



NOTICE OF MEETING

Meeting:	Planning Committee
Date and Time:	Wednesday 8 December 2021 7.00 pm
Place:	Council Chamber
Telephone Enquiries to:	Committee Services Committeeservices@hart.gov.uk
Members:	Ambler, Blewett, Cockarill, Delaney, Kennett, Oliver (Chairman), Quarterman, Radley, Southern, Wheale and Worlock

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

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 - 8)

The Minutes of the meeting held on 10 November 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 9 - 14)

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

6 HOMECROFT FARM CHURCH LANE, EWSHOT, FARNHAM GU10 5BJ (Pages 15 - 45)

Date of Publication: Tuesday, 30 November 2021

PLANNING COMMITTEE

Date and Time: Wednesday 10 November 2021 at 7.00 pm

Place: Council Chamber

Present:

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

In attendance:

Quarterman

Officers:

Mark Jaggard	Head of Place
Steph Baker	Development Management & Building Control Manager
Peter Lee	Planning Team Leader
Miguel Martinez	Principal Planning Officer
Tola Otudeko	Shared Legal Services
Sabrina Cranny	Committee Services Officer

52 MINUTES OF PREVIOUS MEETING

Councillor Worlock stated she is yet to be contacted as the Ward Member in regard to the Laundry Farm House applications (items 48/49) discussed at the previous committee. Planning Officers assured that discussions are being held with the applicants directly and once progressed they would be in contact.

The Minutes of the meeting held on 13 October 2021 were confirmed and signed as a correct record.

53 APOLOGIES FOR ABSENCE

None

54 DECLARATIONS OF INTEREST

None

55 CHAIRMAN'S ANNOUNCEMENTS

Firstly, a number of us have represented this committee at Site Visits to Bramshill and imminently to Hartland Park. Such visits are very informative in advance of formal planning applications being submitted to Hart for members to understand the challenges and opportunities these major developments present. I would urge members to take advantage of these officer led visits when available.

Secondly, we will be circulating a number of potential dates imminently for our 'Development Review' tour to look at recently completed developments to help assist ourselves and officers with future applications. Could members look out for this email and help officers select a date where the majority of us can participate.

Thirdly, members will remember that at last Planning Committee I informed them that we have served a stop notice to prevent out of hours construction work on the Hawley Park Farm Site. Members and residents need to understand that this does not mean that everything that takes place out of hours should now automatically be construed or portrayed as a breach of planning control.

Since the stop notice was served officers were called urgently to the site on a Sunday to stop two internal painters from working. HDC do not agree that there was a breach of planning control and neither do we agree that it was a proper use of Council resources to be asked to attend for an incident that was having no effect whatsoever upon public amenity. There was absolutely no public interest in this complaint. Our Enforcement team have been given new guidance on how such complaints should be handled in the future.

Mark Jaggard, Head of Place, highlighted that in the Addendum to the Committee Papers there is an Urgent Item relating to the Planning (Action) Sub-Committee meeting on the 20 October 2021. The issue of the alleged breach Hawley Park Farm was discussed, and the decision of the Planning (Action) sub-Committee is included within the Addendum to the Planning Committee agenda¹. The Chairman confirmed this item was for noting.

Finally, the Chairman announced that the Environment Bill had recently been published and would likely impact Planning matters. Planning officers will provide an update for Members of the Planning Committee in the next few weeks.

¹NOTE: The decision of the Planning (Action) sub-Committee was:

“The Planning (Action) Sub-Committee did not agree that there was a breach of planning control or that material harm had been caused to the amenities of residents these activities. The conclusion was that it was neither expedient nor in the public interest to pursue the matter further.

The Planning (Action) Sub-Committee noted also that the use of the two generators to provide power to the show home and the site compound are not the subject of controls exercised by Condition 13 of planning permission (18/00334/FUL) granted on appeal by an Inspector on behalf of the Secretary of State.”

56 DEVELOPMENT APPLICATIONS

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

**57 20/03185/FUL - CHOSLEY FARM, BIDDEN ROAD, NORTH
WARNBOROUGH, HOOK RG29 1BW**

Erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with associated battery storage and supporting infrastructure including inverters and a transformer, fencing, CCTV installation and landscaping works.

Members considered the following:

- The long list of objectors
- The agricultural use and 3a status of the land
- Unlikely prospect of a fire (e.g. wind turbines in strong winds)
- Whether there are ways of using solar panels that do not damage the land
- Changing attitudes to solar panels in light of climate emergency
- The voltage handover, agreement and connection to the national grid
- Visual impact
- That the cottages are not included in the application site

Members discussed:

Details of the application

- As the permission would run for 40 years, would the site become 'brownfield' and then housing?
- That after 40 years another solar application could be submitted
- The underground works, in particular concrete bases should be detailed and minimal
- Emotive nature of application

Impacts on neighbours

- The two affected cottages would be surrounded by panels, security fences and cctv
- The view of solar panels from the cottages may affect the wellbeing of the cottage owners
- The moderate loss of residential amenities
- Definition of 'overbearing' in the dictionary and if considered so, and whether the panels would be overbearing or oppressive
- The right to a view in respect of planning considerations

Climate Emergency

- The Council declared a Climate Emergency in April 2021, with key targets to become a carbon neutral district by 2040
- The environmental effects of shipping the wheat grown on the site overseas
- The materials and shipping costs associated with this application
- Proposed use likely to cause less pollution
- The aims of the district and the importance of the Climate Emergency, COP26
- Whether mitigating circumstances overrule the Climate Emergency

Compulsory purchase orders

- Whether the applicant had considered purchasing the affected properties
- Compulsory purchase orders cannot be conditioned at this committee
- Owners of affected properties could pursue their own independent legal advice

Members requested the addition of two conditions regarding concrete bases and fire safety if the application were to be granted.

Members asked for a recorded vote on the application:

FOR the application: Ambler, Blewett, Cockarill, Delaney, Oliver, Radley, Southern (7)

AGAINST: Kennett (1)

ABSTAINED: Worlock (1)

DECISION – GRANT as per officer recommendation, subject to the conditions and informatives, clarifications within the addendum and two additional planning conditions:

i) Notwithstanding the details submitted with the application on plan no. 0023.01 Rev. A (Panel Elevations) no construction for the below-ground operational development for the foundations or supporting structures shall take place until details of specific depth and width for each foundation and supporting structure has been submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be carried out in accordance with the approved details.

REASON: Insufficient details were submitted with the application and are required in order to understand the extent of foundations and supporting structures in the interests of proper planning and for the avoidance of doubt.

ii) Notwithstanding the details submitted with the application, prior to the first export date, the applicant shall submit details of mechanisms for maintenance of electrical elements and an overall fire safety precaution statement for the development.

REASON: Insufficient details were submitted with the application and are required in order to understand the potential fire safety implications.

Notes:

Site Visit – 9 November 2021 and attended by Councillors Ambler, Kennett, Worlock.

Councillor Angela McFarlane spoke for Odiham Parish Council against the application.

Mr Michael Mayes spoke against the application.

Mr Ben Pratt spoke for the application.

58 21/00552/FUL - BUNKERS HILL FARM, READING ROAD, ROTHERWICK, HOOK RG27 9DA

Construction of solar farm and battery stations together with all associated works, equipment and necessary infrastructure.

Members confirmed they are working with Planning Officers to update strategic policies regarding climate change in the district.

Members discussed the following:

- The visual aspect
- The impacts on the SSSI (NB this is a SINC)
- Impacts on heritage
- Emotive nature of application
- Landscape impacts including on footpaths
- Whether the landscape impact is sufficient to mitigate refusal
- The climate emergency and discussions already held on this
- Concrete bases and piling
- Unlikely prospect of a fire
- The possibility of a Grampian condition however this was deemed inappropriate for this application
- County Rights of Way Group consultation response and whether a condition could be included to require a footpath diversion

Members requested the addition of two conditions regarding concrete bases and fire safety if the application is granted.

Members asked for a recorded vote on the application:

FOR the application: Ambler, Blewett, Cockarill, Delaney, Oliver, Radley (6)
AGAINST: Kennett, Southern, Worlock (3)

DECISION – GRANT as per officer recommendation, subject to the conditions and informatives, clarifications within the addendum and two additional planning conditions:

i) Notwithstanding the details submitted with the application, no construction for the below-ground operational development for the foundations or supporting structures shall take place until details of specific depth and width for each foundation and supporting structure has been submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be carried out in accordance with the approved details.

REASON: Insufficient details were submitted with the application and are required in order to understand the extent of foundations and supporting structures in the interests of proper planning and for the avoidance of doubt.

ii) Notwithstanding the details submitted with the application, prior to the first export date, the applicant shall submit details of mechanisms for maintenance of electrical elements and an overall fire safety precaution statement for the development.

REASON: Insufficient details were submitted with the application and are required in order to understand the potential fire safety implications.

Notes:

No site visit took place.

Councillor Jonathan Wort spoke for Rotherwick Parish Council against the application.

Ms Candy Burnyeat spoke against the application.

Mr Robin Johnson spoke for the application.

The meeting closed at 9.10 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

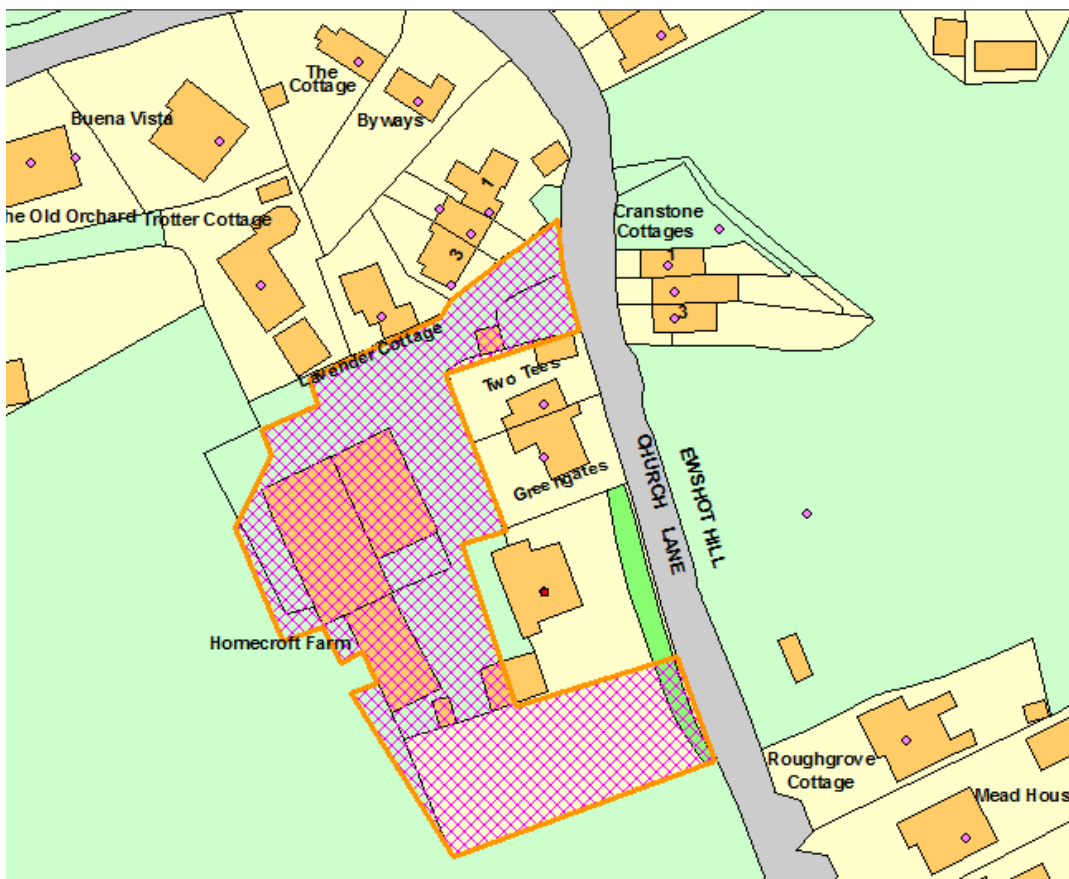
To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further, or new representations no new additional information will be allowed to be submitted less than 48 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

COMMITTEE REPORT ITEM NUMBER: 101

APPLICATION NO.	21/01268/FUL
LOCATION	Homecroft Farm Church Lane Ewshot Farnham GU10 5BJ
PROPOSAL	Construction of 6 dwellings with associated amenity space, access, parking, landscaping and associated works (following demolition of buildings).
APPLICANT	Regalpoint (Ewshot) Ltd
CONSULTATIONS EXPIRY	18 October 2021
APPLICATION EXPIRY	14 July 2021
WARD	Church Crookham West and Ewshot
RECOMMENDATION	<p>A. That the Head of Place be authorised delegated authority to GRANT permission subject to the completion of a Unilateral Legal Agreement, and conditions (listed below);</p> <p>B. That the Head of Place be authorised delegated authority to REFUSE planning permission for appropriate reasons (listed below).</p>



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BACKGROUND

This planning application is brought to Planning Committee as a result of the number of public objections received and the Officer's recommendation for approval, in line with the Council's Constitution.

Two previous planning applications (refs: 18/02725/FUL and 20/0055/FUL) were refused planning permission for 8 dwellinghouses (6 x 3 beds 2 x 5 beds) and 7 dwellings (4 x 3bed, 2 x 4 bed and 1 x 5bed), respectively.

The previous developments were refused for the following grounds:

- Character and appearance of the area
- Biodiversity/ecology
- Adverse effects on the Thames Basin Heaths Special Protection Area.

In addition to the above, the application ref: 18/02725/FUL was also refused on the grounds of impacts on neighbouring properties.

The current application seeks to address all of the above issues.

DESCRIPTION OF SITE

The site is located in the Settlement Policy Boundary of Ewshot, as identified on the proposals map of the Hart Local Plan (HLP32) to the western side of Church Lane. The southern portion of the site is a small parcel with varying ground levels that rise when viewed from the road. At the time of the site visit it appeared that the site was unkept and a mature hedgerow runs along part of the front site boundary.

The northern section of the development site is previously developed land (brownfield), with an irregular 'L' shape located at the rear of existing curtilages of residential development fronting onto Church Lane. This northern portion of the application site is accessed via a shared vehicular track which adjoins it to the north. This piece of brownfield land was previously in commercial use and accommodates a couple of warehouse/farm type buildings, one of small scale.

The site is largely surrounded by residential buildings with a Public House located on Church Lane further south from the site.

PROPOSAL

Construction of 6 dwellinghouses (2 x 2 beds, 4 x 3 beds) and associated outdoor amenity space, road access and car parking (following demolition of the existing buildings).

RELEVANT PLANNING HISTORY

21/00509/FUL – Withdrawn (incorrect ownership certificates submitted)
Construction of 6 dwellings with associated amenity space, access, parking, landscaping and associated works (following demolition of buildings).

20/00055/FUL - Refused, 08.07.2020

Construction of 7 dwellinghouses (4x 3bed, 2x 4 bed and 1x 5bed) and associated outdoor amenity space, road access and car parking (following demolition of existing buildings).

18/02725/FUL - Refused, 30.04.2019

Construction of 8 dwellinghouses (6x 3beds 2x 5 beds) and associated outdoor amenity space, road access and car parking (following demolition of buildings).

14/00073/FUL - Refused 15.05.2014

New 2-bedroom bungalow on empty plot of land.

14/01088/PREAPP - Opinion issued 16.05.2014

Pre-application advice request for new 2 dwellings

13/02515/SITE - Opinion issued 29.11.2013

Pre-application advice for a new dwelling

13/02072/SITE - Opinion issued 23.10.2013

Pre-application advice for a new dwelling.

03/00795/FUL - Refused 12.11.2003

Erection of 6 No. two and three bed dwellings with associated parking and garaging.

Appeal ref: APP/N1730/A/04/11465557 - Dismissed

RELEVANT 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) and the saved policies of the South East Plan (2026). 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 SS1 – Spatial Strategy and Distribution of Growth

Policy NBE1 - Development in the Countryside

Policy NBE2 - Landscape

Policy NBE3 - Thames Basin Heaths Special Protection Area

Policy NBE4 - Biodiversity

Policy NBE5 - Managing Flood Risk

Policy NBE8 - Historic Environment

Policy NBE9 - Design

Policy NBE11 - Pollution

Policy INF3 - Transport

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

Policy GEN1 - General Policy for Development

Policy CON8 - Trees, Woodland & Hedgerows: Amenity Value

Saved Policy from the South East Plan 2006 – 2026

Policy NRM6 - Thames Basin Heaths Special Protection Area

Other relevant planning policy documents

National Planning Policy Framework 2021 (NPPF)

Planning Practice Guidance (PPG)

National Design Guidance (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)

Hart Technical Advice Note – Daylight and Sunlight: The 45- and 25-Degree Guideline

Parking Provision Interim Guidance (2008)

CONSULTEES RESPONSES

Ewshot Parish Council

Objection on the grounds of:

- Traffic generation, highway safety and parking. Access does not have adequate sightlines/ visibility splays.
- Vehicles from adjoining properties park on the site, they would be displaced to surrounding lanes, which will be a hazard.
- Impacts on adjoining properties as a result of the siting of the properties, overbearing ness and also loss of sunlight.
- Attenuation crates proposed would not be able to cope in heavy rain.
- Cottage 6 encroaches onto green belt.
- Refuse bins would be left out adjoining Church Lane, this may impact on sightlines.

County Archaeologist

No objection, subject to conditions to secure:

- Preliminary archaeological evaluation and archaeological mitigation.

Environmental Health (Internal)

No objection subject to conditions to secure:

- Construction management plan
- Hours of construction
- Contaminated land investigation

Streetcare Officer (Internal)

No objection, container should be left adjacent to the nearest adopted highway o the specified collection day and returned to the properties as soon as possible following collection.

Hampshire County Council (Highways)

No objection.

Natural England

No objection, as long as the applicant is complying through the requirements of Hart's Local Plan to address impacts on the SPA for all net increases in residential accommodation.

Drainage (Internal)

No objection, subject to conditions to secure:

- Implementation of surface water management strategy (dated May 2021)
- A surface water drainage discharge rate no higher than 2 l/s and all flooding in the 1 in 100 plus 40% storm event will be stored on site.
- Finished floor levels will be set at least 300mm above the surrounding ground levels.
- Non-return valves to be installed on the drainage systems.
- Electrical sockets to be installed above the flood level.
- Details of long-term maintenance for the surface water management strategy.

Conservation/Listed Buildings Officer (Internal)

No objection.

- The harm to the setting of non-designated Heritage Assets is negligible.

Tree Officer (Internal)

No objections, subject to planning conditions to secure:

- Tree protection in accordance with “BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations” to ensure that development is achieved in a non-harmful manner to trees and hedgerows.

Ecology Consult (Internal)

No objections, subject to conditions and a couple of clarifications.

- The Bat Emergence and Re-entry Surveys (Arbtec, September 2021) have been reviewed the Outline mitigation for the bat roost has been provided (Section 4.2) which must be implemented under a Natural England development license; I accept these findings and support this approach.
- The Dormouse Statement (Verdant ecology, Feb 2021) notes dormouse presence is a possibility, and recommends retaining ‘the hedge’ and protecting it post development. A section of hedge would appear to be removed to accommodate the gardens for cottages 2 and 3, clarification on this is welcome.
- The Statement on Ecological Mitigation (Verdent Ecology, May 2021) lists and outlines ecological enhancements that will be built into the design, these are supported. I would also like to see the inclusions of 6 integral swift bricks. A plan showing the location of the proposed ecological features and planting should be produced in order to secure all the enhancements proposed for the site.
- The location of the proposed reptile receptor area is shown in Appendix 1, I query whether this is within the garden of cottages 5 and 6 and, if so, how this will be

safeguarded post development.

PUBLIC COMMENTS

The statutory requirements for publicity, are set out in the Development Management Procedure Order 2015 (as amended) and the Council's Statement of Community Involvement (SCI). To publicise this application, neighbour letters were posted to relevant addresses providing interested parties with a minimum of 21 days to comment.

At the time of writing this report there have been 20 public representations received in objection to the proposal. The grounds of objection to the development are summarised as follows:

- Overbearing – houses are much bigger than those surrounding the site
- Design/character– Out of character with the locality.
- Overdevelopment
- Poor access (safety hazard) – limited visibility, inadequate for emergency vehicles, excessive number of cars using this access. Vehicular entrance to cottage 6 is unsafe
- Car parking – 4 existing cottages adjacent to the site would have to park elsewhere, there is no space along the lane, provision should be made for existing residents
- Refuse - bin collection point would be a highway obstruction
- Traffic – excessive increase of traffic in the village would add to congestion
- Green space - Cottage 6 is largely in a green field
- Hedgerow removal
- Overlooking/ loss of privacy
- Noise and disturbance
- Cottage 6 detrimentally impacts on garden of Homecroft Farm
- Difference between this and the previous applications are minimal
- Bats – they would be impacted by the proposal
- Unnecessary housing in Ewshot and on this small site
- Landscape of the village would be detrimentally changed
- Adverse ecological/Biodiversity impacts
- Light pollution.

CONSIDERATIONS

1. Principle of Development
2. Design/Appearance and Visual Impacts
3. Heritage Impacts
4. Quality of Accommodation and Housing Mix
5. Impacts upon Amenity
6. Highway Safety, Access and Parking
7. Flood Risk and Drainage
8. Ecology, Trees and Landscaping
9. Thames Basin Heaths Special Protection Area
10. Climate Change and Equality
11. Other Planning Considerations
12. Planning Balance

1. PRINCIPLE OF DEVELOPMENT

Policy SS1 of the HLP32 sets out that development will be directed within the defined settlement boundaries as well as on previously developed land. The policy goes on to set out

the Council's housing requirement and indicates that this will in part be delivered through development or redevelopment within settlement boundaries. The supporting text makes it clear that some of the Council's housing requirements will be delivered through windfall sites such as the application site.

Most of the land within the red outline plan lies within the settlement policy boundary of Ewshot, with the exception of a strip of land along the western boundary which would form a portion of the western end of the rear garden for cottages 2, 3 and 4 and a hedgerow area (ecological mitigation) within the gardens of cottages 5 and 6. Sections of the site are also 'previously developed land' or 'brownfield'.

The strip of the land falling outside the settlement and within the open countryside for policy purposes, would not contain built development as it would be garden area containing landscaping and a boundary fence to separate the gardens from adjoining land.

In terms of the loss of economic activity and employment on site, it is apparent that the commercial/ industrial activity on the site ceased in 2016 (two years prior to the planning application submitted in 2018). Site visits since 2018 as part of subsequent applications have also demonstrated that the site has been vacant and the buildings are in a poor state of repair, which is still evident today. The site has not been identified in adopted inset maps and policies of the HLP32 as either a strategically or locally important employment site. The site ceased its commercial operations prior to the adoption of the HLP32 and given the surrounding uses and location of the site, it appears unlikely that a commercial/industrial operation on this location and surrounded by residential development would result in a viable operation. As such, the loss of commercial buildings and the former commercial activity on the site are not objected to in principle.

With regards to the sustainability of the site, it should be noted the village has a Public House, a community hall, a recreation ground with a playground and limited employment facilities. The site is not highly sustainable in terms of access to the full range of services and community facilities as the closest town with them would be 2.8 miles away from the site (Church Crookham). Thus, this development would likely result in future residents being dependent on private motor vehicles, however this is the same situation for all the dwellings within the settlement boundary of Ewshot and the dwellings proposed would be no different in this respect. No concerns are raised in respect of sustainability, as adopted policies support housing within settlement boundaries including rural settlements such as Ewshot.

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

2. DESIGN, LANDSCAPE AND VISUAL IMPACTS

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. 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 not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and

- effective landscaping; and
- are sympathetic to local character ..., including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The residential development subject to this application proposes dwellings with a traditional design approach and the submitted information demonstrates that their scale, design and appearance has been informed by buildings from the locality. The dwellings are of an acceptable scale and design and would reflect a character seen in other dwellings in the village. The external design and appearance would feature sloping roofs with a combination of hipped ends, half and full gable ends, and porches and canopies with sloping roofs. The proposed materials palette would include a combination of clay tiles, red/tan facing brick, clay tile hanging, decorative courses, white render and decorative timber details. This is also acceptable in visual terms.

The village comprises, in the main, modestly sized buildings with a rural character as a result of their proportions, architectural compositions and irregular siting on their curtilages. It can be seen that a number of buildings do not follow the alignment of the road, particularly the immediate area surrounding the site, which is part of the rural character and manner in which this section of the village developed over the years. It is also noted there are a few examples of more modern properties interspaced with the traditional buildings; nevertheless, they do not represent the rural character of Ewshot as they display a more suburban appearance.

The proposed dwellings would therefore achieve a satisfactory integration with the character of the settlement and dwellings surrounding it. It is also noted that the development would sympathetically manage the changing ground levels of the site which features a gentle southward slope. Despite of this the proposed buildings are comparable in scale to surrounding two storey properties.

The layout proposed would integrate satisfactorily with the frontage along Church Lane, as Cottage 1 which would stand in a vacant/derelict part of the site, replacing unkept brick structures and walls. Cottages 2, 3, 4 and 5 would sit at a suitable distance behind existing development along Church Lane and would be partly visible between the gaps of this existing development. Lastly Cottage 6 would be more prominent from vantage points along Church Lane as it would sit on higher ground, when compared to the other cottages proposed. However, this dwelling would be set well back from the frontage and would have a similar relationship to the public domain when compared to those dwellings on the opposite side of Church Lane that are almost opposite Cottage 6.

The relevant policy for landscaping matters would be NBE2 of the HLP32 which also requires, where appropriate, proposals to include a comprehensive landscaping scheme to ensure that the development would successfully integrate with the landscape and surroundings.

Therefore, the proposal would be in accordance with Policy NBE9 of the HLP32, saved policy GEN1 of the HLP06, and the NPPF 2021 in terms of design, character and appearance and visual amenity of the area as a whole.

3. HERITAGE IMPACTS

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 and 203 of the NPPF 2021 are of relevance for assessing the impact on the non-designated heritage assets that adjoin the application site and other structures of historical interests (e.g., WWII pillbox) and the need to weigh harm that may arise from the proposal. The Council's Conservation Team supports the retention of the WWII pill box as part of the proposal as there appears to be a high number of pillboxes in Ewshot which creates a positive historical interest.

The Conservation Team also acknowledged that Ewshot has a variety of buildings of different ages and styles, some work well within their setting, whilst others are not quite so successful. They also acknowledged that the proposed houses are of a more traditional design, and some elements proposed would not be harmful to the setting of the non-designated heritage assets, such as plain clay tile roofs, English bond brickwork and plain clay tile hanging with beaver tail decorative courses.

The Conservation Team noted that the proposed dwellings at the western end and southern end of the site would be higher than the non-designated heritage assets (1-3 Brickyard Cottages) which are located to the northern boundary of the site. Nevertheless, this does not translate to any material harm, and it is assessed as a negligible impact, as such they have raised no objection to the proposal.

Therefore, the proposal would be in accordance with Policy NBE8 of the HLP32, saved policy GEN1 of the HLP06, and the NPPF 2021 in these respects.

4. QUALITY OF THE RESIDENTIAL ACCOMMODATION AND HOUSING MIX

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

The proposed dwellings would provide acceptable internal standards as most of the spaces would benefit from natural light and ventilation. Externally, the plots proposed would be of sufficient size so as to satisfy outdoor amenity requirements for prospective occupiers.

Policy H1 of the HLP32 seeks to achieve a market housing mix that satisfies a District need which is higher for 2- and 3-bedroom properties. The subject proposal would comprise 2 no. two-bedroom and 4 no. three-bedroom properties of which one would be capable of accommodating a fourth bedroom as the studio area proposed in Cottage 6 is larger than 8.5 sqm.

It is also noted that one of the dwellings would have to be accessible and adaptable as defined by the requirements of M4(2) of Building Regulations. Details on this aspect have been suggested as a planning condition.

The subject development is of minor scale and the housing mix requirement is District wide as opposed to on a site-by-site basis. The NPPF acknowledges that housing delivery should contribute to meet housing needs, as such there is a genuine expectation that windfall sites, such as this, contribute to meet housing need. As stated above the greatest need is for 2 and 3 bedroom units. The proposal therefore would contribute to address the current housing needs of the District.

As such, the proposal would be in compliance with Policies H1 and H6 of the HLP32 and the NPPF in these respects.

5. IMPACTS UPON AMENITY

Policy NBE11 of the HLP32 supports development which does not give rise to, or would not 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 adjoining properties to the development site that would be most impacted by the proposal are discussed below and grouped by their location in relation to the application site.

- North of the site: Trotter Cottage, Lavender Cottage and 1-3 Brickyard Cottages.

The properties from the proposal that would impact on these adjoining properties would be units 1 and 4.

Proposed dwelling 1 would be, at the closest, 7.93m away from no. 3 Brickyard Cottages with a flank elevation facing them. No windows are proposed in the flank elevation facing this existing property. Although their outlook from front windows would change, it would not be detrimental to their residential amenity.

In terms of the adjoining Lavender Cottage and Trotter Cottage, there are no impacts anticipated as a result of proposed Cottage 1 as a result of distances (10m-15m), modest proportions of proposed dwelling nos.1 and 4 and siting and orientation. Also, there would not be windows directly facing any of these existing properties.

- East of the site: Cranstone Cottages, Two Tees, Greengates and Homecroft.

The only property potentially impacting Cranstone Cottages (eastern side of Church Lane) would be dwelling no.1, as it is directly opposite. Although proposed dwelling no.1 is not fully parallel to the Cranstone Cottages; there is a minimum distance of 14.2m between them. This relationship does not raise concerns as it is typically found across the village with properties on opposite sides of the road and facing each other.

The existing properties Two Tees and Greengates would most likely be impacted by Proposed dwellings 1, 2, 3 and 4. No impacts to Two Tees (adjacent) are anticipated as a result of proposed dwelling no. 1 because of its siting north of this existing dwelling with a separation distance of 2.7m and being 2.1m forward from it.

Proposed dwellings 2, 3 and 4 would be sited almost directly behind these existing properties. The distances vary but at the closest, these dwellings would be over 22m from these existing dwellings. These proposed cottages would have one upper window each that would serve a bedroom, however the distance between existing and proposed buildings is satisfactory.

In terms of the existing property Homecroft, proposed dwellings 5 and 6 would be the closest proposed buildings to it. Proposed dwelling 5 would be sited to the rear of Homecroft, at a distance of 15.3m at the closest. The upper windows of this proposed cottage would serve a

bathroom and a study area. It is also noted that windows in the rear elevation of Homecroft (bungalow) serve a kitchen, a bathroom and a cloakroom. The space between the proposed dwelling 5 and Homecroft would be used to accommodate car parking (the existing dwelling - Homecroft already uses the space to the rear of the dwelling for car parking purposes).

Proposed dwelling 6 would be sited to the southwest of Homecroft, 3.8m away from the shared boundary. A detached single storey garage of Homecroft sits in between this existing property and the proposed dwelling 6.

Because of the siting of the proposed dwelling 6 and a distance of over 15m (at the closest) between their elevations and the intervening single storey detached garage of Homecroft, the impacts anticipated as a result of these proposed residential dwellings would not be significant, despite dwelling 6 being on higher ground (0.75m) when compared to the ground adjoining Homecroft at its southern end. It is also noted that the only upper-level windows of dwelling 6 facing towards Homecroft would serve a bathroom and a hallway.

The plans submitted also demonstrate that proposed dwellings 2, 3, 4, 5 and 6 would not impinge on the 25° line drawn from the rear elevation at ground floor level from Two Tees, Greengates and Homecroft.

As such no detrimental impacts are anticipated in terms of dominance, privacy or loss of sunlight/daylight to existing properties.

As a result of the car parking arrangement proposed between the proposed and these existing dwellings, there would be potential noise impacts arising. However, it is noted that the same area has been used for the car parking of vehicles under a private arrangement between the applicant and adjoining neighbours.

Neighbouring residential impacts arising from the proposal would not be significant and as such the proposal is in compliance with adopted policies of the HLP32 and also the aims of the NPPF in this regard.

6. HIGHWAY SAFETY, ACCESS AND PARKING

Policy INF3 of the HLP32 states that development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future.

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.

The Local Highway Authority was consulted on this application and raised no concerns in terms of highway safety or the visibility splays from the access to the development, as it is not being altered in any way. Also, no concern was raised as result of the number of proposed vehicles ingressing/egressing the site (in addition to those from adjoining properties).

In terms of car parking provision, Hart's Interim Guidance would expect provision of 20 spaces, of which one would be allocated for visitors. The car parking provision proposed by this scheme would be 21 spaces, in excess of the requirement set out in the interim guidance. The layout would allow for suitable scope for cars to manoeuvre into the different parking bays.

It is noted that occupiers of existing properties at Two Tees and Greengates (containing integral garages) currently have a private arrangement with the landowner to park their vehicles within the application site. Also, occupiers of Homecroft have vehicular access to park vehicles the side/rear of their property via the application site. However, these are private matters between the applicant and adjoining occupiers and not a planning matter subject to this application, despite of the redevelopment of the site resulting in car parking displacement from one of these properties.

The proposed development would not result on unacceptable impacts on highway safety or significant cumulative impacts on the highway network as set out within the NPPF. On-site car parking provision for the development proposed would also be adequate. As such the proposal would comply with adopted policies of the HLP32 and the aims of the NPPF in this respect.

7. FLOOD RISK AND DRAINAGE

Policy NBE5 (Managing Flood Risk) of the HLP32 sets out five criteria when development would be permitted, in this case the applicable criteria are:

- Over its lifetime it 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, now and in the future, it is supported by a site-specific flood risk assessment and complies fully with national policy including the sequential and exceptions tests where necessary;
- Within Causal Areas (as defined in the SFRA) all development takes opportunities to reduce the causes and impacts of flooding.

Flood mapping indicates that the application site falls within Flood Zone 1 which has the lowest risk of fluvial flooding, however it also falls within a Causal Flood Risk Area. The proposal was accompanied by a Flood Risk Assessment/Surface Water Management Strategy which has been analysed by the Council's Drainage Officer and they raise no objection. They have recommended planning conditions be imposed, as detailed in the Consultees Section above.

On this basis and subject to planning conditions recommended by the Drainage Officer, the application is acceptable and in compliance with the objectives of Policy NBE5 of the HLP32, and the aims of the NPPF in this regard.

8. ECOLOGY AND TREES

With regards to biodiversity, Policy NBE4 of the HLP32 states that: 'In order to conserve and enhance biodiversity, new development will be permitted provided:

- a) It will not have an adverse effect on the integrity of an international, national or locally designated sites.

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 raised an initial objection to the proposal as the existing buildings provide suitable habitats for bats and the original submission contained no up-to-date information on the matter. Clarifications were also requested about a potential removal of hedgerow along the rear boundary (western site boundary) of gardens for proposed dwellings 2 and 3; and how a reptile receptor area at the rear of proposed dwellings 5 and 6 would be safeguarded.

Updated information was submitted to address the above matters. It contains an outline mitigation strategy to avoid impacts on bat roosting in the existing buildings. The applicant would also have to apply for a license from Natural England (separate process from planning).

With regards to the two clarifications above, the applicant and their ecologist have confirmed that currently the area behind proposed dwellings 2 and 3 along the boundary would not have a hedge, there is planting amounting to hedgerow-like vegetation and scrappy tree saplings. The applicants' ecologist confirmed that it would not provide a dormouse habitat.

Also, with regards to the reptile receptor area to the rear of proposed dwellings 5 and 6, the plans submitted show that this habitat is outside gardens 5 and 6 and contains notes that there would be fencing to protect/safeguard it.

As such, the ecology matters have been satisfactorily addressed/clarified.

With regards to 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 has identified that trees on site or adjoining it do not have any particular merit and as such the proposal would not present arboricultural conflicts. However, the scheme should seek to retain existing vegetation along the perimeter and therefore it should be protected via a planning condition. The Tree Officer has also advised that a robust landscaping scheme (trees/hedging) would be required to mitigate the visual impact of the proposal. Such details would also be acceptable through the use of planning conditions.

The proposal, therefore, would be policy compliant in these respects subject to planning conditions.

9. THAMES BASIN HEATHS SPECIAL PROTECTION AREA

The Habitats Regulations 2017 requires Local Planning Authorities (as the Competent

Authority) to consider the potential impact that a development may have on a European Protected Site. In this case this relates to the Thames Basin Heaths Special Protection Area (TBHSPA).

The TBHSPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler. The area is designated as a result of the Birds Directive and the European Habitats Directive and protected in the UK under the provisions set out in the Habitats Regulations. These bird species are particularly subject to disturbance from walkers, dog walkers and cat predation because they nest on or near the ground.

Planning policy NBE3 of the HLP32 and saved policy NRM6 of the South-East Plan, make clear that when considering development proposals for residential or similar forms of development, there is an 'exclusion zone' set at 400m linear distance from the TBHSPA boundary. Permission will not be granted for development that results in a net increase in residential units within this zone unless it can be demonstrated through an Appropriate Assessment that there will be no adverse effect on the integrity of the TBHSPA.

The application site falls within the 5km buffer zone. From the outset the applicant advised that they would be seeking to secure access to private SANG at the Taylor Wimpey Naishes Lane SANG. The Council's Shared Legal Services Team has been liaising with the applicant's solicitor in drafting the unilateral agreement to secure this SPA mitigation and SAMM. However, evidence to demonstrate that access to the SANG has been secured is pending and an update will be provided in this regard, as part of the addendum that is circulated to Planning Committee members before the meeting.

10. CLIMATE CHANGE AND EQUALITY

On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in 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 submission confirms that the development would adopt sustainable approaches to construction and the layout is deemed acceptable in sustainability terms. The applicant has also confirmed agreement to incorporate solar panels, rainwater harvesting and electric vehicle charging points to each property.

The proposal therefore would meet the requirements of Policy NBE9 of the HLP32, in terms of sustainability/renewable or low-carbon energy technologies to address climate change.

With regard to equality, the Council has a duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics and those who do not under the Equalities Act. 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 housing provision the proposal would make to the housing stock of the District, with homes for which there is a high demand District wide.
- Economic benefits attracted by the proposal would be employment and local expenditure during the construction of the development and post occupation.
- Environmental benefits that would arise from the proposal would be the replacement of derelict/dilapidated buildings on the application site and small portion of scrub land at the site with a residential development of high quality, of suitable design/character and appearance that would integrate satisfactorily to the locality. Also, there would be ecological improvements as a result of additional landscaping the proposal would introduce to a site currently largely devoid of greenery.

The dis-benefits and harm identified above are:

- The amenities for occupiers of adjacent dwellings to the site would be affected as a result of the temporary construction works.
- The proposal would result in displacement of car parking for an existing adjoining dwelling, as they had a private arrangement with the landowner to park on site. The other two adjacent dwellings with a similar arrangement benefit from parking garages, either integral to the properties or as a detached structure.

The proposal would deliver significant public benefits as a result of the housing provision. The economic and environmental benefits, whilst not substantial, would materially weigh in favour of the proposal.

The proposal, therefore, along with the mitigation strategies proposed and subject to fully addressing SPA impacts, would not materially conflict with the policy objectives of the HLP32 or the NPPF in relation to the principle of the development, heritage, neighbouring amenity, biodiversity/ecology/landscape, flood risk/drainage, highways and sustainability.

CONCLUSION

The Development Plan Policies and the NPPF require that sustainable development be approved without delay. The application proposal complies with the requirements of the principal housing policies of the Development Plan and the site is considered to be suitable for a residential development as it is within a settlement boundary. The provision of additional housing is a clear benefit, and this development would help meet that need through the delivery of a windfall site.

The design of the proposed development is acceptable and there would be no unacceptable impacts on neighbouring amenity, the character and appearance of the street scene or non-designated heritage assets. Suitable levels of parking provision are proposed and there would be no adverse impact on highway safety. The proposal would also comply with the requirements of the Development Plan in terms of flooding, and Habitats Regulations in relation to the TBHSPA.

As such this application is recommended for approval subject to conditions.

RECOMMENDATION

Recommendation A. That the Head of Place be authorised delegated authority to **GRANT** planning permission subject to the satisfactory progression and completion of a Unilateral Legal Agreement to bind the development to the allocation of Taylor Wimpey's private SANG at Naishes Lane and secure the Strategic Access Management and Monitoring (SAMM) contribution across the Thames Basin Heaths Special Protection, subject to the following Planning Conditions (listed below):

Recommendation B. That the Head of Place be authorised delegated authority to **REFUSE** planning permission if the Unilateral Legal Planning Obligation is not progressed and completed to the satisfaction of the Head of Place by the 28th of February 2022 for the following reason:

1. The proposed development, in the absence of a satisfactory Unilateral Legal Agreement to bind the development to the allocation of a private SANG and secure the Strategic Access Management and Monitoring (SAMM) across the Thames Basin Heaths Special Protection Area, would be contrary to Policy NBE3 of the Hart Local Plan (Strategy and Sites 2016-2032), Saved Policy NRM6 of the South East Plan 2006-2026, The Thames Basin Heaths Special Protection Area Delivery Framework (2009) and the aims of the NPPF 2021.

CONDITIONS

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

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

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

Plans:

20775/ 200 Rev. A (Proposed Site Location Plan), 20775/ 201 Rev. F (Proposed Block Plan), 20775/ 210 (Proposed Floor Plan – Cottage 1), 20775/ 211 Rev. A (Proposed Floor Plan – Cottage 2 & 3), 20775/ 212 Rev. A (Proposed Floor Plan – Cottage 4), 20775/ 213 Rev. A (Proposed Floor Plan – Cottage 5), 20775/ 214 Rev. A (Proposed Floor Plan – Cottage 6), 20775/ 220 (Proposed Elevations – Cottage 1), 20775/ 220 (Proposed Elevations – Cottage 1), 20775/ 221 Rev. A (Proposed Elevations – Cottage 2 & 3), 20775/ 222 Rev. A (Proposed Elevations – Cottage 4), 20775/ 223 Rev. B (Proposed Elevations – Cottage 5), 20775/ 224 Rev. A (Proposed

Elevations – Cottage 6), 20775/ 230 Rev. B (Proposed Site Sections), 20775/ 231 Rev. A (Proposed Site Sections), 20775/ 232 (Proposed Site Sections), 860/102 Rev. D (Proposed Finished Floor Levels) and Surface Water Management Measures (860/103 Rev. E).

Documents:

Design, Access and Heritage Statement Rev. A produced by Robin Nugent Architects (updated April 2021), Planning Statement produced by Cross Town Planning (May 2021), Preliminary Investigation Report produced by Soils Limited (October 2018) Ecological Scoping Survey produced by Bernwood Ecology (December 2021), Ecological Statement – Dormice produced by Verdant Ecology (February 2021), Reptile Survey Report produced by Verdant Ecology (February 2021), Ecological Statement – Biodiversity Gain and Reptile Impacts produced by Verdant Ecology (May 2021), Bat Emergence/ Re-entry Survey Report produced by ARBTECH (September 2021), Ecological Statement – Clarifications on Hedge removal and Reptile Safeguarding produced by Verdant Ecology (October 2021) Surface Water Management Strategy incorporating Flood Risk Assessment produced by RMB Consultants Ltd (May 2021), Causal Area Pro-forma and attachment and Agents Email on Sustainability measures dated 22.06.2021.

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

3. No development shall commence until a preliminary archaeological evaluation on the site is undertaken and the associated report have been submitted to and approved in writing by the Local Planning Authority, in consultation with the County Archaeologist.

The report shall also contain detailed archaeological mitigation that may be required as a result of the evaluation undertaken

The archaeological mitigation, if required, shall be fully implemented in accordance with the details approved.

REASON: To mitigate the effect of groundworks associated with the development upon any heritage assets and to ensure that information regarding these heritage assets are preserved by record for future generations in accordance with the objectives of Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2016-2032, saved Policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the NPPF 2021.

4. No development shall commence until details of a construction management plan are submitted to and approved in writing by the Local Planning Authority and shall include but not limited to the following:

- i) Construction worker and visitor parking;
- ii) Anticipated number, frequency and size of construction vehicles;
- iii) Dust and Noise/Vibration mitigation measures;
- iv) Dust suppression measures;
- v) Site security;
- vi) Vehicle manoeuvring/ turning and measures to avoid conflicts along the site access track with vehicles not associated with the construction of the development;
- vii) Locations for the loading/unloading and storage of plant, building materials and construction debris and contractors offices;
- viii) Procedures for on-site contractors to deal with complaints from local residents;

- ix) Measures to mitigate impacts on neighbouring highways; and
- x) Details of wheel water spraying facilities;
- xi) Protection of pedestrian routes during construction;

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

REASON: To protect the amenity of neighbouring residents and to ensure adequate highway and site safety in accordance with Policies NBE11 and INF3 of the Hart Local Plan (Strategy and Sites) 2016-2032 and the aims of the NPPF 2021.

5. No development shall commence (excluding demolition) until a detailed contaminated land report to assess potential contaminants has been prepared, submitted and agreed in writing with the Local Planning Authority in accordance with the 3-stage strategy below.

A. Site Characterisation

The investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

1. a survey of the extent, scale and nature of contamination;
2. an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
3. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON: In the interest of occupiers' health and residential amenity and to satisfy Policy NBE11 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the NPPF 2021.

6. No development above ground-floor slab level shall commence until details of all external materials for the building have been submitted to and approved in writing by the Local Planning Authority. The details shall be fully implemented as approved.

REASON: To ensure a high-quality external appearance of the building and to satisfy Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2016-2032, saved local policy GEN1 of the Hart Local Plan (Replacement) 1996-2006 and the aims of the NPPF 2021.

7. No development above ground-floor slab level shall commence until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate that one of the dwellings of the development would be an accessible and adaptable home as defined by requirement M4(2) of the Building Regulations. The details shall be fully implemented as approved.

REASON: To ensure delivery of accessible dwellings and to satisfy Policy H1 of the Hart Local Plan (Strategy and Sites) 2016-2032, and the aims of the NPPF 2021.

8. A soft/hard landscaping strategy and boundary treatment details (inclusive of reptile area boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The buildings hereby approved shall not be occupied until such strategy is fully implemented as approved.

Soft landscape details shall include planting plans, written specifications require details of species, sizes, quantities of plants, management plans for all open areas and non-private boundaries and implementation schedule of landscape proposals.

The landscape plans shall include location of the approved ecological features, the planting proposed should secure all the ecological enhancements proposed for the site.

Any trees or plants which, within a period of five years after approved completion, are

removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved.

REASON: To ensure the development is adequately landscaped in the interest of visual amenity and the character of the area as a whole in accordance with Policies NBE2 and NBE9 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 and CON8 of the Hart District Local Plan (Replacement) 1996-2006 and the aims of the NPPF 2021.

9. Details of the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The details shall include:

- i) maintenance schedules for each drainage feature type and ownership; and
- ii) protection measures.

Once approved, the details shall be fully implemented before the development is first occupied and shall thereafter be complied with for the lifetime of the development.

REASON: To ensure that the proposed development does not increase the risk of flooding elsewhere, be safe from flooding and to satisfy Policy NBE5 of the Hart Local Plan (Strategy and Sites) 2016-2032 and the aims of the NPPF 2021.

10. Details of the Photovoltaic Solar Panels, Electric Vehicle Charging Points and a rainwater harvesting system that would be installed for each dwelling shall be submitted and approved in writing by the Local Planning Authority. These features shall be installed and fully operational in accordance with the approved details before the first occupation of each dwelling and maintained in working order for the lifetime of the development.

REASON: In the interest of sustainability and Climate Change, in accordance with policy NBE9 and INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2021.

11. The surface water management strategy approved under condition no.2 above, shall operate so that the surface water drainage discharge rate shall be no higher than 2 l/s and all flooding in the 1 in 100 plus 40% storm event will be stored on site.

REASON: To ensure that the proposed development does not increase the risk of flooding elsewhere, would be safe from flooding and to satisfy Policy NBE5 of the Hart Local Plan (Strategy and Sites) 2016-2032 and the aims of the NPPF 2021.

12. The dwellings hereby approved shall be implemented complying with the following requirements:

- Internal finished floor levels set 300mm above the surrounding external ground levels.
- Installation of non-return valves on the drainage systems.

- Installation of electrical sockets above the flood level.

REASON: In the interests of preventing internal flooding and to satisfy Policy NBE5 of the Hart Local Plan (Strategy and Sites) 2016-2032 and the aims of the NPPF 2021.

13. Existing retained trees within the perimeter of the site and adjacent or close to the boundaries of the site, as identified in the submitted information shall not be lopped, felled or otherwise affected. Trees, hedgerows and groups of mature shrubs within and off site adjacent/close to it shall be retained and protected in accordance with British Standard 5837:2012 'Trees in Relation to Construction Recommendations' (or any subsequent revision) and protective fencing shall be maintained fully intact at all times, until the completion of all building operations on the site.

REASON: To ensure existing trees on site are not damaged, in the interest of the visual amenity and natural setting of the area in accordance with Policy NBE2 of the Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 and CON8 of the Hart District Local Plan (Replacement) 1996-2006, and the aims of the NPPF 2021.

14. The approved vehicular access, car parking facilities and manoeuvring area serving the development hereby approved shall be fully completed and made fully available prior to the first occupation of any of the buildings hereby approved. These vehicular facilities shall be retained for these purposes thereafter and access shall be maintained at all times to allow them to be used as such.

REASON: To ensure that the development is provided with adequate access, parking and turning areas in the interest of public highway safety and to satisfy Policy INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the aims of the NPPF 2021.

15. No development, demolition work or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours on weekdays or 08:00 to 13:00 hours Saturdays. No development, demolition/construction work or deliveries of materials shall take place on Sundays or Public Holidays.

REASON: To protect the residential amenity of adjoining/nearby residential occupiers and to satisfy to satisfy Policy NBE11 of the adopted Hart Local Plan and Sites 2016-203, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the NPPF 2021.

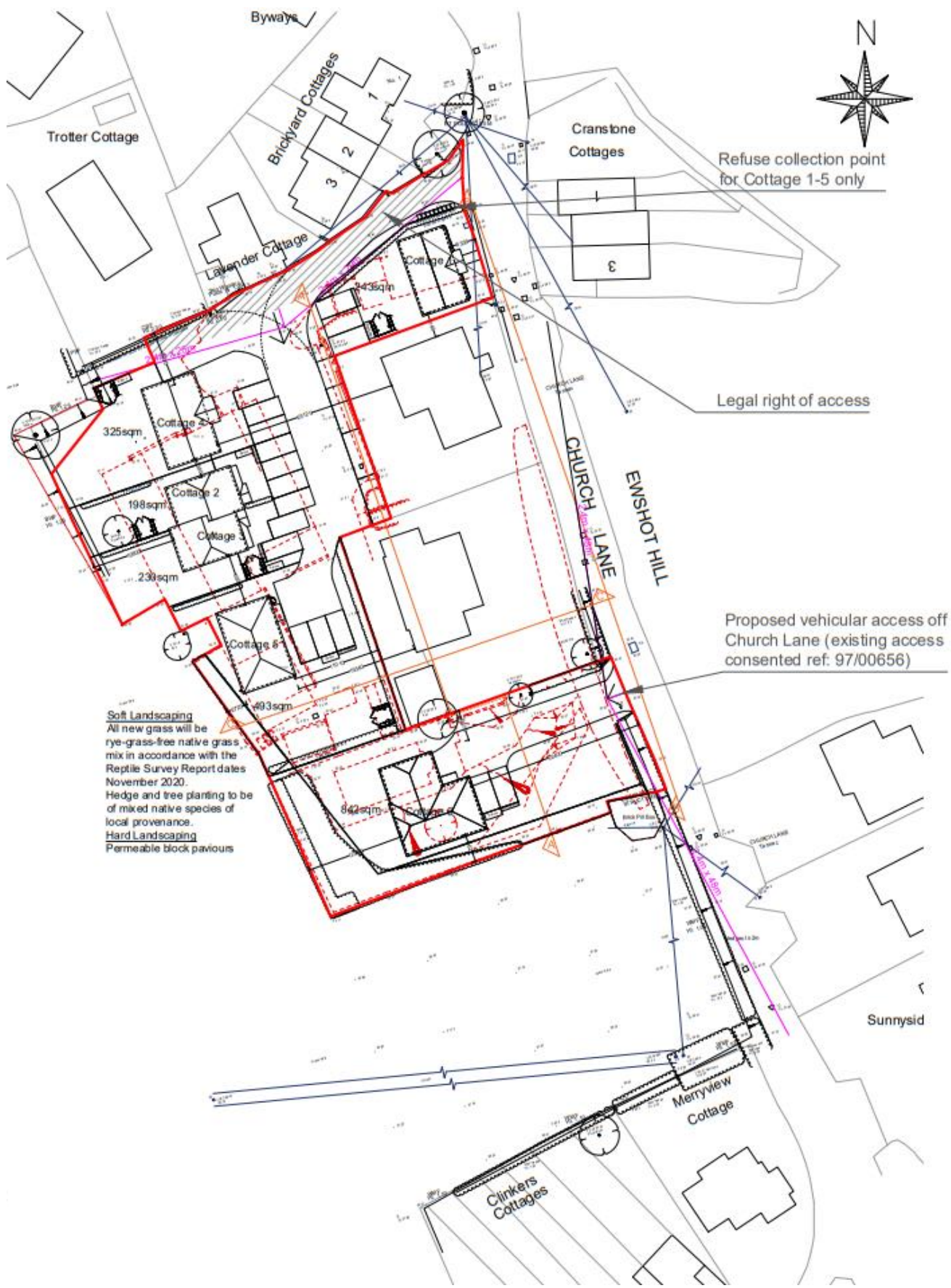
16. Notwithstanding the provisions of Classes A, B, D E and F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent order revoking and re-enacting that Order with or without modifications), no enlargement,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

REASON: In order to prevent overdevelopment, retain suitable neighbouring

relationships and ensure that the Planning Authority can properly consider the effect of any future proposals on the character of the locality and amenity of neighbouring properties in accordance with Policy NBE9 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of 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 applicant was advised of the necessary information needed to process the application and once received, further engagement with the applicant was required and the application was subsequently acceptable.



PROPOSED BLOCK PLAN



Proposed Ground Floor Plan
Scale 1:100



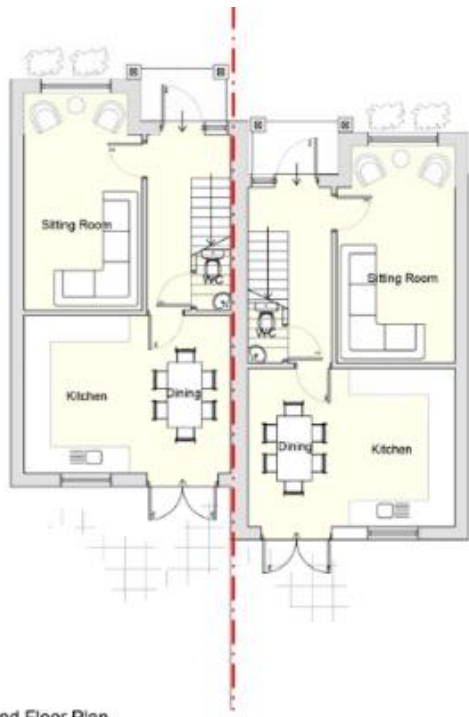
Proposed First Floor Plan
Scale 1:100



Proposed East Elevation
Scale 1:100



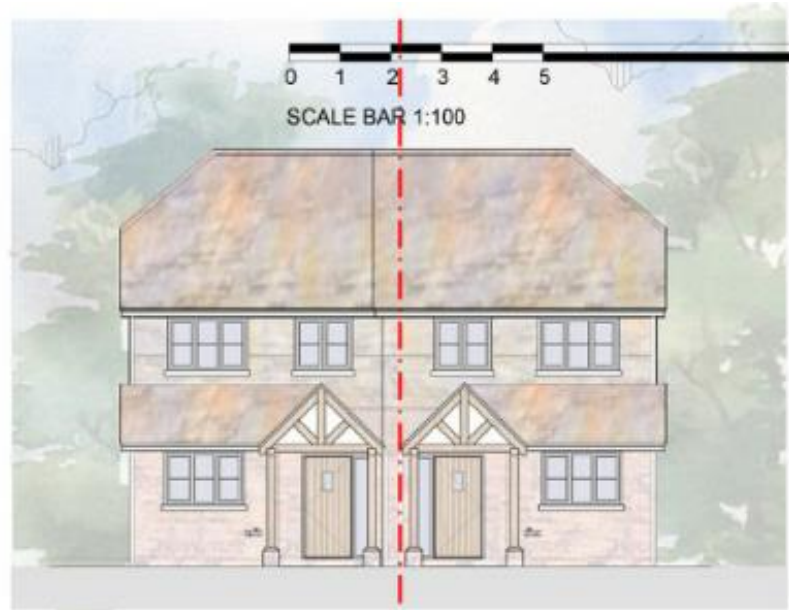
Proposed West Elevation
Scale 1:100



Proposed Ground Floor Plan



Proposed First Floor Plan

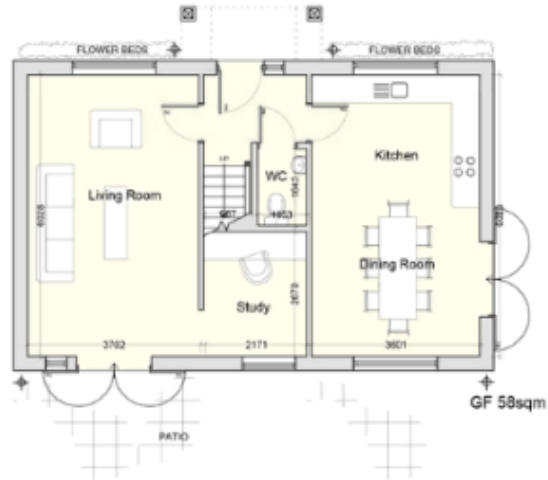


Proposed East Elevation
Scale 1:100



Proposed West Elevation

COTTAGE 2 AND 3



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed East Elevation
Scale 1:100



Proposed West Elevation

Proposed Ground Floor Plan
Scale 1:100



Proposed First Floor Plan
Scale 1:100



Proposed West Elevation
Scale 1:100



Proposed East Elevation

Proposed Ground Floor Plan



Proposed West Elevation
Scale 1:100



Proposed North Elevation
Scale 1:100



Proposed East Elevation
Scale 1:100



Proposed South Elevation
Scale 1:100

Proposed First Floor Plan



COTTAGE 6

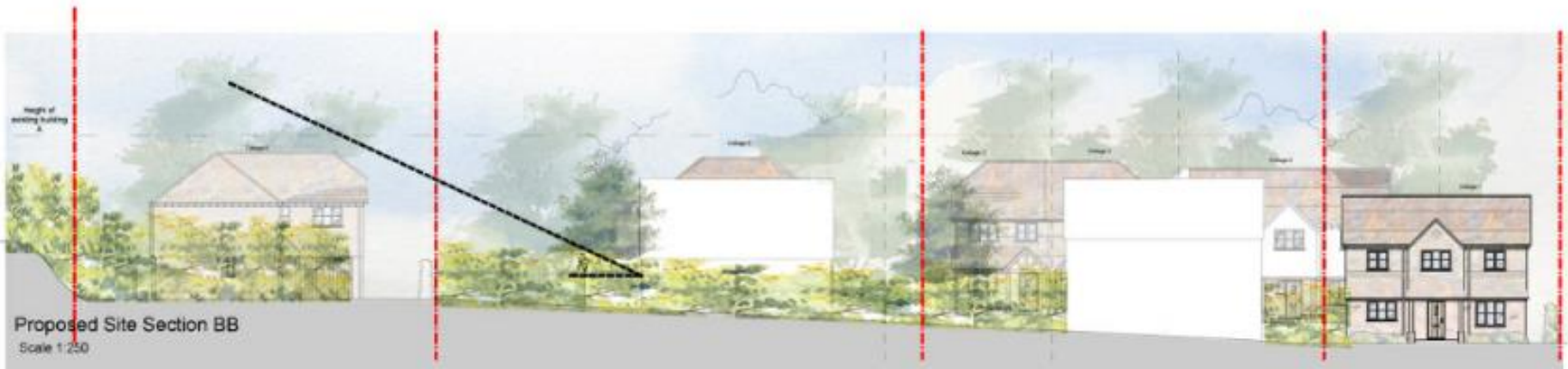


Existing Site Section AA
Scale 1:250

Page 43

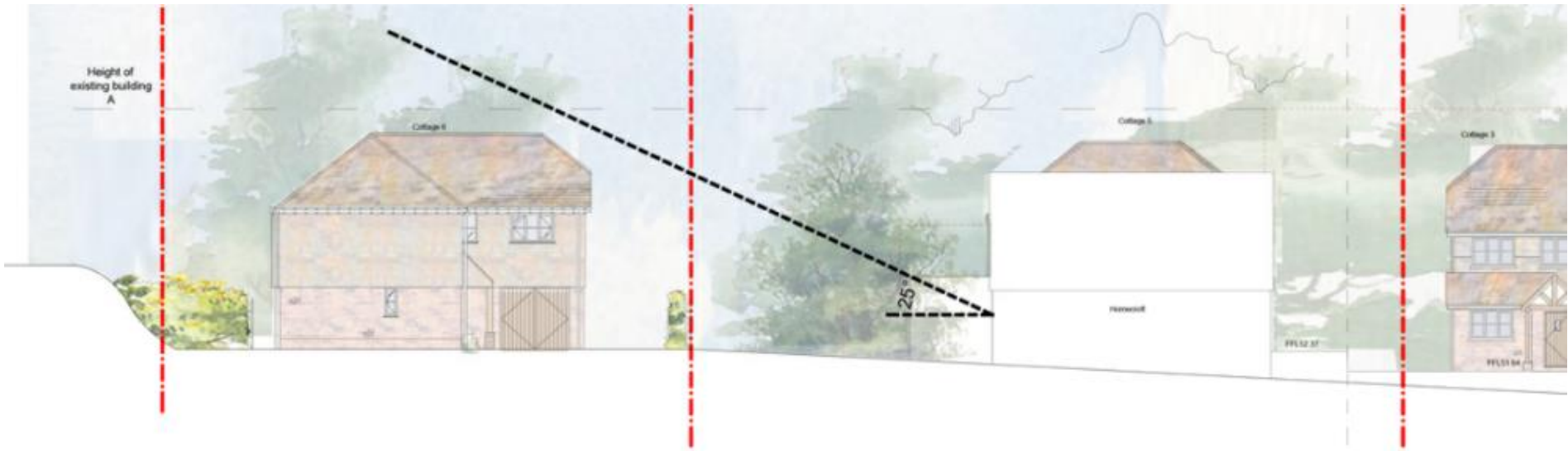


Proposed Site Section AA
Scale 1:250

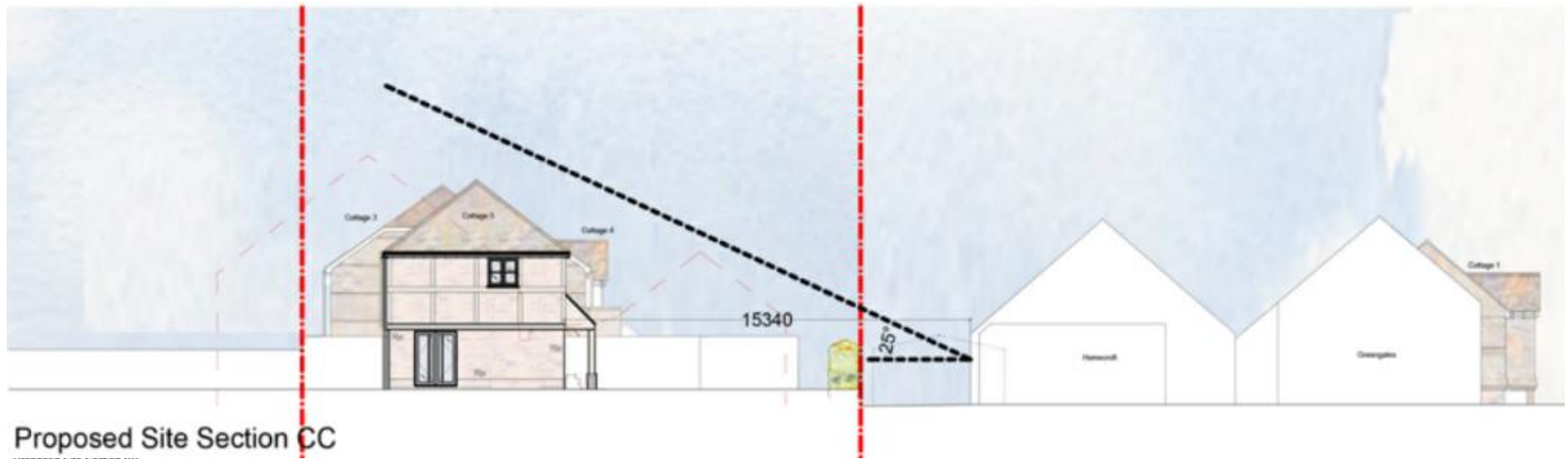


Proposed Site Section BB
Scale 1:250

SITE SECTION - LOOKING WEST (Sections AA through the site & Section BB along Church Lane)



Proposed Site Section BB



Proposed Site Section CC

SITE SECTIONS - Section BB along Church Lane (Cottage 6 and Homecroft Farm) & Section CC looking south (Cottage 5 and Homecroft Farm)



Proposed Site Section BB
Scale 1:200

SITE SECTIONS - Section BB along Church Lane (Greentees, Cottage 1, Brickyard Cottages and Lavender Cottage behind)