



**NOTICE OF MEETING**

**Meeting:** Planning Committee  
**Date and Time:** Wednesday 21 September 2022 7.00 pm  
**Place:** Council Chamber  
**Enquiries to:** Committee Services  
committeeservices@hart.gov.uk  
**Members:** Quaterman (Chairman), Blewett, Cockarill,  
Forster, Kennett, Makepeace-Browne, Oliver,  
Radley, Southern, Worlock and Wildsmith

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 - 11)**

The Minutes of the meeting held on 20 July 2022 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 12 - 17)**

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

## **6 UPDATE ON CHANTRYLAND, EVERSLEY, HAMPSHIRE**

A verbal update from the Head of Place.

## **7 21/02933/HOU - 35A BASINGBOURNE ROAD, FLEET, GU52 6TG (Pages 18 - 34)**

## **8 22/01343/HOU - WOODLAND VILLA, CRICKET GREEN LANE, HARTLEY WINTNEY, HOOK HAMPSHIRE, RG27 8PH (Pages 35 - 49)**

## **9 22/00778/FUL - LAND ADJACENT TO DAMALES FARM, BOROUGH COURT ROAD, HARTLEY WINTNEY, HOOK, HAMPSHIRE (Pages 50 - 68)**

## **10 22/01389/AMCON - 7 BROOME CLOSE, YATELEY, HAMPSHIRE, GU46 7SY (Pages 69 - 76)**

**Date of Publication: Tuesday, 13 September 2022**

# Public Document Pack Agenda Item 1

## PLANNING COMMITTEE

**Date and Time:** Wednesday 20 July 2022 at 7.00 pm

**Place:** Council Chamber

**Present:**

Quarterman (Chairman), Blewett, Butler, Cockarill, Dorn, Kennett, Makepeace-Browne, Southern, Worlock, Wildsmith

**In attendance:**

Councillor Smith

**Officers:**

Mark Jaggard, Head of Place

Stephanie Baker, Development Management & Building Control Manager

Tola Otudeko, Shared Legal Services

Miguel Martinez, Principal Planner

Kathryn Pearson, Principal Planner

Amy Harris, Senior Planner

Jenny Murton, Committee Services and Members Officer

Craig Harman, Planning Assistant

## 13 MINUTES OF PREVIOUS MEETING

Nine out of the 10 Committee Members voted to approve the Minutes of the previous meeting. Councillor Dorn voted against.

Members highlighted that the Minutes in the Agenda pack did not mention Members by name for the recorded vote.

The Committee Services Officer apologised for the administrative error and ensured that going forward Minutes would reflect this.

The Minutes of the Committee Meeting on 15 June 2022 should have contained for planning application 21/02782/OUT:

*Members undertook a recorded vote and Grant was carried. The vote was:*

*For – Blewett; Cockarill; Kennett; Quarterman; Southern; Worlock; Wildsmith*

*Against – Forster; Makepeace-Browne; Oliver; Radley*

*Abstention – none*

The minutes of the meeting held on 15 June 2022 were confirmed and signed as a correct record.

It was also agreed that Committee Services would look at version control for documents published in relation to all Committee meetings.

## **14 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillors Forster, Oliver and Radley.

Councillor Dorn was a substitute for Councillor Forster and Councillor Butler was a substitute for Councillor Oliver.

## **15 DECLARATIONS OF INTEREST**

None.

## **16 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had two announcements.

1. An email poll would be set up to determine the most suitable September date to hold the tour of completed developments with an Urban Designer, which had to be postponed from February 2022.
2. His second announcement was that the Hares Hill meeting (relating to the sole agenda item from 15 June Planning Committee) had taken place between Members and Officers and there would be a follow-up meeting.

The Chairman also announced later in the meeting that he would move Item 9 to the end of the Agenda, after Item 11.

## **17 DEVELOPMENT APPLICATIONS**

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

## **18 21/01800/FUL - BUILDING 260, 270 AND 280 BARTLEY WOOD BUSINESS PARK, BARTLEY WAY, HOOK, HAMPSHIRE**

The Principal Planner summarised the application as follows:

Redevelopment of the site to provide 10 industrial units (14,122 sqm of floorspace for Flexible Use Class B2/B8/E(g)(i)-(iii)), together with associated parking, a new vehicular access off Griffin Way South, landscaping, and other associated works (following demolition of existing buildings)

Members considered the application and asked the following questions:

- The possibility of removing Use Class B2 from the application.
- The description on the amended plan consultation letter that was sent to the Parish Council in April was discussed.
- Why the number of industrial units had changed from nine to 10 and noting the removal of the retail unit (food store) from the scheme to bring the proposal in line with policy

- How noise impact assessments and suitability for siting in residential areas differed between Use Classes B1 and B2.
- The time of year that the noise assessment for this application was undertaken as leaves on trees can change noise levels.
- The sort of activity that could be happening on the site late at night.
- Whether there were delivery restriction conditions on the lease and if any could be issued by the landowner.

Members debated:

- How B2 class is not specifically mentioned in the description on the response from Highways England
- More detailed discussion was needed relating to the Use classes.
- Hours of operation and usage would need careful control via condition
- Impact on the current residential area and residential occupiers in the future.
- The merits in taking the application away for further discussion
- Possible noise and air pollution that could occur because of the application being granted.
- Night-time activities at the site need to be properly defined and considered.
- Possible local employment opportunities the application may bring.
- The possibility of removing permitted development conditions.
- The lack of Section 106 contributions for this application.

A Member highlighted the importance of documentation and several typos in reports, and this was asked to be noted.

Councillor Smith addressed Members in his capacity as Ward Councillor for Hook and reiterated points of concern including neighbouring amenity, use class and consultation document descriptions.

Members undertook a recorded vote to Grant, subject to the conditions specified in the agenda which was not carried. The results were:

For: none

Against: Councillors Butler, Cockarill, Dorn, Kennett, Makepeace-Browne, Quarterman, Southern, Wildsmith and Worlock.

Abstention: Councillor Blewett.

Members undertook a second recorded vote for the recommendation to Grant, subject to conditions, and a referral to the Chairman and the relevant Hook Ward Councillor on Planning Committee, to review and agree the specific conditions. Delegated authority granted to the Head of Place to issue the permission once the conditions were agreed with the Chairman and relevant Ward Councillor.

Members voted unanimously for this second recommendation and the motion to Grant was carried.

**DECISION – GRANT, subject to conditions, and in consultation with the Chairman and relevant Hook Ward Councillor on Planning Committee in respect of conditions, the Head of Place was delegated the authority to grant planning permission.**

Notes:

*No site visit took place.*

*Councillor John Orchard, from Hook Parish Council and Selena Coburn spoke against the application. Paul Newton, from Barton Willmore spoke for the application.*

*Selena Coburn was not speaking in her capacity as a Ward Councillor for Hook.*

**19 21/02749/FUL - LAND LYING TO THE NORTH OF VICARAGE LANE, HOUND GREEN, HOOK, HAMPSHIRE**

The Principal Planner summarised the application as follows:

Construction of a temporary 17.87 MW Solar Farm, to include the installation of Solar Panels with LV switch/transformer, customer switchgear/T Boot enclosure, a DNO substation enclosure, security fencing, landscaping, and other associated infrastructure

Members considered the application and discussed:

- How the quality of the agricultural land could be monitored.
- Restrictions on working hours for construction vehicles.
- Potential noise pollution.
- The reason for the Planning Committee referral by the Head of Place Service

Members debated:

- The previous applications for solar development.
- Whether the location was appropriate.
- What would happen at the end of the 40-year temporary period
- Does solar farmland automatically mean it is previously developed land/ suitable for residential development

Members undertook a recorded vote on the recommendation set out in the agenda, which was unanimous, and the motion to Grant was carried.

**DECISION – GRANT, subject to planning conditions.**

Notes:

*No site visit took place.*

*Mark Harding, from Barton Willmore spoke for the application.*

**20 22/00197/HOU - 87 ROSEMARY GARDENS, BLACKWATER, CAMBERLEY, GU17 0NJ**

The Development Management & Building Control Manager summarised the application as follows:

Erection of a first-floor front, part single part two storey rear extension, replacement of garage flat roof with pitched roof, insertion of skylight into main roof and insertion of doors and windows into side elevation.

Members considered the application and debated:

- The difference between the current scheme and the previous refusal
- Clarification on how the parking spaces were shown on the site plan
- The length of construction and working hours and whether any restrictions could be placed on them.
- The number of parking spaces the property has.
- The minimum dimensions for a residential garage.
- Potential for condition to ensure garage retention, to ensure a garage would be used for parking only and not converted.
- Whether the proposal involved the removal of any trees.
- How the proposal could impact the existing street scene.
- Permitted development rights and householder rights under the General Permitted Development Order.
- Whether parking areas were permeable

A Member requested that the application be deferred to enable a site visit to be carried out. The Development Management & Building Control Manager reminded Members that a specific reason needed to be stated to request a site visit.

Members undertook a recorded vote on the recommendation, subject to conditions discussed and Grant was carried. The results were:

For: Councillors Butler, Dorn, Kennett, Makepeace-Browne, Quarterman, Southern, Wildsmith and Worlock.

Against: Councillors Blewett and Cockarill.

Abstention: none.

**DECISION – GRANT, subject to the imposition of additional conditions discussed relating to garage conversion restriction; hours of construction works and permeable parking areas.**

Notes:

*No site visit took place.*

*There were no public speakers.*

**21 21/02743/FUL - THE ELVETHAM HOTEL, FLEET ROAD, HARTLEY WINTNEY, HOOK, HAMPSHIRE, RG27 8AR**

The Principal Planner summarised the application as follows:

Alterations to and extension of The Elvetham Hotel (to include the provision of 46 guest accommodation units) including:

- Repair and restoration of chapel within Elvetham Hall
- Demolition of 1970s extension to Elvetham Hall and erection of a single storey extension to accommodate new rooms
- Partial demolition of existing extension and reinstatement of internal courtyard to Elvetham Hall
- Various other minor internal and external alterations to Elvetham Hall
- Demolition of underground air raid shelter
- Erection of an events centre featuring basement, ground floor and mezzanine floor and a subterranean access from service wing
- Demolition of glasshouses
- Erection of new building attached to existing garden wall and small buildings for use as a spa
- Renovation and conversion of St Mary's Church to provide function facility
- Refurbishment of water tower to include installation of platform lift and conversion to guest accommodation units
- Demolition of Bluebell Cottages and the erection of 2 two storey buildings to provide guest accommodation units
- Demolition of Heather Cottages and the erection of 3 two storey buildings to provide guest accommodation units
- Conversion of garden store and erection of a part single part two storey building to be known as Journeyman Cottages to provide guest accommodation units
- Erection of refuse storage building
- Erection of fuel tanks, generators
- Replacement of one and creation of one sewerage treatment plant and associated utilities
- Resurfacing, rearrangement, and extension to car parking
- Hard and soft landscaping works
- Replacement entrance gates
- Formation of gardener's yard
- Lighting Scheme.

Councillor Blewett left the room at 21:28 and returned at 21:31.

Members questions included:

- Whether any climate change elements had been explored for the development and PV cells on roofs etc.



- What could be done to reduce climate change implications during the construction phases and potential recycling opportunities during this construction.
- The potential impact of glazing and heat retention in the proposed spa area, potentially requiring air conditioning and how it could relate to Hart's climate change targets.

Members debated:

- The employment opportunities and benefits the application could bring to the local area as a destination.
- The positive impacts of the proposal to the heritage asset
- The Environment Agency's technical objection on flood risk was also discussed and the need for a referral to the Secretary of State to allow a 28-day period for call-in of the decision.

Members praised the application for balancing a modern design with conserving the building and site's heritage.

Members undertook a recorded vote on the revised recommendation, set out in the Addendum paper and subject to the required referral of the application to the Secretary of State, permission be GRANTED subject to the conditions and informatives set out on the Agenda.

The results of the vote were:

For: Councillors Blewett, Butler, Cockarill, Dorn, Kennett, Makepeace-Browne, Quarterman, Wildsmith and Worlock.

Against: none.

Abstention: Councillor Southern.

**DECISION – GRANT, subject to referral of the application to the Secretary of State, subject to the conditions and informatives as set out on the Agenda.**

The Principal Solicitor and Principal Planner reminded the Committee that if the Secretary of State does not call-in the application, the Head of Place be delegated authority to issue the decision. Members confirmed they understood this to be the situation when voting.

Notes:

*A site visit was carried out on 19 July 2022 as set out in the Addendum paper.*

*Rebekah Jubb, on behalf of Bell Cornwell LLP, spoke for the application.*

**22 21/02744/LBC - THE ELVETHAM HOTEL, FLEET ROAD, HARTLEY WINTNEY, HOOK, HAMPSHIRE, RG27 8AR**

The Principal Planner summarised the application as follows:

Alterations to and extension of The Elvetham Hotel (to include the provision of 46 guest accommodation units) including:

- Repair and restoration of chapel within Elvetham Hall
- Demolition of 1970s extension to Elvetham Hall and erection of a single storey extension to accommodate new rooms
- Partial demolition of existing extension and reinstatement of internal courtyard to Elvetham Hall
- Various other minor internal and external alterations to Elvetham Hall
- Demolition of underground air raid shelter
- Erection of an events centre featuring basement, ground floor and mezzanine floor and a subterranean access from service wing
- Demolition of glasshouses
- Erection of new building attached to existing garden wall and small buildings for use as a spa
- Renovation and conversion of St Mary's Church to provide function facility
- Refurbishment of water tower to include installation of platform lift and conversion to guest accommodation units
- Demolition of Bluebell Cottages and the erection of 2 two storey buildings to provide guest accommodation units
- Demolition of Heather Cottages and the erection of 3 two storey buildings to provide guest accommodation units
- Conversion of garden store and erection of a part single part two storey building to be known as Journeyman Cottages to provide guest accommodation units
- Erection of refuse storage building
- Erection of fuel tanks, generators Replacement of one and creation of one sewerage treatment plant and associated utilities
- Resurfacing, rearrangement, and extension to car parking
- Hard and soft landscaping works
- Replacement entrance gates
- Formation of gardener's yard
- Lighting Scheme

Members discussion and debate is listed in the Minutes for the previous item.

Members undertook a recorded vote on the recommendation set out in the agenda and subject to the revised condition wording for conditions 2 and 3 and additional condition 20 as set out in the Addendum paper together with all other conditions and informatives set out on the agenda, Listed Building Consent was granted.

The results of the vote were unanimous.

**DECISION – GRANT, Listed Building Consent, subject to the revised conditions 2 and 3, additional condition 20, and all other conditions and informatives as set out on the agenda report.**

Notes:

*A site visit was carried out on 19 July 2022.*

*Rebekah Jubb, on behalf of Bell Cornwell LLP, spoke for the application.*

**23 22/01164/HOU - 79 WESTOVER ROAD, FLEET, HAMPSHIRE, GU51 3DE**

The Senior Planner reminded Members of the update on the Addendum paper and summarised the application as follows:

Erection of a single storey side and rear extension and new front door and windows.

There were no questions from Members.

A Member commented that they believed the extension's wood cladding was not a material which was typical or in-keeping with the area. The Ward Councillor for the area advised that there is a mixture of designs and materials on Westover Road.

Members undertook a recorded vote, which was unanimous, and the motion to Grant was carried.

**DECISION – GRANT, as per the officer's report and Addendum paper.**

Notes:

*There was no site visit.*

*There were no public speakers.*

The meeting closed at 10.00 pm



**HEAD OF PLACE**  
**REPORT TO THE PLANNING COMMITTEE OF**  
**2022-23**

**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.

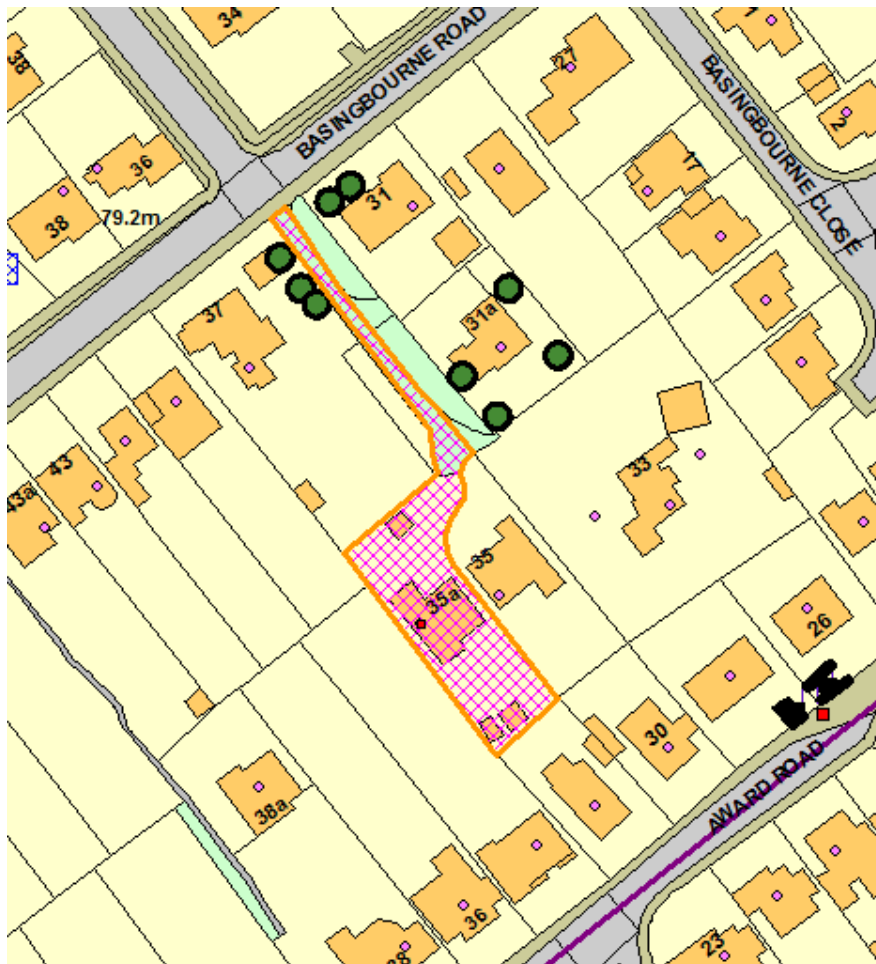
## **16. INSPECTION OF DRAWINGS**

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. 21/02933/HOU  
LOCATION **35A Basingbourne Road Fleet GU52 6TG**  
PROPOSAL Erection of a single storey rear extension to dwelling (part of which is completed under permitted development rights), together with alterations to the front elevation and replacement of double garage with ancillary residential accommodation.  
  
APPLICANT Mr N Weston  
CONSULTATIONS EXPIRY 5 May 2022  
APPLICATION EXPIRY 8 February 2022  
WARD Church Crookham East  
RECOMMENDATION **Refuse**



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This application has been referred to the Planning Committee for determination at the discretion of the Executive Director for Place due to the complex planning history of the site and because of the level of public and Member interest in the application.

At the time of preparation of this report officers made a visit to the site and noted some works had been undertaken at the property, however, those works did not appear to reflect the detail shown in the proposed plans associated with this application.

These matters will be reviewed in light of current circumstances at the site, and where necessary, additional information will be presented in the addendum.

## **BACKGROUND**

### Application Site

The application site is located within the settlement boundary of Fleet as identified on the proposals map of the Hart Local Plan (Strategy & Sites) 2032 (HLP32). The site is accessed via a shared access located between numbers 31 and 37 Basingbourne Road (opposite Linkway) which serves a small enclave of 4 dwellings. The existing property is a detached bungalow with no accommodation in the roof space. The site also accommodates a detached single storey domestic structure to the north (front) of the bungalow. The site has a hardstanding forecourt area utilised for vehicle parking.

The neighbouring property (no. 35) is a chalet bungalow which has been extended and altered, mainly by the addition of front and rear dormers to provide accommodation in the roofspace. This was undertaken prior to the consultation and adoption of Fleet Neighbourhood Plan (FNP32) which seeks to retain single-storey homes in the local housing stock. The wider area is mixed in design terms with a range of two-storey dwellings, chalet bungalows and bungalows. The site is also located with the Dinorben Character Area as identified in the FNP32.

The site lies within Flood Zone 1 wherein properties have the lowest risk of flooding as determined by the Environment Agency. The site is however within a Causal Flood Risk Area as determined by the HLP32.

### Proposal

The application has been amended and seeks permission for the erection of a single storey rear extension to the existing bungalow to provide an enlarged kitchen/living/dining room and a new sitting room, the partial retention of the ancillary domestic outbuilding to the front (north) of the existing bungalow to provide two bedrooms and a toilet and to provide an enclosed link between the bungalow and outbuilding.

The retained outbuilding would be reduced in size from the existing structure currently on site by removing the existing pitched roof from the structure leaving the retained building with a flat roof, by reducing the length of the outbuilding by around a third and reducing the width of the rear of the building by approximately 40cm.

The plans indicate rear extension to the bungalow would provide a floor area of 46.3 square metres and would have a height of approximately 2.6 metres. The extension would be constructed with external materials matching the existing dwelling.

The plans indicate the retained outbuilding would have a floor area of around 37.2 square metres and a height of approximately 2.54 metres. The outbuilding would be completed with

external materials matching the existing dwelling.

The enclosed link between the bungalow and outbuilding would have a floor area of 4.14 square metres and a height of 2.3 metres.

### Planning History

87/15859/OUT - Erection of detached dwelling & garage. Refused 19.11.1987; allowed on appeal 07.06.1988.

88/17151/REM - Approval of reserved matters HDC/15859. Granted 18.10.1988.

93/22492/S64 - Extension to provide a utility room. Granted

19/02318/HOU - Erection of extensions to existing first floor roofspace to facilitate the conversion of the loft to habitable accommodation, single storey front and rear extensions, demolition of existing garage, erection of replacement garage with accommodation in the roof space, single storey link extension from dwelling to garage and alterations to fenestration. Withdrawn 05.12.2019.

19/02779/PREAPP - Erection of extensions to existing first floor roofspace to facilitate the conversion of the loft to habitable accommodation, dormer style, single storey front and rear extensions, demolition of existing garage, erection of replacement garage, single storey link extension from dwelling to garage and alterations to fenestration. No Further Action 06.04.2020.

20/00577/HOU - Erection of single storey front and rear extensions, raising of roof, insertion of two dormer windows to front, two dormer windows to rear and a window to each side to facilitate the conversion of the roof space to habitable accommodation, erection of a single garage and habitable accommodation following demolition of existing double garage (part retrospective), link extension from garage to dwelling and alterations to fenestration. Refused 07.04.2020.

20/00884/HOU - Erection of single storey front and rear extensions, raising of roof, insertion of two dormer windows to front, two dormer windows to rear and a window to each side to facilitate the conversion of the roof space to habitable accommodation, conversion into habitable accommodation following demolition and enlargement of existing double garage (part retrospective), alterations to fenestration. Refused 06.08.2020. Appeal Dismissed 03.03.2021.

20/00052/OPERT3 - Unauthorised erection of a single storey outbuilding. Enforcement Notice Served 30.11.2021. Appeal Dismissed and Enforcement Notice Upheld 04.07.2022.

### **CONSULTEES RESPONSES**

#### Fleet Town Council:

FTC commented on a previous submission on 11.01.2022 that there were significant discrepancies in the submitted drawings.

The submitted drawings are now consistent in terms of the plans and elevations, but do not match the description of the application as indicated.

If the following application description is followed:

Erection of a single storey rear extension to dwelling (part of which is completed under permitted development rights), together with alterations to the front elevation and replacement of double garage with ancillary residential accommodation. (Revised Plans Uploaded 21.04.2022) then the plans are in conformity with the description and appear acceptable.

To note that 3 letters of support all come from a family apparently living at the applicant address and 2 from addresses not even nearby.

[Officer's note: The description of the application on any decision would need to reflect the details provided on the approved plans.]

#### Ecology Officer (Internal):

More information needed. Previously no objection regarding bats given that the property is located in a suburban setting, and they had no records of protected species relevant to this application. The property appears to be a modern (post 1960s) detached bungalow in a suburban location with no woodland or water within 200m, the nearest woodland being located at Basingbourne Park just under 300m away. A building of this age in this location does not meet the trigger list for when bat surveys are appropriate so ordinarily this would not be requested for this application.

However, the trigger list is a guide and assumes that buildings are of a condition typical for a property of their age. I note there is some discrepancy between the submitted bat assessment (which states building is in a good state of repair with close fitting roof tiles, chimney flashings, eaves and bargeboards) and comments on this application with photographs which appear to show areas of the roof which are not in a good condition. If, as the photos suggest, there are a significant number of missing tiles and gaps in ridge tiles, these could offer potential roosting features for bats and therefore the likelihood of presence is increased.

Given the above and that the proposals involve major roof impact, it would be prudent to request that an initial bat survey is carried out by an experienced licensed bat ecologist to determine if there are any constraints to this application or whether further survey work and/or mitigation is required."

#### **PUBLIC 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 or the display of a site notice. In this case the adjoining properties/owners have been notified by post. The Council's Statement of Community Involvement has now been amended so that we are only required to carry out the Statutory publicity requirements so in this case it is not necessary to display a site notice. The consultation period as set in the "neighbour notification letters" ran between 15.12.2021 and 05.01.2022. Following receipt of amended plans further neighbour notification was carried out between 21.04.2022 and 05.05.2022.

Twelve objections were received from 4 households (1 from an unknown address and the others from numbers 31A, 37 and 39 Basingbourne Road) in respect of both the original plans submitted in December 2021 and in respect of the amended proposals submitted in April 2022.

The concerns raised in respect of the amended proposals can be summarised as follows:

- Lack of consistency and ambiguity in what has been and will be built;
- The replacement of double garage with ancillary residential accommodation has already taken place in the form of an overbearing illegal building;
- Adverse implications for bats;
- Unclear where the front door is going to be;
- Unclear how occupiers will be able to enter the 'extension' as no door is shown;
- The plans make for a view of an incredibly long structure and wall of brick for 34 Award Road and 39 Basingbourne Road;
- The building at the front of the property (beyond the building line) would produce an effect that through its bulk and scale would be overbearing and not be sympathetic to or contribute to the character of the area, contrary to the Planning Policy Framework; and
- The amendments are effectively a completely new application, not an amendment to an existing one, and the applicant should therefore furnish all the detailed documents necessary for a new application to be considered.

Nine letters of support have been received, but seven of these are from residents of the application property. The two other letters are from addresses in Lennel Gardens and Reading Road South, Church Crookham, and their contents can be summarised as follows:

- Scheme has been reduced in size from the previously refused and its scale will reflect that of earlier development on the site;
- Proposal will have no impact on neighbouring amenity as it will lead to no loss of sunlight, will not result in overlooking and will not result in any encroachment; and
- Development is needed to accommodate the needs of the family resident at the property.

## **POLICY AND DETERMINING ISSUES**

### **Planning Policy**

The development plan for the site is the Hart Local Plan (Strategy & Sites) 2032 (HLP32), Saved Policies of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and the Fleet Neighbourhood Plan 2018-2032 (FNP32). The Saved Policies of the HLP06 are identified in the appendices of HLP32.

#### **Hart Local Plan (Strategy & Sites) 2032**

NBE4 - Biodiversity

NBE9 - Design

INF3 - Transport

#### **Hart District Local Plan (Replacement) 1996-2006 Saved Policies**

GEN1 - General Policy for Development

## Fleet Neighbourhood Plan 2018-2032

Policy 10 - General Design Management

Policy 10A - Design Management Policy related to Character Areas

Policy 11 - Bungalows

Policy 19 - Residential Parking

## National Planning Policy Framework (NPPF) (July 2021)

Section 4 (Decision Making)

Section 12 (Achieving well-designed places)

Section 14 (Meeting the challenge of climate change, flooding and coastal change)

Section 15 (Conserving and enhancing the natural environment)

## Other Guidance

Cycle and Car Parking in New Development Technical Advice Note (August 2022)

National Design Guide: Planning Practice Guidance for Beautiful, Enduring and Successful Places (January 2021)

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

## **Considerations**

### Background

The application site was the subject of two recent planning appeal decisions. The first related to a part retrospective proposal (20/00884/HOU) involving the provision of first floor accommodation for the bungalow and for the retention of the outbuilding to the front of the dwelling. This application was refused for the following reasons:

- 1. The proposed development would result in an unacceptable scale, bulk and mass by virtue of the raising of the roof height and the outbuilding. The proposal would result in a development that would not be sympathetic to, or positively contribute to the character of the area, contrary to the National Planning Policy Framework 2019, Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies, Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032 and Policy 10 of the Fleet Neighbourhood Plan 2032.*
- 2. The proposed development would result in the loss of a bungalow suitable to occupation by older people. The proposed development is therefore contrary to Policy 11 of the Fleet Neighbourhood Plan 2032.*
- 3. The proposed accommodation within the replacement garage structure would be tantamount to creation of a new dwelling due to its size, provision of accommodation suitable for independent and separate living and the lack of connectivity to the host dwelling. The proposed development would not be incidental or ancillary to the enjoyment of the host dwelling due to the proposed internal layout and the level of conveniences to be provided within the structure. The proposed development would be contrary to Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies and Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032.*

The reasons for refusal of planning application 20/00884/HOU were summarised by the Inspector into two main issues:

1. The effect of the appeal scheme on the character and appearance of the area; and
2. The effect of the appeal scheme on the supply of single storey properties within Fleet Parish, which are suitable for independent occupation by persons of limited mobility.

In their decision letter (Appeal ref: APP/N1730/D/20/3259713) the Planning Inspector identified that one of the main issues in the determination of the appeal was the effect of the appeal scheme on the character and appearance of the area. In reaching their decision to dismiss the appeal the Inspector commented as follows:

“Planning application drawing Ref 1209-001 confirms that the previous garage at the appeal site comprised a flat-roofed structure with a square, double garaged size footprint. As such, I find that although sited to the front of the bungalow, its combined height, width, depth and flat roof form meant that the building would have appeared subsidiary in scale and function to the host property, and that it would not have detracted from the frontage of the bungalow.”

However, they noted that:

“The appeal scheme has replaced this building with a significantly larger structure, having a greater footprint and length, and including a steep pitched roof, adding much massing and height to the building. As such, the building is of a scale that would visually compete with the extended chalet property, not appearing subordinate to it. This discordant relationship with the enlarged host property would be accentuated by the close position of the annexe building directly in front of the dwelling. With a building width of approximately half that of the dwelling and a deep pitched roof, it would obscure a large part of the frontage of the host property, including a large part of one of the front dormer windows.”

“When approaching the appeal site, the pitched roof of the annexe would appear noticeably higher than that of the flat-roofed part of the host property, within which it would be in close proximity. The combined building height, length extending close to the site boundary with No.37, and incorporation of 3 large windows within its frontage-facing side elevation, all serve to draw attention to the outbuilding. Accordingly, it would have an unduly bulky and visually dominant appearance in relation to the proposed chalet property, and would appear cramped in relation to the host property and the site boundary with No.37. Notwithstanding existing mature landscaping around the site, this relationship with the host property would be apparent from outside the site, due to the position of the building opposite the site entrance.”

Following the appeal decision on planning application 20/00884/HOU and given that application was part retrospective, and the development was built, the Council issued an Enforcement Notice on 30 November 2021. The breach of planning control was, without planning permission, the unauthorised erection of a single storey outbuilding. The requirements of the Enforcement Notice are:

- i. Cease the use of the unauthorised outbuilding for residential purposes;
- ii. Demolish the unauthorised outbuilding;
- iii. Remove any materials arising from the demolition of the outbuilding from the land; and
- iv. Reinstate the land to its former condition by levelling the land.

The period for compliance with requirement (i) is 6 months, and for the requirements (ii), (iii) and (iv) is 7 months.

The Appeal (Appeal ref APP/N1730/C/22/3290512) was dismissed and Enforcement Notice Upheld 4 July 2022. The Planning Inspector’s Report on the appeal highlights in paragraph 16 that:



“The appellant suggests there is a possibility of bats roosting in the building and that complying with the notice by demolishing it could result in him committing a criminal offence. However, he has not provided any evidence of bats roosting, but refers to comments from neighbours of bats being in the area. Should bats be found the appellant would need to obtain specialist advice and, if necessary, a licence for roost relocation prior to demolition. However, the possibility of these circumstances arising does not render the notice requirements excessive in terms of remedying the breach of planning control.”

The Enforcement Notice has come into effect and will therefore require compliance by 4<sup>th</sup> January 2023 and 4<sup>th</sup> February 2023.

#### Principle of Development:

The application site is within the defined settlement boundary of Fleet. It therefore complies with Policy SS1 provided that the proposal is in compliance with other relevant Development Plan policies for the area and that no unacceptable harm to residential amenity, the environment, highway safety or any other material planning considerations arise.

#### Supply of single-storey properties within Fleet:

The current scheme no longer seeks to provide first floor accommodation within the existing bungalow and therefore addresses the effect of the previously refused scheme on the supply of single storey properties within Fleet which are suitable for independent occupation by persons of limited mobility. There is no longer a conflict with Policy 11 of the Fleet Neighbourhood Plan.

#### Design and Impact on the Character of Area

The acceptability of the proposal is required to have regard to Policies GEN1 and NBE9 of the Local Plan which state that all developments should seek to achieve a high-quality design and positively contribute to the overall appearance of the local area and are in keeping with the local character by virtue of their scale, design, massing, height, prominence, materials, layout, landscaping, siting and density.

The NPPF (2021) additionally reiterates the need for high quality design that is visually attractive, sympathetic to the character of the area and seeks to improve the character and quality of an area and the way it functions. It is stated that standards of design should be raised more generally within an area, so long as they fit with the overall form and layout of the surroundings (para. 127).

Policy 10 of the Fleet Neighbourhood Plan states that development shall complement and be well integrated with neighbouring properties in the immediate locality in terms of scale, density, massing, separation, layout, materials and access and architectural design shall reflect high quality local design references in both the natural and built environment and reflect and reinforce local distinctiveness.

In order to assess the design and impact on the character of the area it is necessary to consider the size of the former garage building and of the outbuilding as built and as proposed to be reconstructed.

The former garage building located in front of the existing bungalow had a footprint of 30.25 square metres.

The outbuilding the subject of the 2021 appeal decision, which is still present on site, has dimensions of 6.2 metres by 9.2 metres, giving a total floor area of 57.04 square metres, and had a maximum height of 4.4 metres to the ridge. The roof has since been removed by the applicant to a flat level.

In comparison, the proposed outbuilding in its amended form as proposed in this application would have a footprint of 37.2 square metres and a height of approximately 2.55 metres. The proposal would result in demolition of substantial parts of the existing unauthorised structure with only around two-thirds of the front wall and much of the side (southeast) wall retained. The proposed building as amended would therefore be around 20 square metres smaller in terms of footprint and lower in height than the structure the subject of the appeal. It would however be 6.95 square metres larger in terms of its footprint than the original garage structure and closer in proximity to the host dwelling. Although it would be linked to the host dwelling, this would be achieved by a modest glazed link of approximately 2.3 metres in height.

The submission has sought to address the previous reasons for refusal by reducing the size of the ancillary accommodation building by around 35% in floor area terms and by reducing the building height by removal of the pitched roof and its replacement with a flat roof. The design of the building would now be a flat-roofed structure to reflect the appearance of the previous double garage building located at the site, but it would have two window openings within the front elevation rather than the previous structure's garage doors which would reflect the residential nature of the use of the building.

In regard to the character of the area, there is no unifying character or style to the built form within the wider vicinity of the site. Basingbourne Road is characterised by a mixed form of development with a variety of two-storey dwelling styles, chalet bungalows and bungalows which is evidenced within a short distance of the application site. The application site however notably has a direct relationship to some modest sized bungalows, albeit with some featuring accommodation in the roof space.

The original host dwelling itself is modest in its scale and benefits from a hipped roof. The property is not visible from Basingbourne Road, and by virtue of its size and design has little prominence within its locale. The immediate neighbour No. 35 is a modest chalet style dwelling.

The application property was granted outline planning permission under planning reference 87/15859/OUT. Condition 3 of the Inspectors decision states that the dwelling shall be of single storey construction as this would ensure the dwelling would not be out of character or appearance with the surrounding development, but as noted by the Planning Inspector in the recent planning appeal development in the area has changed significantly since then and any application should be determined on the basis on the nature of surrounding development as it exists now.

The single storey extension to the rear of the existing bungalow raises no design concerns and it is not visible from the public domain. The flat roof design is acceptable and produces a subservient addition to the existing dwelling.

The former garage (which had been demolished prior to the erection of the subject outbuilding) would appear to have been of modest dimensions, with a low height incorporating a flat roof and resulted in a proportionate and subservient relationship with the host. The proposed outbuilding structure, as proposed to be amended, would replicate the appearance of the former garage and would be comparable in terms of its height, but would have a different and larger footprint.

In determining the recent Planning Appeal, the Inspector referred to the previous garage structure and confirmed that: "I find that although sited to the front of the bungalow, its combined height, width, depth and flat roof form meant that the building would have appeared subsidiary in scale and function to the host property, and that it would not have detracted from the frontage of the bungalow." It is therefore necessary to consider whether the increase in footprint and design of the outbuilding compared to the garage, or the change in function of the building, would alter that conclusion.

The increase in size of the structure amounts to some 6.95 square metres or 23 per cent over the size of the original garage structure which sat in a similar location to the front of the bungalow. Whilst this is not an insignificant increase it should be noted that the previous double garage on the site would not have accorded with the Council's current standards specified in the recently published 'Cycle and Car Parking in New Development Technical Advice Note' which would require a structure with a gross internal floor area of 42 square metres (6m x 7m). A replacement garage for the structure previously present on the site would therefore result in the provision of a larger structure than that currently proposed.

The external materials to be used for the outbuilding would comprise of brickwork to match the existing dwelling and the applicant has now verbally indicated that the proposed link would be formed by two 1.8m high timber gates to the northeast and southwest elevations with a corrugated plastic roof to provide rain shelter. In design terms this approach would not be appropriate, and it would be recommended that, if the application been considered otherwise acceptable, a condition be imposed to require the submission of a more appropriately detailed link feature, perhaps comprising a glazed link as apparently illustrated in the submitted plans.

Taking into account the now proposed height, scale, bulk and mass of the outbuilding, and its flat roof design and external materials, it is considered that the structure would be sympathetic to the appearance of the existing street scene and have due regard to the scale, layout and appearance of the area and would result in a subservient addition which would respect the scale, design and appearance of the bungalow, as required by Policy NBE9 of the HLP32, Policy GEN1 of the HLP06 and Policy 10 of the FNP32.

In terms of the function of the building this would clearly be to provide ancillary residential accommodation rather than a vehicle parking or storage facility. The outbuilding structure would be physically and functionally linked to the main bungalow by the proposed link and would provide solely two bedrooms and a WC. Kitchen, bathroom and other living accommodation would be shared and located within the main dwelling. The size of the proposed bedrooms within the outbuilding, at 8.505 square metres and 8.9775 square metres, would accord with the Government's 'Technical housing standards – nationally described space standard' which requires that single occupancy bedrooms should have a minimum area of 7.5 square metres and be at least 2.15 metres wide (the bedrooms would be 2.7 and 2.85 metres wide). As such, it is considered that the accommodation to be provided would be acceptable in size terms and ancillary to the residential enjoyment of the parent property and would not be readily capable of subdivision given the limited amount of accommodation provided within the outbuilding and the lack of an external access to the structure which would have to be accessed through the main dwelling via the front entrance door and hallway and through the bungalow's utility room.

Overall, therefore, it is considered that the changes to the proposal would provide an appropriate scale of development in keeping with the character of the immediate area and of a design which would be subservient and ancillary to the residential enjoyment of the main dwelling in terms of its function. The amended scheme would be in accordance with relevant

development plan policy requirements in terms of its design and impact on the character of the area.

### Amenity Space Provision

The proposed rear extension would result in a reduction in the amount of outdoor private amenity space available to occupants of the dwellinghouse. The remaining rear garden would have an area of around 186 square metres. The applicant has indicated that the existing dwelling, incorporating the extensions sought in this application has a site coverage of 219 square metres, although this figure includes two sheds located in the rear garden which have a footprint of 36.4 square metres. The total footprint of the dwelling and linked annexe would therefore amount to 182.6 square metres.

Fleet Neighbourhood Plan Policy 15 is relevant for the assessment of this application and paragraphs 3.26 and 3.27 relate to this point, stating that:

*3.26 Pressure for new housing and other development, however, can result in existing garden provision being threatened or compromised by inappropriate development. This may take a number of forms including extensions or replacement of existing properties encroaching onto existing garden areas or the replacement of garden areas by parking and hard landscaping. It also may result in the unnecessary loss of trees of amenity value.*

*3.27 This policy seeks to plan positively to achieve high quality design and a good standard of amenity in line with NPPF paragraph 58 and Hart District Council policies GEN1 and GEN4.*

The HLP32 Policy NBE9 is also relevant for the assessment of this proposal and paragraph relates to health and well-being of future residents including consideration of how all potential users would access buildings and move around spaces.

The NPPF 2021 paragraph 127(f) requires planning decisions to ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users.

Within the National Design Guide 2021 (NDG 2021) it states at Section H2 on Well-related to external amenity and public spaces, paragraph 129 that “Well-designed buildings are carefully integrated with their surrounding external space. All private and shared external spaces including parking, are high quality, convenient and function well. Amenity spaces have a reasonable degree of privacy External spaces are designed to respond to local character, as appropriate solutions will vary by the context, for example whether it is a town centre or suburb.”

Paragraph 130 continues “Well-designed private or shared external spaces are fit for purpose and incorporate planting wherever possible. The appropriate size, shape and position for an external amenity space can be defined by considering:

- how the associated building sits in the wider context, including access to public and open spaces;
- how the amenity space will be used, what for, and by whom;
- environmental factors that may affect its usability, such as sunlight and shade, noise or pollution;
- wider environmental factors affecting its quality or sustainability, such as a green corridor or drainage.”

Overall, the amount of outdoor amenity space would appear to be sufficient in that the

amount of space available would roughly reflect the site coverage of the dwelling when the floor area of the bungalow and the linked outbuilding are combined.

#### Neighbour Amenity:

Policy GEN1 of the HLP06 emphasises that sustainable development should be permitted provided that the proposal does not result in any material loss of amenity to adjoining neighbours, among other considerations.

Within an urban environment there will inevitably be a degree of mutual overlooking. No. 32 Award Road is located directly behind the application site and has a very shallow rear garden. At present there are three ground floor window/door openings in the rear elevation of the application property facing the garden and rear elevation of 32 Award Road and this would remain the case as a result of the proposed development, albeit that one of these window/door opening would be located closer to the mutual boundary.

It is generally accepted that direct facing windows serving habitable rooms should be located some 18 - 20m metres apart. The window-to-window distance would be more than 20 metres apart and there would be a distance of some 15 - 16 metres to the rear common boundary. Given these separation distances the impacts arising are not likely to be so unacceptable, by virtue of overlooking and loss of privacy, such as to warrant the refusal of planning permission on this basis.

One additional window would be provided in the western side elevation of the proposed rear extension, and this would face toward the rear garden of 34 Award Road but would look across the garden rather than down it and would be located in an area where direct overlooking and loss of privacy would not occur.

Turning to the outbuilding, two windows are proposed on the eastern elevation of the structure and would look out over the forecourt hardstanding/parking area. As such, they would not result in any unacceptable or direct overlooking or loss of privacy. One window is proposed to be provided in the western elevation of the building and this would serve the WC and would be obscurely glazed. This window would face toward the bottom of the garden of 39 Basingbourne Road but would be screened by vegetation and would not give rise to any amenity issues.

No openings are proposed in the north elevation of the outbuilding facing toward the rear garden of 37 Basingbourne Road. Overall, the proposal would not give rise to any significant impacts on neighbouring residential amenity and would accord with relevant development plan policy requirements in this regard.

#### Parking:

Policy GEN1 of the HLP06, Policies NBE9 and INF3 of the HLP32 and Policy 19 of the FNP32 all state that all developments should provide appropriate parking provision in accordance with the Council's parking standards.

The original bungalow was approved as a three-bedroom dwelling and the proposed plans show that the number of bedrooms would be increased to five as a result of the proposed development (although another room is shown as a study but could potentially accommodate a double bed).

The Council's recently adopted the cycle and car parking standards set out in the 'Cycle and Car Parking in New Development Technical Advice Note.' The TAN indicates that a 5

bedroom property should be provided with three allocated parking spaces and one unallocated space, and that each car parking space should have minimum dimensions of 2.5 metres by 5 metres.

The forecourt area of the property has an area of around 100 square metres and can easily accommodate the four on-site car parking spaces required to be provided to meet the guidance in the TAN.

The TAN would require a 5-bed home to provide 6 secure cycle spaces, with at least 1 space close to the front door and 1 space should be able to accommodate a non-standard 'cargo' bicycle. Whilst no specific details of cycle parking provision have been submitted with the application, there are a number of sheds within the rear garden of the dwelling and other space would be available to make appropriate provision. Had the proposal been otherwise acceptable an appropriate condition could have been imposed to require the submission of detailed cycle parking facilities prior to first use of the development.

Whilst it is acknowledged that the frontage of the property, as currently, would be dominated by hard surfacing and parked cars and there is no, or limited, soft landscaping to the site frontage, given the location of the site and the limited impact on public views, this is not considered to be unacceptable and would not differ from the existing situation.

The proposal would not give rise to any detrimental parking issues or adverse highway safety impacts and would therefore accord with the requirements of policy INF3 of the HLP32 and saved policy GEN1 of the HLP06.

### Biodiversity

Policy NBE4 of the HLP32 states that all developments should protect and enhance biodiversity. The Local Planning Authority has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity, which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Previously the Biodiversity Officer had raised no objection regarding bats given that the property is located in a suburban setting, and they had no records of protected species relevant to this application. They noted that the property appears to be a modern (post 1960s) detached bungalow in a sub-urban location with no woodland or water within 200 metres, with the nearest woodland being located at Basingbourne Park just under 300 metres away. A building of this age in this location does not usually meet the trigger list for when bat surveys are appropriate, so ordinarily this would not be requested for this application.

However, they confirm that the trigger list is a guide and assumes that buildings are of a condition typical for a property of their age. They note there is some discrepancy between the submitted bat assessment (which states the building is in a good state of repair with close fitting roof tiles, chimney flashings, eaves, and bargeboards) and comments from neighbours on the application with photographs which appear to show areas of the roof of the outbuilding which are not in a good condition at the time the photographs were taken. They note that, if, as the photographs suggest, there were a significant number of missing tiles and gaps in ridge tiles, these could have offered potential roosting features for bats and therefore the likelihood of presence would be increased.

Given the above and that the proposals, in the Biodiversity Officer's opinion, involve roof

impact, they consider it would be prudent to request that a preliminary bat survey is carried out by an experienced licensed ecologist to determine whether there are any constraints to this application or whether further bat emergency survey work and/or mitigation would be required.

The applicant has been requested to submit a preliminary bat survey but has declined to do so. All bat species are designated and protected as European Protected Species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017. Several species of bats are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006).

Natural England guidance on bats and development: “Construction, demolition, extension or conversion proposals could affect a bat roost in a building or barn. You should ask for a survey where roosts are likely if the building or barn has uneven roof tiles and large roof timbers...has cracks, crevices and small openings...”

The guidance indicates that:

To avoid possible effects on bats and their roosts, developers could redesign the proposal to:

- leave bat roosts in place
- alter the timing of works
- change the methods of working

Where this is not possible, you should look for mitigation and compensation measures that are proportionate to the likely effect on the bat species present. The proposal could:

- keep some existing roof voids and roosting places
- create new roosting places within the existing building
- create new roosting places in different buildings
- redesign lighting to avoid roost entrances and foraging habitats

If the destruction of a bat roost is unavoidable, you must make sure:

- there is no net loss of roost sites
- roost types are replaced on a like-for-like basis
- the affected bat population can continue to function as before

The NPPF 2021, at paragraph 180 further states that:

“When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

Since the submission of this planning application in December 2021, the roof of the outbuilding has been removed and a flat roof constructed of roofing felt or an EPDM membrane has been installed. The applicant has also indicated that at the time the tiles were removed he saw no signs of any bat presence or activity in the roof area. Nevertheless, it has previously been stated by the applicant, in appeal documentation submitted in respect of an Enforcement Appeal (Appeal ref APP/N1730/C/22/3290512 – referred to earlier in this report) relating to the subject building earlier this year, and by neighbours, that bats could be present in the roof area of the outbuilding.

In addition, the Officer site visit has indicated that the submitted plans appear to be

inaccurate in terms of whether any works would still be required to the roof structure of the original bungalow to facilitate the provision of the single storey rear extension to the rear of the dining room. The plans submitted show the roof of the proposed extension being located at the same level as the fascia of the living room extension adjacent, which the applicants have indicated was constructed as 'permitted development.' However, it is apparent that to reflect the fascia level of the living room extension, the new extension would require the removal of at least two rows of tiles.

Bats are a protected species under the Wildlife and Countryside Act 1981. Development causing disturbance and potential abandonment of a roost could constitute an offence both to a population and to individuals. It is therefore important that the use of an area by bats is thoroughly assessed prior to the determination of a planning application relating to a site where bats may be roosting, commuting or foraging. It has been confirmed within appeals and case law that bat surveys cannot be subject of a planning condition. Assessment on the presence of bats within a building or site are matters which must be resolved prior to determination.

Whether or not there is a reasonable likelihood of protected species being affected by the proposal simply cannot be determined on the information before the LPA. Bats are stated as present in the immediate locality, which raises the possibility of interference from the development with their roosting, feeding patterns or foraging routes. Without a survey, the LPA cannot be satisfied that there is not a current adverse effect or whether mitigation measures are required or would be sufficient.

The Local Planning Authority has a duty to consider the possible impact of the development on protected species and has to be reasonably certain that biodiversity would not be adversely affected by the proposal. Unfortunately, the absence of a bat survey carried out by a suitably qualified Ecologist, the Council cannot be assured that no harm to bats would occur as a result of the proposed development and no mitigation measures have been proposed.

The proposal is therefore considered to conflict with the requirements of policy NBE4, and paragraph of the NPPF 2021, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 and potentially Section 41 of the Natural Environment and Rural Communities Act (2006) as the proposal could have an adverse effect on existing biodiversity and on a protected species.

#### Flood Risk:

The application site is located within a Flood Zone 1 location.

The site is however located within a Causal Area as identified in the Council's Strategic Flood Risk Assessment (SFRA). These relate to the surface water catchments for Fleet, Yateley, Blackwater/Hawley and Crondall. In these areas stricter management of surface water runoff will be applied as these areas will have the greatest impact on fluvial and surface water flood risk in Hart in line with the guidance in policy NBE5 of the Local Plan.

Policy NBE5 indicates that within Causal Areas all development should take opportunities to reduce the causes and impacts of flooding; and the SFRA identifies the following forms of mitigation:

- a) all parking areas and hard surfacing (with the exception of the public highway) using permeable surfacing unless shown to be technically unviable;
- b) all brownfield development should be looking to provide a reduction in surface water runoff below existing levels; and



- c) minor new builds should be providing surface water storage and ensuring discharge rates are no higher than existing or where this is not possible due to blockage issues discharging at rates no higher than 5 l/s.

No information has been provided with the application to demonstrate how surface water storage would be accommodated or how discharge rates would be limited. Had the proposal been otherwise considered acceptable then an appropriate condition could have been imposed to require the submission of a surface water drainage scheme to demonstrate how this issue would be addressed.

#### Climate Change:

Hart declared a Climate Emergency in April 2021 and is committed to reducing carbon emissions. HLP32 Policy NBE9 requires developments to be resilient and aims to reduce energy requirements through carbon reduction and incorporation of energy generating technologies, where appropriate.

By virtue of the scale of the development, the proposal would not be anticipated to have a significant impact on carbon emissions. However, an informative could have been added so that the applicant would be encouraged to explore all opportunities to minimise the impact of the development on climate change had the development otherwise been acceptable.

#### Equalities:

In terms of Equality, The Equality Act 2010 legally protects people from discrimination in society. It replaced previous anti-discrimination laws (Sex Discrimination Act 1975; Race Relations Act 1976 and Disability Discrimination Act 1995) with one single Act. The public sector Equality Duty came into force in April 2011. Section 149 of the Equality Act means that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy and delivering services.

Due regard is given to the aims of the Equality Duty when considering applications and reaching planning decisions in particular the aims of eliminating unlawful discrimination, advancing equality of opportunity, and fostering good relations between those who share a protected characteristic and those who do not share it. This application would not raise any issue in this regard however Officers note that the applicant has explained a personal need for the building due to a large size family. Officers consider that the application has been assessed in line with normal process and due regard has been given to material planning considerations which would not prejudice larger or smaller families.

### **CONCLUSION**

The proposed development, in its amended form, is considered to be generally acceptable and to accord with the requirements of relevant development plan policies. The removal of the previously proposed first floor accommodation and the reduction to the size and height of the ancillary accommodation building to the front of the dwelling has addressed the previous reasons for refusal in respect of the earlier applications and appeal decision. The proposed development would be subservient to the existing dwelling and would be of a design and scale in keeping with the character of the area. No neighbour amenity, highways or flooding issues would arise.

However, in the absence of a bat survey carried out by a qualified ecologist to demonstrate that the proposal would not have an adverse impact on bats which are a European protected species, the Council cannot be assured that the development would comply with the

requirements of policy NBE4 of the Hart Local Plan and with the guidance within the National Planning Policy Framework 2021, the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 in respect of biodiversity.

Refusal is, therefore, recommended.

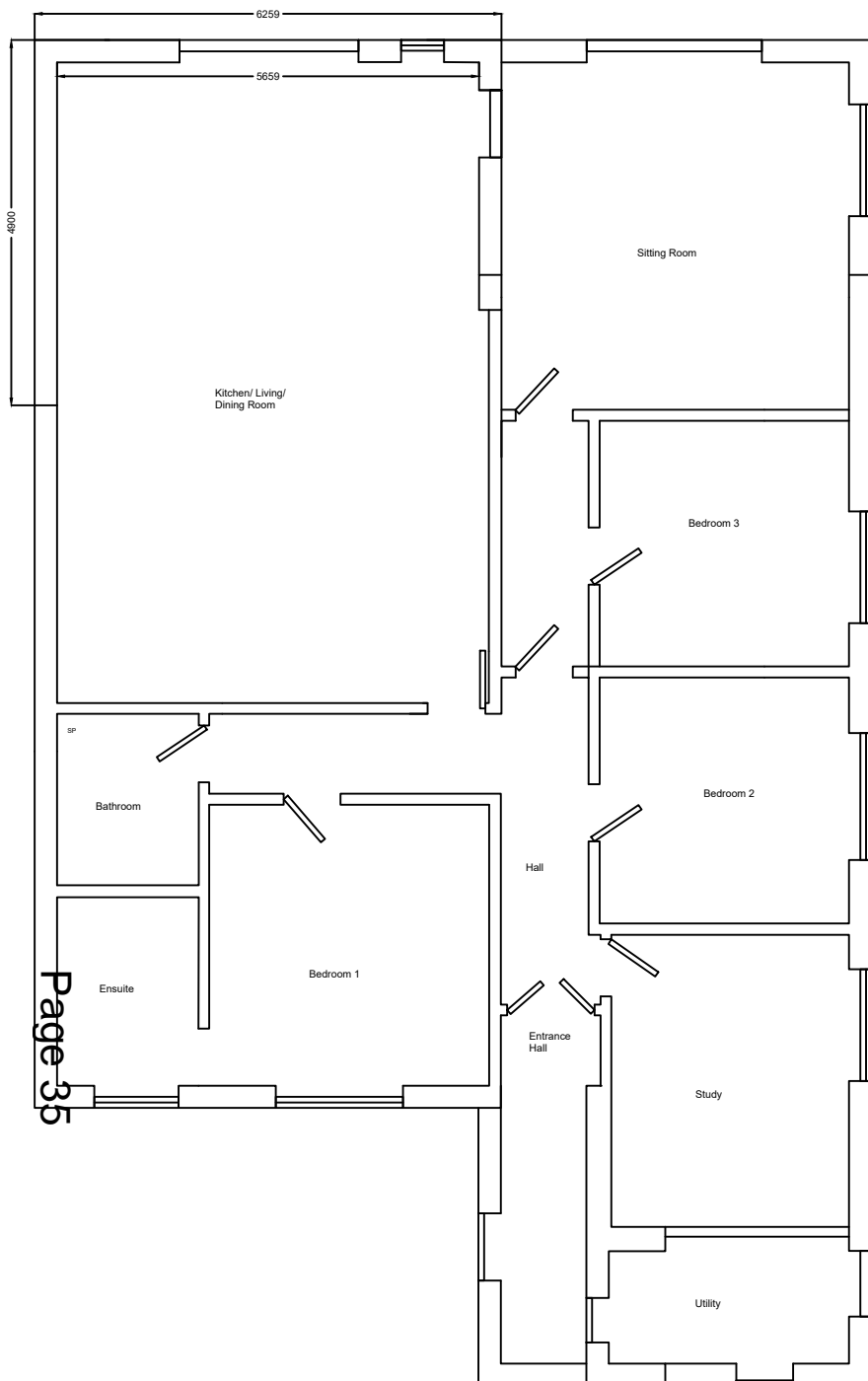
## **RECOMMENDATION - Refuse**

### **REASON**

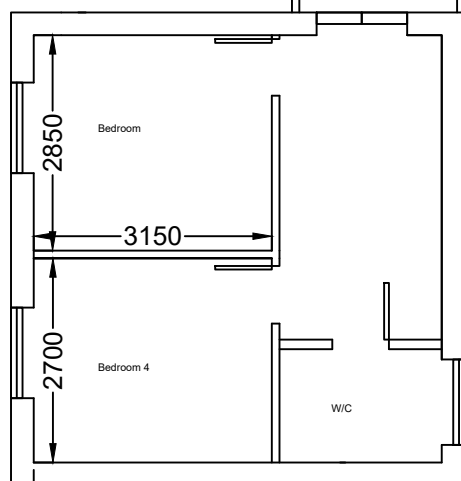
- 1 Insufficient information has been provided within the application for the Local Planning Authority to be able to adequately assess the impacts of the proposal on the local bat population and does not enable the LPA to discharge its statutory duties in this regard. The proposal is therefore contrary to Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2032, Section 15 of the National Planning Policy Framework 2021 and the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) with regards to European protected species.

### **INFORMATIVE**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:
  - The applicant was advised of the need to submit a bat survey carried out by a qualified ecologist during the processing of the application but declined to submit the requested information to allow the details to be properly considered.



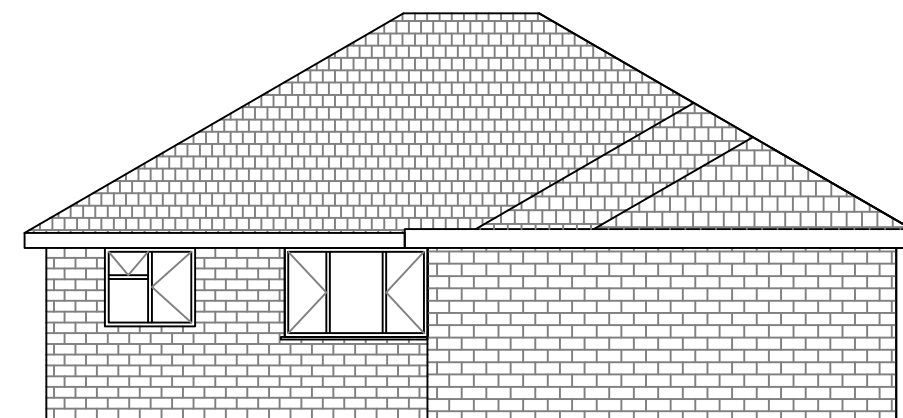
Proposed Ground Floor Plan



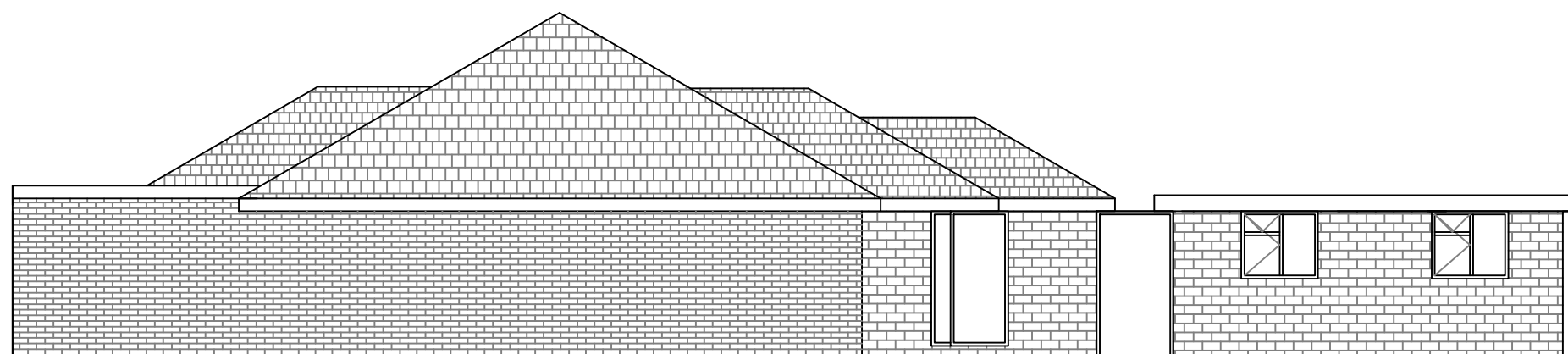
Page 35



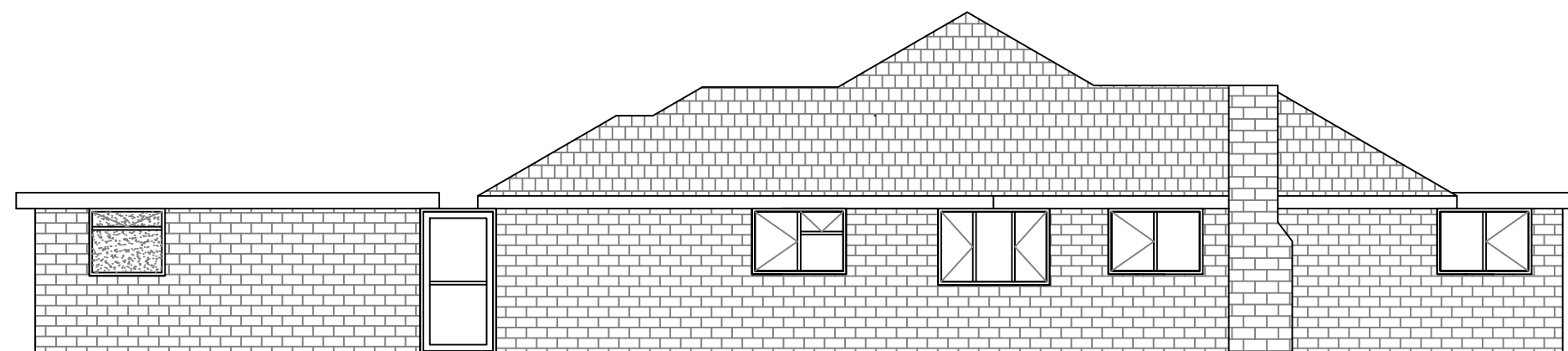
Proposed Rear Elevation



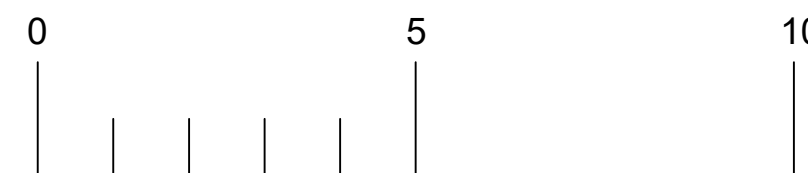
Proposed Front Elevation



Proposed Side Elevation

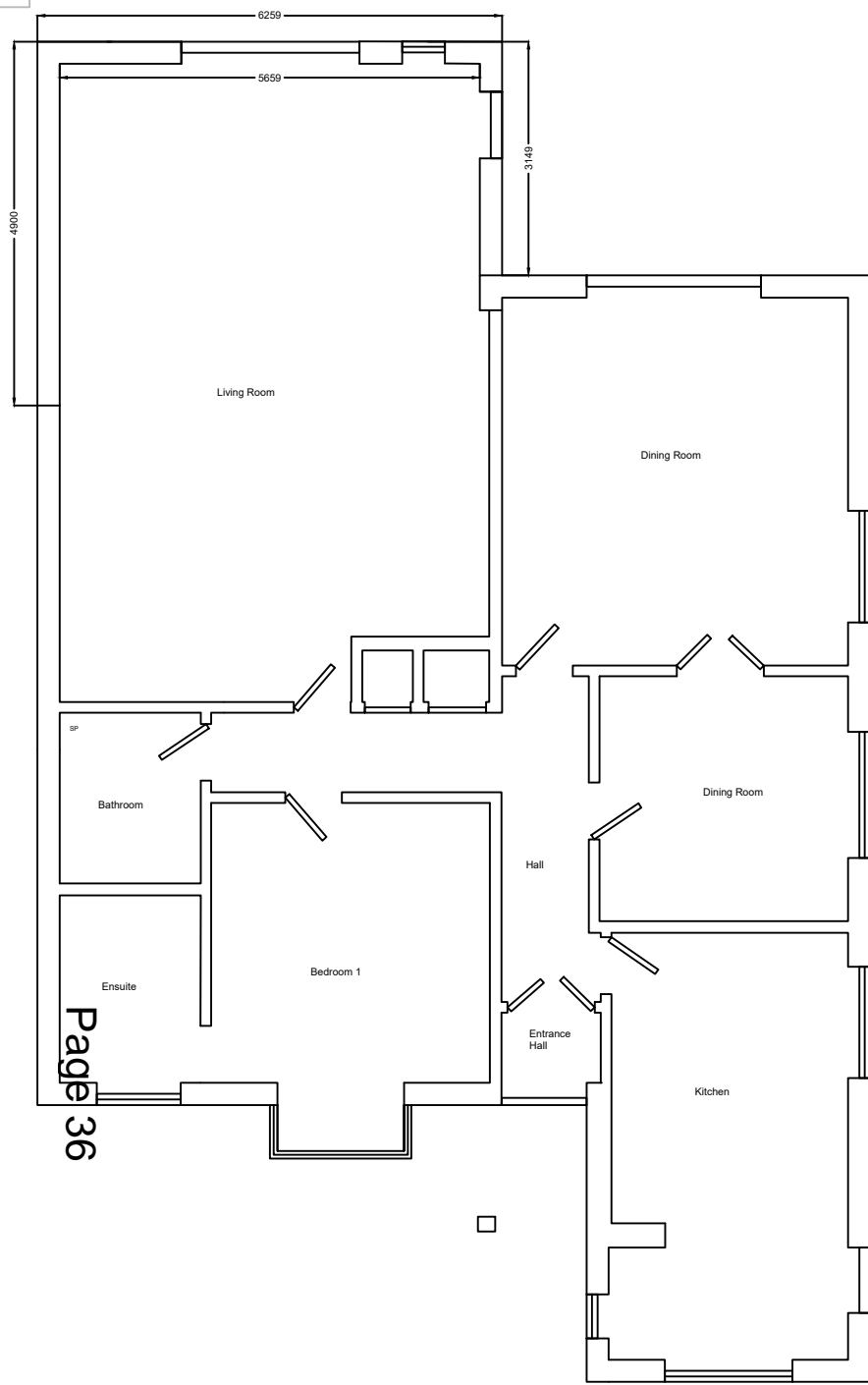


Proposed Side Elevation



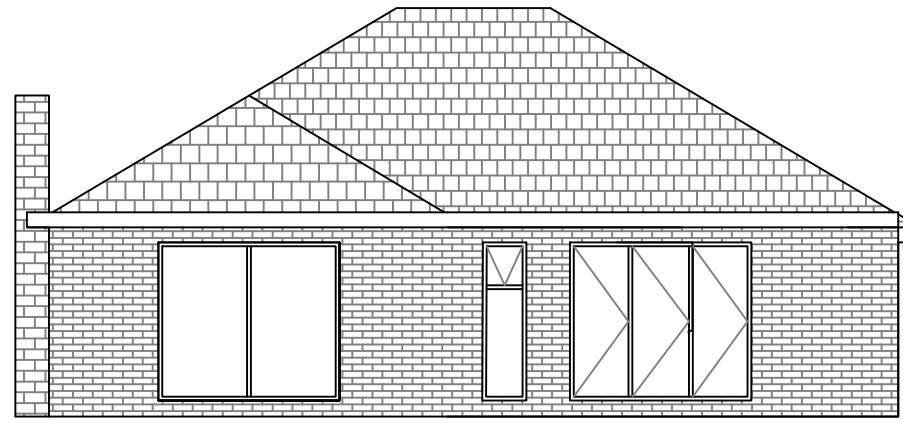
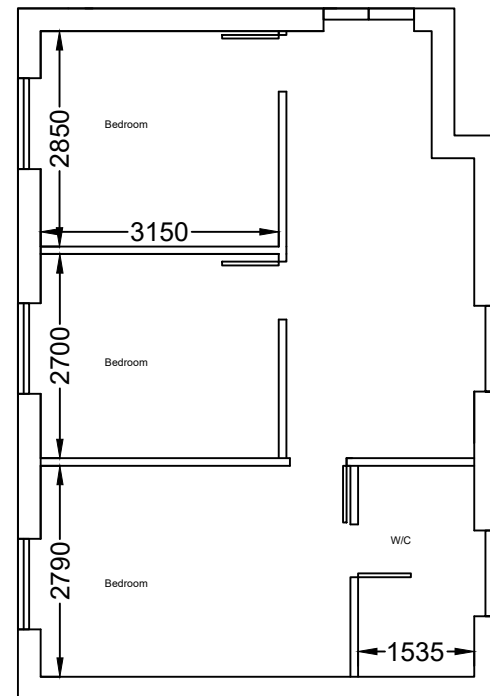
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Checked by originator	Sig.	Date			Rev. M	
Approved by	Sig.	Date			Classification	

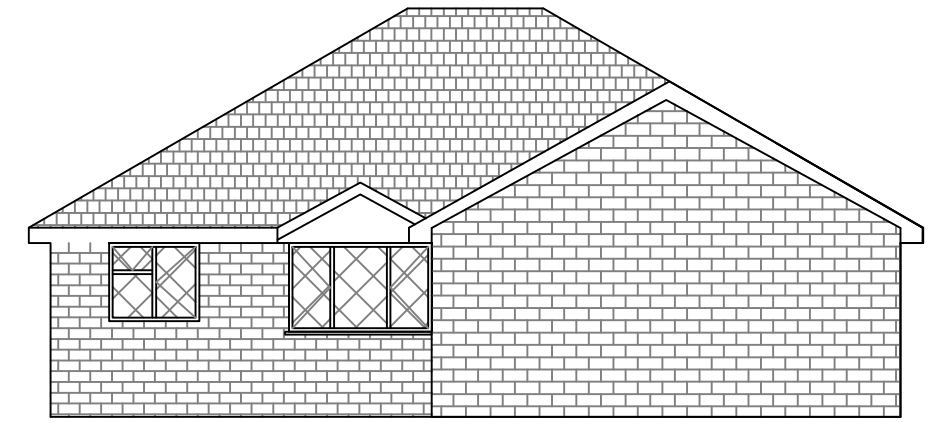


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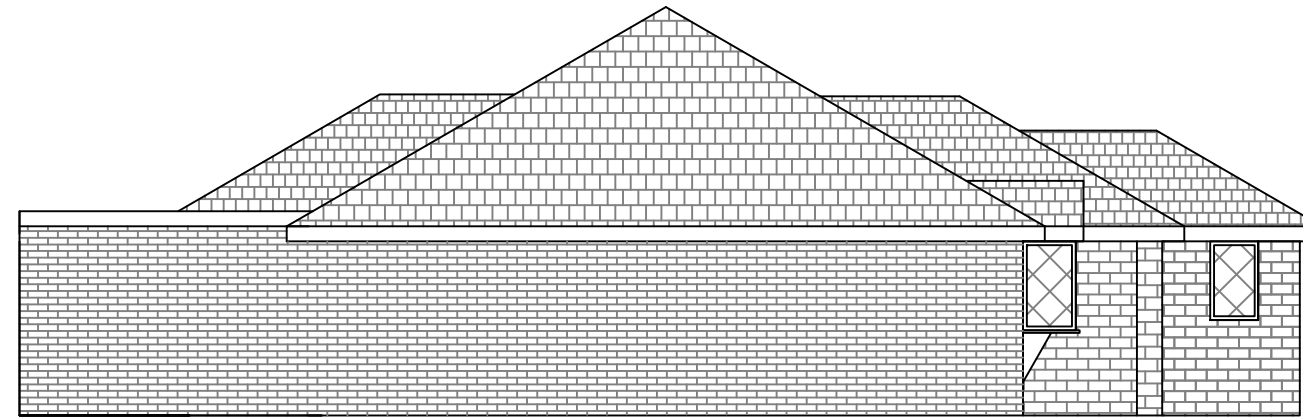
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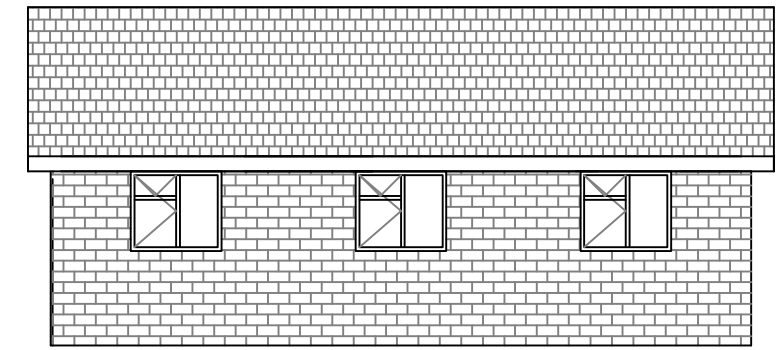
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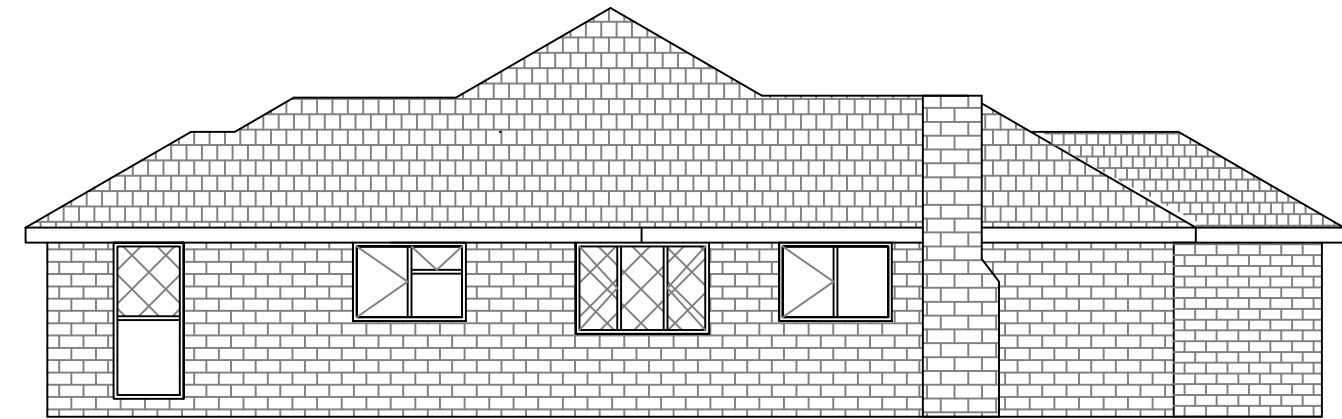
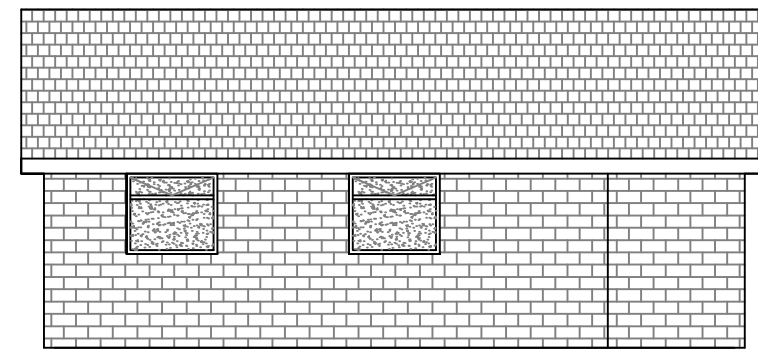
Existing Front Elevation



Existing Side Elevation



Existing Side Elevation



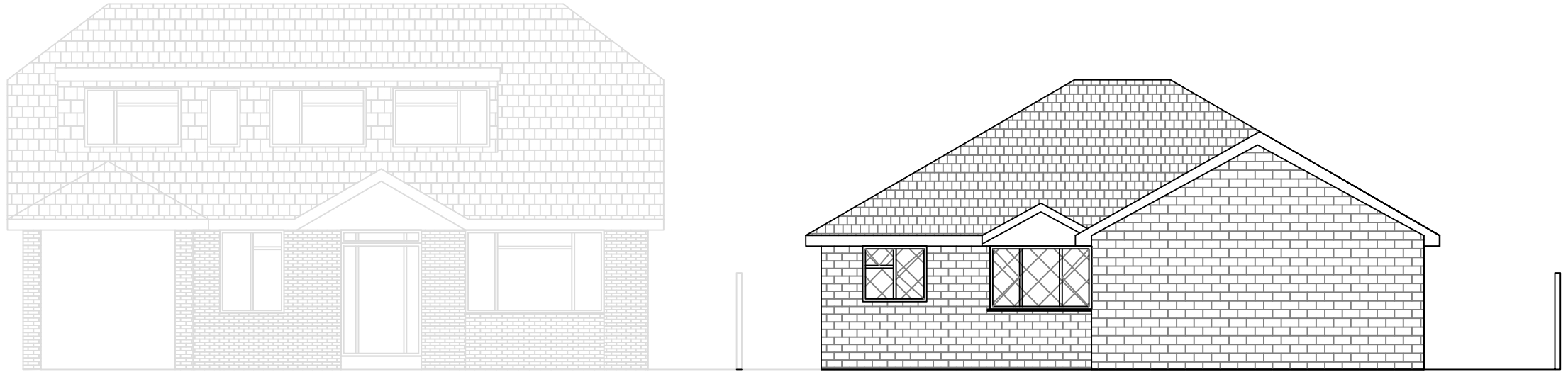
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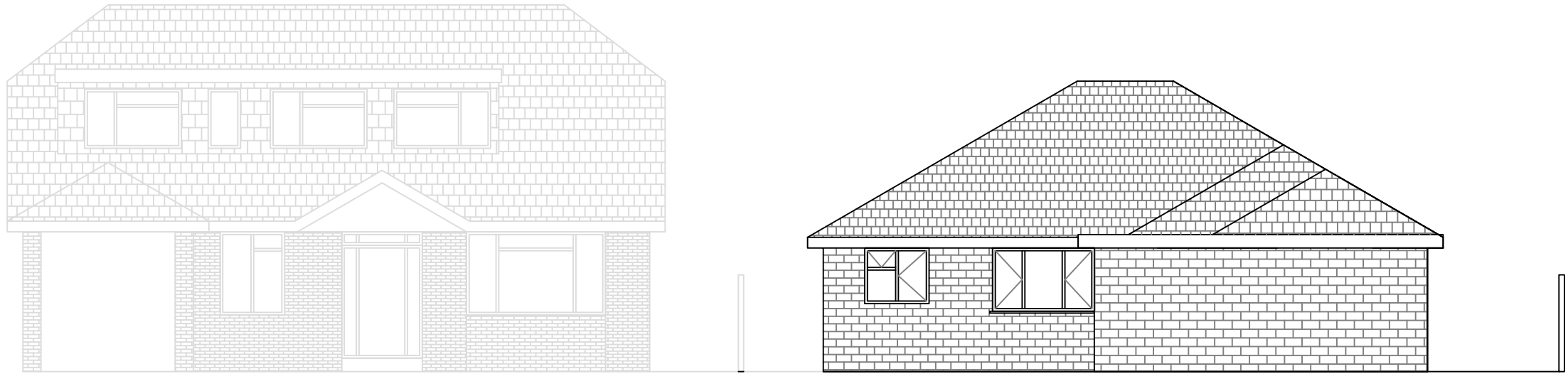
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Drawn by RT	Sig.	Date 08/19	Drawing		Contract Sheet No. 1209_001	
Checked by originator	Sig.	Date	Existing Layout		Rev. C	
Approved by	Sig.	Date			Classification Client/Phase/Drawings	

SHEET 1 OF 1

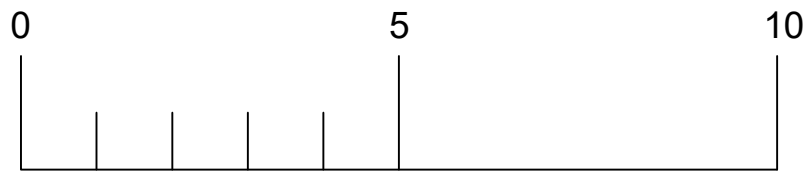
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Existing Street Scene



Proposed Street Scene

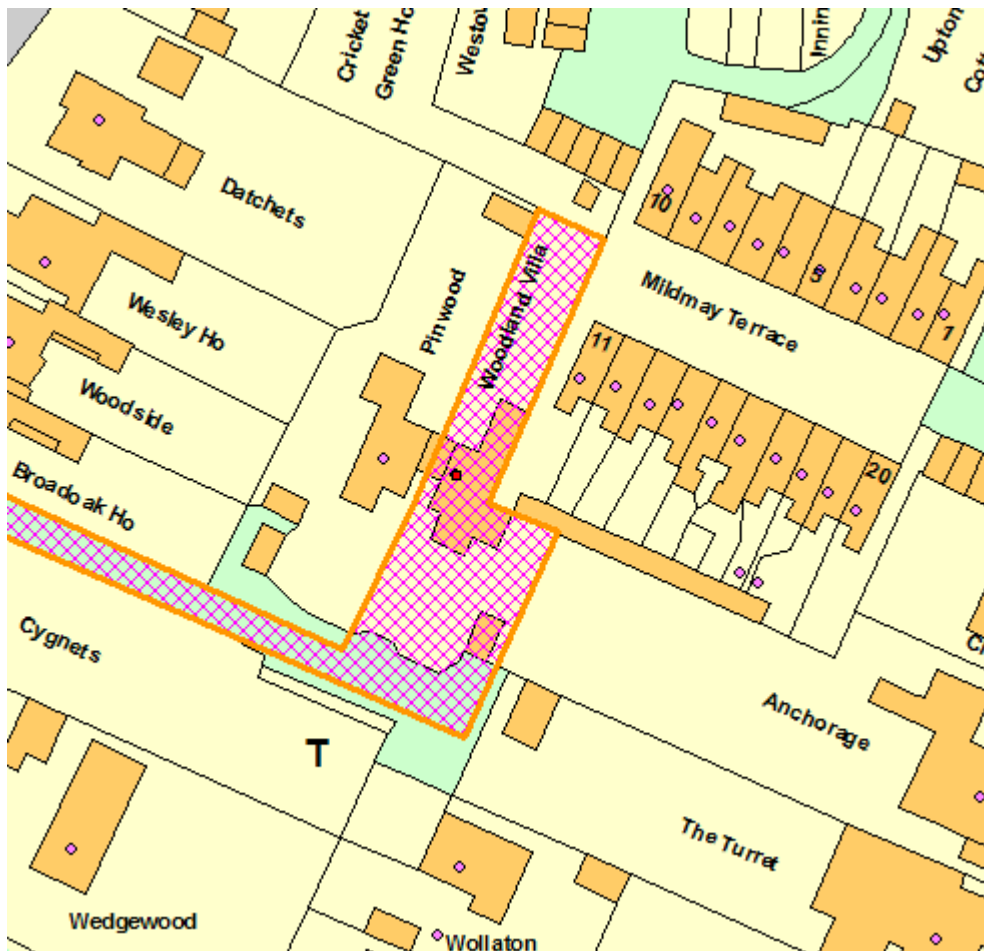


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Drawing			Street Scene		Contract Sheet No. 1209_005	
Drawn by RT	Sig.	Date 12/21	Classification		Rev. A	
Checked by originator	Sig.	Date				
Approved by	Sig.	Date				

**COMMITTEE REPORT  
ITEM NUMBER:**

APPLICATION NO. 22/01343/HOU  
 LOCATION **Woodland Villa Cricket Green Lane Hartley Wintney Hook Hampshire RG27 8PH**  
 PROPOSAL Demolition of existing conservatory and garage and erection of a two storey side extension and single storey home office/store  
 APPLICANT Mrs H Timpany  
 CONSULTATIONS EXPIRY 12 August 2022  
 APPLICATION EXPIRY 2 September 2022  
 WARD Hartley Wintney  
 RECOMMENDATION **Grant**



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## **BACKGROUND**

This planning application has been brought to the Planning Committee at the discretion of the Executive Director for Place.

## **SITE DESCRIPTION**

The application site comprises a two storey detached dwellinghouse dating from the early 20th Century, with private garden space and outbuilding. It is within the settlement boundary of Hartley Wintney and also within the Hartley Wintney Conservation Area (Character Area 3 - Causeway Green and Cricket Green).

It is accessed via a driveway from Cricket Green Lane and is surrounded by other residential properties built around the same time as the application property. The site is a long narrow plot, with a garage outbuilding to the front of the property.

The property has been previously extended.

## **Proposal**

Construction of a two storey side extension following the demolition of an existing side extension and construction of a replacement outbuilding for the existing detached garage.

The extension would provide a ground floor garden room and a first floor 4th bedroom, with en-suite shower room. It would measure 3.8m in width, 6.7m in length and 6.4m in height. It would feature a catslide roof with pitched roof dormer on the front elevation, glazed in the ground floor side elevation, with an obscure glazed gable window feature, and a blank rear elevation, with obscure glazed conservation rooflight.

The outbuilding would be constructed using timber boarding and plain clay tiles and would accommodate a store and home office. It would have a footprint of 30 square metres and be single storey, with a pitched roof.

The scheme represents a reduction in scale of the side extension following the withdrawal of a previous proposal.

## **RELEVANT PLANNING POLICY**

Section 38(6) of the Planning and Compensation Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted plan for Hart district comprises the Hart Local Plan (Strategy and Sites) 2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and Saved Policy NRM6 of the South East Plan 2009. Adopted and Saved Policies are up to date and consistent with the NPPF (2021). Also of relevance in the determination of this application is the Hook Neighbourhood Plan 2032 which is part of the development plan and the application site is within the Neighbourhood Plan boundary.

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

Policy SD1 Sustainable Development  
Policy NBE4 Biodiversity  
Policy NBE8 Historic Environment  
Policy NBE9 Design

Policy INF3 Transport

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

Policy GEN1 General Policy for Development

Hartley Wintney Neighbourhood Plan 2017-2032 (HWNP 2032):

HW Policy 2 Design Guide

HW Policy 5 Conservation Areas

Other relevant planning policy documents:

National planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (PPG)

Technical Advice Note Cycle and car parking in new development (August 2022)

Hartley Wintney Conservation Area Character Appraisal and Management Proposals Draft no. 6, November 2008

Relevant Planning History

04/00971/FUL and 04/00972/CONAC : Replacement single storey rear extension. Permitted

11/02621/HOU : Erection of a single storey rear extension to existing garage building. Change of use of resultant building to a study and store room. Re-arrangement of parking and access. Permitted

21/02263/HOU : Demolition of existing conservatory and garage and erection of two storey side extension and single storey home office/store. Withdrawn

## **CONSULTEES RESPONSES**

### **Hartley Wintney Parish Council**

No Objection

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

I have no objection to this application on the grounds of biodiversity providing the following condition is applied:

Condition 1.

The recommendations and mitigation outlined in section 5 in the bat report must be implemented in full.

Reason: to ensure there is no negative impact on bats as a result of the proposals

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

I have no objection to this planning application.

## **PUBLIC COMMENTS**

Objections were received from 5 local addresses and a further objection was received from a



local heritage society.

The material planning considerations concerned:

- Loss of outlook, overbearing and oppressive impacts
- Loss of daylight and sunlight
- Impact on the character of the area, including on the setting of the conservation area and the adjacent 'positive' buildings
- Overlooking
- Impact on trees
- Featureless rear aspect

In addition, several matters which are not material to the determination of the application were raised:

- Correctness of form completion and additional statements
- No consultation with neighbours undertaken as stated
- Opinions of whether the current house is fit for purpose
- Loss of view

An error on the submitted plans was corrected by the agent prior to the application being presented to committee.

## **CONSIDERATIONS**

### Principle of the Development

The application building is located within a defined settlement boundary and as such, the principle of sustainable development is established.

### Appearance and impact on the character of the conservation area

Hart Strategy and Sites 2032 Policy NBE8; Historic Environment, requires development proposals to .."conserve or enhance heritage assets and their settings, taking account of their significance." Policy NBE9; Design, supports development which protects or enhances surrounding heritage assets, including their settings.

Saved policy GEN1(v) allows developments which include provision for the conservation or enhancement of the District's landscape, ecology and historic heritage and natural resources.

The Planning (Conservation and Listed Buildings) Act 1990 requires Local Planning Authorities to pay regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

The site is within Character Area 3 (Causeway Green and Cricket Green) of the Hartley Wintney Conservation Area, whilst the application site is split by the boundary of areas 3 and 4 (The Common).

The Hartley Wintney Conservation Area Character Appraisal and Management Proposals (the conservation area appraisal) document makes a number of recommendations, several of which are applicable to the current proposal:

New development in or on the edges of the conservation area should respect existing plot

boundaries, plot ratios, and historic forms of development.

New development should respect the historic grain of development established by plot boundaries and existing historic buildings, particularly in relation to development in back gardens.

Existing open green space, including private gardens, should be protected from unsympathetic development where this would have an adverse impact on the spacious character of the existing site and area

The immediate locale is characterised by the dense arrangement of cottages forming the rows of Mildmay Terrace and Hartford Terrace, fringed by larger properties in more generous plots. The properties of Woodland Villa and its neighbour Pinewood are nestled in the centre of this layout and share the qualities of both types of surrounding house and site form. The proposal would add an extension with a moderate footprint to the existing house and enlarge a detached outbuilding substantially.

Of the two elements of the proposal, it is the extension which has raised concerns amongst neighbouring occupants and the Hartley Wintney Historical Society, as they consider that it would negatively impact the setting of the 'positive' buildings of Mildmay Terrace and consequently, on the setting of the conservation area.

The conservation area appraisal identifies positive buildings as 'buildings of townscape merit'.. 'commonly they will be good examples of relatively unaltered historic buildings where their style, detailing and building materials provides the streetscape with interest and variety. Most importantly, they make a positive contribution to the special interest of the conservation area.'

National Planning Policy Guidance sets out that non-designated heritage assets have a degree of heritage significance meriting consideration in planning decisions.

New development in proximity to unlisted buildings of merit does not have to take account of the setting of such buildings per se, as they are identified for the contribution that they make to the character of an area, however their contribution to the wider setting of the conservation area is acknowledged.

The form, layout and heritage values of Mildmay Terrace would not be affected by the proposals. The extension would be appreciable from the outlook from those properties with their backs to the application site, however the form of development would be sympathetic to the existing spatial arrangement on site and the impact would be solely a visual one.

The extension echoes form and design elements of the host building and would appear visually comfortable against the original dwelling. As such, it would be considered to be an appropriate form of development in design terms. It would replace, albeit with a larger structure, an existing modern addition. It would echo the tight grain of development evident in the locale and would not be overly imposing on the setting of the adjacent properties. Overall, it would have a neutral impact on the conservation area and in terms of how the extension would relate to adjacent buildings.

The outbuilding would replace an existing garage with a longer and slightly wider structure but there would remain sufficient space about the site to overcome overdevelopment issues. As a replacement structure for an existing modern outbuilding, the building would have a neutral impact on the conservation area.

### Neighbour Amenity

Policy GEN1 (iii) requires proposals for development to cause no material loss of amenity to

adjoining residential uses.

Comments have been received from local residents and a local heritage society regarding the impact of the development on the living conditions and enjoyment of properties to the rear.

The application site is surrounded by other residences, constructed around the late Victorian / Edwardian period. Notably, the east side and the frontmost north rear boundary (the property has a deeply staggered rear boundary) are shared with Nos.11 and 12 Mildmay Terrace.

Mildmay Terrace comprises of a double terrace of 20 simple cottages, constructed around the same period as the application property. These face each other across a communal green. The modest dimensions of the cottages are reflected in the size of each property's private garden space, which is restricted at the front to a small pocket of land by the communal green and to the rear, by the narrowness of the cottages and the established grain of development.

The proposed two storey side extension would be positioned immediately adjacent to the rear boundary of No.11 Mildmay Terrace. The rear of this house would be some 12m to the rear of the proposed extension.

It is noted that the first floor plan indicated a side window serving the bedroom, which has subsequently been corrected. The only first floor openings would be high level gable glazing and a rear facing rooflight. Both would be obscure glazed. By virtue of the position and design of the extension's windows and doors, and the use of obscure glazing in first floor openings, there would be no adverse overlooking or loss of privacy as a result of the proposal.

The reduction in the height and bulk from the previous scheme in an attempt to alleviate the impact of the extension on neighbouring properties is acknowledged, and ensures that whilst there may be some light loss to the rear garden of No.11, this would not be to a degree to warrant refusal.

The extension would be positioned up against the rear boundary shared with No.11 Mildmay Terrace. The existing extension would be removed accordingly. It is of note that the existing extension has a solid wall in the position of the rear elevation of the proposed extension, albeit that this wall is slanted.

In comparison with the existing structure, the rear elevation to the eaves height of the extension would increase by a maximum of 2m, to 3.6m. The ridge of the roof would be some 3m higher than the eaves, though the effect of this would be mitigated by the 45 degree angle of the roof slope. The distance to the rear wall of the extension from the rearmost wall of No.11 would be 12.5m. By virtue of the density of built form in the locality, such proximity would not be extraordinary.

There would without doubt be a change to the outlook of the rear windows of No.11 Mildmay Terrace and to a decreasing degree the houses in this row as they climb in number, however the outlook to occupants would not be to a degree which would unacceptably impact the day-to-day living conditions of these residents.

Due to the position and dimensions of the outbuilding, this structure is not anticipated to have a harmful impact on the amenities of neighbouring occupants.

#### Motor vehicle and cycle parking and highway safety

Policy INF3 (d) requires development proposals to provide appropriate parking provision, in terms of amount, design and layout.

The proposal would create an additional bedroom and would remove a single garage, however the internal dimensions of the existing garage do not meet the Council's current parking guidance -Technical Advice Note: Cycle and car parking in new development -for garage parking spaces and the guidance does not count single garages as a parking space.

The current parking guidance recommends that for a 4 bedroomed home, 3.0 allocated and 0.5 unallocated motor vehicle parking spaces are provided, and a minimum of 5 cycle spaces.

The parking plan provided demonstrates that 4 motor vehicle parking spaces would be provided at the front of the site. There is adequate additional space within the site boundaries to accommodate the cycle parking recommended, including within the proposed store at the front of the outbuilding.

### Impact on the Natural Environment

Policy NBE 4 of the HLP32 states that all developments should protect and enhance biodiversity. The Local Planning Authority has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity, which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Bats are a protected species under the Wildlife and Countryside Act 1981. Development causing a disturbance and potential abandonment of a roost could constitute an offence both to a population and individuals. It is therefore important that the use of an area by bats is thoroughly assessed prior to the determination of a planning application relating to a site where bats may be roosting, commuting or foraging. It has been confirmed within appeals and case law that bat surveys cannot be subject of a planning condition. Assessment on the presence of bats within a building or site are matters which must be resolved prior to determination.

The application was accompanied by a bat emergence survey report which found evidence of bats at the property and made suggestions for mitigation to prevent the works from negatively impacting bats. The Council's Ecologist confirmed that subject to the recommendations and mitigation outlined being adhered to, they have no objections to the works. As such, subject to the inclusion of the condition to secure these recommendations and mitigation measures, the proposal would be acceptable in ecology respects in line with NBE4 of the HLP32 and the aims of the NPPF 2021.

### Climate Change

Hart has announced a climate change emergency and is committed to reducing carbon emissions. Policy NBE9 supports development which reduces energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency.

The proposal would incorporate modern materials and by virtue of the scale of the development, the proposal would not be anticipated to have a significant impact on carbon emissions.

### Trees

Saved Policy CON8 concerns protecting the amenity value of trees. There are no trees on-site which would likely to be affected by the development and off-site trees in adjacent

properties are sufficiently distant and separated by intervening features such that they are unlikely to be affected by the development proposals, however, a tree protection plan has been included by condition to require the identification of rooting zones which require protection from the storage of materials and equipment during works. Subject to condition, the proposal is acceptable in tree respects

### Other Matters

The Equality Act 2010 legally protects people from discrimination in society. It replaced previous anti-discrimination laws (Sex Discrimination Act 1975; Race Relations Act 1976 and Disability Discrimination Act 1995) with one single Act. The public sector Equality Duty came into force in April 2011. Section 149 of the Equality Act means that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy and delivering services.

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

The proposal raises no concerns in respect of equality issues.

### **CONCLUSION**

The proposal would be acceptable in terms of its impact on the character and appearance of the conservation area, neighbour amenity, ecology and parking sufficiently to comply with the relevant policies of the development plan. Accordingly, it is recommended for conditional approval.

### **RECOMMENDATION - Grant**

#### **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 carried out in accordance with the following approved plans and documents:

- Proposed site plan ref WV/21/05/A
- Proposed elevations ref WV/21/04/C
- Proposed floor plans ref WV/21/03/D
- Planning and Heritage Statement dated June 2022

Reason:

To ensure that the development is carried out in accordance with the approved details.

- 3 Notwithstanding the approved plans, no work or development above ground level shall take place until details and samples of all materials to be used on the exterior surfaces of the proposal hereby permitted have been submitted to, and approved in writing by,

the Local Planning Authority.

Good quality manufacturers information or weblinks which accurately show the details may be acceptable. The development shall only be carried out in accordance with the approved details.

Reason :

To ensure the external appearance of the extension is satisfactory and to satisfy policies NBE8, NBE9 of the Hart Local Plan 2032 and Policies 2 and 5 of the Hartley Wintney Neighbourhood Plan.

- 4 Notwithstanding the submitted details, prior to installation of new windows and doors in the proposal hereby permitted, large scale drawings of all new windows and doors, including frame and glazing bar dimensions, materials and finish shall be submitted to, and approved in writing by, the Local Planning Authority.

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

Reason :

To ensure the external appearance of the extension is satisfactory and to satisfy policies NBE8, NBE9 of the Hart Local Plan 2032 and Policy 5 of the Hartley Wintney Neighbourhood Plan.

- 5 No construction shall take place until a tree protection method statement has been submitted to, and approved in writing by, the Local Planning Authority. Specifically this method statement shall:

1. Provide a suitably scaled plan for tree protection measures
2. Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.

All tree protection measures must be retained and maintained for the full duration of works unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Hart Local Plan policies GEN 1 and CON 8.

- 6 The works shall be carried out in full accordance with the mitigation measures and enhancement opportunities set out in the Bat Emergence Survey by Ecology Surveys Limited, ref BESR\_Woodland-Villa\_H.Timpany\_June\_2022 dated June 2022, including the

Reason:

To protect and enhance biodiversity on site, and to satisfy Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2032.

- 7 The parking spaces hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose. Access shall be maintained at all times to allow them to be used as such.

Reason:

To maintain sufficient on-site parking and to comply with the requirements of policy INF3 of the Hart Local Plan (Strategy and Sites) 2032.

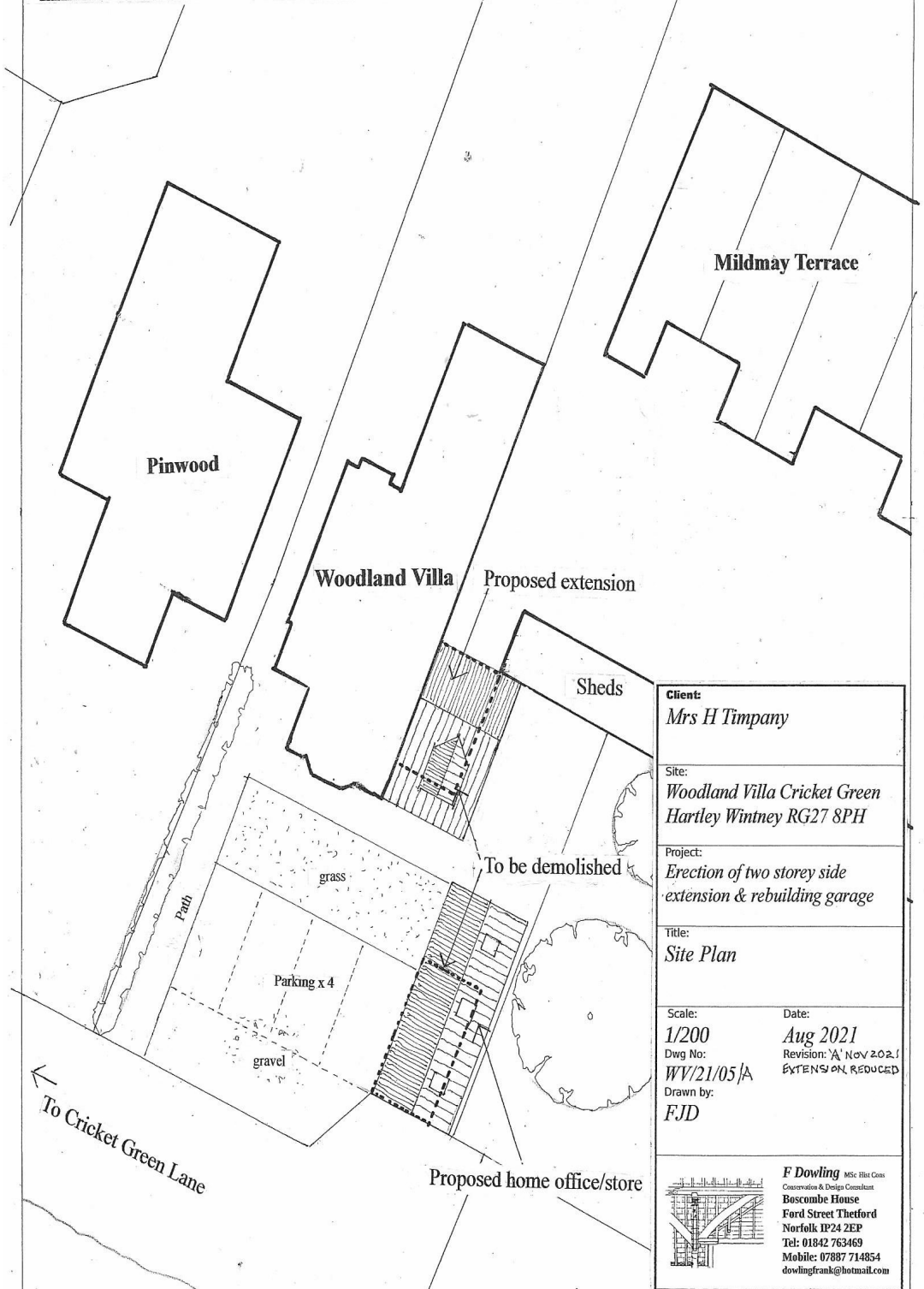
## INFORMATIVES

- 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 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, bats are a protected species and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or contact Natural England (S.E. regional office) on 0238 028 6410.
- 3 You may require Building Regulations Consent and we advise that you should contact Building Control on 01252 398715.
- 4 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operatives vehicles should be normally arranged on site.
- 5 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.

# Woodland Villa Hartley Wintney



Site Plan Scale: 1/200



<b>Client:</b> Mrs H Timpany	
<b>Site:</b> Woodland Villa Cricket Green Hartley Wintney RG27 8PH	
<b>Project:</b> Erection of two storey side extension & rebuilding garage	
<b>Title:</b> Site Plan	
<b>Scale:</b> 1/200	<b>Date:</b> Aug 2021
<b>Dwg No:</b> WV/21/05/A	<b>Revision:</b> 'A' NOV 2021 EXTENSION, REDUCED
<b>Drawn by:</b> FJD	
	
<b>F Dowling</b> MSc. Hlt Cons. Conservation & Design Consultant <b>Boscombe House</b> Ford Street Thetford Norfolk IP24 2EP Tel: 01842 763469 Mobile: 07887 714854 dowlingfrank@hotmail.com	



**Woodland Villa, Cricket Green Lane, Hartley Wintney, Hook, Hampshire, RG27 8PH**



Site Plan shows area bounded by: 476781.62, 156650.0 476923.05, 156791.42 (at a scale of 1:1250), OSGridRef: SU76855672. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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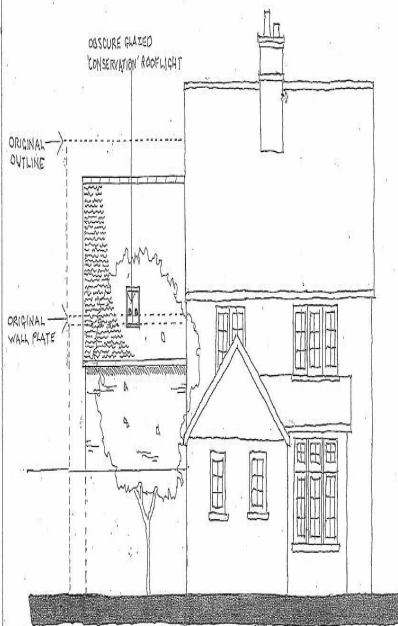
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**PROPOSED**

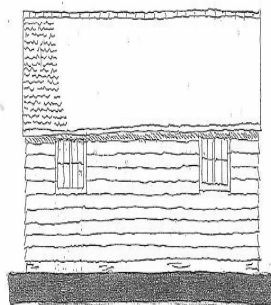


**South West Elevation**

**South East Elevation**



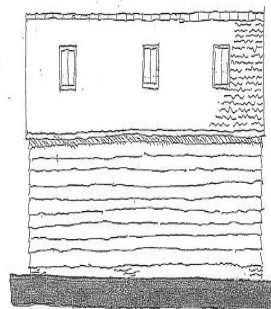
**North East Elevation**



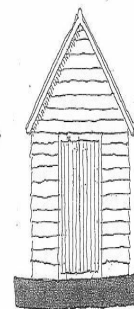
**North West Elevation**



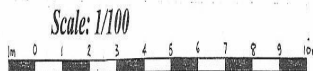
**North East Elevation**



**South East Elevation**



**South West Elevation**



**Woodland Villa Hartley Wintney**

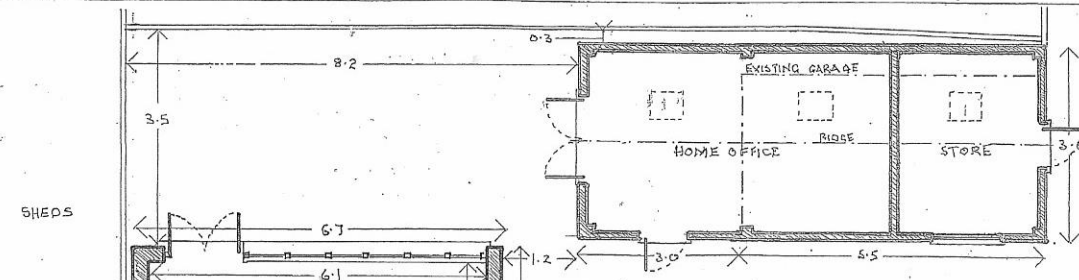
<b>Client:</b> Mrs H Timpany	
<b>Site:</b> Woodland Villa Cricket Green Lane Hartley Wintney RG27 8PH	
<b>Project:</b> Erection of two storey side extension & rebuilding garage	
<b>Title:</b> Proposed Elevations	
<b>Scale:</b> 1/100	<b>Date:</b> July 2021
<b>Draw No:</b> WV/21/04/C	<b>Revision:</b> 'A' Sep 2021 Boundary wall amended
<b>Drawn by:</b> FJD	<b>Revision:</b> 'B' Oct 2021 Scheme amended and reduced
	<b>Revision:</b> 'C' Nov 2021 Scheme reduced
<b>F J Dowling</b> <small>an architect</small> <small>Consultant &amp; Design Consultant</small> Besant & Bouse Ford Street Thetford Norfolk IP24 2EP Tel: 01847 753493 Mobile: 07887 714854 dowling@fjdowning.com	

# PROPOSED

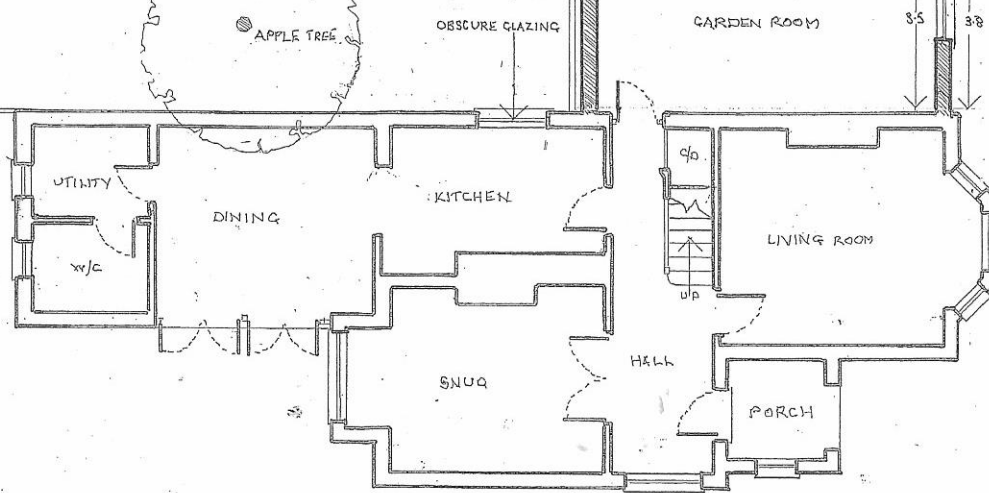
11 Mildmay Terrace

SINGLE STOREY LEAN-TO

TWO STOREY & ATTIC



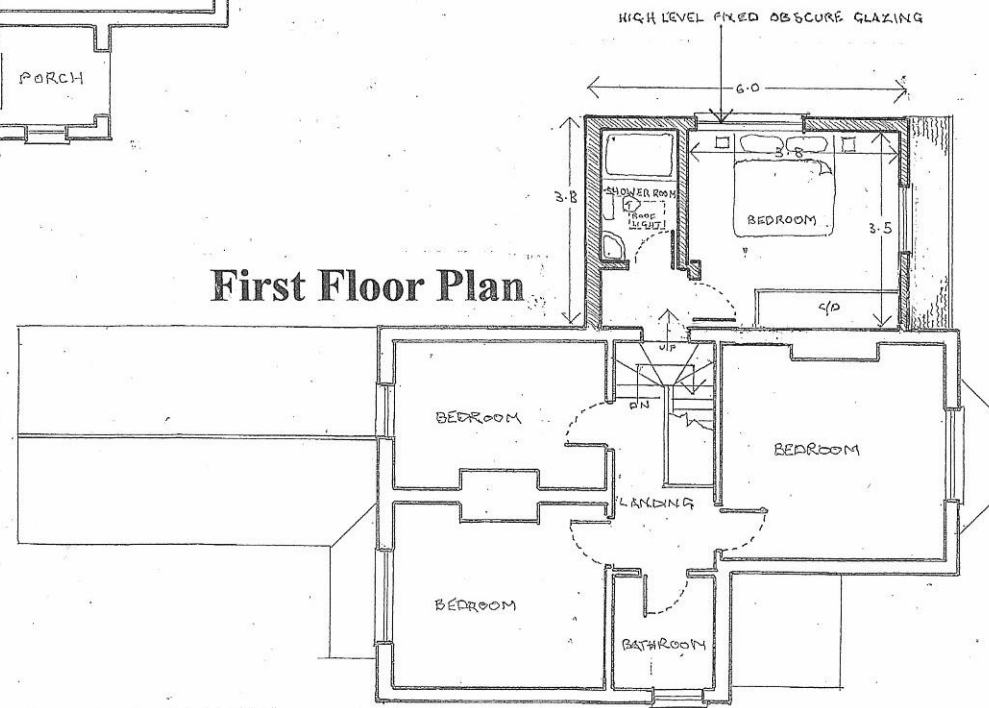
## Ground Floor Plan



<b>Client:</b> Mrs H Timpany	
<b>Site:</b> Woodland Villa Cricket Green Lane Hartley Wintney RG27 8PH	
<b>Project:</b> Erection of two storey side extension & rebuilding garage	
<b>Title:</b> Proposed Floor Plans	
<b>Scales:</b> 1/100 Dwg No: WV/21/03/D Drawn by: FJD D'Oct 2022 WINDOW ANNOTATED	<b>Date:</b> Nov 2021 Revision: 'A' Sep 2021 Boundary wall amended Revision: 'B' Oct 2021 Scheme amended and reduced Revision 'C' Nov 2021 Scheme reduced
<b>F J Dowling</b> <small>Site Visit Co</small> Conservation & Design Consultant Boscombe House Ford Street Thetford Norfolk IP24 2EP Tel: 01842 763469 Mobile: 07887 714854 dowlingfrank@hotmail.com	

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## First Floor Plan



Scale: 1/100



# Woodland Villa Hartley Wintney

APPLICATION NO.

22/00778/FUL

LOCATION

**Land Adjacent to Damales Farm Borough Court Road  
Hartley Wintney Hook Hampshire**

PROPOSAL

Change of use from agricultural land to a dog walking site with associated parking

APPLICANT

Mr D Mitchell

CONSULTATIONS EXPIRY

27 May 2022

APPLICATION EXPIRY

28 June 2022

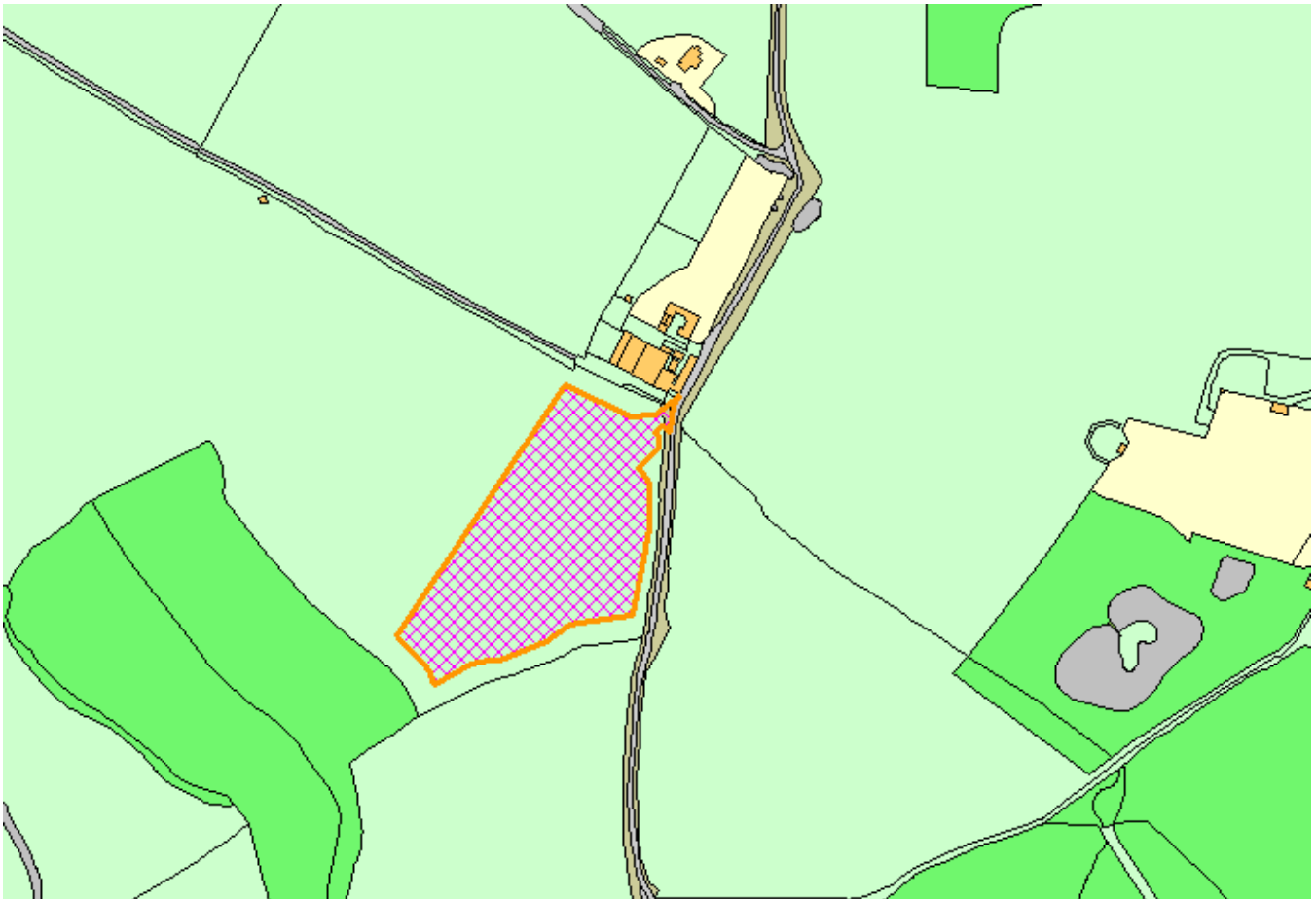
WARD

Hook

RECOMMENDATION

**Refuse**

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## **BACKGROUND**

This planning application has been brought to Planning Committee at the request of three local Ward Councillors and the Chairman of Planning Committee.

## **SITE DESCRIPTION**

The application site comprises an agricultural field to the west of Borough Court Road, measuring 1.74 hectares. To the immediate north is an agricultural track and modern agricultural barn, and beyond that, Damales House, which is a statutorily listed building at Grade II. There is a 5-bar gate providing access from the highway to the north-eastern corner of the site. The site is enclosed along the roadside with hedging, and is enclosed by trees to the south western boundary.

## **PROPOSAL**

The proposal is for the change of use of the land to a dog-walking facility. The application form states that the opening hours for the facility would be 08:00 to 20:45 Monday to Sunday and the same on bank holidays. The Design and Access Statement indicates that in 'winter hours' this would only be 08:30am to 15:45pm.

The Design and Access Statement outlines that there would be an expected customer number of up to 16 daily bookings in summer and 10 daily bookings in winter. This however is not stipulated on the application form and is expected levels and not upper limits.

The proposal would involve the erection of fencing and formation of parking spaces at the north-eastern end of the field, which would be sub-divided into two separate areas by hedging.

The applicant has clarified in further documentation submitted to the Council that the proposal would comprise solely a dog walking facility. The assessment has been made on this basis only.

## **RELEVANT PLANNING HISTORY**

None.

## **RELEVANT PLANNING POLICY**

Section 38(6) of the Planning and Compensation Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted plan for Hart comprises the Hart Local Plan (Strategy and Sites) 2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and Saved Policy NRM6 of the South-East Plan 2009. Adopted and Saved Policies are up to date and consistent with the NPPF (2021).

Also, of relevance in the determination of this application is the Hook Neighbourhood Plan 2032 (HNP32) which is part of the development plan. the application site is within the HNP32 Neighbourhood Area boundary.

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

Policy SD1 - Sustainable Development

Policy SS1 - Spatial Strategy and Distribution of Growth

Policy ED3 - The Rural Economy

Policy NBE1 - Development in the Countryside

Policy NBE3 - Landscape  
Policy NBE4 - Biodiversity  
Policy NBE5 - Managing Flood Risk  
Policy NBE8 - Historic Environment  
Policy INF3 - Transport  
Policy INF4 - Open Space, Sport and Recreation

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

Policy GEN1 - General Policy for Development  
Policy GEN2 - Changes of Use  
Policy GEN6 - Noisy Unneighbourly Development

Hook Neighbourhood Plan 2018-2032 (HNP32):

HK1 - Spatial Policy  
HK5 - Landscape

Other relevant planning policy documents:

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance (PPG)  
Hart Landscape Assessment (1997)  
Hart Parking Technical Advice Note (TAN) (August 2022) Likelihood of 'Best and Most Versatile'  
(BMV) Agricultural Land London and South East Region from Defra and Natural England Dated  
18/08/2017. Map Reference : NE170809-1016-779d

**CONSULTEE RESPONSES**

**HCC Local Lead Flood Authority**

No objection.

**Landscape Architect (Internal)**

None received.

**Environment Agency Thames Area**

No comment.

**Streetcare Officer (Internal)**

No objection.

**Environmental Health (Internal)**

No objection.

**Hampshire County Council (Highways)**

No objection.

**Hartley Wintney Parish Council**

"No objection.

The number of dogs on the site could create additional unwanted noise disturbance to residents in the adjacent dwellings, therefore Councillors would like the hours of operation to be considered and the number of dogs in any one session to be reduced. Councillors would welcome consideration of screening between the two proposed areas to reduce the impact of different groups of dogs meeting/seeing each other to help reduce noise levels."



## **PUBLIC COMMENTS**

Five letters of public objection have been received raising the following concerns:

- No upper limit on number of dogs to control impact
- Proposal includes other training activities with no information on how any equipment would be stored/located on land
- Noise impact - use of music, whistles etc. which could be detrimental for walkers and cyclists
- Proposal is for two separate areas - will not provide a 'safe space' for dogs, as proposed, how will this be controlled?
- Proposal does not make economic sense
- Impact on wildlife from noise and risk of injury from fencing etc.
- Increased traffic on single track lane - with very limited passing spaces, impact on motorists, cyclists, runners and horse riders from additional traffic

Twelve letters of public support have been received expressing the following:

- Welcome use of an area to train dogs away from general public
- Good use of land
- Limiting numbers will control noise and traffic
- Proposal will make people better and safer dog owners
- Proposal will encourage wildlife habitat

## **PRINCIPLE OF DEVELOPMENT**

The site is located within the open countryside, outside of any defined settlement policy boundary according to the inset maps of the adopted HLP32 and maps for the HNP32. Policy SS1 of the HLP32 states that development will be focused within defined settlements, on previously developed land in sustainable locations, and on allocated sites as shown on the Policies Map.

The application site is located outside a defined settlement boundary, in the open countryside wherein the countryside will be protected for its intrinsic character and beauty. In principle therefore, the site is in an unsustainable location on an unallocated site, it must therefore be assessed against the criteria of the relevant countryside Policies; NBE1

and ED3 of the HLP32.

## **LOCATION AND COUNTRYSIDE CONSIDERATIONS**

Policy NBE1 of the HLP32 indicates that new, non-residential development proposals in the countryside will only be supported where they, inter alia:

- b) provide business floor space to support rural enterprise; or,
- c) provide reasonable levels of operational development at institutional and other facilities; or,
- d) provide community facilities close to an existing settlement which is accessible by sustainable transport modes; or,
- j) are located on suitable previously developed land appropriate for the proposed use; or,
- k) are for small scale informal recreation facilities such as interpretation centres and car parks which enable people to enjoy the countryside; or,
- l) secure the optimal viable use of a heritage assets or would be appropriate enabling development to secure the future of heritage assets.

The proposal fails to satisfy any of the relevant criterion in relation to Policy NBE1 of the HLP32.

The application site is undeveloped agricultural land which has no permanent buildings at present. The land does not constitute previously developed land (PDL) and is remote from the nearest existing settlements at Hartley Wintney, Hook and Winchfield. Based on the type of use proposed, it is fair to assume that visiting customers will be reliant upon the use of private vehicles to gain access to the facility and given the nature of the use it is unlikely that customers would visit on foot, using cycles or via public transportation.

The applicant has clarified that the proposed use of the site would be limited to dog walking only and would not involve canine training. However, it is considered that the proposal would still involve a form of development which would not solely be related to a countryside activity. Dog walking, whilst common in the countryside, can also take place in other, more sustainable locations within, or adjoining, settlement. The use is not dependent on the countryside location proposed.

The proposal is a private commercial venture, therefore the provisions of Policy ED3 need to be satisfied. Policy ED3 of the HLP32 states that to support the rural economy, development proposals for economic use in the countryside will be supported where they:

- a) Are for a change of use or conversion of a suitable permanent building or for a new small scale building that is appropriate to a rural area, located in or on the edge of an existing settlement; or
- b) Are for a replacement building or extension to a building in line with Policy NBE1; or
- c) Enable the continuing sustainability or expansion of a business or enterprise, including development where it supports a farm diversification scheme and the main agricultural enterprise; or
- d) Provides business floorspace that would enable the establishment of rural enterprises;
- e) In the case of new buildings, and extensions to existing buildings, are supported by evidence of need for the scale of the proposed development.

The proposal relates to a parcel of undeveloped agricultural land which features no existing buildings upon it. The operational development proposed within the application would be minimal consisting only of creation of parking spaces and perimeter fencing of the site.

The applicant has set out in supporting information that the proposal is required not only from a business opportunity point of view, but for the ongoing sustainability of the farming business. It is stated that changes to funding and prices mean that farmers are looking to re-purpose less productive area of land and buildings which are no longer required. The proposal is stated as enabling an existing farming business to diversify, ensuring its sustainability in the farming market without negatively impacting the remaining agricultural operations.

Further information from the applicant indicates that the proposal is required to provide a more consistent income to the arable farming enterprise in respect of cash flow. It is stated in the submission that the proposal would give the applicant a diversified income allowing them to weather against changes in the farming market. Additional information has been provided which indicates that the overall agricultural enterprise comprises 11 acres of woodland, 44 acres of pasture and 119 acres of arable land. The holding also includes 7 storage and light industrial units at White Knights Farm. It is stated that in recent years, the annual income from the agricultural enterprise has ranged from £12,000 profit to £8000 losses. It is stated that the income from the agricultural enterprise is currently insufficient to support the two families who jointly own the farm.

It is unclear from the submission what the overall operational costs of the agricultural enterprise are, and how much profit is made from both the agricultural business and other diversification projects already undertaking, including the commercial units at White Knights Farm. In this respect, officers are unable to conclude that the proposal is truly necessary to ensure the long-term viability of the agricultural unit.

The applicant has also confirmed that the agricultural land falls within Classification 3b - moderate quality agricultural land with strong limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land produces moderate yields of a narrow range of crops, low yields of a wide range of crops and high yields of grass. Whilst the land may not represent the best and most versatile agricultural land, it could still make a viable contribution to the agricultural business as a whole.

Paragraph 85 of the NPPF sets out that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

With regards to the sustainability of the location, the proposal would be sited outside of any defined settlement policy boundary and is not close in proximity to existing public transport modes. Travel to the site would likely be almost entirely by private vehicle. The proposal would therefore not promote the use of sustainable travel modes and would not improve accessibility to services and support the transition to a low carbon future. There is no evidence submitted that this type of canine facility could not be located within an urban location, well served by public transportation, pedestrian or cycle links for example.

access to services and facilities. However, there may be cases where small scale and well-designed new rural enterprise may be appropriate. Proposals will need to comply with Policy NBE1 and in accordance with Policy ED3, provide clear justification for any commercial use of land, including the provision of information on the business requirement for the development and on the long-term viability of the enterprise. This submission does not provide sufficient information to enable that assessment to be made.

Therefore, it has not been demonstrated that the proposal would be necessary to meet the policy requirements for new, sustainable development in the countryside in this instance. There has not been robust economic and business evidence provided to support a case for business diversification. The proposal would conflict with Policies SS1, NBE1, ED3 and INF3 of the HLP32, Policy HK1 of the HNP32 in addition to conflicting with the aims of the NPPF 2021.

## **VISUAL LANDSCAPE IMPACTS**

Policy NBE2 of the HLP32 seeks to achieve development proposals which respect and wherever possible enhance the special characteristics, value, or visual amenity of the district's landscapes. This policy contains five criteria to assess development proposals in relation to landscape impacts. It also states that, where appropriate, proposals will be required to include a comprehensive landscaping scheme to ensure that the development would successfully integrate with the landscape and surroundings.

In principle, due to the minimal nature of the operational development set out within the application, overall, the visual landscape effects are unlikely to be significant.

The use of the land for dog walking purposes would not be likely to have a material impact on the wider landscape, given that any equipment necessary to facilitate the use, such as barriers or defined walking routes within the land would be likely to be moveable or temporary and would be unlikely to amount to development requiring planning permission. However, it is likely that any temporary equipment would require storage on-site. In this respect, the application does not detail any such on-site storage or how this would otherwise be managed.

The application form indicates that no employees would be employed at the site and the applicant has clarified that no other canine training would take place which might require instructors to be present. However, Nonetheless, officers remain concerned that even limited activities on the land would necessitate provision of minimal levels of facilities to accommodate the comfort of users, for example, toilets for customers, handwashing facilities and general shelter for both people and animals from extremes of weather which are clearly essential components of a commercial facility. No welfare facilities appear to be proposed for customers.

In terms of waste, the application form and Design and Access Statement mention use of a registered waste collection service and that there would be provision of "yellow waste boxes", again, no details are provided of their size and position to enable further assessment.

There has been no information submitted relating to temporary or permanent lighting which may be needed on the site, particularly in winter months. The applicant has confirmed that dog-walking would take place in daylight only but given the safety aspect of people coming and going from the site at dawn and dusk, particularly in the winter months, there could be significant future pressure for such lighting which would be difficult to resist once the facility is established. This could impact the visual amenity of the area, introduce light pollution and it could also have biodiversity implications particularly for bats which are a European protected species and are sensitive to artificial lighting.

north, along with fencing and gates. Whilst no details have been provided as to the surfacing materials or types of enclosure, it is considered that these would be small-scale and could be controlled by way of a condition to ensure they are of an appropriate design to not harm the wider rural landscape.

Officers are concerned with the general lack of information provided within the application which could lead to the proliferation of other paraphernalia on the site. Whilst it is likely that additional temporary or permanent structures would be required on the land to facilitate the proposed use and that these may require planning permission, there is no detail within the submission for Officers to assess in respect of landscape impact. As the proposal's description and accompanying information does not outline the provision of such structures, buildings or facilities, the lack of information in this respect does not form a separate reason for refusal.

On the basis of a small-scale dog walking use, minimal car parking and fencing, the proposal would appear to comply with Policy NBE2 of the HLP32 and Policy HK5 of the HNP32 in landscape terms.

## **HERITAGE IMPACTS**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that, when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraphs 189 - 197 of the NPPF 2021 set out the national policy in relation to proposals affecting heritage assets. Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable and finite resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

In determining applications, Local Planning Authorities (LPAs) should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance. LPAs 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), taking account of the available evidence and any necessary expertise.

When determining applications LPAs should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

Damales House is a Grade II Listed building, comprising elements from the C16, C18 and more modern additions. The structure has a timber frame, with red brick infilled walls. To the west are the remains of a barn, re-built to a lower level using old timbers, and this is attached to the house by a connecting north wing by a later extension.

The application site and the proposed activities would be separated from Damales House by intervening modern agricultural buildings. The operational development proposed would be minimal involving only the creation of parking spaces and installation of fencing. The proposed development is therefore unlikely to result in harm to the heritage asset or its setting. On balance, the proposal is considered to have a neutral impact in heritage terms and accordingly, the proposed use of the site would preserve the setting of the Listed building.

The proposal would therefore satisfy the statutory test at Section 66 of the LBCA Act 1990, the requirements of Section 16 of the NPPF 2021 (Conserving and enhancing the historic environment) and would comply with Policies NBE8 and NBE9 of the HLP32.

## **RESIDENTIAL 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. Saved Policy GEN6 states that development which generates volumes of traffic unsuited to the local area will only be permitted where the proposal incorporates adequate noise abatement measures to alleviate any material loss in amenity. The NPPF 2021 advises that planning decisions should ensure that developments achieve a high standard of amenity for existing and future users and do not undermine quality of life for communities.

The site is located in open countryside, which features sporadic residential properties.

The nearest residential property to the application site is Demales Farm, which is within the same ownership as the application site. There are other scattered residential dwellings in the vicinity.

The applicant has clarified that there would be a maximum of 16 bookings per day during summer and 10 bookings per day during winter, when daylight hours are shorter, with a maximum of 2 cars, 2 people and 4 dogs per field, per session. At maximum capacity, for the two fields combined, this would mean that there would be a total of 32 car movements to and from the site, with up to 32 people on site and 64 dogs in any one day. Noise associated with the exercising of numerous dogs would be appreciable rather than negligible and the comments of the public and Parish Council in this respect are acknowledged. In this case, noise would be likely to travel, particularly in a quiet rural environment, however no information has been provided to enable a robust assessment of impact on the amenities of occupiers of dwellings in the vicinity of the site.

The application was submitted without any noise assessment, it therefore provides insufficient information to clarify whether the proposal accords with Policies NBE11 of the HLP32 and Policy GEN1 of the HLP06 in respect of noise and amenity impacts.

## **ACCESSIBILITY, HIGHWAY SAFETY 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, do not create the need for highway improvements which would be detrimental to the character or setting of roads within conservation areas or rural lanes and do not lead to problems further afield by causing heavy traffic to pass through residential areas or settlements, or use unsuitable roads.

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 applicant has indicated that there would be up to 16 bookings a day in the summer and up to 10 bookings a day in the winter; as maximum. The Design and Access Statement confirms that there would be an online booking system in place, which would email a 4-digit access code for the gate to the field; which is a fully automated gate. The submission sets out that no staff would be on-site, it appears that this would be an entirely 'self-service' offer as the proposal mentions within the Design and Access Statement (DAS) that customers would be 'emailed all check in details and terms of use of the field' (2.13 of the DAS). The submission contains no detail on how the security of the gate and access would be controlled remotely or otherwise or how the maintenance of fencing would be checked on a regular basis to ensure that animals could not escape.

The Local Highway Authority has assessed the proposal and raises no objection in terms of highway safety and capacity. The proposal would include 4 parking spaces. In addition, details of on-site turning and a travel plan could also be secured via condition if all other matters

were acceptable. The recently endorsed Parking Technical Advice Note (TAN) (August 2022) does not provide standards for this type of development, and other categories of development are not considered comparable.

An individual assessment has therefore been made based on the information provided regarding the number of intended bookings. The bookings are assumed to be split between the two parts of the field, and therefore it can be assumed that only two parking spaces would be available per section of the field at any one time.

As such, there would be no conflict with Policies NBE9 and INF3 of the HLP32.

## **FLOOD RISK AND DRAINAGE**

Policy NBE5 of the HLP32 states that development will be permitted providing over its lifetime it will not increase flooding elsewhere and will be safe from flooding. For major developments, Sustainable Drainage Systems should be used unless demonstrated to be inappropriate, and within Causal Flood Risk Areas all development should take opportunities to reduce the causes and impacts of flooding. If development is located within an area at risk from any source of flooding, it should be supported by a site-specific FRA and comply with national policy tests.



Proposals should not compromise the integrity and function of a reservoir or canal embankment. Paragraph 159 of the NPPF states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

The site is within Flood Zone 1, which is the area least at risk of flooding. However, as the site area exceeds 1ha, a flood risk assessment (FRA) is required. The submitted FRA indicates that there will be no change to levels or impermeable surfaces on the site, and as such the development would not lead to an increased risk from fluvial or pluvial flooding. Surface water will continue to drain into field ditches. The Environment Agency (EA) has raised no objection on flood risk grounds.

As such the proposal is acceptable in terms of flood risk and drainage in accordance with Policy NBE5 of the HLP32.

## **BIODIVERSITY, TREES AND LANDSAPING**

Policy NBE4 of the HLP32 states that in order to conserve and enhance biodiversity, new development will be permitted where it does not have an adverse effect on the integrity of an international, national or locally designated site. Proposals should not result in a loss or deterioration of irreplaceable habitats, unless the need for, and benefits of the development in that location clearly outweigh the loss. Opportunities to protect and enhance biodiversity and to contribute to wildlife and habitat connectivity should be taken wherever possible. All development proposals will be expected to avoid negative impacts on existing biodiversity and provide a net gain where possible.

Policy NBE3 of the HLP32 and Saved Policy NRM6 of the South-East Plan relate to the Thames Basin Heaths Special Protection Area and control impact on the ecological integrity of the designated area. The site is located within the 5km buffer zone.

No biodiversity information has been provided with the application and accordingly it is unknown whether the agricultural land provides habitat which would be suitable for protected species at present. The proposal would involve a limited amount of operational development, comprising parking spaces and fencing/gates. Whilst subdivision of the site is proposed, it would comprise of hedging which would encourage biodiversity. Additional tree planting is also proposed to the western part of the site. The species and specification of any planting and hedging could be controlled by condition, if permission were granted.

The proposal would not involve the creation of new residential development and as such would not have a likely significant effect on the SPA in combination with other plans and projects.

The application provides insufficient information to clarify if it accords with Policies NBE3 and NBE4 of the HLP32, however it appears to comply with the provisions of Policy NRM6 of the South-East Plan 2009.

## **CLIMATE CHANGE**

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

Policy NBE9 of the HLP32 requires proposals to demonstrate that they would: i) reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and j) they incorporate renewable or low carbon energy technologies, where appropriate. Permanent buildings will use low carbon technologies as far as possible.

The applicant has set out that the proposal would have environmental benefits in terms of reducing the travel of people to other sites and reducing use of the SPA for dog walking. The applicant also contends that the proposal would be carbon neutral owing to the planting of trees and hedging, and the reduction in CO2 emissions compared to the agricultural use of the site.

The applicant has not provided any robust evidence to support either assertion.

It is clear that customers visiting this commercial enterprise would be highly likely to be entirely reliant upon private motor vehicles. Due to both the nature of the use and the location of the site other means of transport would be either unfeasible (in the case of public transport) or unlikely, such as the use of bicycles or travel to the site on foot.

Officers therefore consider insufficient information has been provided to clarify the impact of the development on climate change issues.

In this case, the proposal includes no provision of new buildings, as a result officers consider there is no conflict with the requirements of Policy NBE9 of the HLP32 and the NPPF in terms of sustainability/renewable or low-carbon energy technologies to address climate change.

## **EQUALITY**

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.

## **OTHER MATTERS**

The points raised in the letters of representation have been noted. With regards to the letters of objection, officers note the concerns regarding the use of the site for dog training purposes instead of dog walking, and these matters are discussed in the relevant sections above. The letters of support and comments of the Parish Council are also noted; however, for the reasons given, the proposal is not considered to be a justified form of development in the countryside.

## **CONCLUSION**

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. The Hart Local Plan (Strategy & Sites) 2032 is a recently adopted and up to date development plan document. In determining an application, the decision maker must also have due regard to the NPPF, in particular paragraph 11 (ii).

The proposal would not represent a justified form of development appropriate to the countryside. The proposed use of the site has not been adequately demonstrated to be necessary to support a rural business or agricultural diversification. The proposal would also be in an unsustainable location and customers would likely be reliant on the private vehicle to visit the facility. This harm weighs heavily against approving the development.

The development could provide some benefits to the climate in terms of reducing CO2 emissions compared to the farming use, although detailed information has not been provided to evidence this stated benefit. It is therefore attributed little weight.

The proposal would have social and health benefits in terms of providing a private commercial facility for people to exercise their dogs safely; however, there is no evidence to suggest these benefits could not be achieved in existing locations in the district, within a defined settlement boundary or at more sustainable sites. A limited amount of weight is therefore attached to these elements of the scheme.

The development could result in a form of agricultural diversification; however, limited information has been submitted. Whilst the applicant has provided some figures regarding the profit and loss associated with the arable farm, and mentions diversification in other areas of the farm, it is not clear how, overall, this contributes to the agricultural business and its long term sustainability. This benefit could be a form of public benefit, however, due to the limited information provided it is attributed limited weight.

A benefit might also result to the economy resulting from creation of a new commercial use. Due to the limited information provided, again, this is attributed limited weight in the balance.

Overall, the proposal will result in harm to the intrinsic character and beauty of the countryside and the unsustainable nature of the proposal and site would outweigh the limited benefits identified above. Whilst personal benefits may result to the applicant and potentially to the users of the facility, these would also be limited in scope and weight.

On balance, the development conflicts with the adopted Development Plan and should be refused.

## **RECOMMENDATION - Refuse**

### **REASONS FOR REFUSAL**

- 1 The proposal would result in the inappropriate development in the countryside. The site is not allocated for development within the Local Plan and there is no material planning justification for a departure from the Local Plan. As no exceptional circumstances apply, the proposal is contrary to the aims of the Local Plan. Insufficient information has been provided to establish that the proposal would not result in the loss of productive arable agricultural land within the definition of Best and Most Versatile Land. The proposal would conflict with Policies SS1, NBE1, ED3 and INF3 of the Hart Local Plan (Strategy and Sites) 2032 and Policy HK1 of the Hook Neighbourhood Plan 2018-2032 and the aims of the NPPF 2021.
- 2 In the absence of supporting information, the proposal provides insufficient information to clarify whether the proposed use would have detrimental noise impacts on the amenity and enjoyment of the countryside by its users and residential amenity of nearby occupiers. Without a suitable noise assessment, the proposal fails to demonstrate whether the proposal accords with Policy NBE11 of the Hart Local Plan (Strategy and Sites) 2032 and Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 'saved' policies or the aims of the NPPF 2021 in respect of noise and amenity impacts.
- 3 In the absence of supporting information, the proposal fails to demonstrate the impact of the proposals on habitats or protected species. Without suitable information it cannot be concluded that the proposal accords with the requirements of Policies NB£3 and NBE4 of the Hart Local Plan (Strategy and Sites) 2032 or the aims of the NPPF 2021.

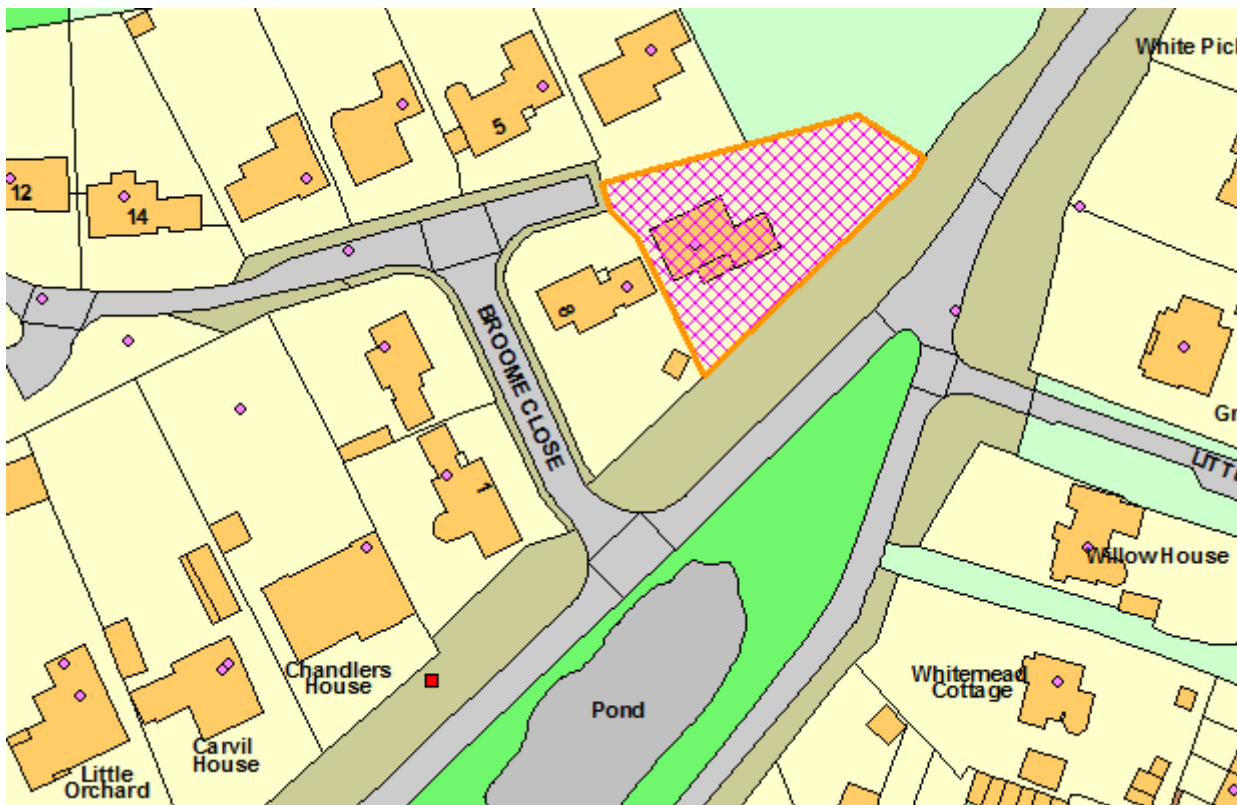
### **INFORMATIVE**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF.

In this instance: The applicant was advised of the necessary information needed to process the application and was advised of the issues with the proposal during the course of the application.

## COMMITTEE REPORT ITEM NUMBER:

APPLICATION NO.	22/01389/AMCON
LOCATION	<b>7 Broome Close Yateley Hampshire GU46 7SY</b>
PROPOSAL	Variation of Condition 2 attached to Planning Permission 19/02756/HOU dated 22/10/2020 to allow a relocation of the bin room, door to front elevation, doors to rear elevation, duplex windows to side and rear elevations, reconfiguration of windows and changes to the internal layout
APPLICANT	Mr Antony Borton
CONSULTATIONS EXPIRY	26 August 2022
APPLICATION EXPIRY	19 September 2022
WARD	Yateley West
RECOMMENDATION	<b>GRANT</b>



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## **BACKGROUND**

The application is brought before Planning Committee as the agent is a District Councillor.

## **DESCRIPTION OF THE SITE**

The application property is a large two-storey detached dwellinghouse located on Broome Close, a cul-de-sac off Chandlers Lane, Yateley. The properties in the immediate vicinity are of similar character and period.

The application site is located within the Yateley Green Conservation Area and is subject to an Article 4 Direction removing several permitted development rights. The trees within the site are protected due to their location within a Conservation Area. The majority of the site is located within Flood Zone 1, but parts of the site are in Flood Zone 2 and much of the access road serving the site is within Flood Zone 3.

## **PROPOSAL**

The proposal seeks to vary Condition 2 (approved plans) attached to Planning Permission 19/02756/HOU dated 22/10/2020 to allow a re-location of the bin room, door to front elevation, doors to rear elevation, duplex windows to side and rear elevations, re-configuration of windows and changes to the internal layout.

## **RELEVANT PLANNING HISTORY**

19/02756/HOU - Erection of two storey side and rear extensions following demolition of single storey side and rear extensions and single storey side and rear wrap around conservatory. Refused 13.03.2020. Allowed on appeal 22.10.2020.

## **RELEVANT PLANNING POLICY**

### Hart Local Plan (Strategy & Sites) 2032:

SD1 Sustainable Development  
NBE4 Biodiversity  
NBE5 Flood Risk  
NBE8 Heritage  
NBE9 Design  
INF3 Transport

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

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

### The Yateley, Darby Green & Frogmore Neighbourhood Plan 2020 - 2032:

Policy YDFNP1 Delivering Sustainable Development  
Policy YDFNP3 Promoting Biodiversity  
Policy YDFNP4 Design Principles in New Development  
Policy YDFNP6 Development Affecting Conservation Areas  
Policy YDFNP9 Flood Risk

## Other Material Documents:

The National Planning Policy Framework (2021)

Planning Technical Advice Note: Cycle and Car Parking in New Development

BRE Report -Site layout planning for daylight and sunlight: a guide to good practice (2022)

## **CONSULTEES RESPONSES**

### **Yateley Town Council**

No objection.

### **Ecology Officer**

I have no objections regarding biodiversity.

## **NEIGHBOUR COMMENTS**

One objection comment raising the following concerns:

- the application should not be allowed as the initial refusal should be recognised
- the boundary lines do not look correct therefore distorting the size of the available ground

## **CONSIDERATIONS**

### **Principle of Development**

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary conditions imposed upon a decision allowed on appeal. Section 73 of the Act instructs the LPA to consider the variation to, or relief of conditions that are applied for, stating that, "if the [LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted.....they shall grant permission accordingly". (s.73(1)(a)). As such, the LPA can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The variation to the original planning permission would not revoke the development, however, the grant of a planning permission under Section 73 essentially provides a new planning permission.

The principle of development on the site has been established following the grant of planning permission 19/02756/HOU at appeal in October 2020. It is not proposed to reproduce the assessment which relates to that application here. There have been no significant changes to the site, circumstances or Planning Policy since that time which would otherwise result in an alternative conclusion being reached. Reference should be made to the officer's report and appeal decision relating to that application. This application seeks permission to further amend the scheme as set out above, including:

- re-location of the bin room
- insertion of a door to the front elevation
- insertion of two doors to the rear elevation
- duplex windows to side and rear elevations at ground and first floor level

- alterations and re-configuration of windows at ground and first floor level on front, rear and side elevations

### Design and Visual Impacts

The acceptability of the proposal is required to have regard to Policies GEN1 and NBE9 of the Local Plan which state that all developments should seek to achieve a high-quality design and positively contribute to the overall appearance of the local area and are in keeping with the local character by virtue of their scale, design, massing, height, prominence, materials, layout, landscaping, siting and density.

Local Plan Policy GEN1 also emphasises that sustainable development should be permitted provided that the proposal does not result in any material loss of amenity to adjoining neighbours, among other considerations.

The proposed amendments to the fenestration would not be highly prominent from the public realm due to the property's orientation and siting within the plot and the tree/ hedging along Chandlers Lane which screens much of the property. The alterations to the fenestration would not give rise to any adverse impacts on the overall character and appearance of the area.

The proposal is acceptable in design and visual amenity respects in line with Policy GEN1 of the HLP06, Policy NBE9 of the HLP32, Policy YDFNP4 of the Yateley Neighbourhood Plan and Section 12 of the NPPF 2021.

### Heritage Impacts

Local Planning Authorities are required under Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 (as amended) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas when considering development proposals that affect the setting or views into it. This is reflected within Paragraph 196 of the NPPF 2021 which requires consideration of whether the impacts have substantial or less than substantial harm upon the significance of heritage assets.

Policy NBE8 of the HLP32 states that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance.

The changes to the fenestration and internal layout have no greater impact on the setting of the Yateley Green Conservation Area than the approved scheme and would generate no harm. The proposal is therefore acceptable in heritage respects and complies with Policies NBE8 and NBE9 of the HLP32, Policy YDFNP6 of the Yateley Neighbourhood Plan and Section 16 of the NPPF 2021.

### Impacts upon Amenity

Saved Local Plan Policy GEN1 emphasises that sustainable development should be permitted provided that the proposal does not result in any material loss of amenity to adjoining neighbours, among other considerations.

The proposal includes the insertion of a duplex window at first floor level which wraps around the side and rear elevation and serves a bedroom which would be located some 12 metres from the common boundary with No. 8. The location of the window on the side elevation and



distance to the common boundary would allow for direct and uninterrupted views of the neighbouring property's rear garden area. Given the window is a secondary window serving the bedroom, a condition has been recommended to ensure the window is obscure glazed and retained as such in order to preserve neighbouring amenity and privacy.

All other changes to the fenestration and internal layout would have no greater impact on the residential amenities of existing neighbouring properties than the approved scheme.

The proposal is therefore acceptable in amenity respects and complies with Policy GEN1 of the HLP06, Policy NBE9 of the HLP32, Policy YDFNP4 of the Yateley Neighbourhood Plan and Section 12 of the NPPF 2021.

### Highway Safety, Access and Parking

Local Plan Policies GEN1, INF3 and NBE9 state that all developments should provide appropriate parking provision in accordance with the Council's parking standards. The Council has recently endorsed a Technical Advice Note for car parking which replaced the Interim Car Parking Standards SPD from 2008. This requires a 5 or more bedroomed property to have 3 allocated parking spaces and 1 unallocated parking space. Space for 3 vehicles on-site has been demonstrated on the submitted site plan, however it was evident from the Officers visit that at least 4 vehicles can be accommodated on-site.

The changes to the fenestration and internal layout would not impact the parking provision or parking demand. The proposal is therefore acceptable in highways and parking respects and complies with Policy GEN1 of the HLP0, Policies NBE9 and INF3 of the HLP32, Policy YDFNP4 of the Yateley Neighbourhood Plan and Section 9 of the NPPF 2021.

### Flood Risk and Drainage

Local Plan Policy NBE5 states, inter alia, that development will be permitted provided over its lifetime it would not increase the risk of flooding elsewhere and is supported by a site-specific flood risk assessment.

Part of the site is located within Flood Zones 2 and 3, however the development itself is located outside of the Flood Zones.

The submitted FRA adequately assesses the proposals, proportionate to the nature of the development. The recommendations regarding flood risk mitigations measures are considered appropriate in ensuring the site continues to adequately address said issues.

Given the nature of the proposal, the changes to the fenestration and internal layout would not alter the flood risk impacts of the approved scheme and it is acceptable in flood risk respects and complies with Policy GEN1 of the HLP06, Policy NBE5 of the HLP32, Policy YDFNP9 of the Yateley Neighbourhood Plan and Section 14 of the NPPF 2021.

### Ecology and Trees

Local Plan Policy NBE4 states, inter alia, that new development will be permitted provided it does not result in the deterioration of irreplaceable habitats and opportunities to protect and enhance biodiversity are taken where possible.

Local Plan Policy CON8 allows development that does not have an adverse effect on the long-term health of trees with amenity value. Local Plan Policy NBE9 states that developments shall incorporate any on-site or adjoining landscape features such as trees

and hedgerows.

The changes to the fenestration and internal layout would not alter the biodiversity and tree impacts of the previously approved scheme. The proposal is therefore acceptable in ecological and tree respects and complies with Policies GEN1 and CON8 of the HLP06, Policy NBE9 of the HLP32, Policy YDFNP3 of the Yateley Neighbourhood Plan and Section 15 of the NPPF 2021.

### Climate change and Equality

Given the scale of the proposal it is not considered to raise any significant climate change issues.

In determining this application, the Council, as required, had regard to its obligations under the Equality Act 2010. There has been no indication or evidence (including from consultation on the application) that the protected groups as identified in the Equality Act have, or will have, different needs, experiences, issues and priorities in relation to the particular planning application. Therefore, there would be no significant adverse impacts as a result of the proposed development on protected groups.

### Other Planning Considerations

The public comments received from a neighbouring occupier are noted. The previous application was refused on 13.03.2020 and subsequently allowed on appeal on 22.10.2020. The boundary lines are noted, and the applicant has served notice on the relevant owners and signed Certificate B on the application form. Boundary disputes and/or land ownership disputes are not within the remit of the District Council to either enquire or resolve. This is a private civil matter between landowners and individuals with concerns should seek independent advice from a legal professional in this respect.

The grant of planning permission for a Section 73 application enables the Local Planning Authority to impose planning conditions that are deemed appropriate and meet the relevant test as cited within the NPPF (paragraph 56). Given that the application provides a new planning permission, it is considered necessary and reasonable to continue to impose those planning conditions from 19/02756/HOU that remain relevant to the development for clarity and completeness, with amended phrasing where applicable.

## **CONCLUSION AND RECOMMENDATION**

This proposal seeks minor changes to the previously approved scheme (19/02756/HOU). There would be no adverse impacts or harm as a result of the changes, and it is recommended that this s73 application is approved.

## **RECOMMENDATION - GRANT**

- 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 and to prevent an accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:

Location Plan, Block/ Parking Plan, Existing and Proposed Front and Side Elevations, Proposed Floor Plans, Proposed Rear and Side Elevations.

REASON:

To ensure that the development is carried out in accordance with the approved details.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour, texture and bond to those on the existing building.

REASON:

In the interests of visual amenity and in accordance with Local Plan Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies and Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032.

- 4 The first-floor side facing window on the western elevation serving the bedroom shall be installed with obscured-glazing (to a minimum of industry standard level 3 obscurity) and any opening mechanism shall be top-hung opening only. The window shall be installed and thereafter retained in this condition.

REASON:

In the interests of neighbouring amenity to prevent overlooking and loss of privacy in accordance with Local Plan Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies and the aims of Section 12 of the National Planning Policy Framework 2021 (paragraph 130f).

## INFORMATIVES

- 1 Any work involving new foundations, underpinning, piling or basements within 3m of a public sewer will require prior agreement from Thames Water. Thames water can be contacted on 0800 009 3921 to determine whether agreement is needed for your works. Further guidance is set out within Thames Water's guide on working near or diverting a Thames Water pipe. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 2 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
- 3 In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-

considering the imposition of conditions

In this instance:

the application was acceptable as submitted and no further assistance was required.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

- 4 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, bats are a protected species, and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or contact Natural England (S.E. regional office) on 0238 028 6410.
- 5 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operative's vehicles should be normally arranged on site.
- 6 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.