

# Public Document Pack



## NOTICE OF MEETING

<b>Meeting:</b>	<b>Planning Committee</b>
<b>Date and Time:</b>	<b>Wednesday 12 January 2022 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 December 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 21/02453/LBC - SOUTH WARNBOROUGH LODGE, LEES HILL, SOUTH WARNBOROUGH, HOOK RG29 1RQ (Pages 11 - 21)**

**7 21/01714/FUL - TRAVIS PERKINS, LONDON ROAD, HARTLEY WINTNEY, HOOK RG27 8RH (Pages 22 - 59)**

**Date of Publication: Tuesday, 4 January 2022**

## **PLANNING COMMITTEE**

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

**Place:** Council Chamber

**Present:**

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

**In attendance:** Quaterman

**Officers:**

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

### **59 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 10 November 2021 were confirmed and signed as a correct record.

### **60 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Radley.

### **61 DECLARATIONS OF INTEREST**

None

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

1. Members should have received a review of the Environment Act and its implications for Planning. Please contact Steph Baker, Development Management & Building Control Manager for any questions.
2. The Members Development Tour has moved to early spring due to rising Covid cases. Potential dates will be shared in the new year.
3. There are many forthcoming major applications due in the next few months. Please refrain from visiting any sites without informing officers as it would be inappropriate to visit even in a private capacity.

### **63 DEVELOPMENT APPLICATIONS**

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

**64 21/01268/FUL - HOMECROFT FARM CHURCH LANE, EWSHOT, FARNHAM GU10 5BJ**

Construction of 6 dwellings with associated amenity space, access, parking, landscaping and associated works (following demolition of buildings).

Members considered the following:

- The previous applications
- Low carbon energy provision types
- The phasing out of gas boilers from 2025
- The benefits of heat pumps
- Energy efficiency measures via solar panels, rainwater harvesting, EV charging
- Potential energy savings are unknown at this time
- Difficult parking arrangements for neighbouring properties
- That Highways have no objections
- That the proposed houses may be too tall
- Sunlight impact on cottage six
- The need for efficient use of land

Members voted to Grant which was carried.

**DECISION** – that the Head of Place be authorised delegated authority to **GRANT** permission subject to the completion of a Unilateral Legal Agreement, conditions and an additional informative on the use of alternative sources such as heat pumps.

**Notes:**

*Site Visit – 7 December 2021 and attended by Councillors Ambler, Kennett, Southern.*

*Ms Deirdre Rook spoke for Ewshot Parish Council against the application.*

*Mr Carl Jackett spoke against the application.*

*Mr James Cross spoke for the application.*

The meeting closed at 8.02 pm



**HEAD OF PLACE**  
**REPORT TO THE PLANNING COMMITTEE OF**  
**2021-22**

**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.

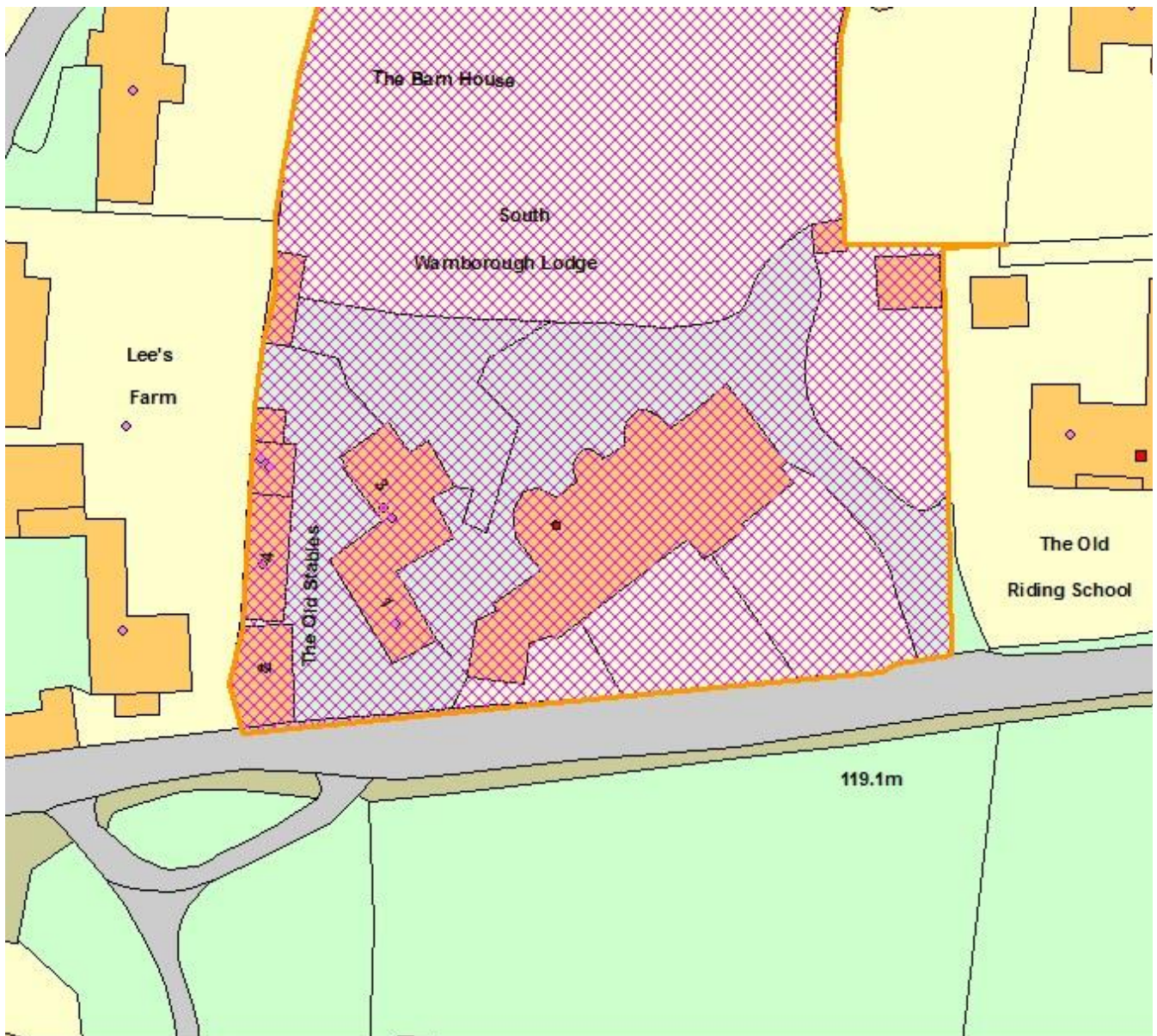
## 16. INSPECTION OF DRAWINGS

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  
ITEM NUMBER:**

APPLICATION NO.	21/02453/LBC
LOCATION	<b>South Warnborough Lodge Lees Hill South Warnborough Hook RG29 1RQ</b>
PROPOSAL	Replace two windows (windows 1 and 2)
APPLICANT	Cllr John Kennett
CONSULTATIONS EXPIRY	21 December 2021
APPLICATION EXPIRY	15 November 2021
WARD	Odiham
RECOMMENDATION	<b>Grant</b>



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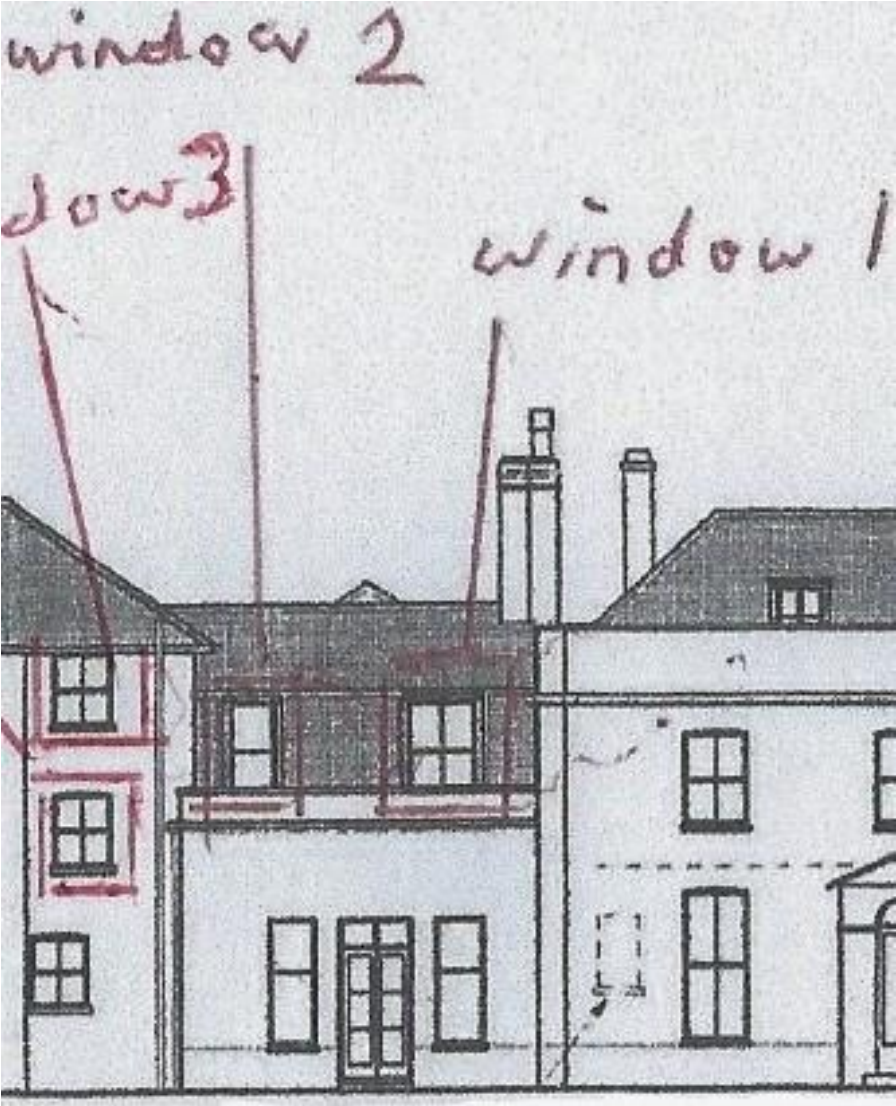
Existing and proposed front elevation



Site photo



Close-up of relevant windows





Condition of window 1



Condition of window 2



## **BACKGROUND**

This application is brought before the Planning Committee in accordance with Part 1 of the Council's Constitution; Scheme of Delegation for Planning Applications. The reason for the referral to Committee is that the applicant is an elected Councillor for Hart District Council.

## **SITE**

The site is a Grade II listed building, positioned in a prominent location on Lees Hill, opposite open fields running down to Alton Road. It is an imposing three storey building of white rendered walls and slate covered roofs, some featuring parapets. The building has origins in the 18th Century and has been developed and extended over time in the late 20th and early 21st centuries.

The site is within the South Warnborough Conservation Area and as such it is subject to Article 4 directions restricting certain development. It is also within Flood Zone 1 as set by the Environment Agency flood risk for planning however it is not within a locally designated causal flood risk area.

## **PROPOSAL**

Listed building consent is sought for the replacement of one window (annotated as 'window 1' on the submitted plans) and the replacement of sashes and repairs to the frame of a further window (annotated as 'window 2' on the submitted plans).

The initial submission included these works and the replacement of the sashes in two other windows (annotated as 'windows 3 and 4' on the submitted plans). Following advice from the Conservation Officer regarding the proposed works to these additional windows, these have been omitted from the proposal.

## **RELEVANT PLANNING HISTORY**

21/01462/LBC - Replace sashes in three windows in South-East elevation and replace one window in South-East elevation. Withdrawn 08.09.2021

## **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 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 saved policies of the South-East Plan (2009), the Hartley Wintney Neighbourhood Plan 2017-2032 (HWNP32).

All of these adopted and saved policies are up-to-date and consistent with the National Planning Policy Framework (NPPF) 2021.

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

Policy NBE8 - Historic Environment

Policy NBE9 - Design



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

Policy GEN1 - General Policy for Development

Hartley Wintney Neighbourhood Plan 2017-2032

HW Policy 2 – Design Guide

HW Policy 5 – Conservation Areas

Other relevant planning policy documents:

National Planning Policy Framework (NPPF) 2021

Planning Practice Guidance (PPG)

Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990

Hart's Climate Change Action Plan

Hart's Equality Objectives for 2021 - 2023

## **CONSULTEES RESPONSES**

### **South Warnborough Parish Council**

South Warnborough Parish Council offers no objection to this planning application.

#### **Conservation Officer (Internal)**

Windows 3 and 4 have been withdrawn from this application, leaving windows 1 and 2 forming this proposal.

The sashes of windows 1 and 2, and the box frame of window 1 are of modern construction and made of poor-quality modern softwood. There is no objection to the replacement of window 1 in its entirety, or of the modern sashes in window 2 as proposed in principle, because no loss of historic fabric would occur, so there would be no loss of significance. However, details at a scale of at least 1:10 or larger of any replacement should be required by condition if consent is granted.

## **NEIGHBOUR COMMENTS**

No neighbour comments were received.

## **CONSIDERATIONS**

### Significance of South Warnborough Lodge as a Designated Heritage Asset

South Warnborough Lodge is a Grade II listed building. Its significance lies within its historic architecture and form, including plan form, historic fabric, methods of construction and detailing which it contains. Historic alterations and development demonstrate how the house has historically evolved, and sympathetic changes contribute positively to the building's character.

### Assessment of Works Proposed

The key consideration in determining whether Listed Building Consent should be approved for the works is the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. In an assessment of works to a listed building, National Policy informs us that great weight should be given to the asset's conservation.

Listed buildings are designated heritage assets and accordingly, works which cause harm to the

significance of a listed building must be outweighed by public benefits to make such harm allowable.

The works would involve:

- entire replacement of the window annotated as window 1
- replacement of sashes and repairs to the frame of the window annotated as window 2

The replacement window would be of timber construction and custom milled in order to match the original. It would also be single-glazed and the frames and sashes would be painted white.

The repaired window would have custom milled timber sashes with single glazed panes, fitted into the existing frame. The frame would be repaired as necessary and re-painted with white paint.

#### Impact of the proposal on the significance of the building

The Council's Conservation Officer raised an initial objection to the originally proposed works as they included the replacement of two Victorian windows which contribute positively to the building's character and significance. Following constructive discussions the proposal was amended, with works to windows 3 and 4 removed from the proposal.

In response to the amended proposal, the Conservation Officer raises no objections, as the fabric that would be lost is modern and the works would not impact the special interest of the listed building.

The proposed works are considered to be acceptable in heritage respects.

#### **CONCLUSION**

The proposed works would cause no harm to the significance of the heritage asset and as such, the proposal is acceptable in line with Policies NBE8 and NBE9 of the HLP32, Saved Policy GEN1 of the HLP06, Policies 2 and 5 of the HWNP32 and the aims of Section 16 of the NPPF 2021.

#### **RECOMMENDATION - Grant**

#### **CONDITIONS**

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. Notwithstanding the submitted details, prior to removal or installation of the window frames and sashes hereby approved, large scale drawings shall be submitted to, and approved in writing by, the Local Planning Authority. The drawings should show, but not be limited to:

~ drawings at scale 1:10 or larger of the proposed replacements

The works shall be carried out in accordance with the approved details.

Reason: To ensure that impact on the listed building is acceptable and to satisfy section 16(2)

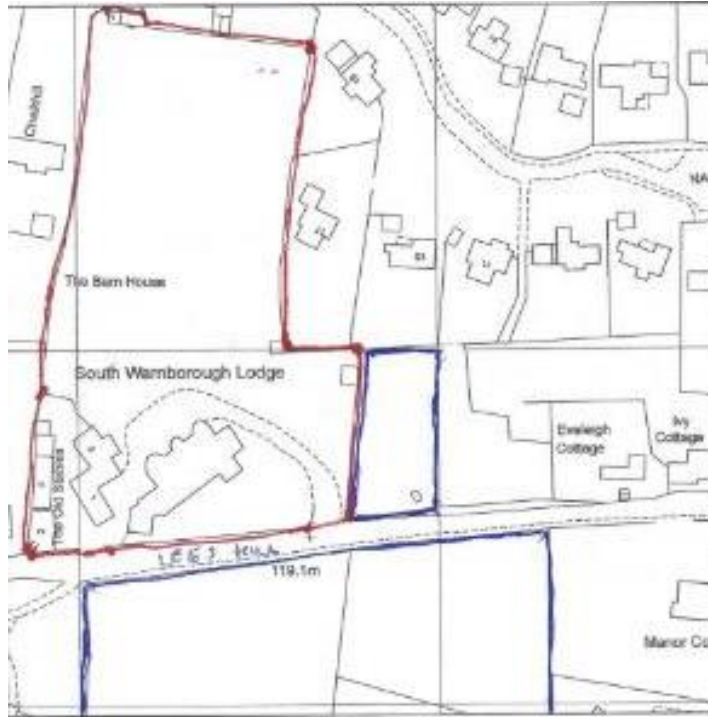
of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policies NBE8 and NBE9 of the Hart District Local Plan (Strategies and Sites) 2032.

## **INFORMATIVES**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: The applicant was advised of the necessary information needed to process the application and once received, the application was acceptable and no further engagement with the applicant was required.
- 2 You may require Building Regulations Consent and we advise that you should contact Building Control on 01252 398715.
- 3 Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.
- 4 The works hereby permitted shall be carried out in accordance with the following plans and documents:
  - Inspection report on windows at South Warnborough Lodge
  - Drawing of proposed replacement window
  - Drawing of proposed window sections
  - Design and Access Statement

21/02453/LBC South Warnborough Lodge

Site Location Plan



Site Block Plan



# Annotated Elevation Plan



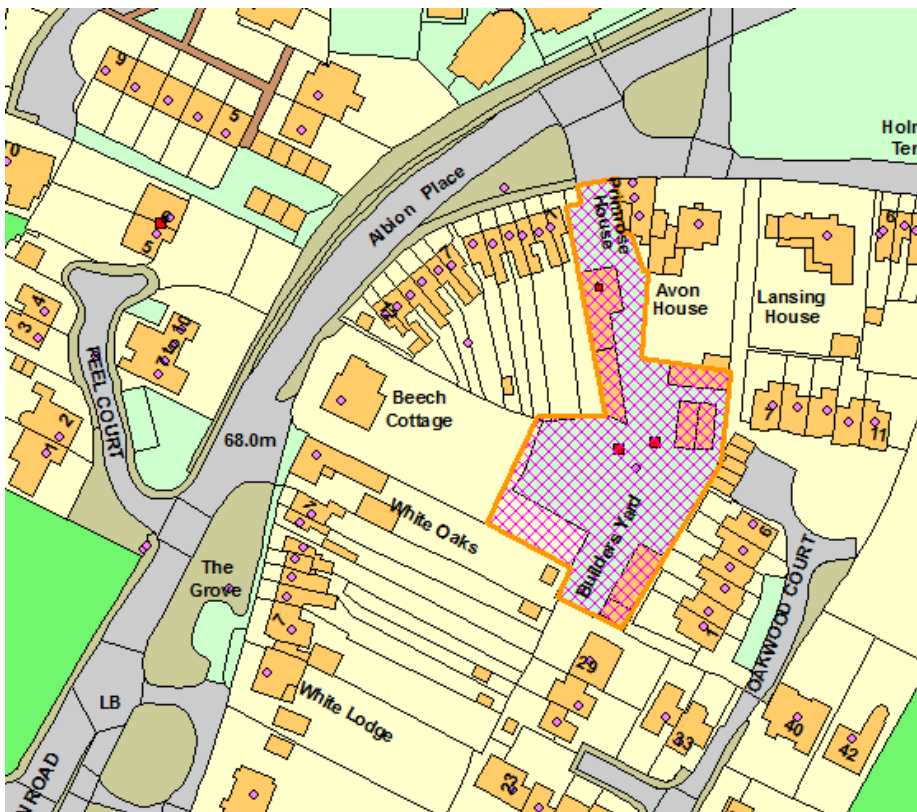
## COMMITTEE REPORT ITEM NUMBER:

APPLICATION NO.	21/01714/FUL
LOCATION	<b>Travis Perkins London Road Hartley Wintney Hook RG27 8RH</b>
PROPOSAL	Construction of 9 dwellings with associated parking and landscaping (following demolition of the existing buildings).
APPLICANT	C/o Agent
CONSULTATIONS EXPIRY	3 January 2022
APPLICATION EXPIRY	13 September 2021
WARD	Hartley Wintney
RECOMMENDATION	

**A.** That the Head of Place be authorised delegated authority to **GRANT** permission subject to the completion of a Unilateral Legal Agreement, and imposition of conditions (listed below);

Or if appropriate Special Protection Area avoidance measures are not secured via Unilateral Legal Agreement:

**B.** That the Head of Place be authorised delegated authority to **REFUSE** planning permission for appropriate reasons (listed below).



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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.

In addition, one Ward Councillor also requested the referral of the application to Planning Committee to consider the effect of the proposal on Listed Buildings, the quantum of development on the site and scale of the properties.

## **SITE**

The site is located within the settlement boundary of Hartley Wintney, on the southern side of London Road (A30). A builders' merchant operated from the site for approximately 40 years until 2020 when they vacated the site. The site is laid entirely to hardstanding with a part two-storey and part single storey brick and tile building located on the north-western boundary.

The site totals 0.27 hectares and is located to the south-west of Hartley Wintney village centre, it is accessed from Albion Place which is an area of common land immediately adjacent to the A30 London Road. The site is relatively narrow to the north and widens towards the south of the site. Residential properties surround the application site.

Nearby buildings to the north and north-east of the site, namely Victoria Hall (opposite side of London Road) and Avon House are Grade II listed buildings. Beech Cottage and Courts Design to the west of the site are non-designated heritage assets. The northern half (approximately) of the application site falls within the Hartley Wintney Conservation Area (CA).

A Tree Preservation Order (TPO) covers an area adjacent to the eastern boundary of the site, protecting a small group of trees located between the site boundary and the rear of residential garages at Oakwood Court.

The site falls within Flood Zone 1 which presents low flooding risk from rivers.

## **PROPOSAL**

Planning permission is sought for the re-development of the site to provide nine dwellings with associated driveway, parking, gardens and landscaping. The mix of dwellings proposed would comprise four x 2 bedroom properties, three x 3 bedroom properties and two x 4-bedroom properties.

The dwellings proposed would primarily be detached properties of 2 to 2.5 storeys in height, as some of the properties would contain living accommodation at roof level. They would also feature a variety of roof designs including sloping roof and hip ends, full gable and half gable ended roofs.

The dwellings are proposed along the perimeter of the site with a central internal access road. Existing buildings on the site would be demolished to allow for the development described above.

## **RELEVANT PLANNING HISTORY**

18/02514/FUL - Granted, 06.02.2019

Formalisation of 3no. customer parking bays to the front of the site and creation of 2no. to

the rear of the site, creation of stock display area to the front of the building, re-configuration of loading and overnight parking areas, installation of speed humps, erection of 2m high measuring marker poles and siting of railway sleepers.

18/01454/FUL - Withdrawn, 22.08.2018

Installation of 3No 2-metre high markers along the western edge of the property as a visual aid to ensure stored materials do not exceed this height, provision of a new Heavy Goods Vehicle (HGV) loading bay, provision of 2No customer loading bays within the rear of the building yard and provision of railway sleepers between the side boundary wall with 1 Albion Place and the stock storage area.

14/00487/FUL - Granted, 09.04.2014

Change of use of land to storage.

00/00529/FUL - Granted, 16.06.2000

Refurbishment and alterations to existing "barn" structure together with replacement of existing lean to with masonry construction.

94/23909/FUL - Withdrawn, 08.05.1998

Keyline builders' merchants, Albion Place, Hartley Wintney to change the use of adjoining ground, erect fencing and lay concrete to for extended storage area - demolish part of an existing building.

90/19512/FUL - Refused, 24.09.1993

Change of use of land from disused allotments to storage of building materials.

90/00059/CONAC - Granted, 24.09.1990

Demolition of Building.

79/06136/HD - Granted, 26.09.1979

Erection of open storage building.

77/03664/LB - Refuse, 21.09.1977

Proposed demolition part of existing building and erection of new front wall with iron panelling for gates.

78/04214/HD - Granted, 12.04.1978

Demolition and erection of a wall with a timber gate.

## **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 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 saved policies of the South-East Plan (2009), the Hartley Wintney Neighbourhood Plan 2017-2032 (HWNP32).

All of these adopted and saved policies are up-to-date and consistent with the National Planning Policy Framework (NPPF) 2021.



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

Policy SD1 - Sustainable Development  
Policy SS1 - Spatial Strategy and Distribution of Growth  
Policy ED2 - Safeguarding Employment Land and Premises (B- use classes)  
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 2009

Policy NRM6 - Thames Basin Heaths Special Protection Area

Hartley Wintney Neighbourhood Plan 2017-2032 (HWNP32):

Policy 2 - Design Guide  
Policy 5 - Conservation Areas  
Policy 6 - Control of Artificial Lighting  
Policy 8 - Cycleways and Footpaths

Other relevant planning policy documents:

National Planning Policy Framework 2021 (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guidance (NDG)  
Sections 66(1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990  
Technical Housing Standards - nationally described space standard (DCLG 2015)  
BRE Report - Site layout planning for daylight and sunlight: a guide to good practice (2011)  
Hartley Wintney Conservation Area Character Appraisal and Management Proposals (2008)  
Hartley Wintney Design Guide 92018  
Hart Technical Advice Note - Daylight and Sunlight: The 45- and 25-Degree Guideline  
Parking Provision Interim Guidance (2008)  
Hart's Climate Change Action Plan  
Hart's Equality Objectives for 2021 - 2023

**CONSULTEE RESPONSES**

**Hartley Wintney Parish Council**

No objection

- Councillors have examined the latest set of drawings which appear on the Hart planning portal and feel that the developers have listened to the comments and opinions of the neighbouring residents and to the Parish Council and have responded accordingly.

- The current design presents a development which is sympathetic to the surrounding listed buildings and will settle well into the local conservation area. If permission is granted this will be the first truly sustainable development in the village and the level of sustainability and biodiversity proposed is laudable.

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

No objection, subject to panning conditions about:

- Compliance with the Arboricultural Impact Assessment and plans submitted.

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

No objection, subject to conditions in respect of:

- Noise: Hours of Construction.
- Construction Management Plan.
- Contaminated land.
- Internal noise levels.

### **Natural England**

No objection subject to SPA mitigation being secured.

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

Concerns raised about the ingress/egress to the site

- Refuse vehicle would be unable to access the gravel car park to the front from London Road. The RCV moves along Holmewood Terrace and exits onto the London Road (A30) at this point.
- The proposed development will be required to leave wheeled containers at the entrance/exit to the proposed site for collection by 0630hrs on the specified collection day and removed from the bin collection point and returned back to the property as soon as possible following collection.
- A bin collection point is required.

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

No objection, subject to a condition to secure:

- Construction Method Statement

### **Ecology Officer (Internal)**

No objection

- Having reviewed the Preliminary Ecological Appraisal and Bat Survey (Bioscan, May 2021) and Addendum Bat survey (Bioscan August 2021), confirmed that a non-maternity bat roost of brown long-eared day roost within building 2. No specific mitigation is required for this roost. A development licence form Natural England would be required.
- Modest gains on biodiversity would be achieved and I agree it I possible. Details of landscaping showing what enhancements will be implemented should be secured.

- Information submitted also states that the submission of a Construction Environmental Management Plan is recommended to protect nearby Sites of Importance for Nature Conservation), this is supported.
- Submitted plan for inclusion of swift brick is supported.

### **Drainage Officer (Internal)**

No objection, subject to planning conditions to secure implementation of drainage strategy submitted.

### **Landscape Officer (Internal)**

No objection, subject to a planning condition to secure details of soft/hard landscaping.

### **Conservation Officer (Internal)**

Objection.

- Avon House and Beech Cottage are the two statutory listed buildings that directly abut the site. The building most likely to be affected is Avon House.
- No listed buildings are proposed for demolition to make way for the proposal; however, the scheme seeks to remove one of the buildings attached to Avon House's boundary wall and this would necessitate works to retain and make good the curtilage listed structure and any other structures that might be dependent upon it.
- Several older 19<sup>th</sup> Century former commercial buildings on the site have some intrinsic heritage value. These would be demolished as part of the scheme being proposed. Whilst some of the historic buildings on this site have undergone less than sympathetic changes, it is my opinion that, both individually and cumulatively, their historic value has been somewhat downplayed in the information submitted to support this proposal.
- The structures themselves, together with the historic layout and use of the site, form part of the established character of this part of the conservation area. These attributes might not be readily appreciated from the part of the conservation area that lies outside the boundary of the site.
- The design proposed for redevelopment of this site fails to capitalise or make use of the established historic commercial character of the existing site.
- A more imaginative development proposal has not come forward which seeks to retain and repurpose these buildings, or to follow their example by promoting a less generic, more distinctive, commercially spirited, scheme for the site's redevelopment for residential use.

### **NEIGHBOUR COMMENTS**

The statutory requirements for publicity, as set out in the Development Management Procedure Order (DMPO) 2015 (as amended) are in this case the notification of the adjoining properties together with either a site notice or press advert being required. The Council's Statement of Community Involvement (SCI) has been recently updated to align with the statutory publicity requirements.

The 21-day public consultation expired on 27.08.2021. At the time of writing the Officer's report there were 12 neighbouring objections submitted in response to the proposal. Some of these 12 residents submitted letters of objection multiple times, which are taken as a single objection for each of them.

Revised plans were submitted by the applicant and a 14-day public consultation exercise was undertaken, expiring on the 20.12.2021. 11 letters of objection were received from the same residents that previously objected; the grounds of objection are those raised in the first public consultation exercise.

The summary of representations received is below which include comments received from the Hartley Wintney Society and Hampshire Swifts.

- No landscaping proposed to 'soften' shared boundaries.
- Loss of privacy and overlooking.
- Loss of light to adjacent gardens.
- Scale/massing of development overall and the semi-detached properties.
- Unclear what 2/2.5 storey buildings look like compared to 3 storeys.
- Over-development, inappropriate density and excessive number of properties.
- No consideration of heritage or setting of the site.
- Alterations to plots 7-9 are minor and there is only a small gap between them.
- Proposed dwellings taller than existing neighbouring buildings.
- Lack of consultation to all surrounding neighbours.
- Demolition of existing buildings on the site will enable overlooking between existing neighbouring properties.
- Site levels compared to neighbouring sites will mean that proposed dwellings will be far taller.
- The spoil arising should be disposed elsewhere, thereby mitigating the amount of dust pollution, noise and risk of any other possible contamination that could occur.
- This would set a dangerous precedent.
- Existing buildings and layout on site form part of established character of the Conservation Area.
- Proposed houses may not comply with privacy, daylight and sunlight technical guidelines.
- Sight lines between plot 1 front windows and rear bedroom of no.1 Albion Place
- Render of plot 1 is unsympathetic to the facing brick of Albion Place
- 2-car-barn is too high, tunnelling and loss of light to access of no.1 Albion Place
- 5-car-barn gutter would overhang land of no.1 Albion Place, causing problems.
- Apple tree in garden of no.1 Albion Place is not shown in root protection plan.
- Careful consideration should be given to the demolition of existing buildings which have been in situ since the 1800's.
- Houses designs do not fit with Albion Place character or the wider CA.
- Albion Place (part of the HWCA) have been refused extensions (too imposing) and UPVC windows (not in keeping), therefore these proposed houses should not be permitted in this part of the village.
- The development needs to be sympathetic to the Conservation Area, adjacent residents and highway users.
- Heritage Impact report history/conclusions are incorrect.
- As a brownfield site a residential development is appropriate but this needs to be done sensitively given the site is partially within area 5 of the HWCA.
- Plot 2 is too close to the boundary.
- Car barn is inappropriate for the CA & overbearing.

- Plot 5 car barn built on boundary with gutter overhang is unacceptable.
- The proposed demolition of the Sawing Shed forms part of a party wall which is also part of the Engine House (VIII) in a neighbouring garden and a well.
- The site is over 150 years old and has been a busy Builders Yard, its history should be preserved.
- Unclear whether the development would meet the needs of local people
- No information on affordability
- Applicant should be required to provide 50% of development as affordable homes.
- Travis Perkins have paid for the upkeep of the access route for the last 25 years as neighbours use the area for parking. Should this development be permitted, it will quickly fall into disrepair.
- Concerns for pedestrian safety across the site entrance.
- Insufficient car parking.
- Nuisance from construction and associated traffic during works phase.
- Contrary to the Transport Statement there have been numerous accidents and near misses along this particular stretch of the A30.
- Submission does not consider increased home deliveries since COVID-19 pandemic.
- Development has not addressed the issues raised by Joint Waste Team.
- Recommend installation of a minimum of nine integral Swift bricks be included as a condition.
- Tree survey incorrect
- Health of trees should not be affected by the development.
- Over-lighting and directional spill can harm bat habitats. Submitted bat surveys do not meet government guidance.

## **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**

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

Policy SS1 sets out that development will be focused within the defined settlement boundaries as well as on previously developed land. The policy goes on to set out the Council's Housing requirement and indicate that this will in part be delivered through development or re-development 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. Thus, the redevelopment of the site is acceptable in principle.

In addition, the site was last in a lawful employment use. Policy ED2 of the HLP32 is relevant in this case as it provides a clear framework for development to occur within employment sites in the district, aside from those on strategic or locally important employment sites which must meet certain criteria. The application site is not on any designated employment site (neither strategic nor locally important).

In terms of the loss of economic activity on site, it is noted that the site was formerly occupied by a builders' merchant, Travis Perkins, until June 2020 when they vacated the site. The site would not be prevented from re-development to a non-employment use as a builders' merchant falls within a Sui-Generis land use, which means that the use does not fall within the Use Classes Order (as amended). The HLP32 only protects employment uses in Planning Use Class 'B'. Therefore, despite the former operations that took place on the land which would have provided a limited level of employment, the permanent loss of a Sui-Generis land use on the subject site as a result of the proposed residential development would not conflict with the economic policies of the HLP32 that seek to safeguard land in the 'B' use class.

With regards to the sustainability of the site, it should be noted that Hartley Wintney is one of the larger villages in the District containing a reasonable variety of services and goods on offer within its High Street. The site is within walking distance of the village centre, which is regarded as sustainable in terms of access to the full range of services and community facilities the village has to offer, although there are no large food stores within the village. Furthermore, when considering the re-development proposed in terms of surrounding land uses (mainly residential) there be no concerns in principle as the proposal would be a fully compatible neighbouring use.

In light of the above, the principle of the residential re-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 proposal against the Development Plan as a whole, as set out below.

## 2. DESIGN/ APPEARANCE 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).

Policy 2 of the HWNP32 requires the design and appearance of development to be informed by the Parish Design Guide. This states that proposals should be proportionate in terms of layout, and character, use external materials which complement the existing materials of the area. The design guide also advises that where possible and appropriate developments should use traditional or vernacular style buildings which follow local distinctiveness through their siting, local materials and styles.

The residential development subject to this application proposes a layout which makes efficient use of the land and allows a centralised access route which means vehicular movements are kept away from the neighbouring boundaries. The proposed dwellings would face inwards to the access road, with the exception of plot no. 1 where the primary elevation is oriented towards London Road itself.

The proposal would result in the demolition of the five existing buildings which are currently sited along the perimeter of the site. Several of the proposed dwellings would be sited in similar locations to the footprints of buildings proposed for demolition, however the dwellings would be set in from the boundaries of the site meaning they would be further from neighbouring properties and gardens.

The public representations received raise strong concerns about density of development proposed. It is noted that the Hartley Wintney Design Guidelines contain information about the densities of residential areas. The proposed housing density of the site as a whole would be 33 dwellings per hectare (ha), which is a density found within the Neighbourhood Areas contained in the HW Design Guide. A full urban design analysis of the layout of the development proposed and ancillary spaces required to accommodate it, the varying housing context (siting, form, type, scale of adjoining buildings) provides a more useful understanding of whether or not the development proposed is suitable in design terms.

The dwellings proposed differ in scale, design and appearance, which is a positive characteristic of the proposal, with the only properties similar in design being two pairs of semi-detached properties at plots 6-9. Initial concerns were raised about the scale of dwellings on these plots. However, the width of each pair has been reduced by a metre and their overall height has also been reduced by 1.3m. Moreover, their siting has also been revised so as to allow plots 8-9 to have increased distances from the site boundary. These amendments have addressed the initial Officer concerns.

The scale, proportion and siting of plots 1-5 are acceptable in design terms and there would be no adverse impacts from their proposed layout, scale or appearance. As such, overall, the proposal would display a suitable scale and siting for this infill site in context with the residential development surrounding it.

All of the plots are proposed with a traditional design approach featuring pitched roofs with a combination of hip and gable ends, chimney stacks and some properties feature roof dormers. There is also a combination of elevational details and materials which are all seen in the locality. The proposed dwellings feature varying orientations, and footprints, which would all contribute positively to achieving a development proposal that avoids homogenous, duplicated, design to instead provide a well-balanced assortment of individual dwellings on the site.

In terms of the visual impacts on the locality, the visibility of the development from the public domain would be limited to plot 1 at its northern end. Plot 1 would replace an existing building that accommodated the reception/ancillary office space for the builders' merchants and would be the primary view of the site when observed from the public domain.

Plot 1 would have a smaller scale when compared to the existing building it would replace. It would be sited along the same established northern building line as the existing building. It is proposed to be completed in white render with slate tiles, a front bay window and a redbrick chimney stack to its side elevation. Therefore, the visual dominance of buildings on the site would be reduced and improved with the proposed dwelling which would be visible in between no.1 Albion Place and Primrose House. Plot 1 would integrate with the character

and appearance of these two properties and the wider streetscene.

Public views of the remaining properties and the site as a whole are not possible due to properties surrounding the site and landscaping in their gardens. However, even if they were visible from the public domain, it would be a vast improvement from the poor contribution the site currently makes to the visual amenity of the area.

Therefore, the proposal would be in accordance with Policy NBE9 of the HLP32, saved Policy GEN1 of the HLP06, Policy 2 of the HWNP32 and the aims of the NPPF 2021 in terms of design, character and appearance and visual amenity of the area.

### 3. HERITAGE IMPACTS

Policy NBE8 of the HLP32 and Policy 5 of the HWNP32 require development proposals to conserve or enhance heritage assets and their settings, taking account of their significance. Within Policy 5 of the HWNP32 new development proposals are supported where they take account of the key elements of the character or appearance of the relevant conservation area as set out in its Conservation Area Character Appraisal.

Paragraph 195 of the NPPF 2021 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The northern end of the site, the vehicular access and 4 buildings sited on this northern section of the site fall within the Hartley Wintney Conservation Area (CA). This same section of the site adjoins the curtilage of / shares a boundary wall with a Grade II Listed Building, Avon House, which is towards the north-east of the site. Opposite the site's access, on the other side of London Road, another Grade II Listed Building is found, Victoria and Jubilee Hall.

In terms of impacts to the CA, the northern section of the site falls within Character Area 4 (The Common) as set out in the Hartley Wintney Conservation Area Character Appraisal (HWCA). The maps of this character area also identify adjacent buildings at either side of the site access and beyond, and also those adjacent to the west as positive buildings, with two of these (Beech Cottage and White Oaks) identified as being non-designated heritage assets.

The spatial analysis contained in the HWCA makes reference to the importance of the village greens and refers to The Commons Character Area as:

“The Common, a large open green space about half of which is covered in regimented rows of mature oak trees... The Common is the most important open space...The rows of mature oaks, planted in the 1800s, is the principal feature.” (Page 13 of the HWCA 2008).

In terms of focal points, it refers to the Grade II listed building opposite the site access, Victoria and Jubilee Hall. The proposed development would not affect these main features of the Character Area and the visual interaction or intervisibility between the site and these main features is minimal and indirect. In terms of the impacts on the Conservation Area, the response from the Conservation Officer has raised some criticism regarding the design not seeking to retain or re-purpose existing buildings or result in a more distinctive scheme. The Conservation Officer has also stated that the proposal is not representative of development currently making a positive contribution in this part of the CA.



As assessed above, the design proposed is regarded as a suitable approach to re-development which responds to the locality which includes the conservation area. The dwellings as designed would add positively to the variety of housing in the area and the use of materials seen in the surroundings would contribute to integrating them satisfactorily. The proposal does not propose generic designs as there are material difference between properties and the detailing proposed.

With regards to the retention of the buildings retrofitting them, it should be noted that none of them are identified as having any architectural or historical merit at national or local level. Neither the HLP32, the HWNP32 nor the HWCA refer to the buildings on the site as having any architectural, cultural or historic merit, which otherwise would have resulted in them being identified as non-designated heritage assets or positive buildings in the CA.

Furthermore, on inspection of the buildings as part of the Officer site visit undertaken, it was noted that the oldest buildings on the site (the single storey buildings behind the main building fronting onto London Road) have been subject to substantial interventions, the original roof supports have been replaced, the walls feature floor-to-ceiling cracks (indication of structural damage), the wall sections have been re-constructed and underpinned with breeze blocks and or rebuilt with non-matching bricks, and modifications have been undertaken to install roller shutters instead of original gates/doors.

Therefore, the Case Officer considers that the site and older buildings within it make no positive contribution to the character/appearance of the conservation area at present and the replacement of the buildings with the dwellings proposed, with landscaping and suitable materials, would not only preserve but enhance the conservation area, the setting of surrounding buildings and the character and appearance of the area as a whole.

With regards to impacts on Listed Buildings, the feedback from the Conservation Officer states that *'Avon House and Beech Cottage are the two statutory listed buildings that directly abut the site.'* As such the impacts on these buildings are particularly relevant. For clarity, Beech Cottage is not a statutory listed building on the national heritage list or register from Historic England. Instead, it is a building of local importance (non-designated heritage asset). In any event the Conservation Officer acknowledges that there would not be undue harm caused to Beech Cottage.

With regards to Avon House, which is Grade II listed, the potential impacts arising relate to; the intervention of the proposal to its boundary wall as it is also part of one of the outbuildings proposed for removal and it is also part of an outbuilding within the listed curtilage of Avon House; secondly the potential impacts on its setting as plots 8-9 would be replacing the existing single-storey outbuilding.

The Conservation Officer rightly acknowledges that there is a duty for the boundary wall to be retained and made good, regardless of the building removal proposed. The Conservation Officer has also questioned how maintaining the integrity of the listed boundary wall would be achieved as part of the development, so as to avoid harm. The applicant was requested to submit a Method Statement Overview in this respect, and it states that inspections were undertaken by a structural surveyor. In terms of the demolition of the outbuilding on site, it details that all of the work would be undertaken by hand or with handheld tools (e.g. stripping of tiles, removal/sawing off roof trusses), the wall would be capped off with creasing tile and brick coping to match existing along with waterproofing sections of the wall.

Remedial works to sections of the listed wall that are already damaged would also be undertaken to stabilise one of the corners of the wall. Therefore, the outline method statement provides sufficient detail of the possible engineering solutions available to ensure

that the listed structure would not be harmed. To ensure no harm would be caused, a condition has been suggested requiring a detailed method statement along with engineering and sectional drawings (surveys/ proposed).

Lastly, in terms of the setting of Avon House the proposal would alter the existing situation as a result of the demolition of the buildings to the northern end of the site (mainly those within the CA) however this is not considered to generate harm to the setting. This is as a result of the siting, scale and overall design/appearance of the development together with the introduction of landscaping currently lacking on the site.

With regards to the effects on the setting of Avon House as a result of proposed plots 8 and 9, these plots would largely replace the existing outbuilding abutting/running along the listed boundary wall for 13.6m. This is a single storey outbuilding with a dual-pitched roof and a height to its ridgeline of 5.22m. A further outbuilding to the south that has a similar footprint to plots 8 and 9 but a maximum height at its ridge of 6m would also be replaced.

Considering these existing outbuildings on site, their siting, footprint and scale, they would cumulatively account for a similar amount of built development when compared to proposed plots 8 and 9. The main difference between these existing buildings and the proposed plots is that the built form is distributed in a different manner, resulting in the proposed plots being on average 1.4m higher. Nevertheless, these plots would be sited away from the listed structure by 3.2m and the height above the existing outbuilding standing on the shared boundary would be lessened as the structure would slope away from it.

Therefore, the siting and built form proposed for plots 8-9 would not result in harm to the setting of the listed building, Avon House. The Conservation Officer has not identified any harm to the setting of this listed building either. As such, subject to a detailed method statement about the outbuilding's demolition and restoration of the listed boundary structure of Avon House, no heritage harm would arise to the listed buildings.

Subject to planning conditions, the proposal would be acceptable in heritage terms and in accordance with Policies NBE8 and NBE9 of the HLP32, saved policy GEN1 of the HLP06, Policy 5 of the HWNP32 and the aims of the NPPF 2021 in heritage 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 living spaces would benefit from natural light and ventilation. Externally, plots 1-5 would provide large private outdoor spaces which would accommodate the outdoor amenity requirements for future occupiers. It is noted that plots 6-9 would have smaller private amenity spaces, in the form of 'courtyard gardens' with an area ranging between 33sqm – 64sqm.

Considering the pattern and sizes of gardens of properties surrounding the site, the sizes of outdoor amenity areas of these plots would not be out of keeping with the pattern of surrounding gardens. The courtyard garden of plot 6 (49sqm) would have an irregular shape as opposed to the typical rectangular/ squared shape, however prospective occupiers would still be capable of fulfilling outdoor amenity needs and in addition the application site adjoins

substantial public open space at the Common, which would also contribute positively in this regard.

With regards to housing mix, 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 four x 2-bedroom, three x 3-bedroom properties and two x 4-bedroom dwellings, which would largely reflect the District needs set out in Policy H1. As such no concerns are raised in respect of housing mix.

It is also noted that one of the dwellings is required to be accessible and adaptable as defined by the requirements of M4(2) of Building Regulations. Details on this aspect have been recommended as a planning condition to secure compliance in line with Policy H1(b) of the HLP32.

The proposed 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 all housing delivery should contribute to meet housing needs. There is a genuine expectation that windfall sites, particularly brownfield sites such as this, contribute to meet housing needs of the District. As stated above the greatest need is for 2 and 3 bedroom units and the proposal would contribute to addressing the current housing needs of the District. The proposal is compliant with Policies H1 and H6 of the HLP32 and the aims of the NPPF 2021 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 site is surrounded by residential development and overall the proposal would result in a betterment or a neutral impact on adjacent dwellings. The impact analysis would be set out by focusing on different components of the proposal and how they affect the nearest dwellings to them.

- Plot 1 and adjoining carports (x2)

These elements of the proposal immediately adjoin no.1 Albion Place sited to the west, however there would be a reduction of built form when compared to the existing buildings currently standing along the shared boundary. The scale and proportions of the proposed plot 1 dwelling would be smaller than the existing and would be moved 1m further away from the boundary. There would be an open-sided single storey carport which could accommodate parking for four vehicles with a ridge height of 4.4m, which would be materially smaller than the existing single-storey building along the same boundary.

Moreover, the development proposes a detached carport for two vehicles between plot 1 and the front boundary of the site, directly opposite the side elevation of no. 1 Albion Place. From the site inspection undertaken and records held, this adjoining property does not feature

ground floor openings in the flank elevation directly opposite the carport proposed. There is a window at first-floor level which serves a bathroom, as opposed to a habitable room. There are ground floor windows in the flank elevations of the rear two-storey projection of the property which either serve a circulation area connecting the dining room/kitchen or they are secondary openings for the kitchen as there are also ground floor openings in the rear elevation of the kitchen which faces south.

The front elevation of plot 1, at the closest point, would be 4m from the rear elevation of the two-storey rear outrigger of no.1 Albion Place (corner to corner between elevations). The front elevation of plot 1 would contain one upper-level window serving a bedroom and the rear elevation of the outrigger of 1 Albion Place also contains a window serving a bedroom. The elevations would be at an angled relationship and would not directly facing one another, the main views from these windows would not be of the neighbouring elevation. There would only be very oblique views between them as such there would not be a detrimental impact on privacy.

Plot 1 and the carports would also be sited at close proximity to Primrose House which abuts the entrance to the site to the east. The first floor of this building is in residential use and contains openings to the rear (kitchen area - from records held) and to the flank elevation facing the site (utility and bathroom – from records held). However as previously stated the proposal would result in less built form, and there would not be proposed windows directly facing these existing windows. Again, the relationship would be acceptable and there would not be a detrimental effect on privacy.

As such plot 1 and carports would raise no concerns in terms of neighbouring amenity.

- Plots 2 and 3

These plots would share their rear boundary with terrace properties fronting onto London Road; no's 1-4 Albion Place, Beech Cottage and White Oaks. All of these properties have deep rear gardens which would result in distances between the existing dwellings and plots 2 and 3 of a minimum of 35m. Plots 2 and 3 would also be set in from the shared boundaries with varying distances due to the alignment of the site boundary/ As such, no detrimental impacts are anticipated to the rear gardens of these adjoining properties as a result of the proposal. Thus, no material impacts to residential amenity are anticipated.

- Plots 4 and 5

These proposed properties would adjoin the curtilage of White Oaks and no.29 Southern Haye. In addition, plot 5 would also adjoin the rear boundary of 1-4 Oakwood Court.

White Oaks fronts onto London Road and has a deep rear garden (approx. 47m) which is a significant distance away from the proposed development. The double garage of plot 4 would be at close range with the shared boundary with the rear-most section of the amenity space of White Oaks. Owing to the modest scale of the garage, it would not result in material harm.

No. 29 Southern Haye is sited to the south of the site and the rear garden of plots 4 and 5 would share a boundary with this adjacent property. The two-storey sections of plots 4 and 5 would be sited at a distance of 12m from the shared boundary. The flank elevation of no.29 Southern Haye facing these proposed plots would also be 2.5m away from the boundary. As

such the relationship between them is acceptable.

With regards to no's 1-4 Oakwood Court, there is an existing outbuilding on site abutting the rear boundary of no's 1-4 Oakwood Court. This building has a width of 19m and its mono-pitched roof has a height of 5.17m to highest point. The proposal would remove this building and replace it with plot 5, a two-storey dwelling which would be sited 4.4m away from the shared boundary, its height would slope from 5.1m to 8.53m. The maximum ridge height would be 7.7m away from the shared boundary with Oakwood Court. The garage of plot 5 would be an intervening feature and would be sited closer to Oakwood Court. It would have a dual-pitched roof that would slope up away from the boundary and would reach a maximum height of 4.3m at a separation distance of 2.85m. Overall, the residential amenity of no's 1-4 Oakwood Court would not be materially harmed and in some areas may be improved with this proposal.

Given the above, no demonstrable harm would arise to the residential amenity of these existing adjoining properties.

- Plots 6 and 7 and adjoining carport

The adjoining carport would be directly west of no. 5 Oakwood Court's rear garden, but it would be 1.1m away from the shared boundary, it would have a height to the eaves of 2.25m and the ridge of its hipped roof would reach a height of 4.5m but it would be 3.85m away from the shared boundary. As a result, the impacts arising would not be significant.

Plots 6 and 7 (reduced in scale from the original submission) would be sited directly to the west of a detached single storey garage for 5 vehicles located in between no's. 6 and 7 Oakwood Court. Plots 6 and 7 would also be at close range from these existing properties.

No.6 Oakwood Court and plot 6 are both two storey buildings. The distance between them would be 11.8m at the closest. Because of the siting/ orientation of plot 6, its rear windows would not face directly onto the rear elevation of No.6 Oakwood Court. The rear windows of both properties would achieve oblique views of each other's rear elevation but they both would still enjoy acceptable levels of privacy and amenity and it is noted that no. 6 Oakwood Court benefits from landscaping along its rear boundary which also serves as a screen between dwellings. The two upper windows of plot 6 would serve the same bedroom, as such one of these windows could be installed with obscure glazing and non-opening panes below 1.7 metres to reduce any oblique views that may be achieved.

It is also worth mentioning that plot 6 is sited north-west in relation to no.6 Oakwood Court, hence this existing adjoining property and its garden would receive satisfactory levels of daylight/sunlight and would not be detrimentally affected.

Plot 7 would be at a distance of 10.5m from no. 7 Oakwood Court and as referred to previously there would be an intervening single storey garage building in between them. The two upper windows in the rear elevation of plot 7 would directly face the front gardens of no. 7 Oakwood Court and adjoining terraced properties. Because of the existing siting/ orientation of no.7 Oakwood Court (front elevation facing south, flank elevation facing the application site) no material impacts would result.

- Plots 8 and 9

Plots 8 and 9 would replace two existing buildings that are sited by /adjoining the boundary with no.7 Oakwood Court and/or Avon House. The dwellings on these plots, which have been reduced in size from the original submission, would be sited at close range from no.7 Oakwood Court and the rear garden/ boundary of Avon House.

The rear elevation of plots 8 and 9 would directly face the flank elevation of no.7 Oakwood Court, there would be a distance of 13.2m between them. It is also noted that the curtilage of no.7 does not share a boundary with the application site as there is a walkway between them that offers Oakwood Court residents a shorter walk to access London Road / The Common. The flank elevation of no.7 Oakwood Court features three small windows, which are secondary or do not serve habitable rooms. The rear garden of no.7 Oakwood Court is slightly northeast from these plots.

The first floor layouts of plots 8 and 9 propose bathrooms/en-suites to the rear of the dwellings to avoid overlooking of the rear garden of no. 7. Only one bedroom of plot 8 would be served by a rear window, which would be located to the southern end of the property directly facing the flank elevation of no.7 Oakwood Court. Only oblique views would be achievable from the adjacent garden. Thus, as a result of the distances, orientation, internal layout and relationship between buildings, no material impacts are anticipated.

Finally, in terms of the residential amenity of Avon House, the rear elevation of this property is 27m away from its rear boundary which would be shared with plot 8 as part of this proposal. As previously discussed in the Heritage Section above and the previous paragraphs, it is proposed to remove an outbuilding sited along the boundary with Avon House. Regardless of the outbuilding removal proposed, the boundary wall would have to be maintained at the height it currently is (3.2m approx.) as it also forms part of an outbuilding standing within the curtilage of Avon House. It is noted that there are mature trees/vegetation in the rear garden of Avon House along this rear boundary wall.

The upper section of the windowless flank elevation of plot 9 would be visible from the rear garden of Avon House in between their mature landscaping, however plot 9 has been re-sited so as to move it away from the shared boundary. It would be sited 3.2m away from it, the hip end of the roof would slope up way from the boundary and the highest section of the pitch roof of plot no.8 would be 5.55m away from the shared boundary. The gap between the boundary and plot 9 would accommodate two car parking spaces.

It is acknowledged that plot 8 would alter the current relationship between this section of the application site and the southern end of the garden of Avon House, as the existing outbuilding despite being sited by the shared boundary is lower in height. However, sufficient steps have been taken in the design and siting of plot 9 to avoid overbearing effects when viewed from this neighbouring garden. Plot 9 would be sited directly south of Avon House's garden, however no detrimental impacts on daylight/sunlight are anticipated. Therefore, the relationship between plot 9 and Avon House is acceptable

Neighbouring residential impacts arising from the proposal would not be significant and as such the proposal is in compliance with Policies of the HLP32, HLP06 the HWNP and also the aims of the NPPF 2021 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 traffic generation arising from the site, these being 5 vehicle movements in the AM and PM peak times, which would be a reduction of vehicle trips when compared to a builder's merchants. They however recommended that if the application is supported by the Council, that a planning condition is imposed to secure a construction management plan.

In terms of car parking provision, Hart's Interim Guidance (2008) indicates a maximum provision of 26 car parking spaces, of which one should be allocated for visitors. The car parking provision proposed by this scheme would be 25 spaces and two of those would be allocated for visitors. The proposed provision would be two spaces for each 2-bedroom plot and three spaces for each 3 or 4-bedroom plot. This would be a suitable car parking provision when considering the location of the site and access to goods and services on offer in Hartley Wintney village centre. Also, each dwelling would be provided with cycle storage for two bicycles.

With regards to refuse collection, the Joint Waste Service has been consulted and confirmed that they would not access the application site because of the gravel car parking to the front. Future residents of the development would have to leave wheelie bins by the entrance of the site for collection. The frontage of the site would be capable of accommodating a bin collection point to the front, within the site. Therefore, these details along with a refuse management plan could be secured via a planning condition.

The proposed development would not result in unacceptable impacts on highway safety or significant cumulative impacts on the highway network as set out within the NPPF 2021. On-site car parking provision for the development proposed would also be adequate. As such, subject to planning conditions, the proposal would comply with Policies NBE9 and INF3 of the HLP32, Policy 2 of the HWNP and the aims of the NPPF 2021 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, The proposal was accompanied by drainage information to address surface water management which has been analysed by the Council's Drainage Officer who has raised no objection. The Council's Drainage Officer has recommended planning conditions be imposed, as detailed in the Consultee comments section above.

Subject to planning conditions recommended by the Drainage Officer, the application is acceptable and in compliance with the objectives of Policy NBE5 and NBE9 of the HLP32, and the aims of the NPPF 2021 in this regard.

## 8. ECOLOGY, TREES AND LANDSCAPING

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 a full bat survey was not submitted. However, it was undertaken and provided over the course of the consideration of the application. The Ecologist is satisfied with the reports submitted and that no bats emerged from the buildings during the surveys. The report confirmed there is a non-maternity bat roost within one of the buildings (brown long-eared day roost), however no mitigation is required for this roost. The applicant would have to apply for a license from Natural England to undertake any removal/destruction of the roost. As such, the Ecology Officer has raised no objection to the development subject to landscape conditions to demonstrate biodiversity enhancements and the submission of a Construction Environmental Management Plan.

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 is satisfied with the submitted arboricultural information and has requested that it is implemented to ensure the proposal is policy compliant. With regards to landscape, no objection has been raised by consultees in this regard subject to the submission of full landscape details (hard and soft landscape).

The proposal, therefore, would be policy compliant in respect of ecology, trees and landscaping subject to planning conditions.



## 9. THAMES BASIN HEATHS SPECIAL PROTECTION AREA

Policy NBE3 of the HLP32 seeks to protect the Thames Basin Heaths Special Protection Area (SPA). South East policy NRM6 requires adequate measures to avoid or mitigate any potential adverse effects on the Special Protection Area (SPA). The Habitats Regulations 2017 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 require 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.

Policy NBE3 of the HLP32 and saved policy NRM6 of the South-East Plan 2009, make clear than 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 zone of influence around the TBHSPA. The proposal therefore requires an Appropriate Assessment to ensure that additional residential occupiers would not effect the integrity of the TBHSPA.

The applicant has demonstrated that they will be securing access to a privately owned and controlled Site of Alternative Natural Greenspace (SANG). The Council's Shared Legal Services Team has been liaising with the applicant's solicitor in drafting the unilateral agreement to legally tie this SANG access, together with a Strategic Access Management and Monitoring (SAMM) payment and this legal process has not yet been finalised. Members will be updated as part of the Addendum if matters have been finalised in advance of the Committee date.

## 10. CLIMATE CHANGE AND EQUALITY

On 29<sup>th</sup> 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 application was accompanied by a Sustainability Statement (SS) which confirms that the development would adopt sustainable approaches to construction. The dwellings would be constructed with an enhanced insulation following a fabric first approach and the layout is deemed acceptable in sustainability terms.

The SS confirms that each property would have air source heat pumps and wood-burning

stoves installed and also details carbon emission savings of 37.28% (9734 kg CO<sub>2</sub> per year) compared with not exceeding building regulations or installing air source heat pumps. The proposal meets the requirements of Policy NBE9 of the HLP32 to contribute and 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. OTHER PLANNING CONSIDERATIONS

One letter of objection stated that the proposal would set a dangerous precedent for similar developments elsewhere. The Officer response is firstly that the site is suitable for re-development given its location within a settlement boundary and given it is vacant brownfield land. Secondly, all planning applications are considered and determined on their own merits in light of the prevailing policies of the Development Plan in force and all other material planning considerations at that time. Should other proposals be submitted within the District for new residential developments on windfall sites, including previously developed land, then they would be duly assessed and considered on their own merits at that time.

## 12. 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 a mix of homes for which there is demand.
- 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 re-development of a vacant brownfield site. The replacement of utilitarian buildings which do not hold any heritage designation in their own right with a residential development of high quality, of suitable design/character and appearance that would integrate satisfactorily with the Hartley Wintney Conservation Area and with the locality. Overall improvement to neighbouring amenity as a result of the removal of large buildings abutting their curtilage. There would also be ecological improvements as a result of additional landscaping the proposal would introduce to a site currently devoid of greenery and the sustainability credentials of the scheme to address climate change.

The dis-benefits identified 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 deliver significant public benefits as a result of the housing provision, modest economic benefits and substantial environmental benefits, which would all materially weigh in favour of the proposal.

The development, therefore, along with the mitigation strategies proposed and subject to fully addressing SPA impacts, would not materially conflict with the relevant policies of the development plan nor would it generate any adverse impact or harm which cannot be suitably mitigated via condition.

## **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 brownfield site which the NPPF emphasises should be re-developed to meet future development needs.

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 designated/ 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 the 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 completion of a Unilateral Legal Agreement to bind the development to the allocation of private Suitable Alternative Natural Greenspace (SANG) and to secure the Strategic Access Management and Monitoring (SAMM) financial contribution in respect of the Thames Basin Heaths Special Protection Area, subject to the following Planning Conditions (listed below):

## **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:

20170/C101 Rev G (Site Layout), 20170/P101 Rev K (Proposed Site Plan),  
20170/P103 Rev D (Proposed Site Section – plot 9), 21170/P104 Rev C (Proposed

Site Section Plots 8 & 9), 21170/C105 Rev D (Proposed Street Scenes), 20170/P110 (Proposed Plans and Elevations – Plot 1), 20170/P111 Rev. A (Proposed Plans and Elevations – Plot 2), 20170/P112 Rev. B (Proposed Plans and Elevations – Plot 3) 20170/P113 Rev. A (Proposed Plans and Elevations – Plot 4), 20170/P114 (Proposed Plans and Elevations – Plot 5), 20170/P115 Rev. D (Proposed Plans and Elevations – Plot 6 & 7), 20170/P116 Rev. D (Proposed Plans and Elevations – Plot 8 & 9), 20170/P117 Rev. A (Proposed Plans and Elevations – Outbuildings), 11027/100 Rev. P6 (Site access and visibility and swept path plan), 11027/101 Rev. P1 x 2 (Swept path of a large car – Access & Egress), 11027/1600 Rev. P6 (drainage Strategy), 578-KC-XX-YTREE -LM01 Rev. I (Landscape Masterplan), 578-KC-XX-YTREE -TPP01 Rev C (Tree Protection Plan), 578-KC-XX-YTREE -TCP01 Rev A (Tree Constraints Plan)

Documents:

Design and Access Statement Rev. A produced by OSP (Nov 2021), Planning Statement produced by Vail Williams (Nov 2021), Heritage Impact Assessment produced by Asset Heritage Consulting (Nov. 2021), Transport Statement Rev. 1a produced by GTA Civils & Transport (Oct 2021), Sustainability and Energy Statement produced by Bluesky Unlimited (Oct 2021), Preliminary Ecological Appraisal and Bat Survey produced by Bioscan (May 2021), Supplementary Bat Survey Results produced by Bioscan (August 2021), Tree Survey and Impact Assessment -1578-KC-XX-YTREE Rev B produced by KEEN Consultants ( June 2021), Ground Investigation Report produced by GEO INTEGRITY (March 2021), Permeable paving 1 in 100 year +40% -part 1 produced by GTA Civils Ltd (Oct 2021), Permeable paving 1 in 100 year +40% -part 2 produced by GTA Civils Ltd (Oct 2021), Listed Wall Method Statement Overview produced by Stratfield Homes.

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 on site 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;

Once approved, the details 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, the aims of the Hartley Wintney Neighbourhood Plan 2017-2032 and the NPPF 2021.

4. No development shall commence on site until details of a construction environmental management plan are submitted to and approved in writing by the Local Planning Authority to demonstrate how the construction of the development would be dealing with environmentally sensitive areas, their aftercare and maintenance together with a plan detailing the works to be carried out showing how the environment will be protected during the works.

This shall include how construction activities would be controlled /managed to avoid adverse impacts on nearby SINC's and trees/hedgerows within/adjacent the site. The details approved shall be fully implemented and retained for the duration of the works.

REASON: To protect ecology and biodiversity of the locality in accordance with Policies NBE4 and NBE11 of the Hart Local Plan (Strategy and Sites) 2016-2032 the aims of the Hartley Wintney Neighbourhood Plan 2017-2032 and the NPPF 2021.

5. With the exception of demolition, no development shall commence on site until a detailed contaminated land report to assess potential contaminants has been prepared, submitted to and agreed in writing by 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,

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 neighbours' and workers' health during works and for future occupiers' health and residential amenity post-occupation and to satisfy Policy NBE11 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.

6. Notwithstanding the information submitted with the application, prior to the demolition of the outbuilding referred to in the approved Listed Wall Method Statement Overview as 'Old Saw Shed,' a detailed Demolition Method Statement, repair schedule (including engineering drawings) and protection measures involving the listed boundary wall of the Grade II Avon House, shall be submitted to and approved in writing by the Local Planning Authority.

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

REASON: To safeguard the integrity of listed structures of the adjoining heritage assets in accordance with Policies NBE8 and NBE9 of the Hart Local Plan (Strategy and Sites) 2016-2032, Policy 5 of the Hartley Wintney Neighbourhood Plan 2017-2032 and the aims of the NPPF 2021.

7. No development above ground floor slab level shall commence until an external materials schedule including product brochures, online product links, or physical samples as appropriate, details and samples of all external materials for the buildings, means of enclosure and hard surfacing on the site have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall proceed in accordance with the details as approved.

REASON: To ensure a high-quality external appearance of the development and to satisfy Policies NBE8 and NBE9 of the Hart Local Plan (Strategy and Sites) 2016-2032, Policy GEN1 of the Hart District Local Plan 1996- 2006 (Saved Policies), Policies 2 and 5 of the Hartley Wintney Neighbourhood Plan 2017-2032 and the aims

of the NPPF 2021.

8. 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 a minimum of 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.

9. No development above ground-floor slab level shall commence until a soft and hard landscaping strategy and boundary treatment details have been 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, tree pit details and implementation schedule of landscape proposals.

The landscape plans shall include details of features to improve biodiversity/ecology 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, NBE4 and NBE9 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.

10. Prior to first occupation, notwithstanding any information submitted with this application, details of refuse storage and management for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the approved details shall be fully implemented prior to first occupation and shall thereafter be retained in perpetuity.

REASON: To ensure an adequate refuse storage and servicing and prevent displaced containers on the highway in the interests of highway safety and visual amenity and to ensure the development functions well in accordance with Policies NBE9 and INF3 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.

11. The approved vehicular access, car parking facilities and manoeuvring areas serving the development hereby approved shall be completed and made fully available prior to the first occupation of any of the residential units hereby approved. Once installed, the vehicular facilities including external parking areas, garages and car ports shall be

retained in perpetuity for the purposes of parking and turning vehicles and cycles and access shall be maintained at all times to allow them to be used as such.

REASON: To ensure that the development is provided with adequate access, parking and turning areas in the interest of public highway safety and to satisfy 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, Policy 2 of the Hartley Wintney Neighbourhood Plan 2017-2032 and the aims of the NPPF 2021.

12. 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 at any time on Sundays or Public Holidays.

REASON: To protect the residential amenities of neighbouring occupiers and to satisfy Policies NBE9 and NBE11 of the Hart Local Plan (Strategy and Sites) 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the NPPF 2021.

13. Notwithstanding the information accompanying this application, noise insulation shall be incorporated to the building envelope of the dwellings to secure internal noise levels no greater than 35dB LAeq,16hours (07:00-23:00) and 30dB LAeq,8hours (23:00-07:00) within bedrooms.

REASON: To ensure a good level of residential amenity to future occupiers in accordance with Policies NBE9 and NBE11 of the Hart Local Plan (Strategy and Sites) 2016-2032 and the aims of the NPPF 2021.

14. Notwithstanding the information accompanying this application, the following windows shall be fitted with obscured glass (of Pilkington Glass Level 3 or above, or equivalent) and shall be non-opening non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed:

- the southern-most first floor rear window of the approved dwelling shown as 'plot 6'
- the three first floor rear windows serving bathrooms and an en-suite in the dwellings shown as 'plot 8' and 'plot 9' as indicated in approved plan 20170/P116 Rev. D.

Once installed, the windows shall thereafter be retained as such.

REASON: To protect the residential amenities of neighbouring occupiers in accordance with Policies NBE9 and NBE11 of the Hart Local Plan (Strategy and Sites) 2016-2032 and the aims of the NPPF 2021.

15. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, D, E and F of The Town and Country Planning (General Permitted Development) (England) 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 permitted under these classes shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application made for that purpose.

REASON: In order to prevent over-development, 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 Hart Local Plan (Strategy and Sites) 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the NPPF 2021.

16. Notwithstanding the provisions of Schedule 2, Part 1, Class B on of 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 of a dwellinghouse consisting of an addition or alteration to its roof permitted under this class shall be carried out on plots 1, 6, 7, 8 or 9 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 issues involved in such a proposal, further engagement with the applicant was required and the application was subsequently acceptable.

**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 Suitable Alternative Natural Greenspace (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 2009, The Thames Basin Heaths Special Protection Area Delivery Framework (2009) and the aims of the NPPF 2021.



**PROPOSED BLOCK PLAN**



Front Elevation

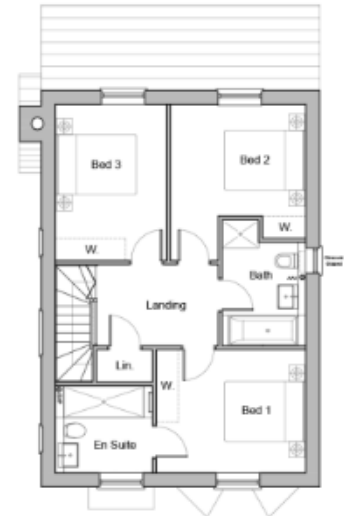


Side Elevation A



Ground Floor Plan

ELEV A



First Floor Plan

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Rear Elevation



Side Elevation B

PLOT 1



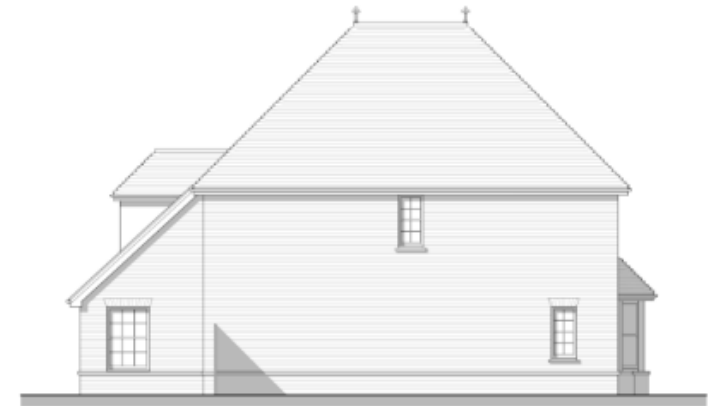
Ground Floor Plan



First Floor Plan



Rear Elevation



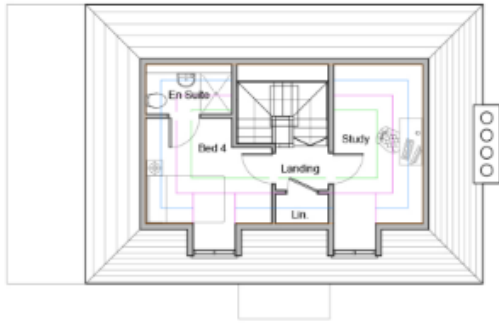
Side Elevation B



Front Elevation



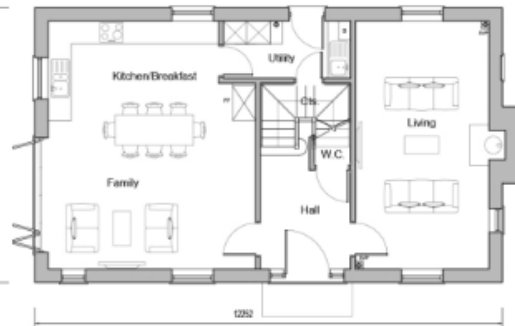
Side Elevation A



Second Floor Plan



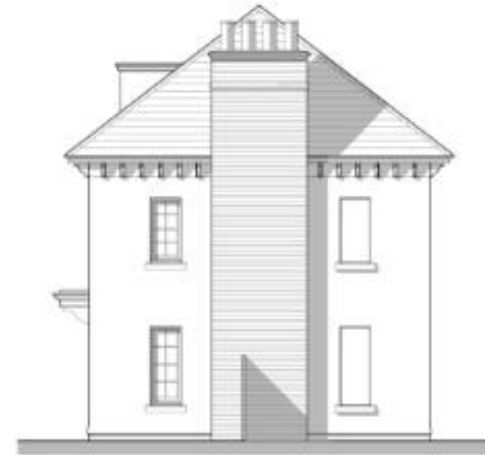
First Floor Plan



Ground Floor Plan



Front Elevation



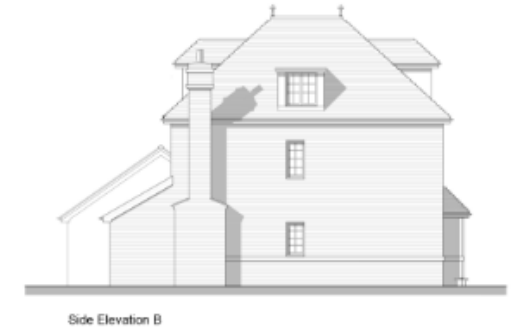
Side Elevation A



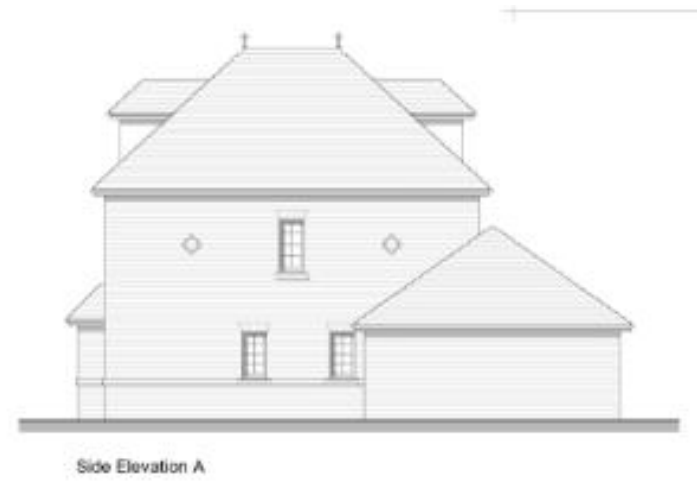
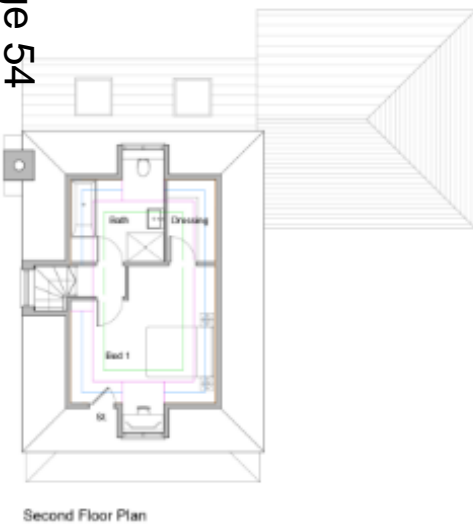
Rear Elevation

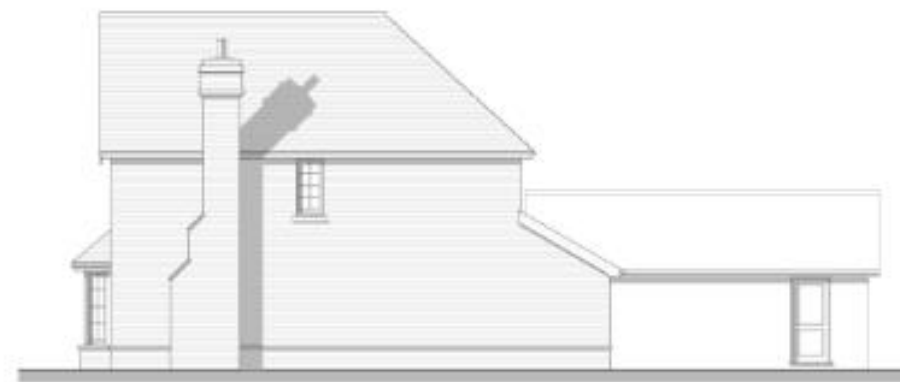


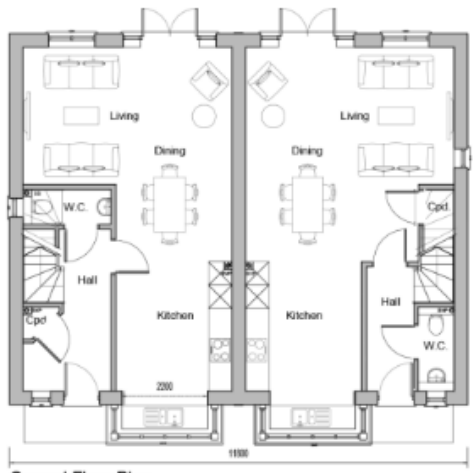
Side Elevation B



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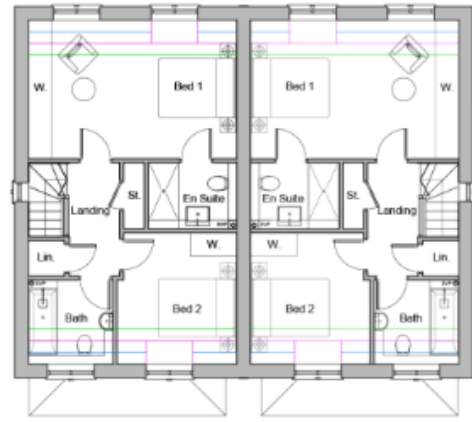






Ground Floor Plan

ELEV A



First Floor Plan



Front Elevation



Side Elevation A



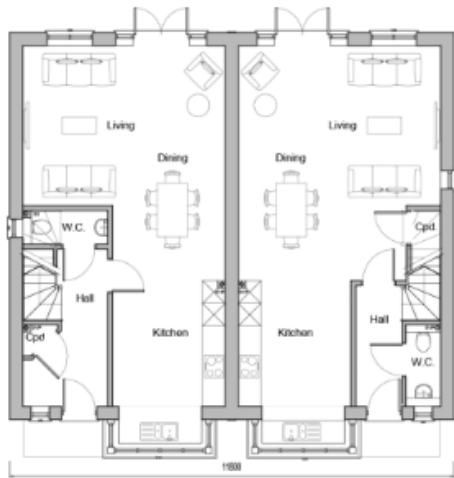
Rear Elevation



Side Elevation B

PLOTS 6 & 7





Ground Floor Plan

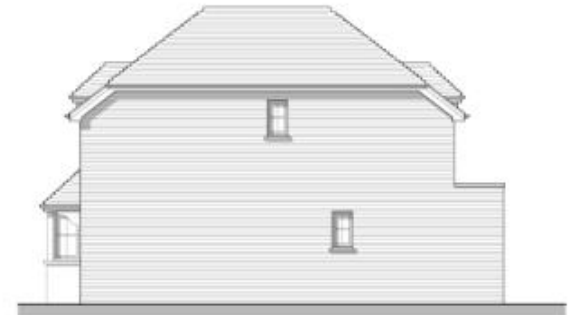
ELEV A



First Floor Plan



Front Elevation



Side Elevation A



Rear Elevation

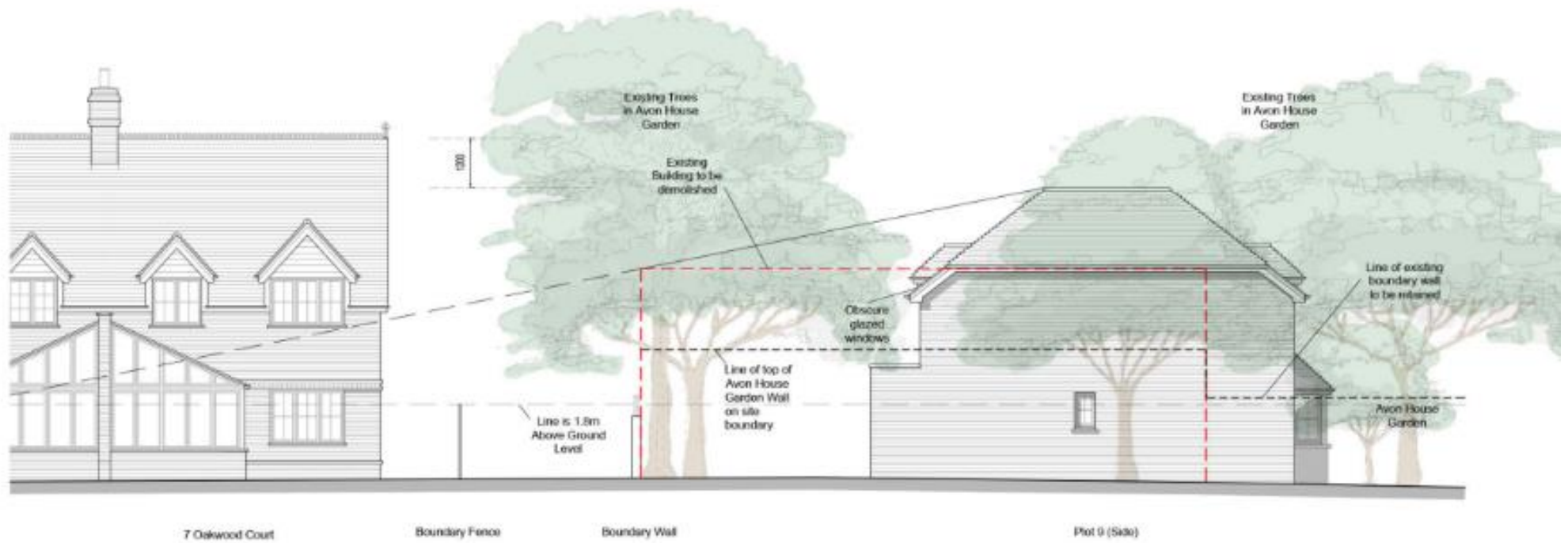


Side Elevation B

PLOTS 8 & 9



**PLOTS 8 & 9 – Outline of existing buildings to be removed.**



**PLOTS 8 & 9 – Relationship with 7 Oakwood Court**