA has followed the approach suggested by national policy. Whilst the Plan is being examined under transitional arrangements, it is also worth noting that the new PPG guidance (Paragraph: 004 Reference ID: 63-004-20190626), now specifically refers to the SHOP analysis tool kit as being an appropriate toolkit. Given all of the above, I consider the assessment of need for housing for older people to be in accordance with national policy and is therefore sound."*

And (para. 145): *"I accept that need is best established on a district level, as identified in the SHMA ..."*

Overall, in relation to the need for the proposed development, there is an identified need for older persons accommodation in the plan period, including Sheltered/Extra Care Housing and residential care proposed in the application.

The HLP32 provides an up to date and robust strategy for delivering accommodation of this type and the NSAOP and Planning Policy Position Statement confirm the type of accommodation required is being delivered within the plan period. There is no demonstrated local need for a development of the scale proposed in the application at this time or justification for a departure from the plan-led approach and more importantly there is no requirement to 'frontload' the provision of older persons housing for the plan period. As such, Policy H4(b)(i) of the HLP32 is not satisfied.

- Alternative Sites

The Planning Statement submitted contains a section considering 'Alternative Locations' (AL). Supporting text (para. 156) to HLP32 Policy H4 advises:

“A proportionate level of evidence should demonstrate that there are no suitable sites within defined settlements, that are in the vicinity of the application site (it will not be necessary to investigate all settlements in the district).”

The AL considers sites from the Hart District Brownfield Land Registry, the Strategic Land Availability Assessment (SLAA 2017) and internet search. The applicant states that the development is within close proximity to Hook and that it would be accommodating the needs of Hook, hence the search area proposed was mainly limited to Hook Village. The search carried out largely focuses on sites listed as part of the Strategic Land Availability Assessment 2017 (SHLAA) which was produced as part of the process to adopt the HLP32.

However, the call for development sites was undertaken much earlier than the published date of the document and things have moved on since then in terms of their availability. It is noted that the applicant includes four sites which are beyond Hook settlement boundary, however this is due to the fact they are sites from the SHLAA. Therefore, considering sites from this dated document is not a proper or robust approach to finding alternative sites, as this requires using up-to-date information and resources.

It is worth pointing out that the needs assessment submitted with the application seeks to demonstrate a District wide need for specialised accommodation for the elderly, it does not focus on Hook only as it analyses population projections for the District as a whole.

Nevertheless, when it comes to searching alternative sites, it mainly focuses on Hook Village. This approach is inconsistent and unacceptable when considering that the scale of the proposal would not only accommodate the needs of Hook but also the need from other towns and villages within the District. The assessment of alternative sites is not robust if it does not undertake a District-wide search to meet a District-wide need.

Notwithstanding the above, Policy H4(b)(ii) of the HLP32 and the supporting paragraph 156 are not prescriptive in this regard; it only follows that the search for alternative sites is commensurate with the magnitude/scale of the development and the need it seeks to satisfy or contribute towards.

The Council’s Planning Policy Team has advised that it is apparent that the Geffery’s House site within Hook is on the market and would appear to be of a size that would accommodate a care home. Geffery’s House is a 1.86ha site currently on the market. It is located on London Road, within the Hook Settlement Boundary just over 1 mile east of the application site. It is approximately 350m from Hook District Centre.

Consequently, therefore the area of search has been, in the Officer's view, far too restricted and would not satisfy the above advice in the HLP32. On this basis there is objection to the geographic scope of the applicant’s assessment of alternative sites. As set out in the previous section this is not the case and the requirements of Policy H4(b)(ii) of the HLP32 have not been met.

No concerns are raised in relation to criterion Policy H4(b)(iii) of the HLP32 as the site adjoins the settlement.

### 3. LANDSCAPE AND DESIGN

- Landscape

Policy NBE2 of the HLP32 seeks to achieve development proposals that respect and

wherever possible enhance the special characteristics, value, or visual amenity of the District's landscapes. This policy contains five criteria to assess development proposals in relation to landscape impacts. It also states that, where appropriate, proposals will be required to include a comprehensive landscaping scheme to ensure that the development would successfully integrate with the landscape and surroundings.

Policy HK5 of the HNP states that Development proposals should respect and where possible enhance the small-scale lowland mosaic landscape of the Neighbourhood Area and the key characteristics of the Loddon Valley and Forest of Eversley West Character Area.

Policy HK7 of the HNP states that development should respect views from the Hook settlement boundary towards the north-east and east across the valley of the River Whitewater and its setting; from the Hook settlement boundary to the west, towards Newnham; and from the east side of Newnham (within the Neighbourhood Area) towards the west side of the Hook settlement.

Each of the criteria from Policy NBE2 of the HLP32 are dealt with in turn below.

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

According to Hart Landscape Capacity Study (2016), the site lies within area HO-01. The study area is broader than the site and its immediate but nonetheless exhibits typical landscape characteristics evident across the whole of HO-01. This study area was determined to have a high visual sensitivity, medium/high landscape sensitivity and a medium landscape value. These resulted on an area (including the application site) to have a Low overall landscape capacity, which essentially means that this landscape area cannot accommodate areas of new development without a significant adverse impact on the landscape character.

Therefore, it is inevitable that residential development of the intensity and scale proposed together with the associated infrastructure to support it would have a significant impact on the rural character of the locality. As such it would significantly intrude into the open countryside to the west of Hook.

*b) the visual amenity and scenic quality of the landscape.*

Hart's Landscape Assessment (1997) locates the site within the character area 2 – Tylney. It acknowledges the main positive features of the area to be dispersed patterns of rural settlements, scattered farms linked by network of rural lanes and a rural character due to sparse road and settlement pattern (amongst other things).

The site and surroundings feature in the above qualities where the enhancement priorities are mainly the conservation of the above characteristics with only localised intervention required in weakened landscape areas. However, the proposal would erode the above qualities as a result of the strong urbanisation of this section of countryside and would erode the quality of designated and views achieved between Hook and Newnham.

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

Neither the site nor the adjoining parcels of land have any historic significance or are designated as such. The southern end of the Grade II\* Tylney Hall Registered Park and Garden (RPG) is located west, approximately 200m away from the western end of the residential accommodation shown in the indicative masterplan.

Nevertheless, there are a tree belts between them and a section of the proposed SANG would also be located between the residential accommodation and the RPG. The intervisibility between them would be very limited and therefore no material impacts are anticipated. It is also noted the Conservation Officer raised no concerns in connection with this heritage asset or any other in the locality.

*d) important local, natural and historic features such as trees, woodlands, hedgerows, water features e.g., rivers and other landscape features and their function as ecological networks.*

The proposed residential accommodation would affect natural features such as mature trees and hedgerows. However, the landscaping of the development is proposed to be a reserved matter where suitable mitigation would be addressed at a later stage. It is also noted that the Council's Ecology Officer has raised no concerns to the mitigation or compensation for habitats and flora detailed in the Ecological Assessment.

*e) it does not lead to the physical or visual coalescence of settlements, or damage their separate identity, either individually or cumulatively with other existing or proposed development.*

The development site fully falls within the Hook to Newnham Gap (HNG), Policy HK6 requires that development should not lead to the physical or visual coalescence of these villages or damage their separate identity. The HNG covers approx. 39 Ha of countryside. The details contained in the submitted Gap Analysis (GA) set out in full the various policies that apply to the countryside between Hook and Newnham. The analysis applies Landscape Institute guidance for landscape visual impact assessment (LVIA) states: At para. 4.8 it states:

“The physical gap between Hook and Newnham remains as 10.5% (approximate) of the gap will consist of the proposed built form of the new retirement care living development. 89.5% (approximate) of the HK6 Gap will be retained as well as the open countryside towards the west of the site, maintaining a physical gap between the two settlements.”

Para. 4.33, states that the proposed built form of the retirement care living development, surrounded by the proposed SANG, and with the retained open countryside, partially within the Newnham Conservation Area, would not lead to the physical or visual coalescence of the settlements of Hook and Newnham.

The above statements in the GA are not agreed by Officers of the Council. The principles which support gap policies are based on long understood and fundamentally enduring concepts. These principles among other things require that gaps include no more land than which is necessary to prevent the coalescence of settlements having regard to maintaining their physical and visual separation.

Para. 3.12 of the GA discusses the experience and character of crossing the HNG stating:

“Throughout this journey elements of built form such as the overhead power lines, residential dwellings, Owens Farm and traffic along Ridge Lane and Newnham Road provides an urban influence to this journey.”

It is incorrect to use overhead (OH) powerlines as a justification for including additional built form into the countryside. OH powerlines can be a feature, albeit a detracting one, recurring across an AONB landscape for example, just as motorway or a railway line might, so in this regard they are not an influence on how a gap functions.

The existence of features which already detract from, or cause harm to, landscapes is not justification or reasoning to include further visually harmful development.

Secondly, part of the gap's character is the residential buildings that are seen or glimpsed on its outskirts. This must be true for any gap as their boundaries will inevitably be contiguous with settlements. The characteristic of buildings being visible from many locations within the HNG around the edges recognises that the gap is small yet sufficient to inform that Hook is separate from Newnham, and vice versa. This is further emphasised in the GA that notes a walking journey time of just 12 minutes for a person to leave one settlement and reach the other.

The GA states at para. 4.7 that:

“The proposed built form of the retirement care living development forms a small portion of this physical gap, with a physical gap between Hook and Newnham retained.”

However, 5ha out of the 49ha HNG (approx. 12.5%) in a broadly central location would be developed with a central core at 3 storeys (proposed up to 18m in height), descending through 2.5 (proposed up to 15m in height) to 1.5 storeys (proposed up to 7m in height), including the site access road, which is also a form of development, that bisects the experience of the Gap on Newnham Road, would have a detrimental impact to the character/appearance and more importantly the function of the HNG.

It should be noted that if walkers leave Hook settlement via Footpath no. 25b, development at three storeys (up to 18m in height) would be immediately visible in the forward view approx. 235m away over the hedgerows and new tree planting (that would take 15-20 years to reach a semi-mature/max height). Currently, the forward view is devoid of any development, although the angled view to the northwest reveals the minor scale buildings of Owens Farm, some of which are traditionally built. These buildings are entirely in context with the countryside setting of the HNG and have no impact on its function.

Furthermore, in over two additional minutes, walkers would reach the southwest corner of the development passing on the south side of the existing hedgerow with formal tree planting and built form of 1.5 storeys (proposed up to 7m in height) rising to 3 storeys (proposed up to 18m in height), between 20m-50m away. During the summer when the hedgerow is in full leaf the development may be partly screened from immediate view, not so in winter but would nonetheless be in the walker's awareness given the visibility a matter of a few minutes back from where they left Hook.

From the southeast corner of site, the main access road is approx. 140m or just over 1 minute further on. Crossing the access road would likely allow full sight of the development and, due to the built form and landscape planting mitigation, deny the walkers any sense of the land beyond, currently formed by a ridge in the topography and hedge line with the tops of trees of College Copse beyond, characteristics that are entirely rural.

Overall, any pedestrian along Newnham Road would likely achieve intermittent views of the buildings and formal circulation walk of the SANG through gaps in the hedgerow flanking Newnham Road.

Finally, the supporting GA states that the development of 10.5% (more in the remit of 12.5%) of the Gap with built form of 3 storeys (up to 18m in height), maintains a physical gap between the two settlements, which would be true. However, stating that the ability of the land to function effectively as a Gap is not compromised by the development proposals is strongly disagreed.

Paragraph 235 of the HLP32 (which supports Policy NBE2) states that development in the countryside between settlements that would result in a perception of settlements coalescing, or which would otherwise damage their separate identity, will be refused. In this instance, the proposal would result in the settlements of Hook and Newnham losing their separate identities and generate an effect of coalescence.

The current extent of the HNG has been robustly tested. It cannot be argued that the area it covers is not necessary for its function; nor is it excessive. Therefore, the function of the HNG would be significantly and detrimentally compromised by the residential component of the proposal. The residential accommodation proposed is therefore contrary to Policy NBE2 e) of the HLP32 and Policies HK5, HK6 and HK7 of the HNP.

With regards to Landscape matters about the SANG proposed, the applicant is applying for full planning permission for this element of the scheme; yet there is no detail information submitted to allow full assessment. The only plan showing the SANG and related matters is the indicative masterplan. Whilst landscape details can be secured via a condition, it is expected that a proposal seeking full planning permission provides sufficient information to agree landscaping principles at the outset.

In terms of visual landscape impacts, it is difficult to establish them without detailed information. This section of the site would change from agricultural field parcels to a more formal open recreational space as a result of the inclusion of road/lane, parking, children's play, kick about area and a green gym, the circular walk and any associated furniture (signs, bins, benches, potentially height barriers at vehicular accesses amongst others). All of these features would be of a minor scale and however they would result in a degree of intrusion to the open character and nature of the landscape. This weighs against the proposal considering the designation of the HNG and the positive rural feel that it currently provides.

- Design

Policy NBE9 of the HLP32 and saved policy GEN1 of the HLP06 seek to ensure that development achieves a high-quality design and that it would positively contribute to the overall character of the area.

Policy HK12 of the HNP states that development should make a positive contribution to Hook's character and where appropriate, incorporate local vernacular and take account of the content of the Hart Urban Characterisation and Density Study.

The NPPF 2021 (para. 130) also reinforces the need to promote good design in developments and states that decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and landscaping and would be sympathetic to local character including the surrounding built environment and landscape setting

The detailed design of the residential component, including layout, scale and appearance, is a reserved matter for subsequent consideration. Hence, the reason that only limited details are currently provided as part of the indicative masterplan and building height parameter plan to only agree principles of the likely location of built form within the site and maximum building heights. However as discussed previously, the level of indicative information is sparse and raised concerns in terms of impacts together with assessment of landscape and countryside policies.



The other component of the proposal is the provision of SANG, as stated above this requires full details for assessment, which are currently insufficient. SANGs must meet a number of criteria so that it attracts people effectively such to draw them away from the SPA and reduce the pressure of recreation in the SPA itself. In this instance the relevant consultees looking at the design qualities/features of the SANG have raised strong objections to the proposed solutions on several counts. These have been summarised in the consultee response section above.

The submission is deficient in terms of details and meeting required criteria for a SANG proposal and the concerns raised by Natural England have been echoed by the Council's Countryside Manager. Concerns have been raised in respect of the deficient physical design of the SANG, with the current level of use of access routes (footpaths), management and monitoring detailed information, visitor strategies and budget matters.

At present the Council is unable to establish whether or not the SANG would meet design objectives of Policy NBE9 of the HLP32.

#### 4. SUSTAINABILITY AND CLIMATE CHANGE

On 29<sup>th</sup> April 2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District. Policy NBE9 of the HLP32 requires proposals to demonstrate that they would:

- i) reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and
- j) they incorporate renewable or low carbon energy technologies, where appropriate.

The submitted application is largely silent on these matters and the statements made are very general. A development of the nature and scale proposed should make a significant contribution to reduce CO2 emissions and reduce energy consumption through the use of renewable technology.

Notwithstanding that the residential component of the scheme is in outline form, an outline strategy should have been considered to establish in principle what type of technologies would be introduced to the scheme. In this manner, there would have been a clear way forward to address these objections of Policy NBE9 of the HLP32. In the absence of this, the proposal fails to meet the requirements of Policy NBE9 in terms of reducing energy consumption and incorporating renewable or low-carbon energy technologies.

#### 5. RESIDENTIAL AMENITY

Policy NBE11 of the HLP32 supports development that does not give rise to, or would be subject to, unacceptable levels of pollution. Saved policy GEN1 of the HLP06 supports development that, amongst other requirements, causes no material loss of amenity to adjacent properties.

Paragraph 130 of the NPPF 2021 advises that planning decisions should ensure that developments achieve a high standard of amenity for existing and future users and also do not undermine quality of life for communities.

The closest residential neighbour to the residential component of the proposed development would be Owens Farm (the farmhouse itself) which adjoins the site to the east.

It is noted that the denser area of the development (3 and 2.5 storey buildings) is indicated to the west of this property at distances of approximately 18m and 45m.

The siting of the buildings would not result in detrimental impacts to the residential amenity of this adjoining property as there would be a reasonable separation distance between them. However, the proposal would result in a stark change to the surrounding environment and outlook from internal areas of the property. Whilst they would represent negative effects when compared to the current situation, it is not anticipated that they would amount to be detrimental to the amenities of the occupiers and reasonable enjoyment would continue.

In respect of overlooking and privacy, the indicative layout suggests a building facing towards this adjoining property, however with distances of approximately 18m away the impacts on privacy would not be significant. In any case the relationship with this adjoining property would be a consideration in the detailed design of the buildings at the reserved matters stage once the footprint of the building is determined. As such no concerns are raised in terms of neighbouring amenity at this outline stage.

## 6. HIGHWAYS/ AND PARKING AND SERVICING

Policy INF3 of the HLP32 states that development should promote the use of sustainable transport modes, prioritise walking and cycling, improve accessibility to services and support the transition to a low carbon future. Saved policy GEN1 of the HLP06 supports developments that do not give rise to traffic flows on the surrounding road network which would cause material detriment to the amenities of nearby properties and settlements or to highway safety.

Paragraph 111 of the NPPF 2021 advises 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. Access is a matter to be fully considered at this outline stage.

Access to the development would be through a new road and priority junction off Newnham Road, which would travel north towards the north-east section of the site where the residential element is proposed. The applicant has undertaken surveys along Newnham Road to record vehicle speeds along the road and provide visibility splay assessments from the proposed new access to suit those recorded speeds.

The Local Highway Authority (LHA) has raised concerns about the visibility splays that are proposed, as they are not considered to be appropriate.

With regards to traffic generation arising from the proposal, the application has provided an analysis of network peak hours of 8:00 – 9:00 and 17:00 – 18:00 and would result in a two-way vehicle generation of 31 movements in the AM and 26 movements in the PM. The LHA has accepted these results and no objection is raised in this regard.

The LHA requested the applicant to undertake assessments for six junctions nearby the development – including the site access (through their pre-application process). The transport information submitted has not provided assessment for 3 of 6 junctions requested by the LHA on the basis that the vehicle generation of the development passing through those 3 junctions would be below 1.5 % of total peak hour flows. The LHA has raised concerns in this regard and stated that evidence of spare capacity at these junctions should be demonstrated to ensure the safely operation of the junction and safety of highway users.

Furthermore, the LHA also analysed accident data provided from the most recently available 5-year period and there are no concerns that the development would exacerbate any existing highway safety matter in this respect.

With regards to parking, the site is located within 'Zone 3' as set out in the interim Hart parking standards. The relevant section of the parking standards applicable to specialised accommodation for older people states the following maximum level of parking is expected:

Active elderly with resident warden	Active elderly without resident warden	Nursing and rest homes
1 space/unit plus appropriate general residential for warden units (e.g., 1.75 spaces/1-bed unit).	as general residential for warden units (e.g., 1.75 spaces/ 1-bed unit, 2.75 spaces/ 2-bed unit and 3.5 spaces/ 3-bed units).	1 space/ 4 residents plus 0.75 space for FTE staff.

The applicant proposes car parking in accordance with column 1 above in relation to the 100 units however they have not addressed the warden numbers. Column 3 above was applied for the remaining 60 units. The total occupancy of these self-contained residential units would be 91 persons. This would amount to 23 spaces plus those for wardens.

The parking information from the applicant states that there would be 30 FTE staff that would correspond to the staff required for the 60 units above. It appears that these staff would be separate from the wardens required by column 1 and would require 22 spaces. Accordingly, there would only be a shortage of 7 spaces for the residents of the 60 units using column 3 from the parking standards.

There would also appear to be a parking shortage for residents' wardens looking after the residents that would occupy the 100 units referred to above. Since there are no numbers of wardens provided in the information, it is not possible to establish whether or not the total shortage of spaces is crucial or not.

In terms of servicing (deliveries, refuse and recycling), the proposal would not raise concerns at this stage, the relevant information required would have been part of the reserved matters left for subsequent approval if this application had been recommended for approval.

However as discussed above, the proposal fails to provide adequate highway information to demonstrate suitable visibility splays at proposed access and that the highway network junctions in the vicinity of the development would operate safely. This is fundamental to the acceptability of the proposal. In addition, there has been inconclusive information submitted to establish whether or not the parking provision is satisfactory.

It is also noted that the LHA requested the provision of a footway along Newnham Lane between the proposed Access and Seton Drive, which would include tactile paving and dropped kerbs installation) to the east of the site. The reason being that there currently no safe route along Newnham Road and the introduction of the proposed development would likely change pedestrian flows. Also, the LHA requested necessary improvements to footpath 25b and/or links of pedestrian routes to the settlement through Hop Garden Road, however the submitted transport information does not consider any.

A Draft Travel Plan (DTP) has been provided that proposes a number of measures to encourage more sustainable transport patterns. These proposes pedestrian, cycle and public transport initiatives as well as car sharing. The LHA has requested incorporation of additional measures within these initiatives and details about the enforcement of the travel plan along monitoring/approval fees.

As such, as it stands, the proposal would be contrary to Policy INF3 of the HLP32, Saved Policy GEN1 of the HLP06 and Paragraph 111 of the NPPF 2021.

## 7. FLOOD RISK AND DRAINAGE

Policy NBE5 of the HLP32 sets out five criteria when development would be permitted, in this case the applicable criteria are that over its lifetime the development would not increase the risk of flooding elsewhere and will be safe from flooding; if located within an area at risk from any source of flooding it must be supported by a site-specific flood risk assessment complying with national policy and within causal flood areas (as defined in the SFRA) it takes opportunities to reduce the causes and impacts of flooding.

Flood mapping indicates that the application site the falls within Flood Zone 1, which means there is low probability of river flooding. The Flood Risk Assessment submitted with the application has been analysed by the Lead Local Flood Authority (LLFA) and they have raised an objection due to inconsistencies and a lack of detailed calculations.

The applicant's drainage strategy proposes infiltration and balancing ponds located to the north-western corner of the site (within the SANG), however the ground investigation undertaken states that soakaway drainage would not be suitable at this location. Therefore, infiltration testing is required to demonstrate that the ponds would be feasible and that there would be at least 1m in height of unsaturated ground between the base of any infiltration pond/feature and the highest groundwater level recorded, including seasonal variations (winter months).

The strategy also includes discharging surface water into a ditch in the western part of the site at a rate of 14 litres/second. However, the applicant has not included the values and calculations and it is unclear whether it is the discharge corresponds to the entire site or just the developable areas.

As such the proposal fails to meet objectives of policy NBE5 of the HLP32 and the NPPF 2021, in this regard.

## 8. ECOLOGY

Policy NBE4 of the HLP32 states that 'In order to conserve and enhance biodiversity, new development will be permitted provided:

- b) It does not result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;
- c) opportunities to protect and enhance biodiversity and contribute to wildlife and habitat connectivity are taken where possible, including the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. All development proposals will be expected to avoid negative impacts on existing biodiversity and provide a net gain where possible'.

The Council's Ecologist assessed the Ecological Assessment submitted which contains a preliminary roost assessment. The survey found two buildings which would be demolished to have a low potential to support roosting bats. However, a single bat emergence survey on these two buildings is required to ensure there are no implications with bats. This matter cannot be conditioned.

European Protected Species surveys (including bats) are required to be undertaken and submitted prior to determination so the impacts on bats can be fully assessed.

Also, in terms of biodiversity gains as required by the NPPF, the Biodiversity Metric submitted has been applied and this appears to demonstrate a significant Biodiversity Net Gain (BNG) (51.88% habitat and 12.61% hedgerow units). However, this calculation includes the habitat enhancements on the proposed SANG and is therefore an overestimation of the actual BNG of the development.

The current guidance is that habitat enhancements necessitated to meet SANGs requirements, or other legal compliance, cannot be used within the BNG calculation to avoid double counting. The BNG calculation should therefore be re-run to provide BNG values for the development only, excluding the required enhancements for SANG provision.

As such as it stands the proposal would not meet the objectives of NBE4 of the HLP32 and the NPPF 2021 in this regard.

## 9. TREES

Saved policy CON8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term or if removal is necessary new planting is undertaken to maintain the value of these features. planning conditions may be imposed to require the planting of new trees or hedgerows to replace those lost.

The Council's Tree Officer assessed the information submitted and has stated that the information submitted does not comply with the required British Standard in that it does not provide standard information on individual trees, rather has lumped many into groups of trees even when species are mixed and provided average information yet then shows some information within plan appendixes.

Whilst the indicative masterplan does show buildings sited away from boundary trees in many cases which is positive, in a number of cases this is not so. Within the northeast of the site a number of buildings are pushed up against the site boundary which is a woodland strip. Due to the proposed occupancy this is likely to lead to future conflict between trees and residents, as trees block out light and view and will lead to pressure to remove or reduce trees significantly.

It should be noted that there are no TPO trees on site, however, there needs to be a clear understanding of existing trees to establish trees worthy of retention/removal as a result of the development proposed. This is particularly important as it would have implications with the visual landscape impacts of the proposal, which have been raised as a concern, Overall, due to the lack of accurate information in this respect, these aspects would weigh against the proposal and conflict is found with Policies NBE2 and NBE9 of the HLP32 and Saved Policy CON8 of the HLP06.

## 10. OTHER PLANNING CONSIDERATIONS

### - Affordable Housing

Policy H2 of the HLP32 requires that major developments (i.e., developments where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more) the Council will require 40% of the new homes to be affordable housing.

Among other requirements there should be a tenure mix of 65% affordable housing for rent and 35% affordable home ownership, unless superseded by the most up to date evidence concerning local housing need.

The proposal would comprise 136 self-contained units of accommodation (with different levels of care). The corresponding 40% of affordable units would amount to 54.4 unit. Thus, the provision required would be 54 units onsite plus a financial contribution to cover 0.4 of a unit.

The planning statement, in this respect, at paragraphs 9.9 and 9.10 state:

“The applicant is committed to providing affordable housing on-site, in order to meet the policy requirement, set out in Policy H2” and in para 9.10 “Provision of affordable housing will be subject to negotiations of the Section 106 Contribution.”

The applicant was aware from the outset (from pre-application discussions) that the planning submission was required to demonstrate a 40% affordable provision unless a viability report demonstrated that the application could not meet the policy requirement.

The submission is not policy compliant nor has suitable justification been made on viability grounds. As such the proposal is contrary to Policy H2 of the HLP32 and the aims of the NPPF 2021 in this regard.

### - Heritage Assets (other than the RPG)

Policy NBE8 of the HLP32 states that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance.

Paragraphs 195, 199, 200, 202, 203 are of relevance for determining the significance of a Heritage Asset (HA), assessing the impact on significance and the need to weigh harm, including for non-designated HAs.

The Rotherwick Conservation Area (RCA) is located 500m northwest from the north most boundary of the site and the Newnham Conservation Area (NCA) is 60m west from the western boundary of the site at the closest. No impacts are anticipated to the RCA or its setting due to the separation distances, topography and tree belts which exist between the site and the boundary of this HA generating a lack of intervisibility between them.

With regards to the impacts on the Newnham Conservation Area (NCA), the potential element affected by the proposal would be eastern views from NCA (along its eastern border) towards the application site. Although intervisibility between the development and the NCA are very limited as a result of mature tree belts between them, the development would be regarded to form part of the setting of this heritage asset.

It is noted that intervisibility would slightly increase at wintertime when there is less leaf in the vegetation along the perimeter of the parcels of land.

Whilst the proposal would not be directly visible from the NCA, the development would increase awareness of built form due to associated infrastructure such as roads and streetlighting that may be required to serve the development. Currently the application site is largely development free, hence it is anticipated that a less than substantial harm to the setting of the development would arise.

It is also noted that there has been an objection from Basingstoke and Dene Borough Council (BDBC) in this respect however they note that there is a need to submit additional information to enable them to fully assess and establish impacts on the NCA and its significance.

The HNP also identifies the farmhouse and granary at Owens Farm together with St John Cottages along Newnham Road as non-designated HAs.

The proposed development would be within the setting of numerous assets listed above, particularly the farmhouse and granary as the residential component of the proposal would be immediately adjacent to them eroding the positive agricultural character of the immediate surroundings which contributes to their significance of their local history.

Therefore, there would be conflict with Policies NBE8 and NBE9 of the HLP32. Given the identification of less than substantial harm from the scheme, it is necessary for the submission to demonstrate that the proposal is able to secure the delivery of public benefit(s) at a level such to outweigh the level of harm caused to the heritage assets. This is dealt with below in the planning balance.

- Thames Basin Heaths Special Protection Area (SPA).

The application indicates that an area of roughly 8.3 hectares of Suitable Accessible Natural Greenspace (SANG) would be provided in order to mitigate the potential impact of the development on the nature conservation value of the SPA.

Natural England (NE) has been consulted on the proposal and as previously discussed has raised a strong objection to the SANG proposed as part of the proposal. The submission lacked detailed information not only about the detailed design of the SANG but also financial and management matters.

Therefore, this element of the proposal would result in adverse effects on the TBHSPA, contrary to Policies NBE3 and NBE4 of the HLP32, Saved Policy NRM6 of the South East Plan, the Thames Basin Heaths Delivery Framework 2009 and the NPPF 2021 in this regard.

- Equality

The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. The Public Sector Equality Duty under the Equality Act 2010 identifies 'age' as a 'protected characteristic'. The proposed development would provide accommodation for older persons and the application raises no concerns about equality matters.

## 11. PLANNING BALANCE

Section 70(2) of the Town and Country Planning Act 1990 ("TCPA 1990") provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004

(as amended) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

- Social benefits would arise as a result of the provision of a specialised accommodation for older residents in the District;
- Economic benefits attracted by the proposal would be employment during the construction of the development, the additional employment generated by the completed proposal and the additional expenditure in the local economy at both construction and following occupation.
- Environmental benefits arising would be limited to ecology and biodiversity over and above the current level on the site.

The dis-benefits and harm identified above are:

- This submission overestimates the needs for specialised housing and there is neither a demonstrated local need for a development of the scale proposed at this time nor justification for a departure from the plan-led approach and more importantly there is no need to 'frontload' the provision of older persons housing for the plan period in countryside locations.
- There would be a significant adverse harm to the intrinsic open and natural character of the countryside, the material erosion of the designated strategic gap between Hook and Newnham and the significant detriment to the visual landscape of the area as a result of the proposed residential element of the proposal, and additional negative influence from the introduction of a formal recreational open space (SANG) in the strategic gap.
- The proposal would result in a less than substantial harm to the heritage assets (designated and non-designated) as a result of the radical change the development would cause to their setting.
- The demolition of buildings on the site and lack of information in this respect would potentially result in impacts to bats, which are protected species.
- Unsuitable information has been provided to establish a clear understanding of onsite trees that are worth retaining and whether they would be affected or not.
- The proposed SANG in the scheme would not meet Natural England's requirements, which would result in a SANG that would not mitigate negative effects on the SPA.
- Unsuitable information has been provided to demonstrate that surface water run off with the site would be dealt appropriately without affecting adjoining land.
- The scheme has not demonstrated that the safety operation of the highway network would be achieved and there is inconclusive information to establish car parking requirements.



- The proposal submitted does not offer any level of affordable provision or provide a viability/financial report to establish maximum level that can be provided.
- The proposal does not provide any meaningful information to establish likely technologies that would be introduced to achieve a meaningful reduction of CO2 emissions or energy consumption through renewable technologies.

Considering the benefits stated above against the different categories of harm identified, the proposed development is in clear conflict with the development plan as a whole and the benefits of the proposal are not significant as to outweigh the material harm caused.

The proposal conflicts with the HLP32 and HNP in relation to the principle of the development, landscape and strategic gap impacts, heritage harm, inadequate TBHSPA mitigation, highway safety, flood risk/ drainage and sustainability. The application is also contrary to the aims of the NPPF in these respects.

The above material considerations (planning benefits) are not of sufficient weight to indicate a departure from the development plan should be taken in this instance.

## **CONCLUSION**

The application has been assessed against the development plan and relevant material considerations and it is recognised that it would bring some planning benefits, most notable in respect of the delivery of specialist housing for older persons and job creation. However, material conflicts with the development plan have been identified as set out in this report.

## **RECOMMENDATION - Refuse**

### **REASONS FOR REFUSAL**

1. The proposed development does not comply with the spatial strategy of the development plan. The application has failed to satisfy the relevant criteria for specialist and supported accommodation to meet the needs of older persons within the countryside in respect of; demonstrated need, alternative sites and relationship to an existing settlement. As such, the proposal is contrary Policies SD1, SS1, NBE1(f) and H4(b) of the Hart Local Plan (Strategy and Sites) 2016-2032 and Policy HK1 of the Hook Neighbourhood Plan 2018-2032.
2. The proposed development, in a countryside location outside of the defined settlement boundary of Hook, within an area designated as a Local Gap to maintain the separate identities of Newham and Hook and which benefits from designated views; would represent a detrimental development which would have a negative effect on the character, setting and visual landscape of the countryside and the settlement of Hook by virtue of its siting, quantum, visual coalescence effect between villages and prominence in the landscape. As such the proposal would be contrary to the objectives of Policy NBE2 of the Hart Local Plan (Strategy and Sites) 2016-2032, Saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006, Policies HK5, HK6 and HK7 of the Hook Neighbourhood Plan 2018-2032 and the aims of paragraph 174b of the NPPF 2021.

3. The proposed development; by reason of its siting, quantum and relationship with the Newnham Conservation Area and non-designated heritage assets adjacent to the development site would cause less than substantial harm to their significance as a result of the radical change to their setting and the contribution it provides to their history. The harm would not be demonstrably outweighed by any public benefits arising from the proposal. As such the development is contrary to the objectives of Policies NBE8 and NBE9 of the Hart Local Plan (Strategy and Sites) 2016-2032, Saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006, Policy HK13 of the Hook Neighbourhood Plan 2018-2032 and Paragraphs 200, 202 and 203 of the NPPF 2021.
4. In the absence of a bat emergence survey, it cannot be confirmed that the proposed development would not be harmful to the local bat population and as such the proposal conflicts with Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2016-2032, Paragraph 174d of the NPPF 2021 and the requirements of the Conservation of Habitats and Species Regulations (2017) (as amended) and the Wildlife and Countryside Act (1981) (as amended).
5. The proposed Suitable Alternative Natural Greenspace (SANG), by virtue of insufficient details on design, landscaping and furniture, incorporation of children's play equipment, road, long term management and monitoring, in-perpetuity costs/capital charges and budget details; would represent an inadequate SANG which would not mitigate adverse effects on Hazeley Heath Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (SPA). As such the development is contrary to Policy NBE3 of the Hart Local Plan (Strategy and Sites) 2016-2032, Saved Policy NRM6 of the South East Plan 2006, Thames Basin Heaths Delivery Framework 2009 and Paragraphs 180 and 181 of the NPPF 2021.
6. In the absence of an adequate Flood Risk Assessment containing infiltration tests and calculations for surface water discharge rates, the Local Planning Authority is unable to conclude that the proposed development would not increase flood risk off-site on adjoining land and also downstream to the west of the site. As such the proposal conflicts with Policy NBE5 of the Hart Local Plan (Strategy and Sites) 2016-2032 and Paragraph 167 the NPPF 2021.
7. In the absence of adequate highway information to demonstrate spare capacity of junctions at Station Road to London Road, Elms Road to Old School Road, London Road to Newnham Road, the Local Planning Authority is unable to conclude that the proposed development would not detrimentally impact on highway safety on the nearby highway network. As such, the proposal conflicts with Policies NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) 2016-2032, Saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and Paragraph 111 the NPPF 2021.
8. The proposed development fails to make provision for affordable housing and has not been accompanied by suitable viability information to demonstrate that such provision would be unviable. As such the proposal conflicts with Policy H2 of the Hart Local Plan (Strategy and Sites) 2016-2032.

9. In the absence of an energy strategy outlining the incorporation of any renewable or low carbon technologies to achieve reductions of CO2 emissions or reduction of energy consumption by the development, it cannot be concluded that the proposed development would contribute to addressing the impacts of climate change. As such the proposal conflicts with Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2016-2032 and Paragraph 157 the NPPF 2021.

## **INFORMATIVES**

1. The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the proposed development was deemed to be unacceptable for a number of reasons as listed above. The development was therefore determined on the basis of the information provided.

1. Proposed SANGs - Informal grassland character
2. High Ridge House with private access from Ridge Lane
3. Owens Farm with private access from Newnham Road
4. Proposed new hedgerow features to reinstate the historic field pattern
5. Existing Public Right of Way (PROW) and existing hedgerow
6. Proposed SANG car parking arranged informally along entrance route
7. Landscape buffer provides rural transition between farmland and new development
8. New entrance and tree lined route to new development
9. Existing Pumping station requiring access
10. Potential SUDs basin and landscape structure planting – size and location to be evolved as part of the landscape strategy
11. Potential location of play Area
12. New entrance in hedgerow and arrival into community square - the heart of the new development
13. Main building comprising nursing care at the heart of the site 2.5 storeys.
14. Low rise built form arranged in clusters around a 'social' courtyard space takes reference from farmsteads
15. Community garden located adjacent to the community square, accessible by the residents and local community
16. Orchard to enhance biodiversity and a social focus within the site
17. 'Social Hub' comprises a 'barn-like' structure housing community facilities
18. A range of green spaces forms the 'green grid' including a walled sensory garden.
19. Consented Highrisdge Farm development



**PROPOSED SITE PLAN**

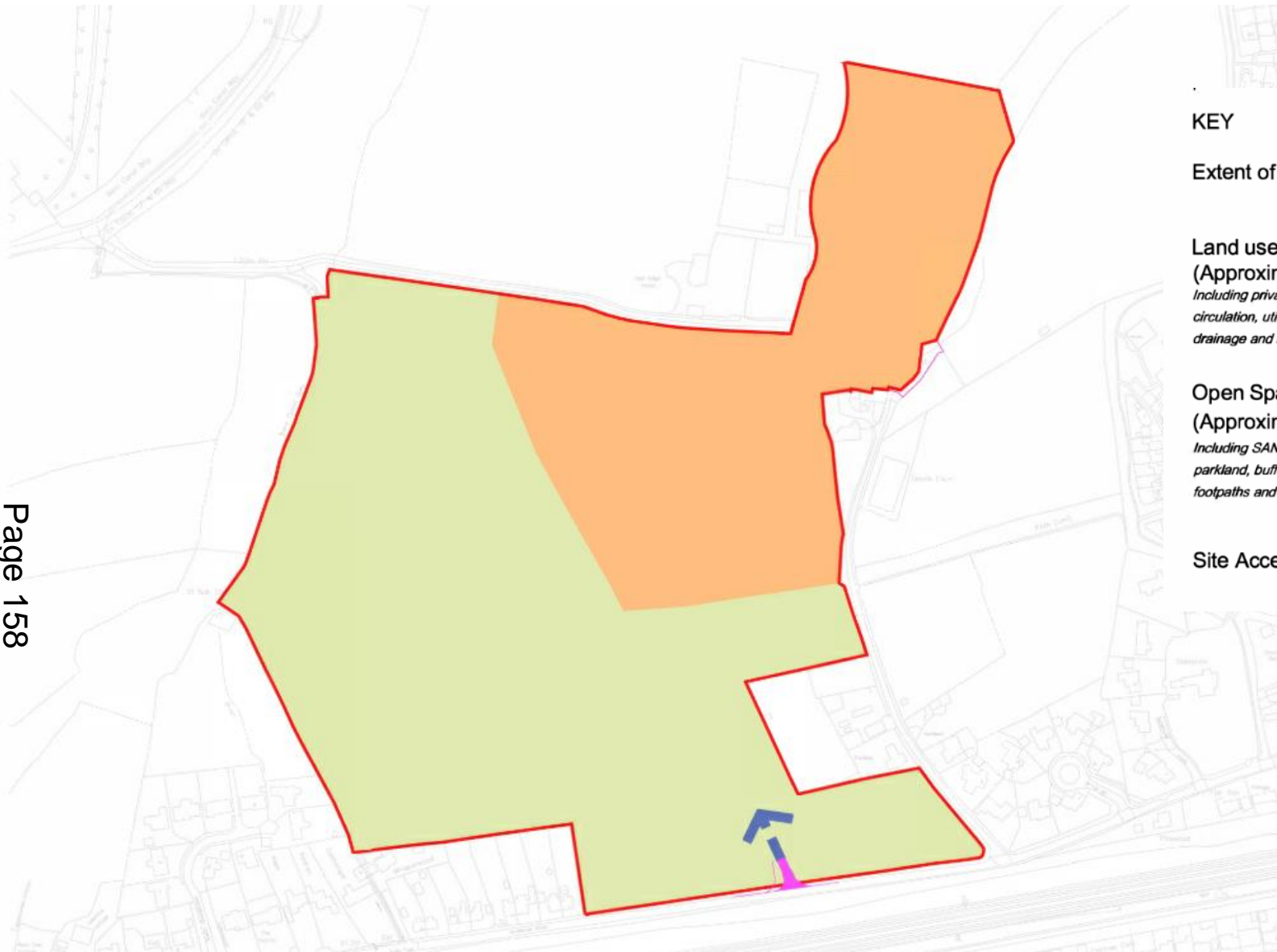
Outline Application Area (Retirement Care Living Development)



Change of Use Application Area (Detailed Suitable Alternative Green Space)



**Distribution  
of uses  
on the site.**



**KEY**

Extent of application



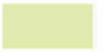
Land use - residential  
(Approximately 5.57 ha)

*Including private gardens, internal circulation, utilities, parking spaces, sustainable drainage and incidental landscaped areas.*



Open Space  
(Approximately 10.05 ha)

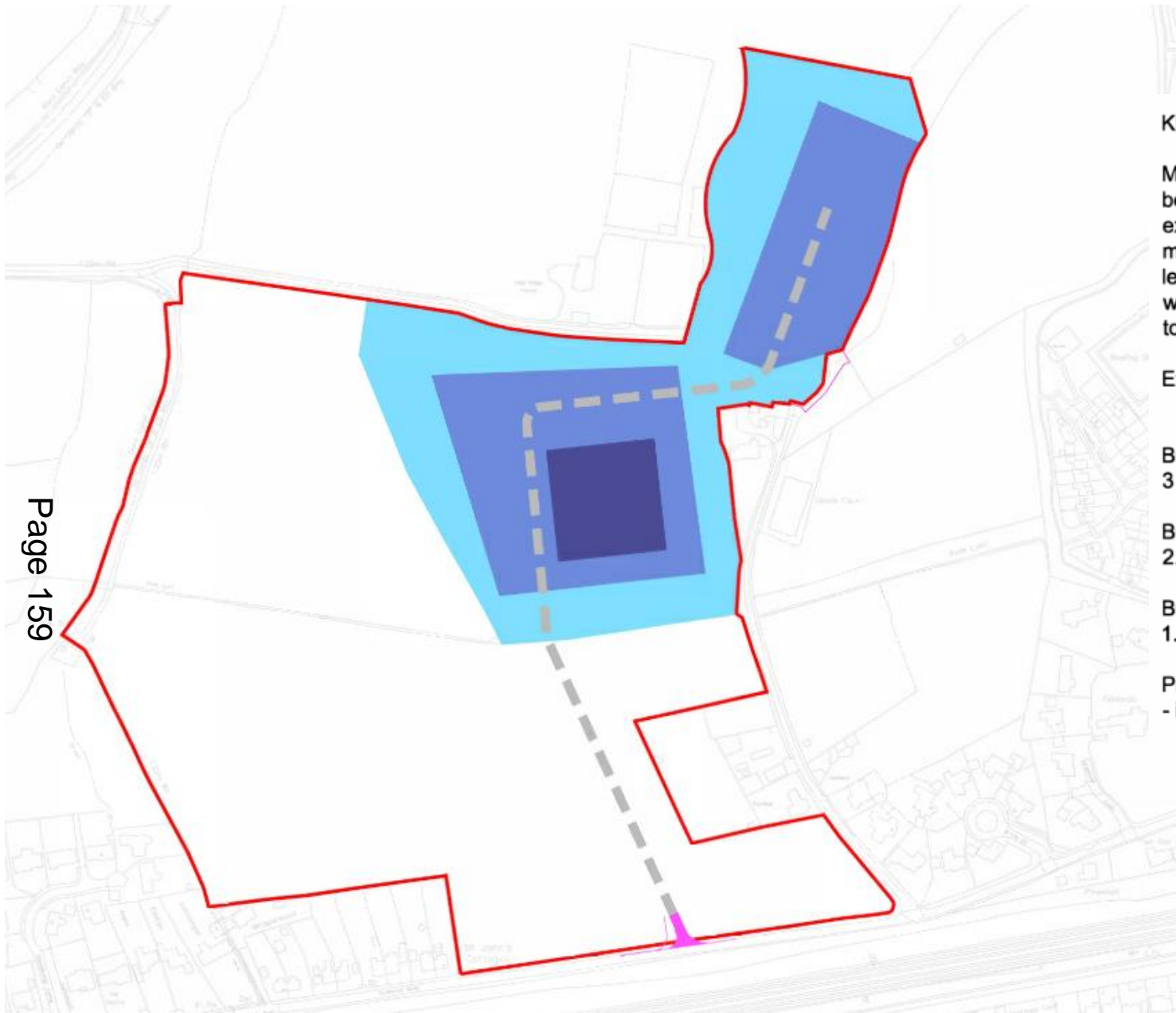
*Including SANG informal and formal open space, parkland, buffer planting, ponds, SUDs features, footpaths and internal access road.*



Site Access - broad location



**LAND USE PARAMETER PLAN**



**KEY**

Maximum building storey heights are as described below. All building heights (18m) are to ridge level and exclude any point features. All heights are measured above proposed ground floor level. Proposed ground floor levels will be within a limit of deviation of 1 metre below to 1 metre above existing ground level

- Extent of application [Red outline]
- Building height up to 3 storeys (up to 18m) [Dark blue box]
- Building height up to 2.5 storeys (up to 15m) [Medium blue box]
- Building height up to 1.5 storeys (up to 7m) [Light blue box]
- Primary spine street - indicative alignment [Dashed grey line]

**BUILDING HEIGHTS PARAMETER PLAN**