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NOTICE OF MEETING

Meeting:	Planning Committee
Date and Time:	Wednesday 22 March 2023 7.00 pm
Place:	Council Chamber
Enquiries to:	Committee Services committeeservices@hart.gov.uk
Members:	Quarterman (Chairman), Oliver (Vice-Chairman), Blewett, Cockarill, Forster, Kennett, Makepeace- Browne, Radley, Southern, Wildsmith and Worlock

Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

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

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

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

1 MINUTES OF PREVIOUS MEETING (Pages 3 - 9)

The Minutes of the meeting held on 15 February 2023 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 MINUTES OF QEB TRANSPORT STEERING GROUP MEETING (Pages 10 - 15)

The committee to note the Minutes from the Queen Elizabeth Barracks (QEB) Transport Steering Group meeting held on 20 January 2023.

6 DEVELOPMENT APPLICATIONS (Pages 16 - 21)

To consider the planning reports from the Executive Director - Place, and to accept updates via the Addendum.

7 23/00100/HOU - 15 CARTHONA DRIVE, FLEET, HAMPSHIRE, GU52 7SF (Pages 22 - 32)

8 22/01933/FUL - LAND NORTH OF WINCHFIELD COURT, PALE LANE, ELVETHAM, HOOK, HAMPSHIRE, (Pages 33 - 66)

Date of Publication: Tuesday, 14 March 2023

PLANNING COMMITTEE

Date and Time: Wednesday 15 February 2023 at 7.00 pm

Place: Council Chamber

Present:

Quarterman (Chairman), Oliver (Vice-Chairman), Blewett, Cockarill, Forster, Kennett, Southern and Worlock

In attendance:

Officers:

Mark Jaggard, Executive Director, Place
Stephanie Baker, Development Management & Building Control Manager
Fehintola Otudeko, Shared Legal Services
Sarah McCann, Shared Legal Services
Natalie Jarman, Principal Planner
Sharon Black, Committee Services Manager

62 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 18 January 2023 were confirmed and signed as a correct record.

63 APOLOGIES FOR ABSENCE

Apologies had been received from Cllrs Makepeace-Browne and Radley.

64 DECLARATIONS OF INTEREST

No declarations of interest were declared.

65 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements.

66 UPDATE FROM THE QEB TRANSPORT STEERING GROUP

Councillor Oliver as Chair of the QEB Transport Steering Group reported the following:

The Steering Group had met for the first time in nearly 5 years following Hampshire County Council (HCC) allocation of resources to support investigation of Transport Infrastructure schemes to alleviate issues from Crookham Park development (QEB). Almost £3 million remains unspent. This money has 'use by dates' otherwise it will be returned to the developer (Taylor Wimpey). All parties at the Steering Group meeting (HCC, HDC, Officers and

Councillors) agreed this would be a very unsatisfactory outcome. The Steering Group agreed to meet again in September.

Meeting notes would be made public when draft status was removed by the parties and would be attached to minutes of a future Planning Committee meeting.

A list of priority schemes had been agreed by the parties for HCC officers to investigate and propose solutions and indicative cost profiles.

1. Two new pedestrian crossings on Reading Road South to assist with walking to school from Crookham Park. In this case it would primarily be for journeys to Court Moor School from the south.
2. A new mini roundabout on the B3013 Beacon Hill Road with Tweseldown Road and Bourley Road, near the Tweseldown public house.
3. Banning right hand turns from Tesco (Reading Road South) and Aldi (Beacon Hill Road) to stop congestion.
4. Improvements to planned basic crossing in Hitches Lane (already to be funded by a revised application at Grove Farm) between Calthorpe Park School and Hart Leisure Centre from refuge to a lit zebra crossing.
5. Improvements from Crookham Park to Calthorpe Park to provide a safe walking and cycling route for school children.
6. New pedestrian crossing in Crookham village (possibly halfway along the Street) to assist children getting to Calthorpe Park School.
7. Traffic improvements at Malthouse bridge to ease flow and to prevent vehicles hitting the structure and its surroundings.

Other schemes were discussed and nothing had been rejected, or would be rejected if it met the criteria of the legal s106 agreement and sufficient funds were available, but HCC officers needed guidance on the priority investigative work to be undertaken this year. HCC will be formalising the schemes to be investigated at an Executive Decision day in March.

The Steering Group also recognised the ongoing work on the Local Cycling and Walking Infrastructure Plan (LCWIP) - part of Hart District Council's Green Grid - and wanted to ensure the two workstreams complemented each other and did not duplicate work.

It was confirmed that all of the schemes on HCC's priority list had been approved except the changes to the roundabout adjacent to Fleet Railway Station, which may be looked at by the Steering Group at a future meeting.

67 UPDATE FROM THE PLANNING ENFORCEMENT SUB-COMMITTEE

Councillor Southern as the Chairman of the Planning Enforcement Sub-Committee reported that the meeting held on 30 January 2023 had held a long discussion on the listed barn on West Minley Farm and had agreed to proceed with the enforcement action plan.

The forthcoming departure of the Planning Enforcement Team Leader had been noted by the Sub-Committee, who wished to thank her for her excellent work.

68 DEVELOPMENT APPLICATIONS

The planning reports from the Executive Director, Place were considered and the updates via the Addendum were accepted.

69 22/00022/FUL - 16 LONDON ROAD, BLACKWATER, CAMBERLEY

The Development Management & Building Control Manager summarised the application as being a change of use, with the erection of a single storey rear extension forming staff rest area/storage. There would also be installation of kitchen extraction ducting to the rear and alterations to the ground floor shopfront.

Members noted:

- That the change of use was from an existing use as a hairdressers to a proposed use for a takeaway establishment.
- There was car parking to the rear of the premises.
- There had been no neighbouring residents or public objections to the proposals.
- The application had been brought to Planning Committee due to the agent being a District Councillor.

The Chairman proposed the Officer's recommendation to **grant, subject to conditions** which was seconded by Councillor Southern. The recommendation was unanimously carried.

DECISION – GRANTED, SUBJECT TO CONDITIONS

Notes:

No site visit was carried out and there was no public speaking.

70 22/01404/FUL - PENN CROFT WINERY, CROFT LANE, CRONDALL, FARNHAM, HAMPSHIRE, GU10 5QD

The Principal Planner summarised the application as being the erection of a detached single storey building for use as cellar door facility to accommodate wine tours and associated wine sales.

Members noted and discussed:

- Whether there would be any impact on the local countryside.
- The building would be single storey with wooden cladding.
- That the site already has 2 buildings that host wine tours and associated wine sales but wished to expand.
- There were already up to 2 wine tours a day for up to 20 people each and it was not proposed that this would change in the foreseeable future.
- The proposed building would be sited on hardstanding on the existing site.
- There had been no objections from the Parish Council or the Highways Agency although there had been objections received from other individuals.
- A recommendation to grant the application was subject to 11 separate conditions.
- Condition 3 was to be updated, as outlined in the Addendum, to limit the use to wine tours and sales in connection with the Winery operation on the site and that alcohol sold at the site would be limited to wine produced at the Penn Croft Winery.

It was questioned what the licences held by the site already were for. It was confirmed that these were premises licences for the two existing buildings. A member asked whether the application would allow for music to be played in the proposed building. The Development Management & Building Control Manager confirmed that the licenses were not for playing music and did not permit events.

Members debated:

- Whether it would be possible for another winery would be able to sell their wines at the site.
- Whether there would be a substantial increase in traffic to the site.
- Whether there was a requirement for bat or swift boxes or any other means of making a biodiversity net gain.
- Rural diversification
- Good accessibility of the site for those with a disability.

The Chairman proposed the Officer's recommendation to **grant, subject to conditions** which was seconded by Councillor Worlock. The recommendation was unanimously carried.

DECISION – GRANTED, SUBJECT TO CONDITIONS

Notes:

No site visit took place.

Ms Elizabeth Harrison-Butler spoke for the application.

71 22/02681/HOU - 10A OAKLEY DRIVE, FLEET, HAMPSHIRE, GU51 3PP

The Development Management & Building Control Manager summarised the application as being the demolition of the existing garage and the erection of a two storey front extension, two storey side extension, two storey rear extension and front port. Also, alternations to windows and doors.

Members noted and discussed:

- That the application allowed for 4 parking spaces to the front of the property.
- There had been more than 5 objections to the application and the Chairman had agreed the referral.
- Objectors had voiced concerns over flood risk and the street scene impact.
- Condition 3 had been updated following the site visit to reflect discussions held regarding drainage and talks with the Environment Agency on the previous application.
- Two new conditions would be added as outlined in the Addendum documentation.

Members debated:

- Whether a soft landscaping scheme had been submitted or should be required, as part of the conditions.
- Whether the development would exacerbate any flooding issues for the locality given its location in a flood zone.
- The boundary screening.
- That whilst the proposed two storey property was on a road of bungalows, it was in keeping with other properties in the locality such as Byron Close to the rear of the property in question, which is visible in the Street scene.
- That it would be prudent to add a further condition to remove any development rights for loft conversions or dormer windows for the lifetime of the property to ensure that neighbours had privacy
- That the granting of the application would be subject to proposals for hard and soft landscaping details being submitted before completion of the external works to aid with screening.
- That the site has an existing residential use so flood risk level unchanged.
- That the proposal wouldn't be out of scale.

The Chairman proposed the Officer's recommendation to **grant, subject to conditions** which was seconded by Councillor Forster. The recommendation was unanimously carried.

Notes

A site visit was undertaken on Tuesday 14 February 2023 as set out in the Addendum paper.

Kyle Lewington spoke for the application.

72 22/02764/FUL - 52 CHURCH ROAD, FLEET, HAMPSHIRE, GU51 4LY

The Development Management & Building Control Manager summarised the application as being the erection of a detached dwelling with associated parking and amenity space.

Members noted and discussed:

- That a construction management plan had been submitted.
- That there was a requirement for the Committee to vote on two recommendations – the first had been amended as per the Addendum document. The second recommendation outlined what would happen if the applicant failed to secure SANG access within the given timescales.
- Whether there was a need for a traffic regulation order (TRO) to be put in place to disallow on-street parking. It was confirmed by the Development Management & Building Control Manager that this would not be required as this was a single dwelling on a residential road with allocated on-site parking and TROs would sit outside of the planning system.
- Whether it was possible to enforce the use of the public car park by construction vehicles during the construction process.
- Whether the Construction Method Statement/Plan would be enforceable.
- That there had been no objections from the Town Council as long as the conditions were observed.

Members debated:

- The findings of the site visit in relation to the size of the plot and the remaining plot at the existing dwelling at No 52 being sizeable.
- The scheme and that it was well designed and in keeping with other dwellings in the locality.
- Whether there would be a need to move a streetlight to allow access to the property (it had been indicated during the site visit that this would not be required). This was planning to be outside of the control of the planning system.
- Whether there should be a requirement to remove any permitted development rights for dormer windows, additional windows or loft conversion to protect privacy for neighbouring properties.
- The acceptability of this scheme compared to backland proposals elsewhere which had been unacceptable due to remaining gardens.
- That the design was appropriate for the context.
- Whether there was a need for the driveway to be extended to accommodate construction vehicles, but this was confirmed to be addressed within the construction management plan.

The Chairman proposed the Officer's recommendation to **grant, subject to conditions** Recommendation A, as updated in the Addendum, plus updated Condition 1 and the extra condition regarding the removal of development rights for dormer windows or loft conversions, which was seconded by Councillor Southern. The recommendation was unanimously carried.

The Chairman proposed the Officer's recommendation to **grant** Recommendation B, that should access to SANG not be arranged within the agreed timelines, then delegated authority was granted to Officers to **refuse** the application, which was seconded by Councillor Worlock. The recommendation was unanimously carried.

The meeting closed at 8.11 pm

**QEB TRANSPORT STEERING GROUP
MEETING NOTES**

Date and Time: Friday 20 January 2023, 10:00

Place: Committee Room 1, Hart District Council
(Hybrid)

Present:

From Hart District Council

Cllr Alan Oliver (Chair) - AO
 Cllr James Radley - JR
 Cllr Wendy Makepeace-Browne - WMB
 Mark Jaggard (Executive Director – Place) - MJ
 Stephanie Baker (Development Management & Building Control Manager) - SB
 Philip Sheppard (Infrastructure Team Manager) - PS
 Rachel Poulter (Planning Projects Officer) - RP
 Jenny Murton – Minutes

From Hampshire County Council

Cllr Stephen Parker - SP
 Cllr Bill Withers - BW
 Hayley Thorn (Transport Team Leader) - HT
 David Jowsey (Strategic Transport Manager) - DJ

Item		Action
1.0	<p>Introductions</p> <p>The attendees introduced themselves. There were no apologies. SB was virtual via TEAMS.</p>	
2.0	<p>Purpose of QEB transport steering group</p> <p>The group discussed the importance of having more regular meetings, and it was agreed that the working group should meet every six months.</p> <p>The Chair highlighted that the main aims for this QEB Transport Steering Group meeting were to:</p> <ul style="list-style-type: none"> • Understand what funds were available, • Discuss potential transport schemes, • Agree a priority list of schemes, in order for them to progress, • Understand the deadlines when money has to be spent, • Set a timeline for future meetings. 	

	<p>It was agreed that a meeting the week commencing Monday 11 September would be preferred.</p> <p>It was noted that Hart District Council and Hampshire County Council had jointly commissioned a Local Cycling and Walking Infrastructure Plan (LCWIP) for Hart district. It was important the transport work coming out of the QEB meeting, and the work on the LCWIP complemented each other – and did not duplicate the work.</p>																					
<p>3.0</p>	<p>Current position on QEB funds held and already spent</p> <p>The Transport Team Leader provided an update on the QEB contributions held and spent to date:</p> <table border="1" data-bbox="293 801 1233 1451"> <thead> <tr> <th data-bbox="293 801 815 853">Item description:</th> <th data-bbox="815 801 1233 853">Amount spent:</th> </tr> </thead> <tbody> <tr> <td data-bbox="293 853 815 904">Safety Railings, Sandy Lane</td> <td data-bbox="815 853 1233 904">£4,945</td> </tr> <tr> <td data-bbox="293 904 815 956">Fleet Station Improvements</td> <td data-bbox="815 904 1233 956">£72,888</td> </tr> <tr> <td data-bbox="293 956 815 1032">Pedestrian Crossing Feasibility Study - Reading Road South</td> <td data-bbox="815 956 1233 1032">£2,511</td> </tr> <tr> <td data-bbox="293 1032 815 1108">Crookham Park to Gally Hill Road Cycle Route</td> <td data-bbox="815 1032 1233 1108">£139,542</td> </tr> <tr> <td data-bbox="293 1108 815 1160">Bus Service 77</td> <td data-bbox="815 1108 1233 1160">£112,198</td> </tr> <tr> <td data-bbox="293 1160 815 1236">Arboriculture – Highway Tree Planting as Required</td> <td data-bbox="815 1160 1233 1236">£99,991</td> </tr> <tr> <td data-bbox="293 1236 815 1288">Flat Top Crossings – Sandy Lane</td> <td data-bbox="815 1236 1233 1288">£36,865</td> </tr> <tr> <td data-bbox="293 1288 815 1364">Total Spent:</td> <td data-bbox="815 1288 1233 1364">£468,942</td> </tr> <tr> <td data-bbox="293 1364 815 1451">Total Remaining:</td> <td data-bbox="815 1364 1233 1451">£2.9 million</td> </tr> </tbody> </table> <p>It was noted that the £2.9 million which remains to be spent did not include the interest earned on it. The total figure available would therefore be greater.</p> <p>It was questioned whether the arboriculture – highway tree planting was a legitimate spend of the S106 funds as required by the legal agreement.</p> <p>It was noted that if the spend on trees was not a legitimate spend this figure would be added to the £2.9 million (<i>potentially making it higher with interest</i>).</p> <p>ACTION: HT to obtain a list from the HCC Arboriculture team detailing the breakdown of the spend for Arboriculture – Highway Tree Planning and send to SB / MJ.</p>	Item description:	Amount spent:	Safety Railings, Sandy Lane	£4,945	Fleet Station Improvements	£72,888	Pedestrian Crossing Feasibility Study - Reading Road South	£2,511	Crookham Park to Gally Hill Road Cycle Route	£139,542	Bus Service 77	£112,198	Arboriculture – Highway Tree Planting as Required	£99,991	Flat Top Crossings – Sandy Lane	£36,865	Total Spent:	£468,942	Total Remaining:	£2.9 million	<p>HT</p>
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	<p>It was questioned whether some of the money held needed to be used by a certain date. Some documents shared in the meeting suggested a deadline for spend had passed. The document suggested £500,000 had/or would have to be handed back to the developer.</p> <p>It was noted that the County Council recently returned S106 transport funds to the developer of Edenbrook as it had not spent the funds prior to the expiry date.</p> <p>The Strategic Transport Manager stressed that handing money back to developers is not ideal, but not unique to Hart district. More focus had now been put on this process by the County Council, to prevent situations where this may occur in the future.</p> <p>A County Councillor stated that the recent reorganisation of directorates at the County Council had also focused on preventing such outcomes.</p> <p>ACTION: HT to provide a list of expiry dates for funds, and to confirm the status of this further £500,000.</p>	HT
4.0	<p>Potential transport schemes</p> <p>A County Councillor confirmed they had met with County officers prior to this meeting and agreed 5 priorities:</p> <ol style="list-style-type: none"> 1. Two crossings on Reading Road South to assist with walking to school from QEB. In this case it would primarily be for journeys to Court Moor School from the south. It was suggested in the areas around Velmead Road and Baisgbourne Road. 2. A new roundabout on the B3013 Beacon Hill Road with Tweseldown Road and Bourley Road, near the Tweseldown public house 3. New pedestrian crossing in Crookham village (possibly halfway along the Street) to assist children from QEB getting to Calthorpe Park School. 4. Traffic improvements at Malthouse bridge to ease flow and to prevent vehicles hitting the structure and its surroundings. This could potentially be traffic light controlled. 5. Banning right hand turns from Tesco (Reading Road South) and Aldi (Beacon Hill Road). This may be kerbing or larger, clearer signage to the existing ones. 	

	<p>The group discussed the various ways to do these schemes and costings.</p> <p>The District Councillors highlighted other schemes they would possibly like to see included:</p> <ul style="list-style-type: none"> • To provide an enhanced crossing in Hitches Lane between Calthorpe Park School and Hart Leisure Centre. A basic scheme is due to be funded by the developers of the Grove Farm site (in line with HCC request). But it was felt an enhanced scheme could be funded using some of the QEB money, • Improvements from Crookham Park to Calthorpe Park. A safer walking and cycling route (this scheme is similar to option 4 above). <p>District Councillors confirmed that improving pedestrian safety along Hitches Lane is a key priority for the Council.</p> <p>The Development Management & Building Control Manager confirmed that the Grove Farm development would contribute £26,500 to the Hitches Lane crossing. The group noted that an enhanced crossing would cost between £100,000 and £200,000 so there would be a significant shortfall.</p> <p>A District Councillor commented that traffic improvements at Malthouse bridge should be lower down the priority list when compared to other schemes the group had discussed.</p> <p>A County Councillor informed the group that as part of the S106 for the Watery Lane development funding is already earmarked for Malthouse bridge.</p> <p>A District Councillor questioned if a Kings Road to Norris Hill Road cycle route could include Windy Gap, to extend access to Farnborough. The Development Management Manager agreed that a link up would be very beneficial and confirmed there is a shortfall in the current funding for the Norris Hill cycle way. There are a number of reasons for the shortfall of funding, which includes the County Council's new policy on replacing trees removed to create the space for the cycle way.</p> <p>The group discussed and questioned the County Council's trees policy and how the in this case it may stifle the provision of a cycle way to promote modal shift from cars.</p> <p>ACTION: HT to provide an update on the replacement trees policy.</p> <p>District Councillors suggested the cycle route from QEB to Fleet Railway Station should be included in the priority list too. An</p>	<p>HT</p>
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	<p>option for this cycle route via Velmead Common should also be considered.</p> <p>A County Councillor confirmed that improvements to cycle routes to Fleet Railway Station did not meet the criteria for Levelling Up funding.</p> <p>A County Councillor reported that safer crossing at Fleet Railway Station had been considered and the group discussed zebra crossings and phasing of the traffic lights.</p> <p>A County Councillor highlighted that the Hitches Lane and Elvetham Heath walking scheme is on the County Council's radar and financially could be deliverable ahead of other schemes discussed today.</p>	
<p>6.0</p>	<p>Local additional available funding sources (s106 etc)</p> <p>It was noted that there would be a further £600,000 of S106 transport funds from the Watery Lane development.</p> <p>The Development Management & Building Control Manager confirmed that the District Council did not hold any S106 funds which could be spent on transport measures.</p> <p>It was noted that there had been some DfT funding which the County Council had received during lockdown. Plus there are potentially new funding from Active Travel England, and funding from Safe Routes to Schools.</p> <p>The Executive Director – Place said when considering this list of schemes, it would be helpful to see the range of S106 funds the County Council holds (or is expecting) for transport schemes around Fleet, plus any other relevant funding the County Council holds, in order to help prioritise schemes and funding opportunities.</p> <p>ACTION: HT to circulate a list of available funding (S106 and other).</p> <p>A District Councillor highlighted there are issues with traffic calming measures and cycling / pedestrian access along Naishes Lane. They also queried the speed tables and requested an update on this.</p> <p>ACTION: SP to provide an update on Naishes Lane.</p>	<p>HT</p> <p>SP</p>

7.0	<p>Next steps and meeting date</p> <p>A County Councillor confirmed that a Cabinet paper needs to be prepared for March 2023 to enable Officers to begin investigating schemes discussed. They stressed that his key priority was school crossings for Reading Road South.</p> <p>ACTION: HT is currently working on a costings spreadsheet for Fleet, and will share with the group when completed.</p> <p>The next meeting is proposed to be the week commencing Monday 11 September 2023 – time tbc. Ideally not on a Friday, the earlier part of the week was preferred by the group.</p>	HT
8.0	<p>AOB</p> <p>The Executive Director – Place provided an overview of Local Cycling & Walking Infrastructure Plan (LCWIP) work which Hart District Council and Hampshire County Council have jointly commissioned from Sustrans. The work is taking place at the moment, and it is expected to consult on a draft LCWIP in early summer.</p> <p>The Fleet town centre to the Railway Station existing cycle route was discussed. It was agreed it did not work, and that it most likely would be in the LCWIP.</p> <p>A District Councillor asked if a parish representatives should be invited to future meetings of this group. It was agreed if applicable they may be.</p> <p>A District Councillor asked when the developer had last carried out a traffic survey on the QEB.</p> <p>ACTION: HT to confirm the last date a survey was undertaken at QEB.</p> <p>A County Councillor asked if the District Council was aware of all the Public Rights of Way. It was noted that the County Council is responsible for maintaining the maps of the definitive rights of way. But the District Council does have these on our GIS (geographic information system) properly mapped for a number of reasons, including to ensure appropriate consultation on planning applications.</p>	HT

Meeting ended at 11:54



EXECUTIVE DIRECTOR - 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, Yateley, Darby Green and Frogmore.

Although not necessarily specifically referred to in the Committee report, the relevant development plan will have been used as a background document and the relevant policies taken into account in the preparation of the report on each item.

7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. Where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

The Government has also published the Planning Practice Guidance which provides information on a number of topic areas. Again, these comments, where applicable, are a material consideration which need to be given due weight.

8. OTHER MATERIAL CONSIDERATIONS

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. Relevant considerations will vary from circumstance to circumstance

and from application to application.

Within or in the settings of Conservation Areas or where development affects a listed building or its setting there are a number of statutory tests that must be given great weight in the decision making process. In no case does this prevent development rather than particular emphasis should be given to the significance of the heritage asset.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

Matters that should not be taken into account are:

- loss of property value
- land and boundary disputes
- the impact of construction work
- need for development (save in certain defined circumstances)
- ownership of land or rights of way
- change to previous scheme
- or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks, means of escape in the event of fire etc.). - The fact that a development may conflict with other legislation is not a reason to refuse planning permission or defer a decision. It is the applicant's responsibility to ensure compliance with all relevant legislation.
- loss of view
- matters covered by leases or covenants
- property maintenance issues
- the identity or personal characteristics of the applicant
- moral objections to development like public houses or betting shops
- competition between firms,

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

9. PLANNING CONDITIONS AND OBLIGATIONS

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation. In such cases the Council will use a condition rather than seeking to deal with the matter by means of a planning obligation.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are:

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

10. PLANNING APPEALS

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. Reasons for refusal must be:

- Complete,
- Precise,
- Specific
- Relevant to the application, and
- Supported by substantiated evidence.

The Council is at risk of an award of costs against it if it behaves “unreasonably” with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal.
- Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead.
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage.
- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations.
- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations.
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal.
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any

way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn.

Statutory consultees (and this includes Parish Council's) play an important role in the planning system: local authorities often give significant weight to the technical advice of the key statutory consultees. Where the Council has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. Where the statutory consultee is a party to the appeal, they may be liable to an award of costs to or against them.

11. PROPRIETY

Members of the Planning Committee are obliged to represent the interests of the **whole** community in planning matters and not simply their individual Wards. When determining planning applications, they must take into account planning considerations only. This can include views expressed on relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded upon valid planning reasons.

12. PRIVATE INTERESTS

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Covenants or the maintenance/ protection of private property are therefore not material planning consideration.

13. OTHER LEGISLATION

Non-planning legislation may place statutory requirements on planning authorities or may set out controls that need to be taken into account (for example, environmental legislation, or water resources legislation). The Council, in exercising its functions, also must have regard to the general requirements of other legislation, in particular:

- The Human Rights Act 1998,
- The Equality Act 2010.

14. PUBLIC SPEAKING

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

Speakers are limited to a total of three minutes each per item for the Parish Council, those speaking against the application and for the applicant/agent. Speakers are not permitted to ask questions of others or to join in the debate, although the Committee may ask questions of the speaker to clarify representations made or facts after they have spoken. For probity reasons associated with advance disclosure of information under the Access to Information Act, nobody will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

15. LATE REPRESENTATIONS

To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further, or new representations no new additional information will be allowed to be submitted less than 48 hours before the Committee meeting, except where to correct an error of fact in the report. Copies of individual representations will not be circulated to Members.

16. INSPECTION OF DRAWINGS

All drawings are available for inspection on the internet at www.hart.gov.uk

COMMITTEE REPORT

APPLICATION NO.	23/00100/HOU
LOCATION	15 Carthona Drive Fleet Hampshire GU52 7SF
PROPOSAL	Erection of a first floor side extension with front dormer
APPLICANT	Dr Payne And Mr Wallis
CONSULTATIONS EXPIRY	10 February 2023
APPLICATION EXPIRY	16 March 2023
WARD	Fleet Central
RECOMMENDATION	Grant subject to conditions



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BACKGROUND

The application is brought to Planning Committee in line with the Council's Constitution as the applicant is an employee of Hart District Council within the Place Directorate.

DESCRIPTION OF THE SITE

15 Carthona Drive is a detached dwelling that is located to the east of the highway. The

surrounding area is predominately residential. The site is not located in a Conservation Area, neither in an area that is under the control of Article 4 directions.

PROPOSAL

The application seeks planning permission for a first-floor side extension with a front dormer. This is intended to measure 5.49 metres in depth, 6.78 metres in height, and 4.56 metres in width.

RELEVANT PLANNING HISTORY

20/01508/HOU Erection of a first-floor rear extension. Granted 10/08/2020.

CONSULTEE RESPONSES

Fleet Town Council

No Objection: in principle but suggest that:

Slightly changing the angle of the front catslide roof to match the ridge level of the existing property would possibly improve the design.

Ecology Consult (Internal)

The property is a modern (post-1960s) development, located in a suburban setting, and I have no records of protected species relevant to this application. The proposals are unlikely to impact on bats and on this basis, I have no objection to this application. If permission is granted and a bat is subsequently discovered, works should stop immediately, and Natural England should be contacted. Further survey and / or licensing may then be required for the works to proceed.

PUBLIC COMMENTS

None received.

RELEVANT PLANNING POLICY

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

- SD1 Sustainable Development
- NBE4 Biodiversity
- NBE5 Managing Flood Risk
- NBE9 Design

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

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

Fleet Neighbourhood Plan 2018-2032

- Policy 10 General Design Management policy
- Policy 19 Residential Parking

Other Material Documents

- National Planning Policy Framework (2021)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- Site layout planning for daylight and sunlight: a guide to good practice (BR209) (2022)
- Planning Technical Advice Note: Cycle and Car Parking in New Development (August 2022)

CONSIDERATIONS

Principle of Development

The application site is situated within the settlement of Fleet where there is a presumption in favour of sustainable development provided that the proposal is in compliance with development plan policies and that no unacceptable harm to residential amenity, highway safety or any other material planning considerations arise. Therefore, in principle, the proposal is considered an acceptable form of residential development.

Design and Visual Impacts

The acceptability of the proposal is required to have regard to Policy GEN1 of the HLP06 and Policy NBE9 of the HLP32 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.

Policy GEN1 of the HLP06 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.

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.

The application property is situated within a row of similar two-storey, detached dwellinghouses. The dwellings are of varying colouring regarding their materials. It should also be noted that it appears that a number of properties within the immediate vicinity have been extended and altered over time, in particular by way of single storey side additions, therefore the proposed development would not be considered out of keeping with the wider street scene.

The proposal would not dominate or compete with the character of the host dwelling and as such would be a subservient addition. The proposal would not extend past the existing building line, as a result rear amenity space to serve the occupants of the dwelling would be retained. The existing dwelling is constructed from brickwork and concrete roof tiles. The submitted plans show that the materials will remain similar to those on the dwelling.

Paragraph 134 of the NPPF states; 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.'

Paragraph 134 (c) sets out that outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The design policies of the Development Plan are the only relevant local documents in this respect.

The use of matching materials is therefore considered appropriate, and the proposal would not be harmful in terms of visual amenity. The proposed catslide roof design is considered to be appropriate. As also set out in the sub-text to Policy GEN1 of the HLP06, the Local Planning Authority is only able to refuse planning permission where it would cause demonstrable harm.

Impact on Residential 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 the occupiers of neighbouring properties, among other considerations.

The proposed extension would be located in close proximity to the boundary, with an approximately a 1.76 metre gap between the application site and 13 Carthona Drive which is located to the north. The only dwelling that would be considered to be impacted by the proposed development is 13 Carthona Drive which is located to the north of the application site. However, despite the close proximity it would not be considered that an adverse loss to residential amenity would occur as a result of the development to the occupiers of 13 Carthona Drive.

The proposal would protrude past the original rear wall of 13 Carthona Drive by approximately 3.55 metres. However, when a loss of light assessment is undertaken in conjunction with Building Research Establishment (BRE) guidelines, with a 45-degree angle drawn from the pitch of the proposal in the direction of 13 Carthona Drive, this would pass below the nearest first floor window at 13 Carthona Drive in proximity to the application site. While the line would intersect with a single storey rear extension that is present at 13 Carthona Drive, the proposal would end prior to the end of this single storey rear extension.

13 Carthona Drive has constructed a single storey rear extension following the grant of planning permission. The plans from the application and site visit as part of the current planning application show that there are multiple light sources to this neighbouring single storey rear extension. Although a side elevation window does look in the direction of the application site, this is not considered to be a primary light source.

The implementation of side facing windows at first floor level and above into the proposal can be controlled via planning condition. The front dormer would look towards the streetscene, and therefore would not cause an adverse impact on residential amenity to other dwellings over and above the existing situation.

The proposal is therefore not considered to detract from the amenities of neighbouring dwellings. As such the proposal would comply with saved Policy GEN1 of the HLP06.

Parking and Highway Safety

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

Hart cycle and car parking standards are set out within a Technical Advice Note (TAN) which states that 3 allocated and 0.5 unallocated spaces should be provided for a 4-bedroom dwelling and 3 allocated and 1 unallocated space for a 5-bedroom dwelling.

The block plan shows sufficient space for four vehicles to be accommodated on the driveway. The proposed plans show the proposal being used as a games room, but even if the number of bedrooms was increasing to five, the number of parking spaces required by the TAN could be accommodated on the driveway.

The proposal is therefore not considered to give rise to any detrimental implications on the parking arrangements. The proposal therefore complies with saved Local Plan Policies GEN1 and INF3.

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.

The Council's Biodiversity Officer has raised no objection to the application, identifying that the application site is located in a suburban setting, and that there are no records of protected species relevant to this application, they went on to state that the proposals are unlikely to impact on bats. The Biodiversity Officer did comment that if permission is granted and a bat is subsequently discovered, works should stop immediately, and Natural England should be contacted. Further survey and / or licensing may then be required for the works to proceed. Accordingly, an informative is recommended.

The Local Planning Authority has therefore considered the possible impact of the development and can be reasonably certain that biodiversity would not be adversely affected. Therefore the proposal would comply with Local Plan Policy NBE4.

Drainage and Flood Risk

The site is located within an area designated by the Environment Agency as being within Flood Zone 1, which is deemed to have a low probability of flooding. The highway of Carthona Drive itself is designated to be in an area of surface water flooding as defined by Hart District Council. The proposal is also not extending the property outside of an existing area and would not involve land within the area of existing surface water flooding issues. Therefore, matters relating to Drainage and Flood Risk would not be regarded to be an issue.

Trees

Policy CON8 of HLP06 allows development that does not have an adverse effect on the long-term health of trees with amenity value. Policy NBE9 of the HLP32 states that developments

shall incorporate any on-site or adjoining landscape features such as trees and hedgerows. Policy 10 of the Fleet Neighbourhood Plan seeks to retain existing mature hedging and established trees.

There is a tree subject to a Tree Preservation Order that is located on the site. The proposal would be situated approximately 14 metres from the protected tree at its nearest point and would not be extending further towards it than the existing dwelling due to being constructed on top of the existing garage.

Therefore, the Local Planning Authority has considered the possible impact of the development and can be reasonably certain that protected trees would not be adversely affected. Therefore, the proposal would comply with Policy CON8 of the HLP06 and Policy NBE9 of the HLP32. The applicant can be advised of the presence of a protected tree on the site by way of an informative.

Climate Change and Equality

Given the scale of the proposal it is not considered to raise any significant climate change issues. An informative has been included to remind the applicant of ways to minimise effects of their development on climate change.

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.

CONCLUSION

Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal meets the policy requirements for the Development Plan. The proposal will be acceptable, will cause no demonstrable harm and is therefore recommended for approval subject to conditions

RECOMMENDATION – Grant subject to conditions

CONDITIONS

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

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 91 of the Town and Country Planning Act 1990 (as amended) 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 received on 19.01.2023 by the Local Planning Authority:

Block and location plans 02a Existing and proposed plans 01b Tree survey

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 be as specified in the application form and as annotated on the approved plans.

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 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order with or without modification), no additional windows or doors shall be constructed in the north facing side elevation of the first-floor extension hereby permitted.

Reason: To respect the privacy of the occupiers of the neighbouring property and to satisfy Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies.

INFORMATIVES

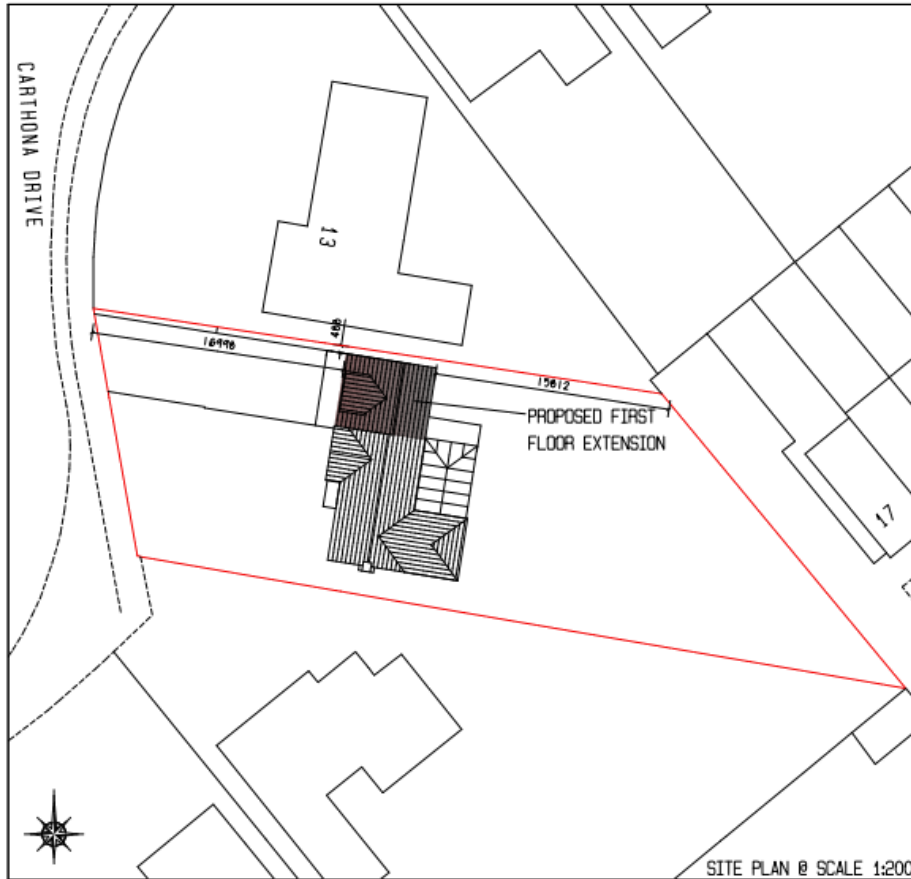
- 1 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, bats are a protected species, and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found 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 or contact Natural England (S.E. regional office) on 0238 028 6410.
- 2 You may require Building Regulations Consent and we advise that you should contact Building Control on 01252 398715.
- 3 Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.
- 4 The 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 Please note that a tree on this site is protected by a Tree Preservation Order. The legislation protecting this tree overrides Permitted Development under the Town and Country Planning (General Permitted Development) (England) 2015 (or any order revoking and re-enacting that order with or without modification). Prior written consent must be obtained from the Council's Tree Service before undertaking any works which require the removal and/or pruning of a protected tree or may affect/cause damage of


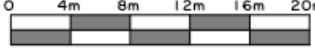
any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically, such works include but are not limited to the laying of hard surfaces of any description, foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/alteration to existing ground conditions, or any other description near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary consent or any damage arising from non-compliance with this requirement may be liable to prosecution by the Council.

6. The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:

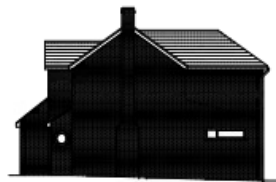
The applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.

23/00100/HOU: Erection of a first floor side extension with front dormer.



ACA ARCHITECTURAL DESIGN LTD 9 WOODSIDE AVENUE EASTLEIGH SO50 9ES Tel: 07817616023 or Email: acadesign@gmail.com	
Client Mr Payne & Dr Wallis	
Project Title 15 Carthona Drive, Church Crookham, GU52 7SF	
	
Drawing Title Block And Location	
Scale 1:200 & 1:1250 On A2 Paper	Drawn By AC
	
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Drawing No. 2023/02	Rev. A

Block and Location Plan.



PROPOSED SOUTH ELEVATION



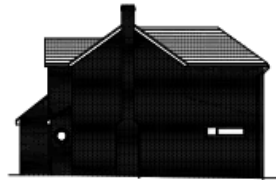
PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED WEST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



EXISTING NORTH ELEVATION



EXISTING WEST ELEVATION



EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



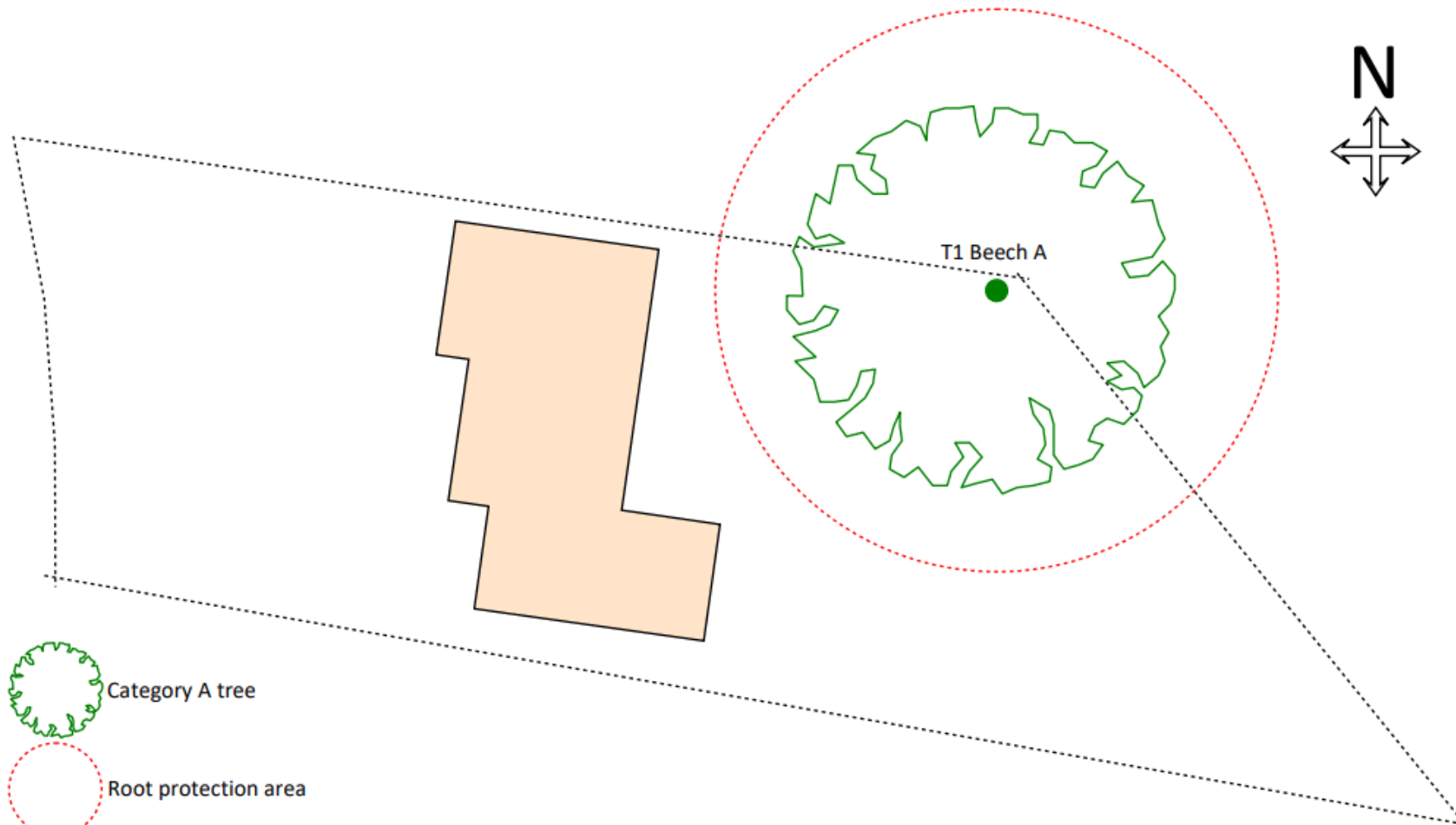
PROPOSED GROUND FLOOR PLAN




PROPOSED FIRST FLOOR PLAN

ACA ARCHITECTURAL DESIGN LTD 9 WOODSIDE AVENUE EASTLEIGH S20 0ES Tel: 07817616029 or Email: acadesign@gmail.com	
Client Dr Payne & Mr Wallis	
Project Title 15 Carthana Drive, Church Crookham, GU82 7SF	
Drawing Title Existing/Proposed Plans And Elevations	
Scale 1:50 & 1:100 On A1 Paper	Drawn By AC
0 1m 2m 3m 4m 5m	
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Existing and Proposed Plans and Elevations.



 Category A tree

 Root protection area

Scale 1: 200 @ A4
0 10
metres

Tree Survey.

COMMITTEE REPORT

APPLICATION NO.	22/01933/FUL
LOCATION	Land North of Winchfield Court Pale Lane Elvetham Hook Hampshire
PROPOSAL	Erection of a detached five-bedroom dwelling, garage and associated works
APPLICANT	Mr and Mrs R Kite
CONSULTATIONS EXPIRY	18 November 2022
APPLICATION EXPIRY	22 December 2022
WARD	Hartley Wintney
RECOMMENDATION	Refusal



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BACKGROUND

This is a full planning application for erection of a detached five-bedroom dwelling, garage and associated works.

An appeal against non-determination of this application has been submitted by the applicant. Confirmation is awaited from the Planning Inspectorate that the appeal is valid. Once the appeal is valid, the jurisdiction to determine the application lies with the Planning Inspectorate.

Members are asked to indicate what resolution they would have made on this matter to assist with the appeal process.

DESCRIPTION OF THE SITE

The application site comprises an area of land approximately 0.15 hectares on which the former mortuary building from the original Winchfield Hospital site is located.

The application site is north of and adjacent to Winchfield Court, which includes the original Winchfield Hospital buildings that have been converted to housing. The application site forms part of a parcel of land which contains ancillary structures for the former hospital including the former sewage works and mortuary building. The boundary with the residential uses Winchfield Court is denoted by a post and rail fence and the land is open space, see planning history below.

The former mortuary building is a single storey building and is of similar architecture to the former main hospital building. The building is relatively modest 5.1 metres high and 4.4 metres by 9 metres. The historic use of the building defines the mortuary building's location, set approximately 60 metres to the north of the original hospital building and of a much smaller scale.

To the west of the site is Pale Lane, which is a rural lane, which does not have a footpath or street lighting in this section. Land to the east of the application site is within the Applicant's control.

In this part of Pale Lane there are several detached residential properties in well-treed curtilages. The western boundary of the site is verdant.

PROPOSAL

The application seeks planning consent for the erection of a detached five-bedroom dwelling with double garage. The former mortuary building would be converted into a store. The proposal is for a self-build dwelling.

RELEVANT PLANNING HISTORY

21/02286/OUT Erection of two detached 3-bedroom dwellings and associated garages.
Refused 07/01/2022

There were 6 reasons for refusal:

1. The proposed development, by reason of its location outside the designated settlement boundary, its siting and configuration, would directly conflict with the adopted spatial strategy set out in policies SS1 and NBE1 of the adopted Hart Local Plan: Strategy and Sites 2016- 2032.
2. The site is located within 5km of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of any evidence that the test of no alternatives under Regulation 62 of The Conservation of Habitats and Species Regulations 2017 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the TBHSPA. As such, the proposed development is contrary to Saved Policy NRM6 of the South East Plan and Policies NBE3 and NBE4 of the Hart Local Plan (Strategy and Sites) 2032.
3. The proposed development, by reason of its location outside settlement boundaries, domestic character/appearance and scale, would be out of keeping and would materially affect the visual natural landscape that contributes to the intrinsic open/natural setting and character of this section of the countryside. As such the proposal would be contrary to policies NBE1 and NBE2 of the adopted Hart Local Plan: Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and National Planning Policy Framework.
4. In the absence of sufficient information in relation to ecology, it has not been demonstrated that the proposed development would conserve and enhance biodiversity. As such, the proposal is contrary to Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2032 and the aims of the National Planning Policy Framework.
5. By virtue of scale, architecture and character of the proposed development it is deemed that it would not integrate into the established character of the area and would not be sympathetic to the appearance, layout and scale of the locality. The proposed development would not sustain or improve the character of the landscape and would fail to respect the character of the natural environment. As such, the proposal would be contrary to the requirements of Hart Local Plan (Strategy and Sites) 2032 Policy NBE9, Saved Policy GEN1 National Planning Policy Framework (2021).
6. Insufficient information has been submitted with the application to allow the Local Planning Authority to assess the acceptability of the proposed access within the application. Specifically, appropriate visibility splays and detailed design drawings that demonstrate the access road is sufficient to allow vehicles to safely access and egress the development site. As such, the proposal conflicts with the requirements of policy INF3 of the Hart Local Plan 2032 and saved policy GEN1 of the Hart Local Plan 2006.

22/00115/PREAPP - Redevelopment of existing redundant buildings to provide a five-bedroom family house. Opinion Issued 15/02/2021

19/01988/PREAPP - Erection of 6 dwellings, associated access, parking and landscaping. Opinion Issued 23/10/2019

17/02621/FUL - Erection of 17 no. dwellings together with associated access, parking, landscaping and amenity space. Refused 18/06/2018 , appeal dismissed 22/07/2019

17/02620/FUL - Erection of 10 no. dwellings together with associated access, parking, landscaping and amenity space. Refused 18/06/2018, appeal dismissed 22/07/2019

17/00544/PREAPP - 17 dwellings, associated access, parking and landscaping. Opinion Issued 29/06/2017

14/00707/MAJOR - Demolition of existing structures and erection of 18 dwellings comprising 9 two bedroom houses, 7 three bedroom houses and 2 four bedroom houses with associated access, parking and landscaping. Refused 20/06/2014

96/00865/OUT - Residential development comprising up to 21 dwellings with associated access, parking, open space and landscaping and recreational facilities. Refused 18/12/1996, appeal dismissed

Winchfield Court

85/12321/FUL Conversion of existing buildings and additional development to provide a total of 33 dwellings. Granted 30/08/1985 subject to a legal agreement (section 52) that the land outlined in red (including the application site) without the consent in writing of the Council be used for any purpose other than as an area of open space.

Enforcement Notice

21/00003/OPERT3. Enforcement Notice: Without Planning Permission the change of use of the Land to use for the stationing of a caravan used for residential accommodation and for storage of waste and building materials. Enforcement Notice served 7th May 2021, outlining material change of use and operational development undertaken without planning permission.

Appeal with Planning Inspectorate in progress: Hearing procedure.

RELEVANT PLANNING POLICY

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

The relevant Development Plan for the District includes the Hart Local Plan (Strategy and Sites) 2032 (HLP32), saved policies from the Hart District Local Plan (Replacement) 1996-2006 (HLP06), Saved Policy NRM6 of the South-East Plan 2009 (SEP) and Winchfield Neighbourhood Development Plan (WNP) 2032 made April 2017.

Winchfield Parish Council have consulted on a pre-submission draft of their Neighbourhood Plan.

The NPPF 2021 sets out a presumption in favour of sustainable development at paragraph 11. For decision-taking on individual proposals, at paragraph 11d it sets out the scenarios where this presumption is dis-applied, including where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (this includes habitats sites and designated heritage assets).

Hart Local Plan (Strategy and Sites) 2032

SD1 Sustainable Development
SS1 Spatial Strategy and Distribution of Growth H1
Housing Mix
H2 Affordable Housing H3
Rural Exception Sites
H6 Internal Space Standards for New Homes NBE1
Development in the Countryside
NBE2 Landscape
NBE3 Thames Basin Heaths Special Protection Area
NBE4 Biodiversity
NBE5 Managing Flood Risk
NBE8 Historic Environment
NBE9 Design
NBE10 Renewable and Low Carbon Energy NBE11
Pollution
INF1 Infrastructure
INF2 Green Infrastructure INF3
Transport

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

GEN1 General Policy for Development GEN 2
General Policy for changes of use

CON8 Trees, Woodland and Hedgerows: Amenity Value

Winchfield Neighbourhood Development Plan 2032

A1 Size and Location of New Developments
A2 Residential Car Parking Spaces, Gardens and Utility space A3
Height and Type of Housing
A4 Design A5
Density
B1 Rural Look and Feel - Significant Views and Topography B2
Rural Look and Feel – Lanes and Public Rights of Way C1
Local Ecology, Wetlands and Flood Risk Areas
E1 Development Access

The South East Plan - Regional Spatial Strategy for the South East 2009

Saved Policy NRM6 Thames Basin Heaths Special Protection Area

Other Material Considerations

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (PPG) National
Design Guide (NDG)
Thames Basin Heaths Special Protection Area Delivery Framework (2009)
Hart District Council Planning Technical Advice Note: Cycle and Car Parking in New
Development (August 2022)
Hart District Planning Technical Advice Note: Biodiversity Hart
District Landscape Assessment (HDLA, 1997)
Hart Landscape Capacity Study (HLCS) Hart's
Strategic Flood Risk Assessment 2016 Hart's
Climate Change Action Plan
Hart's Equality Objectives for 2021-2023

CONSULTEE RESPONSES

Winchfield Parish Council

The land in question has the benefit of a Section 52 agreement requiring it to be retained as open space which was entered into by the then landowner when permission was granted in 1985 to convert Winchfield Hospital to residential use and renamed Winchfield Court. The purpose of the Section 52 agreement completed on 19 August 1985 was to create a restrictive covenant binding the use of the adjoining land as an area of open space. A specific obligation of the agreement was that not without the consent in writing of the District Council could the landowner cause or permit the site to be used for any purpose other than as an area of open space. Hart District Council has maintained this position throughout and has the full support of the Parish Council. We understand that there is an important difference between the

old style Section 52 agreements and the Section 106 agreements entered into before the operative provision of the 1991 Act and new Section 106 agreements entered into after October 1991. The 1991 Act did not amend the basis upon which the old Section 52 agreement could be changed. Winchfield Parish Council is of the firm opinion that in practical terms this Section 52 agreement cannot be amended except by the agreement of the District Council or by application to the Lands Tribunal. Moreover there is no effective time period that prevents the enforceability of the restrictive covenant. A substantive disadvantage would arise for the owners of Winchfield Court if the adjoining land was used and developed outside the terms of the restrictive covenant.

The Hart District Local Plan adopted in 2020 has no requirement for specific development in Winchfield, indeed there is a sufficiency of planned housing supply lasting in excess of 9 years in the District.

This application is proposed on land which is outside the settlement boundary of Winchfield Court and is not on land defined in the NPPF as 'previously developed land'.

Environmental Health (Internal)

Odour impact assessment - Further information required

In terms of the proximity of the existing sewerage treatment plant to the proposed residential premises, an odour impact assessment may be required to investigate the site suitability and the potential odour impacts from the plant on the proposed development. The report should also seek to clarify whether the proposed dwelling is located at sufficient distance from the sewerage plant to prevent odour nuisance. The main purpose of this report is to carry out an assessment to determine if the odour impact from the existing sewerage treatment plant is likely to have any detrimental impact on the development.

See 'other matters' section of main body of report for officer response.

Environmental Health Officer has reviewed the Groundsure report in the context of this application, and reviewed planning history including 21/02286/OUT. Overall, considering the site history and the intended use, recommends a full contaminated land condition.

Natural England

Designated sites [European] - no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

Drainage (Internal)

No objection subject to condition

To ensure compliance with the relevant paragraphs and policy in the NPPF and Local Plan a condition that development shall not begin until a surface water drainage scheme

for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development be submitted and approved in writing.

The scheme should include:

- 1) Where infiltration is proposed, full infiltration tests in accordance with BRE 365 including groundwater strikes.
- 2) Detailed drawings of the proposed drainage system including details as to where surface water is being discharged to.
- 3) Calculations confirming that the proposed drainage system has been sized to contain the 1 in 30 storm event without flooding and any flooding in the 1 in 100 plus climate change storm event will be safely contained on site.
- 4) Calculations showing the existing runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 storm events and calculations for the proposed runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 plus climate change storm events. To be acceptable proposed runoff rates and discharge volumes must be no higher than existing.
- 5) Provision of a Maintenance plan setting out what maintenance will be needed on the drainage system and who will maintain this system going forward.

Recommends an informative, permission from Thames Water will be required before the proposed foul drainage is connected into the public sewer network.

Hampshire County Council (Highways)

No objection

Given nature and context of the site, it is not considered that this proposal would lead to any material detrimental impact upon the public highway in regard to Traffic Generation.

The works on highway land need to be delivered by suitable highway licence and the Highway Authority recommends that the applicant applies for an appropriate licence more information can be found here [Apply for a licence to excavate the highway](#).
Hampshire County Council (hants.gov.uk)

Ecology Consult (Internal)

Further information required.

The preliminary ecological appraisal has identified that the outbuilding has features that could support bats that could be directly impacted by the proposals, and subsequently an emergence survey was due to be undertaken within the appropriate season, however no further information has been received.

In addition, the site has suitable habitat for reptiles and a presence/absence survey is recommended but no further information has been submitted.

The further survey work cannot be conditioned as it must be carried out in advance of

any permission being granted. Any mitigation or licensing requirements resulting from the further survey work can be conditioned.

Recommends that the further survey work and results should be carried out before permission is granted.

Streetcare Officer (Internal)

Hart District Council operates a kerbside waste collection service. This is operated via wheeled containers, which must be left adjacent to the nearest adopted highway for collection on the specified waste collection day.

The proposed development will be required to leave wheeled containers on Pale Lane for collection by 0630hrs on the specified collection day and removed from the bin collection point and returned back to the property as soon as possible following collection.

PUBLIC COMMENTS

10 public representations received in support of the proposal, summarised as follows:

- The proposal is for an individual dwelling rather than an 'estate'
- Design in keeping
- Suitable scale
- Family sized dwelling
- Additional dwelling
- Works to existing building and site taken place
- Brownfield development / Previously Developed Land
- Complements Winchfield Court
- Open Space
- Improvement to previous proposals
- Design
- Applicants
- Enhance character of the area
- Lack of suitable alternative uses

15 representations received in objection to the proposal, summarised as follows:

- Insufficient information provided on the proposed ecology area
- Insufficient information on proposed dwelling
- Section 52 agreement for land to be Open Space
- Pre-application advice response 2021
- Countryside
- Not previously developed land
- Not on brownfield register
- Unsustainable
- The Council has a five-year housing land supply
- Planning history
- Surrounding historic buildings (Non Designated Heritage Assets)
- No description of associated works

- Land not allocated for development
- Contrary to Development Plan
- Works undertaken to existing building
- Flooding
- Traffic Impact
- Victorian Society previously objected to development of the land
- No need
- Insufficient car parking - including Neighbourhood Plan policy
- Sustainability
- SPA Mitigation
- Impact on local landscape
- Applicants

Winchfield Court Residents Association

Object.

- Planning History
- The Council has a five-year housing land supply
- No pressing need
- Beyond settlement boundary (history during Local Plan process)
- Section 52 agreement
- Neighbourhood Plan policies
- Previously Developed Land
- Not on brownfield register
- Sustainability
- Size of dwelling proposed
- Need for the use of the private motor car
- Accessibility of train station and other shops and services
- Proposals do not meet the requirements of NBE1
- Impact on the landscape
- Thames Basin Heaths Special Protection Area
- Allocation of SANG land
- Further information on biodiversity
- Surface water flooding
- Neighbourhood Plan Parking Policy
- Historic Environment

CONSIDERATIONS

Principle of Development

The purpose of the planning system is to help achieve sustainable development and applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Current Government Guidance, contained in the National Planning Policy Framework (NPPF) confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions

to sustainable development: economic, social and environmental.

Paragraph 68 of the NPPF confirms that there should be a clear expectation that the sites identified in the development plan should make adequate provision to meet housing supply needs. Paragraph 15 of the NPPF confirms the principle that planning should be genuinely plan-led unless material considerations indicate otherwise.

The starting point for determination of any proposal is the Development Plan, which is set out above. The application site is located within the countryside as designated within the Hart Local Plan 2032 (HLP32) proposals map.

HLP32 Policy SS1 (Spatial Strategy and Distribution of Growth) states that development will be focused within defined settlements, on previously developed land in sustainable locations and on allocated sites.

In terms of the requirements of Policy NBE1, 11 criteria a) to n) are set out in this policy to allow development in the countryside. This proposal would not meet any of the exceptional criteria. Policy NBE1 permits development in the countryside where it is beneficial to the rural area and people that work and live there. Countryside development is subject to more strict assessment and proposals would have to demonstrate that a countryside location is both necessary and justified through one or more of the permissible criteria.

When it comes to housing in the countryside, Policy NBE1 is clear on the instances that would allow housing (subject to meeting other policies), these are:

- housing for a rural worker where there is a proven essential need;
- affordable housing (subject to requirements of adopted policy H3);
- specialist housing (subject to requirements of adopted policy H4);
- replacement dwellings.
- housing of exceptional or truly innovative design which significantly enhances its immediate setting and is sensitive to the local character.

Policy A1 of the WNDP provides guidance on the size and location of new development in Winchfield. In the third paragraph the policy states "Appropriate redevelopment of brownfield sites will be supported in preference to greenfield sites."

The proposal is not stated to be either a rural exception site (criterion e of NBE1) or for specialist housing (criterion f) of NBE1).

Status of the land

Criterion j) of Policy NBE1 of the HLP32 allows for development located on suitable previously developed land and Policy A1 of the WNDP 2032 refers to redevelopment of brownfield sites. It is therefore important to consider whether the site would constitute appropriate brownfield, or, previously developed land.

Reference should be given to the 1997 and 2019 appeal decisions made by the relevant Inspectors in respect of previously developed land. Both inspectors found

the remains of the physical structures on site had blended into the landscape and it was not clear as to what extent the structures may have been removed.

In the 2019 appeal decisions, the Inspector identified whether those proposals would result in an acceptable form of development having regard to development plan policy and the prevailing character of the area as a 'main issue'. Whilst the HLP32 now forms part of the development plan, when the appeals were determined in June 2019 the application site was located outside of any defined settlement boundary and was not an allocated site. There has been no material change in terms of boundaries of settlements and what is considered to be countryside.

The revised NPPF (2021) provides a definition of Previously Developed Land which is replicated within the HLP32 glossary as follows:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

This definition of PDL in the 2021 NPPF is the exact same definition set out in the 2019 version of the NPPF. There has been no material change in terms of PDL.

In 2019, the appeal Inspector considered the wider site against the above definition, stating the following:

"Policy A1 (of the WNP) also includes a preference for the redevelopment of brownfield sites, but the appellant's argument that the appeal site is one such is unconvincing. The existing mortuary building would not be redeveloped, rather it would be retained within both schemes. The other structures are less substantial, substantially overgrown with vegetation and critically only cover a small part of the extensive site, the overwhelming majority of which comprises trees, scrub and rough grassland with no evidence of previous buildings. The site as a whole therefore falls outside the definition of previously developed land and this factor is accordingly of no material assistance to either appeal." (Appeal decision Letter dated 22.07.2019 paragraph 11)

It is noted that the current proposal is for a single dwelling. Policy A1 of the WNDP relates to the size and location of new developments, it states that as a general principle new development should respect the scale of the village and should not result in a development of more than 7 dwellings. The policy recognises that appropriate redevelopment of brownfield or previously developed land (PDL) will also be supported. In this case the scheme proposes a single dwelling and is not considered to be PDL.

The structures referred to are located on land within the appeal site and within this application. It is clear from the Inspector's assessment above that the site as a whole is considered to fall outside of the definition of previously developed land. This site has been reduced in size over the site proposals which were appealed, due to the sale of the land into smaller plots.

The wider planning unit is subject to an Enforcement Notice to remove, reduce or demolish any works that have been undertaken without the benefit of planning permission, it is noted that an appeal is pending.

However, there have been no fundamental changes to the application site between the appeal decisions and the current submission. Whilst the mortuary building has had its roof repaired there has been no fundamental changes to the application site since the 2019 appeal. The footprint and form of the building have remained the same. There is no evidence on which to reach a different conclusion to that of the appeals has been provided. Attention is drawn to the following sentence in paragraph 11 of the 2019 appeal decision in which the Inspector clearly finds that "the site as a whole ... falls outside the definition of previously developed land".

Whilst the 2019 appeal decision relates to a wider parcel of land and considered a larger number of dwellings, this is still relevant. The application site forms part of a wider planning unit, which was the subject of the 2019 appeal. Similarly in the 2019 appeals the single storey mortuary building was proposed to be retained, however its 38.5 square metres footprint on a 0.15-hectare site is relatively small on this largely open site.

Under the Hart District Strategic Housing Availability Assessment November 2015, the land was designated under the identifier SHL34. The land was categorised as Grade 3 Agricultural Land and assessed as 'not currently developable' (SHLAA Appendix I: List of all SHLAA sites). This classification of agricultural land is determined by Natural England, in its role as executive non-departmental public body advising the government on the natural environment. Agricultural Land Classification (ALC) is graded between 1 and 5. The Best and Most Versatile agricultural land is graded between 1 and 3a. Grade 3 is good to moderate quality.

Paragraph 125 of the HLP32 refers to the Strategic Housing Market Assessment (SHMA), which is a study to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period. Furthermore, paragraph 127 of the HLP32 sets out that "an appropriate housing mix for an individual development site will also depend on site-specific factors, such as its location and the local density and character of housing in the neighbourhood which will determine the eventual mix of housing size, types and tenures to be provided. Applicants should explain their proposed housing mix using this evidence and in the context of the policy criteria." Policy H1 of the HLP32 that proposals for new homes should provide an appropriate mix of dwelling types and sizes having regard to the most up to date evidence on housing need, and the size, location and characteristics of the site and surroundings.

The proposed dwelling would result in a net additional dwelling in the countryside. The proposal does not involve the conversion of an existing building to an

appropriate use. The proposals include the conversion of an existing building, but this is for ancillary accommodation to a proposed new dwelling. The proposal does not relate to an application site which is entirely previously developed land, and the proposal is not considered of exceptional quality or truly innovative design. The proposal is not for affordable or specialist housing. Accordingly, proposal does not fall within the remit of potentially acceptable development in the countryside pursuant to Policies SS1 or NBE1 of the HLP32.

Location, accessibility and sustainability

In this case, the site is set in rural surroundings, whilst the application sits just outside of the defined Settlement Boundary associated within Winchfield Court. Winchfield Court lies well away from the distinct settlement of Winchfield Hurst about 500 metres to the west and there is further housing near Winchfield train station about 2.5km away. The parish consists of dispersed groups of housing in a rural setting rather than having a single main settlement.

The 2019 appeal decision also refers to relative accessibility of the site and is of relevance:

"The settlement (Winchfield Court) comprises a small enclave of housing set in rural surroundings, accessed by rural lanes with no footways or street lighting, and with only a public house within easy walking distance. The nearest primary school is about 1.5 km to the south, the village hall and station about 2.5 km to the west, and other facilities in Fleet about 2.5 km to the east, but these are all reached along rural lanes so in practice residents are likely to rely on the private car."
(Appeal decision Letter dated 22.07.2019 paragraph 11)

The application site is not considered 'isolated' in NPPF terms (paragraph 80) given the adjoining residential development at Winchfield Court.

It is noted that in determining appeals (Refs. APP/N1730/W/20/3246394, APP/N1730/W/20/3250207) for land north of Church Lane, Dogmersfield the appointed Planning Inspector found that the appeal site in that case at paragraph 9 that the location "...lacks street-lights or a footway and the village is not served by a bus service. These factors when combined would reduce the likelihood of future occupiers walking or cycling to the limited local services. As a result, future occupiers would be largely reliant on the private car to access goods and services. This is similar to the conclusion in paragraph 11 above, that in practice residents are likely to rely on the private car.

There is a notable lack of streetlights, footways (immediately adjacent to the site), cycling would be via country lanes and the site is not served by a bus service. As such, the current proposal would not accord with the sustainable pattern of growth advanced by the Framework.

The site is in a location with poor accessibility for access to day-to-day services. As such, neither proposal would accord with the sustainable pattern of growth advanced by the Framework.

The site is not therefore considered a sustainable location or appropriate for the proposed use. There has been no significant change in policy since the 2019 appeal decision to consider the proposed development to an appropriate exception to development in the countryside. Whilst the NPPF was updated between 2019 and 2021, the approach to rural restraint has not changed.

Policy NBE1 of the HLP32 has been adopted but the proposed development does not form one of the exceptions. Nothing within the current application overcomes the unsustainable nature of the proposed development. The emerging WNP does not propose the application site as a site for residential development.

The proposal neither aligns with the objectives of the adopted spatial strategy or the permissive countryside policies of the HLP32.

In principle, the development of this site would be contrary to prevailing Development Plan policy. The HLP32 identifies the site as being outside of any Settlement Boundary (Policy SS1) and within the countryside (Policy NBE1).

Also given the current housing land position and housing delivery in the District, which are material considerations; the need for additional homes through windfall sites, such as the subject site, is therefore not acute and although they help the supply of housing, there is no overwhelming reason to accept additional housing in the countryside, such as the net increase proposed in this case. Thus, the principle of development for a dwelling on the site is therefore unacceptable.

In principle, the development of this site would be contrary to prevailing Development Plan policy. The Hart District Local Plan identifies the site as being outside of a Settlement Boundary (Policy SS1), within the countryside (Policy NBE1) and within the Thames Basin Heath Special Protection Area 5km buffer (Policy NBE3).

Landscape, Character and Visual Impacts

The NPPF states that planning decisions should recognise the intrinsic character and beauty of the Countryside (paragraph 174). Policy NBE2 of the HLP32 requires that proposals must respect and wherever possible enhance the special characteristics, value or visual amenity of the District's landscapes. Development proposals will be supported where there will be no adverse impact to:

- a) the particular qualities identified within the relevant landscape character assessments and relevant guidance;
- b) the visual amenity and scenic quality of the landscape;
- c) historic landscapes, parks, gardens and features;
- d) important local, natural and historic features such as trees, woodlands, hedgerows, water features e.g. rivers and other landscape features and their function as ecological networks; and
- e) it does not lead to the physical or visual coalescence of settlements, or damage their separate identity, either individually or cumulatively with other existing or proposed development.

Policy NBE9 of the HLP32 requires all development to achieve a high standard of

design and positively contribute to the quality of its local area.

Saved Policy GEN1 of the HLP06 requires development to include provision for the protection or enhancement of the District's landscape and requires development to remain in keeping with the existing character and appearance of the area.

Policy CON8 of the HLP06 sets out that trees, hedgerows and woodland can have significantly landscape and amenity value.

Policy A4 of the WNDP 2032 requires development to be in keeping with the rural environment of Winchfield and Policy A3 for new homes not to exceed two storeys and be harmonious with existing visual aspects.

Policy B2 of the WNDP 2032 sets out that proposals which adversely affect the tranquillity, rural nature and layout of existing roads, lanes, byways and footpaths will not be supported. It continues that proposals should recognise and respect the intrinsic character and beauty of the countryside.

The application site lies within the Winchfield Landscape Character Area as defined in the Hart Landscape Assessment (HLA) (April 1997). Within this character area, the application site is identified as being in a moderately enclosed landscape of mixed pasture and woodland. The area to the east and north of the application site is within the Hart Valley Landscape Character Area where the predominant landscape characteristic is that of floodplain farmland.

The immediate area is characterised by countryside and residential development in the wider area. The proposed dwelling would be two storeys. The site is viewed as a greenfield site as the mortuary building is relatively small, this is also the same when the site is viewed from public footpaths in the area. The mortuary building is intrinsically linked to the hospital site.

The site has a rural 'green' appearance, and a new dwelling would have an urbanising impact. The proposed dwelling has a relatively large footprint of 148 square metres and is two storeys, 7.9 metres tall. The scale and massing of the proposed dwelling heightens this impact. Whilst there has been a marginal decrease in the height and footprint since the pre-application submission. The proposed dwelling has significant width, 16.8 metres and is of significant height and footprint. The proposals also include a double garage and conversion of the former mortuary building to residential storage and associated development including a gravel driveway. The proposal would cause harm to the rural character of the site. This would be contrary to Policy NBE2 of the HLP32 and Policy B1 of the WNDP 2032.

This is also in the context of the application site being relatively open and the planning unit forming the setting of the former Winchfield Hospital and containing ancillary buildings. There would be demonstrable visual amenity impacts and the proposal would fail to enhance the special characteristics of this rural landscape.

The 2019 Inspector's appeal decision notes the following in considering the earlier 1997 appeal decision:

"When viewed from Pale Lane the site appears as an area of undeveloped woodland which contributes to the attractive rural character of the area. Notwithstanding the conclusions of the appellant's landscape statement, and even with the screening provided by the hedgerow boundaries, housing on the site would be readily apparent from the land and harmful to the rural character and appearance of the area."

The proposed development sits on a largely open site and would introduce a significant sized dwelling, which would significantly alter the character and appearance of the site in this rural location.

The proposal would cause harm to the rural character of the site and would be contrary to Policy NBE2 of the HLP32, Policy GEN1 of the HLP06 and Policy B1 of the WNDP32.

Design

The NPPF 2021 emphasises the importance of good design in the built environment. Good design is a key aspect of sustainable development and indivisible from good planning. The Planning Practice Guidance (PPG) also reiterates that good quality design is an integral part of sustainable development.

Policy NBE9 of the HLP32 seeks to ensure that development achieves a high-quality design and that it would positively contribute to the overall character of the area. The NPPF also reinforces the need to promote good design in developments (paragraphs 126 and 127).

Saved Policy GEN1 of the HLP06 permits development where, amongst other requirements, the design, scale, massing, height and prominence of the proposal is in character with the local area and is sympathetic to the surroundings.

The proposal is for a generous dwelling within a generous garden. The proposed dwelling would form a distinct development from Winchfield Court, there is no proposed relationship between the layout of the proposal and that Winchfield Court. In that regard the proposal would not relate to its setting both in the context of a rural location and nearby built form. A hedgerow is noted as separating the proposal from Winchfield Court. The scale of the proposed dwelling would dwarf the mortuary building which currently reads as ancillary outbuilding of the former hospital. The proposed main dwelling and associated garage would be substantial and would dominate the character and appearance of the mortuary building. The proposed development is not considered to sufficiently respond to existing adjoining development.

The mortuary building is the first building that is viewed as you travel south along Pale Lane, the proposed development would introduce substantial built development onto the planning unit.

The proposed architecture of the scheme is generic and is not of exceptional quality. The design of the proposed new dwelling would not be dissimilar with that of a new development built at scale on new settlements and does not address or respond to the architectural qualities of the existing site mortuary building or the main hospital

building, nor does it introduce unique value.

Whilst some trees on the site have already been removed, the site remains open, and the siting of the proposed dwelling and resultant composition of built form would result in the introduction in a significant amount of built form onto the site. This would have an urbanising effect in this setting.

Overall, the design and scale of the proposed development is not high-quality and would be detrimental to the character and appearance of the local area. Therefore, the proposal fails to meet the requirements of Policies NBE2 and NBE9 of the HLP32, Saved Policy GEN1 of HLP06 and the design guidance and aims set out within the NPPF 2021.

Heritage Impacts

Policy NBE8 of the HLP32 states that all developments should conserve or enhance the settings of heritage assets, taking into account their significance. Saved Policy GEN1 of the HLP06 permits development where, amongst other requirements, include provision for the conservation or enhancement of the District's historic heritage.

The NPPF 2021 sets out that LPAs should require applicants to describe the significance of any heritage assets affected and the level of detail should be proportionate to the asset's importance (paragraph 194). The applicant's only reference to heritage in their submitted documentation is within their planning statement where the phrase 'makes use of ... a locally listed heritage asset' is set out on pages 2 and 14.

Paragraph 194 of the NPPF is clear that as a minimum the relevant Historic Environment record should have been consulted and the heritage assets should have been assessed using appropriate expertise where necessary. The LPA cannot conclude that this has been undertaken. In Paragraph 203 of the NPPF, it is clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The 2019 appeal decision highlights that the old workhouse buildings although not listed are a heritage asset of local significance. This remains the case today.

The 2014 planning application which was refused (14/00707/MAJOR) included a reason for refusal relating to the mortuary building and the lack of any heritage impact assessment or appraisal of the historical significance of this building as a non-designated Heritage Asset. The building is shown on early maps and is associated with the Winchfield Hospital when it was a hospital and before that, a workhouse. It therefore has a degree of historical significance and although the hospital no longer functions it has been converted to a residential development that respects and preserves the historical significance of the overall site.

The current application seeks to retain the former mortuary building and use the space for storage associated with the proposed dwelling. The retention and re-use of the former mortuary building would in principle be a heritage benefit of the proposed development. However, there has been insufficient information provided with the application in order to assess the heritage impact of the conversion of this non-designated Heritage Asset.

As a result, this forms a separate reason for refusal on the basis of insufficient information in line with Policies NBE8 and NBE9 of the HLP32, Policy D1 of the WNDP 2032 and the aims of Section 16 of the NPPF 2021.

Amenity for future occupiers

The Nationally Described Space Standards (NDSS) conforms with Government aspirations to achieve better places to live. The NDSS has been adopted as part of the adopted HLP32 under planning Policy H6.

The proposed floor plans indicate five bedrooms on the first floor, all of which are shown to be double occupancy with the exception of bedroom five. The NDSS set out the minimum gross internal floor area for a two storey, five-bedroom, 8-person dwelling is 128 square metres. The proposed dwelling would be well in excess of this and meets NDSS and Policy H6 in this respect.

Policy NBE9 of the HLP32 requires proposals to take account of the health and well-being of future residents and visitors, taking an inclusive design approach with considerations as to how all potential users would use the new spaces (paragraph 303). Paragraph 130 of the NPPF 2021 requires planning decisions to ensure that developments will function well over the lifetime of the development. This aim clearly relates to use and functionality over an extended timeframe. The shape, access, layout and overall quality of external amenity space will be determined by its ability to provide functional amenity purposes for future occupiers.

Sufficient useable outdoor amenity space would be provided proportionate to the proposed dwelling. The proposed site plan indicates a rear curtilage depth of 14 metres and the shape and size of the external amenity space is considered sufficient for children's outside play, drying clothes, gardening and sitting outside, which would be expected within a private residential garden serving a dwelling of the footprint proposed.

Impacts upon Neighbouring Amenity

Saved Policy GEN1(iii) of the HLP06 requires proposals to avoid any material loss of amenity to neighbouring residents. The NPPF 2021 seeks to create places with a high standard of amenity including good layouts with effective landscaping for existing and future users (paragraph 130).

The proposed dwelling would be sited at sufficient distance from existing residential development for the relationship to be considered acceptable in terms of residential amenity impacts on neighbouring residential occupiers. There would be no resultant overlooking, loss of light or overbearing impacts.

Highway Safety, Access and Parking

Paragraph 111 of the NPPF 2021 states 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".

Policy INF3 of the HLP33 and Saved Policy GEN1 of the HLP06 require adequate access and parking (vehicular and cycle) arrangements to be provided with developments. The location and design of vehicular and cycle parking should be accessible and well designed.

Saved policy GEN1 (General Development Policy) of the HLP06 seeks to ensure that development has adequate arrangements on site for access, servicing or the parking of vehicles and does not give rise to traffic flows in the surrounding area that would have a detrimental impact on nearby properties.

Policy A2 of the WNDP 2032 requires one parking space per bedroom, plus one visitor space within each curtilage.

The Council's adopted 'Cycle and car parking in new development' Technical Advice Note (TAN) requires a five-bedroom dwelling to provide 3 allocated and 1 unallocated parking spaces.

The Applicant has confirmed that there is a right of way in perpetuity over the adjacent verge which where access to the proposed dwelling will be taken. This would result in the proposed five-bedroom dwelling taking access over an earthen verge without any engineering. The applicant has failed to demarcate the application site extending to the public highway and has also failed to demonstrate that they have the requisite permissions for crossing the easement in place for vehicular or pedestrian access to serve a new residential dwelling from the private land owner.

The Planning Practice Guidance for location plans sets out that 'The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.' (Paragraph 024 Reference ID: 14-024-20140306 Revision date: 06 03 2014).

NBE9(b) of the HLP32 requires developments to provide access routes which are attractive, safe and inclusive for all users, including families, disabled people and the elderly. Policy INF3 of the HLP32 sets out that development proposals will be supported that provide safe, suitable and convenient access for all potential users.

As a result of where the red line has been drawn, the proposed development would be inaccessible from any public right of way or public highway and would therefore be contrary to Policies NBE9 and INF3 of the HLP32 and the aims of the NPPF 2021.

The applicant did not provide any information to demonstrate that a private legal right of access from the public to the application site exists currently. Nor has it been demonstrated that a right of access would be provided in future in order to access the site would be afforded to the occupants of the proposed dwelling for pedestrians or via vehicle.

Section 9 of the NPPF 2021 (Promoting sustainable transport – considering development proposals) sets out at Paragraph 110(b) that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

The proposed floor plans indicate a double garage (measuring 6 metres by 6 metres) and shingle driveway, with three car parking spaces indicated. There would be further space available on the driveway. There would be sufficient space for this number of car parking spaces to be provided. There is also space for cycle parking to be provided and this could be secured via condition if all other matters had been acceptable.

It is therefore considered that the level of car parking is sufficient, however, the site is in unsustainable location, which would encourage the use of private motor vehicle over means of sustainable transport.

No objection has been raised by the Council's Joint Client Waste Team. Details of waste, recycling and cycle storage to ensure compliance with HLP Policies NBE9 and INF3 could have been required via condition if all other matters had been acceptable.

The application has been reviewed by Hampshire County Council as the Local Highway Authority (LHA) and they have advised that given the nature and context of the site, that this proposal would not lead to any material detrimental impact upon the public highway in regard to traffic generation and has no objection to the proposal.

The LHA has highlighted that works on highway land need to be delivered by suitable highway licence. The comments from the Applicant regarding works to the access are noted however do not provide clarity that this matter has been resolved at this stage and if the application had been acceptable in all other respects, an informative would have been included in relation to the licenses which need to be obtained via separate legislation.

Given the unsustainable location of the site, residents of the proposed dwelling are likely to be reliant on private motor vehicles to access public transportation and to access the range of facilities necessary for day-to-day life by virtue of its remote position away from nearby settlements with services and facilities. In rural areas, to promote sustainable development any new housing should be located where it will enhance or maintain the vitality of rural communities.

The HLP32, WNDP 2032 and NPPF 2021 seek to focus development in locations which are, or can be made to be, sustainable through limiting the need to travel and offering a genuine choice of transport modes. Here the site is physically remote from facilities and services and cannot be made sustainable through a genuine choice of transport modes.

Policy SD1 of the HLP32 sets out that the Council will take a positive approach to development in line with the presumption in favour of sustainable development

contained in the NPPF or its successor. Policy SS1 of the HLP32 sets out the Council's spatial approach to new development, confirming that development will be focused within settlements, on Previously Developed Land (PDL) in sustainable locations and on allocated sites.

It has not been demonstrated that the site meets the HLP32 or NPPF 2021 definition of Previously Developed Land. The site is not in a sustainable location. Therefore, the site is not located in a sustainable location suitable for new housing development and no exceptional criteria from Policy NBE1 of the HLP32 in respect of re-use of PDL would be applicable.

As set out in the principle of development section at the start of this report, the NPPF 2021 presumption in favour of sustainable development does not apply where there would be a clear reason for refusing when applying the policies in the NPPF relating to heritage or habitats sites. Paragraph 182 of the NPPF 2021 is clear that the presumption in favour does not apply where the project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an Appropriate Assessment has concluded there would be no adverse effect on the integrity of the habitats site.

In this instance, there has been no such conclusive Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) and the The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

As a result, notwithstanding the policy conflict and the fact the HLP32 and WNDP 2032 are up to date and consistent with the NPPF 2021, in any event there would be no presumption in favour of granting the current scheme.

Flood Risk and Drainage

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

- Over its lifetime it would not increase the risk of flooding elsewhere and will be safe from flooding;
- If located within an area at risk from any source of flooding, now and in the future, it is supported by a site-specific flood risk assessment and complies fully with national policy including the sequential and exceptions tests where necessary.

The site is located within flood zone 1 (the lowest risk area) as designated by the Environment Agency and confirmed by their Flood Map for Planning

It is noted that the Resident's Association commenting on the application identify surface water flooding in the southeast corner and highlight the recent changes to the west in respect of hardstanding, which is subject to enforcement investigations as noted above.

The information submitted with the application has been reviewed by the Council's Drainage Officer who has raised no objection to the proposal, subject to a condition requiring the submission of a surface water drainage scheme prior to the commencement of works. If the proposed development were acceptable in all other respects, this condition would have been recommended to meet the requirements of Policies NBE5 and Policy NBE9(d) of the HLP32 and the aims of the NPPF 2021 (paragraph167).

Furthermore, an informative would have been included to remind the applicant that permission from Thames Water would be required before the proposed foul drainage is connected into the public sewer network.

It is noted that in 2019 the Lead Local Flood Authority (LLFA) was consulted and raised concern and requested further detail and clarification over a significant number of matters before being able to respond on surface water drainage. However, on the basis of the current information and comments from the Council's Drainage Officer, these matters appear to be something which can be addressed via condition.

Trees

Policy NBE2 of the HLP32 requires new development to avoid adverse impact to trees, hedgerows and other features. Policy NBE9(d) of the HLP32 requires new development to respect the local landscape and sympathetically incorporate any on- site or adjoining landscape features such as trees and hedgerows, and respect or enhance views into and out of the site.

Policy CON8 of the HLP06 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term.

Paragraph 130 of the NPPF 2021 sets out that trees make an important contribution to the character and quality of environments, helping mitigate and adaptation to climate change. The application was accompanied by a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. The survey relates to fourteen trees and two groups of trees. The survey concludes that three of these were 'category A' and of high value (T7 Cedar, T11 Cedar and T12 Yew), three were 'category B' and of moderate value (T2 Birch, T3 Yew and T14 Damson) and the remainder were 'category C' and of low value. The survey concludes that the proposed development does not require the removal of any trees. Where hard

surfacing is proposed within the root protection area of trees, the arboricultural method statement highlights that the form of construction will be permeable and 'above ground', so compliant with BS5837:2012 recommendations.

The Arboricultural Method Statement does not provide sufficient detail in respect of construction management, for example where storage and working areas will be and site welfare facilities. These operations normally take place at the front of a site for the ease of deliveries etc. The tree protection plan highlights that space at the front is not only limited but also sensitive, for example, the permeable gravel drive construction will not prevent cement contamination from wet material mixing areas and so on. Further details would need to be provided to demonstrate whether this could be accommodated elsewhere on site. If all other matters had been acceptable, details of tree protection during construction could have been secured via condition as a pre-commencement condition.

The proposed site plan indicates a new native mixed hedge to the north and south of the site adjacent to the proposed dwelling. To the east of the application site and within the blue line an ecology area is shown, no further detail is provided. There are trees along the western boundary of the site and to the north and south of the site. The new planting is considered to be acceptable.

Ecology

Policy NBE4 of the HLP32 relates to biodiversity and states:

'In order to conserve and enhance biodiversity, new development will be permitted provided...

- b) It does not result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;
- c) opportunities to protect and enhance biodiversity and contribute to wildlife and habitat connectivity are taken where possible, including the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. All development proposals will be expected to avoid negative impacts on existing biodiversity and provide a net gain where possible'

Policy C1 of the WNDP 2032 requires proposals to demonstrate how biodiversity will be protected and enhanced.

The application was accompanied by a Preliminary Ecological Appraisal including a phase 1 bat survey, these documents have been reviewed by the Council's Ecologist who notes that the outbuilding has features that could support bats that could be directly impacted by the proposals, and subsequently a phase 2 emergence survey was required to be undertaken within the appropriate season, however no further information has been received.

Bats are a legally protected species. 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.

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).

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.”

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.

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 Phase 2 emergence 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 Phase 2 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.

In addition, the site has suitable habitat for reptiles and a presence/absence survey is recommended but no further information has been submitted. The further survey work cannot be conditioned as it must be carried out in advance of any permission being granted. Any mitigation or licensing requirements resulting from the further survey work can be conditioned.

The Council's Ecologist recommends that the further survey work and results should be carried out before permission is granted.

The proposal therefore conflicts with the requirements of Policy NBE4 of the HLP32, Policy C1 of the WNDP 2032, the NPPF 2021, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 and 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. Thames

Basin Heaths Special Protection Area

The Thames Basin Heaths Special Protection Area (TBHSPA) is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species. The area is designated as a result of the Birds Directive and the European Habitats Directive and protected in the UK under the provisions set out in the Habitats Regulations.

The proposed development is located within the zone of influence (i.e. Located between 400m and 5km away from) of the Thames Basin Heaths Special Protection Area (TBH SPA). The proposal is for an additional residential development that would, either on its own or in combination with other plans or projects, have a detrimental on the nature conservation status of the TBHSPA.

South East Plan Policy NRM6 and Policies NBE3 and NBE4 of the HLP32 require adequate measures to avoid or mitigate any potential adverse effects on the SPA. The Habitats Regulations 2017 requires Local Planning Authorities (as the Competent Authority) to consider the potential impact that a development may have on a European Protected Site. In this case the TBHSPA.

Natural England has advised that it has no objection subject to the applicant complying with the Council's TBHSPA policy (NBE3) by securing required contributions to Suitable Alternative Natural Green Space (SANG) and Strategic Access Management and Monitoring (SAMM).

The application does not however set how mitigation would be provided nor is there evidence of grounds of overriding public interest. No SAMM contribution has been secured. The applicant has not demonstrated or provided sufficient information and/or evidence to enable the Council to undertake an Appropriate Assessment that would demonstrate that the proposal would not have a significant effect on the TBHSPA.

Consequently, the scheme fails to meet the requirements of the Habitats Regulations and it cannot be concluded that this development would, either on its own or in combination with other plans or projects, not have a detrimental on the nature conservation status of the TBHSPA. The application is therefore contrary to Saved Policy NRM6 of the South-East Plan, Policies NBE3 and NBE4 of the HLP32, Policy C1 of the WNDP 2032 and Section 15 'Habitats and biodiversity' of the NPPF 2021 and is unacceptable for this reason. Conditions could not be applied to address this material harm to the TBHSPA.

Other Matters

The Council's Environmental Health team have been consulted on the application and requested further information in respect of odour impact of the development, noting the proposed development needs to be assessed in terms of the proximity of the existing sewerage treatment plant. The Case Officer has reviewed this request however as the sewerage treatment plant referred to is no longer in operation, this

information is considered to be unnecessary.

The application is accompanied by an environmental report by Groundsure, which has been reviewed by the Council's Environmental Health Officer, who based on the site history and the intended use recommends a full contaminated land condition and standard contaminated land conditions in accordance with D.C.L.G model conditions part 1 to 4. An assessment shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition or ground works.

Accordingly, were the development acceptable in all other respects then this condition would be included. It is noted that within the 2019 appeal case, a contamination condition was recommended by the Council at that time.

Equality

The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. The Case Officer has reviewed the proposed development and documentation and considers that the proposal is not likely to have any direct equality impacts.

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 at criteria (i) and (j) for proposals to demonstrate that they would:

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

The Design and Access Statement notes that the sustainable development is now endorsed in Parts F, L, O and S of the Building Regulations, which together require the sustainable construction of new dwellings such that they are energy efficient and are powered by renewable sources; have effective ventilation and air management systems; water saving infrastructure; and car charging points.

No objection is raised in terms of climate change.

Planning Balance

The proposal is for a two storey, 5-bedroom market dwelling, and ancillary development including a double detached garage and conversion of the existing mortuary building to a store. The application site is located within the designated countryside.

In terms of planning benefits, the provision of an additional dwelling would make a modest contribution to the Council's housing land supply and this would support the NPPF objective of significantly boosting the supply of homes (paragraph 59). This

social benefit is given limited weight due to the modest scale of the development proposed and because the Council can demonstrate a very robust 10.9 years supply. In 2021, Hart District Council's Housing Delivery Test measurement was 210% delivery.

The weight applied to this social benefit (provision of housing) is reduced significantly due to the Council's housing land supply position and due to the remote location of the site (it being one that does not have good access to services and facilities causing over-reliance on the use of the private motor vehicle).

There would also be some modest economic benefits during the construction and occupation phases through temporary employment in the construction industry and spending in the local economy from workers and residents. These benefits are given limited weight given the modest size of the proposed development and, in part, the temporary nature.

In contrast, the proposed dwelling would cause harm to the character of the area and the setting of the adjoining settlement, and the scheme is unacceptable in its impact on the TBHSPA and protected species. It is not accepted that the site should be considered as previously developed land in its entirety. The scheme is contrary to the development plan as a whole for the reasons identified in this assessment such that it conflicts with SEP Saved Policy NRM6, Policies NBE1, NBE2, NBE3, NBE4, NBE9 and INF3 of the HLP32 and Saved Policies GEN1, GEN2 and CON8 of the HLP06. The application is also contrary to a number of the aims and objectives of the NPPF 2021.

There would be no other public benefits from the proposed development and the minor benefits set out above do not outweigh the harm identified above

On balance, the limited planning benefits would not outweigh the conflict with the development plan and the 'tilted balance' in respect of sustainable development is not engaged as set out earlier in the report.

CONCLUSION

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

The application has been assessed against the development plan and relevant material considerations and it is recognised that it would bring limited social and economic planning benefits. However, a number of conflicts with the development plan have been identified as set out in this report and the application does not comply with the development plan as a whole.

There are no material considerations indicating a decision not in accordance with the development plan should be taken.

Given the material conflicts set out within the report, it would have been recommended that Members of Planning Committee refuse the application. In this case, whilst determination of the application by the Local Planning Authority is no

longer possible, to assist progress of the appeal an indication of the likely decision Members would have resolved is requested.

The officer recommendation with the reasons for refusal are set out below:

OFFICER RECOMMENDATION - REFUSAL for the following reasons

1. The proposed development, by reason of its location outside of any designated settlement boundary, would represent an inappropriate, unjustified and unsustainable development in the countryside which would directly conflict with the spatial strategy set out in Policies SS1 and NBE1 of the Hart Local Plan (Strategy and Sites) 2032 and Policy A1 of the Winchfield Neighbourhood Development Plan 2032.
2. The proposed development, by virtue of its appearance and scale would be out of keeping with the rural locality and would materially affect the visual natural landscape that currently contributes to the intrinsic open and natural setting and character of this section of the countryside. The proposal would have a detrimental effect upon visual amenity due to the erosion of the rural character and setting of the countryside including in views from rural lanes and footpaths. As such, the proposal would be contrary to Policies NBE1 and NBE2 of the Hart Local Plan (Strategy and Sites) 2032, Saved Policy GEN1 of the Hart Local Plan (Replacement) 1996-2006, Policy B2 of the Winchfield Neighbourhood Development Plan 2032 and the aims of the National Planning Policy Framework 2021.
3. By virtue of the scale, massing, layout and architecture of the proposed development the proposal would fail to integrate into the locality and would not respect or enhance the visual amenity of the landscape. The proposal would not be sympathetic or responsive to the appearance, layout and scale of existing development, in particular the setting of Winchfield Court. The proposal would not achieve high quality design, would not be of exceptional quality or truly innovative design, would not enhance its immediate setting nor positively contribute to the overall appearance of the local area. As such, the proposal would be contrary to the requirements of the Policies NBE1, NBE2 and NBE9 of the Hart Local Plan (Strategy and Sites) 2032, Saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the aims of the National Planning Policy Framework 2021.
4. In the absence of sufficient information in relation to ecology including protected species, it has not been demonstrated that the proposed development would either conserve or enhance biodiversity. 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, the Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) and the Wildlife and Countryside Act 1981 (as amended) with regards to protected species.

5. The site is located within 5km of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of any evidence that the test of no alternatives under Regulation 62 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the TBHSPA. As such the proposal is contrary to Policies NBE3 and NBE4 of the Hart Local Plan (Strategy and Sites) 2032, Policy C1 of the Winchfield Neighbourhood Plan 2032, Saved Policy NRM6 of the South East Plan and the aims of the NPPF 2021.
6. The proposed development is unsatisfactory in that the red line of the application site does not include the land required for pedestrian and vehicular access to the site from the public highway and the proposal does not demonstrate to the satisfaction of the Local Planning Authority that the future residents and visitors of the proposed dwelling would be able to gain safe, suitable and convenient access from the public highway to the site. As such, the proposed development is contrary to Policies NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) 2032 and the aims of the NPPF 2021.
7. The application fails to provide any heritage assessment of the significance of the former mortuary building on the site as a non-designated heritage asset. Insufficient information has been provided to allow the Local Planning Authority to consider whether the conversion would cause any level of harm to the heritage asset as a result of the proposed change of use of the building and the necessary interventions' impact on the fabric of the building. The proposals would therefore be in conflict with Policies NBE8 and NBE9 of the Hart Local Plan (Strategy & Sites) 2032, Policy D1 of the Winchfield Neighbourhood Development Plan 2032 and Section 16 of the NPPF 2021.

INFORMATIVES

1. The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: Unfortunately, the cumulative issues were too significant to be amended through the planning application process with some matters being fundamental matters relating to the principle of development and the Council offer a pre-application advice service which was not sought by the applicants.
2. This decision is in respect of the drawings and plans:

Site Location Plan (MLP/01)

Visual Image of proposed dwelling (unnumbered)

Planning and Design Statement (PL/22/188) dated July 2022

Preliminary Ecological Appraisal (including Phase 1 Bat Survey) dated May 2022

Garage details and former mortuary details (2282/09)

Floor plans (2282/07)

(received by the Local Planning Authority on 19th August 2022)

Elevations (2282/08 Rev A)

(received by the Local Planning Authority on 6th September 2022)

Letter from Mark Leedale Planning dated 14th September 2022 regarding Foul Sewage / Surface Water and Utilities.

(received by the Local Planning Authority on 15th September 2022)

Site Plan (2282/06 Rev A)

Block Plan and Street Elevation (2282/05 Rev A)

(received by the Local Planning Authority on 20th September 2022)

Environmental Report prepared by Groundsure

(received by the Local Planning Authority on 28th September 2022)

Topographical Survey (RT/222/0078/P/0001)

Plan showing TPO trees

(received by the Local Planning Authority on 3rd October 2022)

Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (Ref: R87)

Tree Protection Plan (Winchfield Court -

TPP) Tree Constraints Plan (Winchfield

Court -TCP) Tree Survey (unnumbered)

(received by the Local Planning Authority on 28th October 2022)

RECOMMENDATION

That the Resolution of the Planning Committee in relation the abovementioned proposal is recorded to assist Officers in the non-determination appeal.

Elevations

REVISIONS
A. Applied to planning admin.

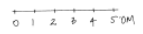


PROPOSED HOUSE ELEVATIONS 1:100

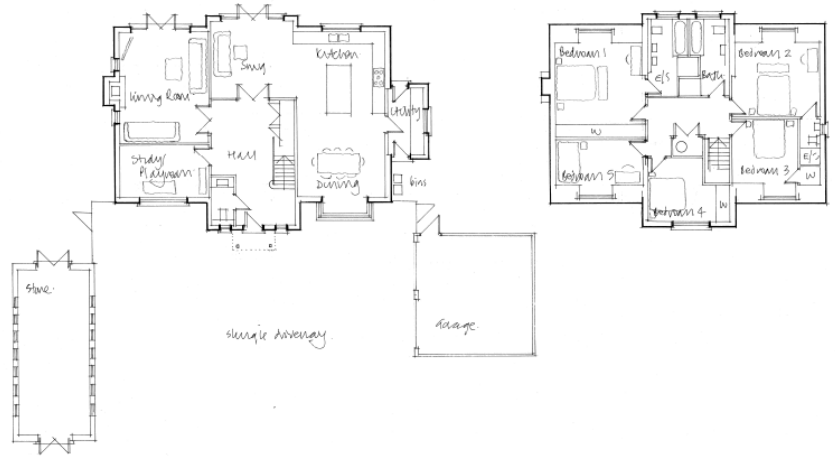


FUSION Architecture Ltd	
Oxford Road Horsley Bottom Horsley Wokingham RG27 8LJ Tel/Fax 01232 840026	
Job Title	New dwelling of former Winchfield Hospital Mansury site (to north of Winchfield Court)
Client	Mr and Mrs Ede
Drawing Title	Elevations
Scale	As shown Drawn <i>AS</i>
Drawn No.	2282/08 Rev <i>1</i>

Floor Plans



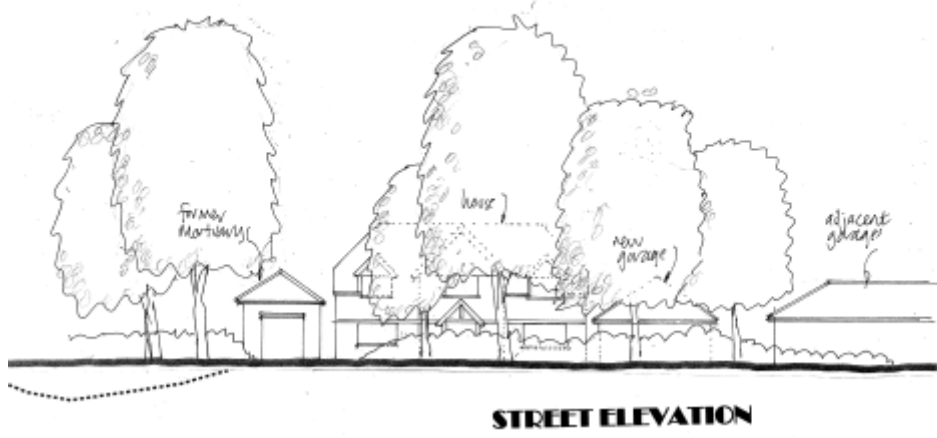
PROPOSED HOUSE FLOOR PLANS 1:100



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Street Elevations



Visual

