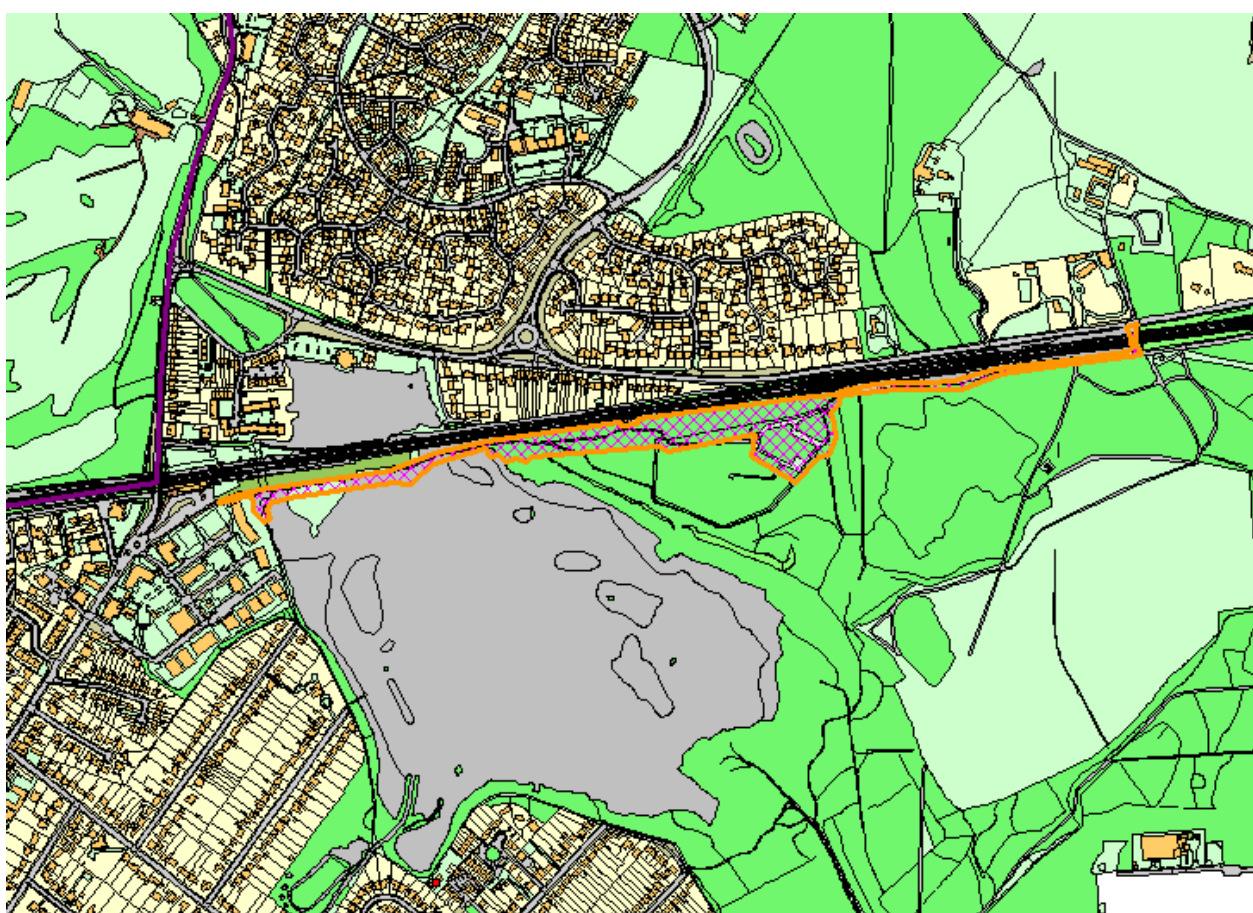


**COMMITTEE REPORT
ITEM NUMBER: 104**

APPLICATION NO.	20/03004/FUL
LOCATION	Countryside Services Workshop Old Pump House Close Fleet GU51 3DN
PROPOSAL	Widening of the northern footway and the provision of a slipway from Boathouse Corner
APPLICANT	Hart District Council
CONSULTATIONS EXPIRY	11 January 2021
APPLICATION EXPIRY	5 February 2021
WARD	Fleet East Ward
RECOMMENDATION	Grant, subject to planning conditions



BACKGROUND

The application is being presented at Planning Committee as Hart District Council (HDC) is the applicant.

Additional information has been submitted to address the concerns raised by the Environment Agency.

THE SITE

The application site forms the northern part of Fleet Pond which is designated as a Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR). The site is located to the southern side of Fleet Station railway line and to the east of Fleet Road A3013.

Fleet Pond is a freshwater lake and the LNR comprises of 54.6 hectares (141 acres) of varied habitats. The pond itself occupies approximately half of this area. The surrounding land features heathland, woodland, reed bed and marsh.



Figure 1 -Location Plan

The SSSI designation was first made in 1951 and was subsequently re-designated in 1984. The site was declared a LNR in 1977 and this designation covers the same area as the SSSI designation. The pond is the largest freshwater pond in Hampshire and supports an extensive variety of different habitats and species of flora and fauna including some that are rare species.

The pond is also a designated reservoir owned and managed by HDC in partnership with the Fleet Pond Society (FPS).

To the west and east of the site are residential areas, to the south-west is the Waterfront Business Park, to the immediate north is Fleet Railway Station and the railway line and

residential properties beyond.

Currently there is a permissive path along the northern edge of the Pond with both pedestrians and cyclists allowed to use this route. This path links to national cycle routes both at the Train station (linking to Fleet) and linking through to Farnborough.

PROPOSAL

Planning permission is being sought for the widening of the northern path and the provision of a slipway from Boathouse Corner.

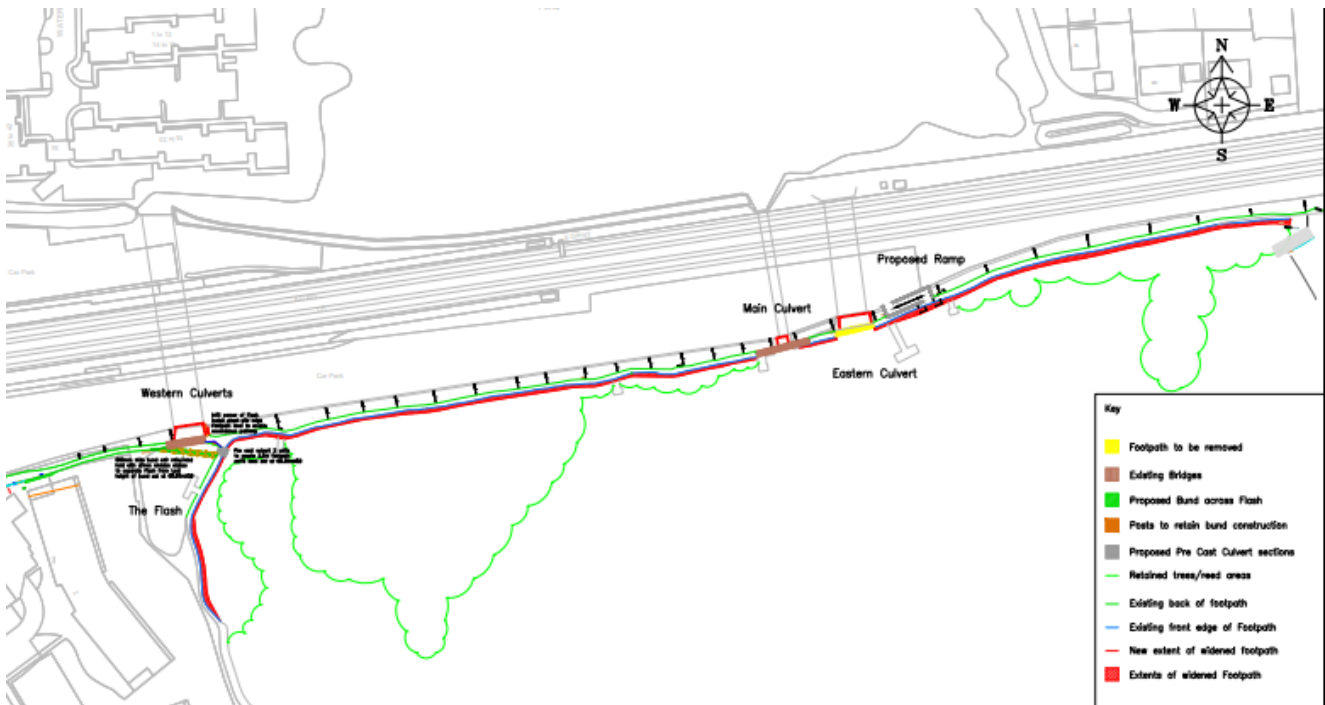


Figure 2 – Proposed Site Plan

The principal of the enhanced footpath and cycleway connecting Hartland Village and Fleet Train Station was agreed at the time of determining the application at Hartland Village, and would also form the first part of the Council's Green Grid strategy. The works would be part funded by S106 contributions from the Hartland Village development and also a contribution from the M3 Local Enterprise Partnership.

As Fleet Pond is a designated Reservoir the applicant is also proposing to undertake works which are required to ensure Fleet Pond's function as a reservoir can continue to be met.

The proposed works would include the following:

- Northern path widening which would include a new slipway and a proposed access ramp to the Fleet Train Station the raising of the path to the Eastern section between the quay and Eastern culvert and the future installation of the access ramp to the station will allow greater access to Fleet pond.
- The path across the eastern culverts would be removed to allow uninterrupted flow to the culverts. The path would be replaced a bridge would be placed across the void with a soffit height of 68.25m AOD. It is proposed to widen the existing path from the quay to the eastern culverts to 3m wide and to raise the path to 68.25m AOD so the

path stays dry up to the 1;150++CC flood event within Fleet Pond. The section of the northern path from the eastern culverts to the Flash would only be widened to 2.5m and existing levels would be maintained and only adjusted to ensure the path is smoother.

- Where the western and northern paths meet it is proposed this would be removed and precast concrete culvert sections would be installed to allow a minimum flow of 1 m³/s through the culvert for uninterrupted flow to the western culverts. A new surface would be laid on top of the culvert sections and the existing path would be designed to accommodate an exceedance flow path to ensure water can flow to the western culvert.
- Dwell points, information boards and staggered gateways would be introduced at three key points; where western path meets northern path, staggered gateway features at the proposed ramp to the Eastern Culverts to slow users of the path and manage cycling users of the path.

The proposed materials are as follows:

- Backfill material - The backfill material to be used will be a 20mm nominal size aggregate
- Surfacing material - The proposed surfacing material for the path is to use CEMEX Harmer Warren self-binding gravel and MOT Type 1
- Sheet piling - The path edge along its whole length would be constructed using sheet piling, but where sections of path are exposed to views across the pond, staked coir rolls will be laid on a faggot bed to provide a softer engineered finish
- Coir Rolls (unplanted) would be used along the majority of the path works to soften the edge of the sheet piling.
- Timber Fenders will be used to face any concrete foundations for the new bridge to match the existing fenders on the abutments of the bridge across the main culvert.

The area would be closed to the public throughout the construction period.

The new widened route would be a shared surface would still remain accessible for all users including pedestrians, cyclists and wheelchair users.

RELEVANT PLANNING HISTORY

None

CONSULTEES RESPONSES

Fleet Town Council: Objection

First and foremost, the Fleet Pond Area is a SSSI and a Nature Reserve an important environmental site for Fleet. Under Section 15 of the NPPF decisions should contribute to and enhance the natural and local environment by 170d) minimising impacts on and providing net gains for biodiversity'. The proposed scheme seriously negatively impacts on local biodiversity. Legislation is in process to require projects to generate a minimum of 10% increase In biodiversity.

The edge of the new path is contained by sheet piling which will give the pond a hard edge

for some considerable time and it is not obvious that there will be any extensive replanting to recover the natural edge to the path. Totally out of keeping with the SSSI status of the pond and that it is nature reserve.

This path is overly engineered and distracts from the natural appeal of the pond area.

The loss of trees will make the car park structure more visible and destroy a significant view across the pond.

If the primary reason for the works is accessibility from Hartland Village it should not be to the detriment of a SSSI and a nature reserve.

Its value as part of a Green Grid is not appreciated as it does not provide a wildlife corridor, potentially the reverse.

It looks as if the timing of construction has missed a window of opportunity and the works if approved should be delayed.

Real value of the pond is the open water vista and so compensation by developing an open water area within the marginal reeds does not compensate for the loss of the impact of open water.

Hampshire County Council (Highways):

There is no objection to the proposals from a highway perspective.

All works are contained within private (non-HCC owned) land, and are a betterment of existing facilities, rather than a generator of new users that may otherwise have generated additional highway trips.

Environment Agency:

Object to the proposed development as submitted due to the adverse impact it would have on nature conservation and Fleet Pond. Fleet Pond has several habitats listed of 'principal importance' (for example: eutrophic standing water, reed bed, wet woodland) in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, and these are all interest features listed in the Fleet Pond SSSI citation.

The proposed development involves significant hard engineering of natural bank which will adversely impact the ecological functioning of the lake ecosystem.

The submitted planning application and associated documents indicate that the installation of sheet piling and changes banks of Fleet Pond and will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016. This is unlikely to be granted for the current proposal.

We therefore recommend that planning permission is refused, due to the impacts on nature conservation and physical habitats.

It may be possible to overcome our objection by submitting justification for bank protection. Any scheme should avoid the use of hard engineering of banks. The scheme should utilise softer and more sustainable methods to retain the bank line and support the footpath. This could form part of the net gain in biodiversity provision for this development.

Environmental Health (Internal):

No objection subject to conditions

The project poses the potential to cause adverse impacts on neighbouring uses during the construction phase. I have reviewed the submitted Construction Environmental Management Plan and note in particular, the reference to sheet piling and I also note that decisions have not yet been made regarding construction methods and mitigation although the Plan references these as being considerations. I would recommend that the Local Planning Authority should require specific details of the higher risk activities with the potential for causing significant impact and mitigation to be submitted for approval once the construction methodology has reached a more mature phase. The simplest approach would be to require approval of an updated CEMP which is anticipated in the documentation once main contractors are appointed. I would recommend therefore, that any consent is subject to conditions.

Ecology Consult (Internal)

No objection

Tree Officer (Internal):

No objection

Notes that several trees require removal to facilitate the proposed development.

G27 (group of B Category oak) is the most significant. These trees are some of the larger trees along the embankment, visible from the adjacent path and from footpath on the other side of the Pond. These trees provide partial screening of the nearest corner of the car park building. The loss of these trees would remove this section of screening. Given the position of the proposed walkway, replacement planting would not be possible in this location.

Other trees to be removed are of low individual quality. These trees include T5 (alder), T7 (alder), T24 (oak), T25 (oak), T26 (oak), T28 (hazel), T29 (alder), T37 (alder) and T38 (alder). A section of G50 (willow, alder) requires partial removal. Several of these trees would be expected to be removed as part of routine tree management around the pond, although not necessarily in the immediate future. T24-28 comprise of trees in front of the "yard" area of the railway station. These trees provide minor screening of the eastern elevation of the car park as viewed from the footpath on approach from the east. The others are intermittent trees to the south of the existing path. These trees (and part of G50) are within or immediately adjacent to the proposed path therefore require removal to allow its construction. This is a thin section of wet woodland which would naturally fall, regenerate and succeed from pond habitat into terrestrial habitat (ultimately, broadleaved woodland). This process will readily continue if the proposal is implemented.

Many trees require minor pruning works, mostly crownlifting, to enable contractor access beneath. The minor pruning works are of little significance either in terms of tree health or visual amenity.

There will be some loss of amenity caused mainly by the loss of G27. As above, replacement planting would not be possible in the same location. Despite this, the improved access has its own benefits which will need to be balanced by the Case Officer.

Should permission be granted, please ensure that a condition is applied requiring that works are carried out in accordance with the RMT Tree Consultancy Arboricultural Method Statement and Tree Protection Plan ref: RMT574.

Natural England:

No objection subject to conditions

Consider that without appropriate mitigation the application would:

- Damage or destroy the interest features for which Fleet Pond Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- The advice detailed within the letter from Natural England dated 23.3.20 and referenced 306402 DAS Pre-App Call, subsequent 'Northern Path Mitigation Overview' document and 'Tabulated DAS Discussion Results'.

Advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Further Comments received on 06.01.2021

State that it has been brought to Natural England's attention that the works are planned to take place during the bird nesting season. The DAS discussion held in March 2020 advised the works be done over the winter, and outside of the nesting season. There could therefore currently be potential impacts from the construction phase during the summer on the bird populations. Whilst the bird populations are not a notified feature of the SSSI according to the FCT and DS views, they are mentioned on the citation for the SSSI and should therefore be taken into consideration.

Would therefore like to reiterate our advice given in our DAS letter as to the timings of the proposed works.

NEIGHBOUR COMMENTS

With regards to the comment about lack of neighbour notification and site notice, the Statutory requirements for publicity are set out in The Town and Country Planning (Development Management Procedure) (England) Order) 2015 (as amended) and are in this case the notification of the adjoining properties or the display of a site notice. In this case the adjoining properties/owners were notified by post. In addition, due to COVID19 pandemic movement restrictions, the Council's Statement of Community Involvement was amended such that Hart District Council are only required to carry out the Statutory publicity requirements so in this case it was not necessary to display a site notice. The consultation period as set in the "neighbour notification letters" ran between 14.12.2020 and 11.01.2020.

39no. letters of objection have been received, including representations from the Fleet Pond Society and the Fleet and Church Crookham Society, in which the following summarised planning-related comments were raised:

- Lack of notification or consultation
- Loss of tree and habitat
- Loss of natural screening to the car park and extensive border of steel piling will create a linear and unnatural and hard border that will be visible from multiple aspects from around the nature reserve
- Proposed edging is out of keeping and highly visible
- Timing of the proposed works inappropriate as it would be during bird and fish breeding season
- No need for further works required to ramp at the western end of the car park
- Widening will generate additional users at the cost of wildlife

- Proposal will affect the SSSI status of the Pond
- How does the proposal meet the Biodiversity Net Gain laid out in the National Planning Policy Framework
- Widening of footpaths might attract reckless use of bikes and motorbikes and influx of people
- Some of the documentation is incomplete and appears to be draft
- Lack of like for like re-compensation for lost habitat

CONSIDERATIONS

1. Planning Policy.
2. Principle of Development.
3. Design and Impact on Character of the Area.
4. Impact on Neighbour amenity.
5. Accessibility/Movement.
6. Flooding and drainage.
7. Trees and Landscaping.
8. Ecology and Biodiversity.

1. PLANNING POLICY

Section 70 of the Town and Country Planning Act 1990 and 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications are determined in accordance with the development plan unless other material considerations indicate otherwise. The National Planning Policy Framework is also a material planning consideration.

National Planning Policy Framework (NPPF) FEB 2019]

2 - Achieving sustainable development

4 - Decision making

12 - Achieving well-designed places

14 - Meeting the challenge of climate change, flooding and coastal change

15 - Conserving and enhancing the natural environment

16 - Conserving and enhancing the historic environment

In Hart the Development Plan comprises:

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

SD1 - Sustainable Development

NBE4 - Biodiversity

NBE5 - Managing Flood Risk

NBE8 - Historic Environment

NBE9 - Design

NBE11 - Pollution

INF2 - Green Infrastructure Network

INF4 - Open space, sport and recreation

Saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP 06)

GEN 1 - General policy for development

CON 7 - Riverine Environments

CON8 - Trees, Woodland & Hedgerows: Amenity Value

RUR 1 - Definition of areas covered by RUR policies

Fleet Neighbourhood Plan

Policy 10 (General Design Management Policy) contains several general design principles amongst the following:

- Development shall seek to retain existing mature hedging and established trees and to enhance landscaping including providing SUDS where appropriate to provide for biodiversity and to also help manage surface water runoff sustainably. Where loss of significant amenity trees is justified, compensation planting must be provided to mitigate their loss.
- Development shall integrate wherever possible with existing pathways and cycleways and should not restrict transit for cyclists or pedestrians, including those with limited mobility.
- In relation to flooding, development shall create a safe environment for all uses and not increase off-site flood risk. In areas where surface water flooding is a problem "Finished Floor Levels" may need to be raised and/or Passive Property Level Protection measures installed to minimise the risk of internal flooding. The use of SUDS as a form of flood risk management will be supported where circumstances of the proposed development make such an approach both appropriate and practicable.

Corporate Policy

Hart District Council Vision 2040: Theme 1 – Be the place to live, work and enjoy
Theme 3 – Enhance the Environment to live in, work in and enjoy

2. Principle of Development

The site is located outside the settlement policy boundary of Fleet, as defined within the Hart Local Plan 2032. The proposed works however relate to improvement works to an existing open space and LNR and thus the principle of development of this nature is acceptable subject to the proposal according with any relevant Local Plan policies.

Policy INF4 of the Local Plan is a key policy that supports proposals where recreational facilities, including accessible facilities, are enhanced.

In addition to the Local Plan, the Council's own Vision 2040 is a material consideration that should be taken into account in the consideration of this application. In particular Themes 1 and 3 are particularly relevant as they seek to ensure that we create the environment for our residents that connects work, education, health and other facilities through effective walking, cycling, road and rail transport. Theme 3 expands this further by setting out the Council's vision to create green corridors between settlements to encourage sustainable and healthy transport; this is known as the Green Grid Project. The works proposed at Fleet Pond would form part of this Green Grid Project.

The proposal would improve accessibility to Fleet Pond for all potential users, including walkers, cyclists and those with mobility issues and would enhance this important part of the green infrastructure network in the district and is therefore acceptable in principle and would accord with the requirements of policy INF4 of the Local Plan.

Members will also recall that, as part of the section 106 legal agreement associated with the Hartland Park residential development of up to 1,500 homes (planning application reference

number 17/00471//OUT), a requirement was included to secure a financial contribution toward works at Fleet Pond, including: "... b/. improvements to the pathway to north and east of the Pond"; and "...c/. widening of bridges."

This application is essential to facilitating the carrying out of those improvements required to be undertaken to accord with the terms of the planning permission for the Hartland Park development.

The principle of development not only complies with the policies of the HLP32 and is a requirement of the Hartland Park development. Additionally, it is also fully supported by the Council's own Vision and aspirations to create a sustainable Green Grid within the District.

3. Design and Impact on Character of the Area

The proposed works would be viewed against the backdrop of Fleet Station's car park and the existing bank and trees to the north of the Pond as is evident from the photograph (Below) and would not appear visually intrusive.



Figure 3 - Fleet Station's single deck car park adjoining the northern footway

The widening of the footway would be a significant improvement as the existing footway is narrow and uneven in parts with some areas subject to pooling of water. The widening and resurfacing of the footway would also improve accessibility of the Pond and link to the train station; this is a significant benefit.

The widened path would be surfaced with self-binding gravel, which would be in keeping with the character and appearance of the area.

Tree removal is a concern raised by a number of local residents, Fleet Town Council and the Fleet Pond Society. Specifically concerns relate to the loss of biodiversity and to the opening up of views through to the train station that the tree removal may have.



Figure 4 – Section of the narrow northern footway facing west



Figure 5 – Section of the narrow northern footway facing east

The proposal would require the removal of 9 individual trees (all Category C), a group of Category B oaks and parts of two further groups of Category C trees, and this would have an impact on the character and appearance of the area, but the removal would be of a limited extent, there are 41 individual trees, 9 tree groups and one area of woodland adjacent to the path route, and other vegetation and planting would be retained. The resultant impact would not be so significant as to be unacceptable given the wider benefits of the development.

4. Impact on Neighbour amenity

Saved Policy GEN1 seeks to permit development that avoids any material loss of amenity to existing and adjoining residential, commercial, recreational, agricultural or forestry uses, by virtue of noise, disturbance, noxious fumes, dust, pollution or traffic generation.

The Environmental Health Officer has recommended that further details are sought regarding some of the construction activities that may have impacts on amenity such as piling; this can be secured through planning condition requiring a Construction Environmental Management

Plan to be submitted and agreed.

Once constructed and operational the works are unlikely to cause any harm or material loss of amenity to adjoining residential or commercial occupiers.

In light of the above, the proposal accords with the relevant Local Plan Policy.

5. Accessibility/Movement

Policy INF3 of the Local Plan states, amongst other things, that:

“Development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future.

Development proposals will be supported that:

- a) integrate into existing movement networks;*
- b) provide safe, suitable and convenient access for all potential users;*
- c) provide an on-site movement layout compatible for all potential users; ...”*

The proposed development would accord with these policy requirements.

There is no objection to the proposals from a highway perspective. The Highways Officer commented that all works are contained within private (non-HCC owned) land, and are a betterment of existing facilities, rather than a generator of new users that may otherwise have generated additional highway trips.

The proposed improvements and widening of the footway would assist in reducing potential conflict between users, such as cyclists and walkers, and the staggered gateways features would assist in reducing cycling speeds at appropriate locations.

The proposals would also improve the accessibility of the footpath/cycleway route as a result of the proposed resurfacing and widening.

As mentioned elsewhere, the footway/cycleway improvements are required to be delivered in connection with the Hartland Village Development and are in fact part funded through the planning obligation linked to that planning permission. Additionally, the scheme is the first element of the Council's Green Grid project and accords with the Council's own aspirations as set out in the Council's Vision 2040.

The proposal is thus not considered to have an impact on highway safety and would accord with the requirements of policy INF3 of the Local Plan and with the Council's Vision 2040.

6. Flood Risk and Drainage

According to the submitted supporting statement, the proposed works to widen the northern path will not affect the fluvial flood risk to the Fleet Brook as the works will ensure uninterrupted flow to both the eastern and western culverts which currently are blocked. These works will allow the reservoir to function as originally designed allowing greater flow of water between the two ponds as both the Eastern and Western Culverts will be opened to allow uninterrupted flow. The works will allow the designed flow of the reservoirs and will reduce the pressure on the railway embankment during the modelled flood events.

The Flash will be modified to allow the new flow path to the western culvert without having to remove the Flash. A new coir roll and reed bund will be constructed from the southern edge of the new culvert section running to the western edge of the existing bridge.

The proposal accords with the requirements of policy NBE5 of the Local Plan in respect of managing flood risk.

The proposal is therefore acceptable in relation to flood risk.

7. Trees and Landscaping

The proposal would involve removal of some trees along the length of the proposed works.

There are no protected trees nearby that would be affected by the development but there are mature trees along the path that would be retained.

The Council's Tree Officer has reviewed the submitted Arboricultural Information and does not raise any objections to the proposed tree works/removals. In particular, he notes that there are some Grade B Category Oaks that would need to be removed (Group G27) and that given the location of the proposed walkway replacement planting would not be possible in this area.

In relation to other tree works, the trees affected are generally of an individual lower quality and it is noted that some of the works would likely be carried out at some point through routine tree management in any case.

Many trees require minor pruning works, mostly crown lifting, to enable contractor access beneath. The minor pruning works are of little significance either in terms of tree health or visual amenity.

Whilst the tree loss is regrettable it is necessary to facilitate the access improvements proposed which are of significant public amenity value. The surrounds of Fleet Pond do contain a large number of established trees and it is not considered that the tree removal proposed would significantly impact on the sylvan character of the setting of Fleet Pond and as such it is considered that the tree removal proposed to facilitate the development given the wider public benefit that would result from the proposal is acceptable.

A condition can be imposed to ensure adequate tree protection measures are put in place to minimise any impact on retained trees.

It is therefore considered that the loss of trees at the site is acceptable given the significant benefits that the proposal generates.

8. Ecology and Biodiversity

Saved Policy CON7 states that development proposals which would have a significant adverse effect on the nature conservation, landscape or recreational value of riverine environments (which include those of the rivers Hart, Whitewater and Blackwater), wetlands and ponds will not be permitted.

Saved Policy CON 8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term or if removal is necessary new planting is undertaken to maintain the value of these

features. Planning conditions may be imposed to require the planting of new trees or hedgerows to replace those lost.

The Ecology Officer has advised that they have no objections to the proposal on ecology/biodiversity grounds.

The Environment Agency (EA) have raised objections to the proposals as they consider they would have an adverse impact on nature conservation and Fleet Pond as the proposed development involves significant hard engineering of natural bank which they consider will adversely impact the ecological functioning of the lake ecosystem.

They do however indicate that it may be possible to overcome their objection by submitting justification for the bank protection. As a result of the objection further information has been submitted to address the EA's concerns; the EA has been consulted on the additional information.

It has been indicated that the advantage of sheet piles over a flexible MSE system [which is a softer method to retain a bank], is that sheet piles would provide longevity and structural integrity to both the path and rail embankment, whilst reducing the risk of bank and path slippage in the future. Whilst the flexible MSE system can provide a similar level of structural integrity, it lacks the same level of longevity due to damage that will be caused by the environment: damage from tree roots and burrowing animals, and displacement from the action of water over time.

Furthermore, it has been indicated that the current edge treatment is showing its age with the alignment significantly disrupted in many places along its whole length; in some places the existing tar impregnated rail sleepers appear to be missing. This is being caused by root growth from colonising trees penetrating the existing retaining edge. Furthermore, in the summer months when it is hot, the sleepers still sweat impregnated tar into the pond, which is a protected ecosystem. The existing path edge was constructed by Fleet Pond Society some 30 years ago, and now needs to be replaced.

Whilst the proposal would involve a hard engineered solution for the natural bank there are benefits, as identified above, of using this system and this should be taken into account in the determination of the application. It should also be noted that Natural England (NE) has not raised any objections to the use of the hard engineered bank solution that is proposed.

NE has commented that without appropriate mitigation the application could damage or destroy the interest features for which Fleet Pond Site of Special Scientific Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the recommended mitigation options can be secured via a planning condition.

They also advised that the works should be done over the winter, and outside of the nesting season to avoid potential impacts from the construction phase during the summer on the bird populations.

The applicant has confirmed that the works would start outside of the bird nesting season and that a programme has been agreed with Natural England which has been confirmed as being acceptable in an Assent letter dated 23.02.2021 which covers the period from 01.09.2021 to 31.03.2022.

In light of the lack of objection from NE and the Council's own Ecologist on ecology matters, it is recommended that if the EA lifts its objection, then the planning permission can be granted. If the EA does not lift its objection, then the Committee would need to reconsider

this point

PRE-COMMENCEMENT CONDITIONS

The recommendation proposes pre-commencement planning conditions, therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority wrote to the applicant to seek agreement to the imposition of such conditions on 25.01.2021. These were agreed in writing on 27.01.2021.

CONCLUSION

As set out above, there would be some loss of trees associated with the proposed development which would increase some views through the site towards the train station. Unfortunately, replacement tree planting in areas is not possible as a form of mitigation. It is also noted that the EA has an outstanding objection to the use of a hard engineered solution to edge of the bank raising. The applicant has justified the use of this solution setting out the benefits of this versus a softer and more natural approach.

Notwithstanding the concerns raised above, the proposal would enhance public access to Fleet Pond, an important area of Green Infrastructure within the district and would provide improvements for all users in accordance with adopted Development Plan. The development would also facilitate part of the sustainable access requirements related to the Hartland Park residential development and would also form an important component of the Council's emerging Green Grid project. The proposal would also comply with the Council's Vision 2040.

The proposed changes to the widened path would become permanent features of the landscape, however the backdrop is the Fleet Station car park and current structures around the Pond. There would be some opening up of views however this is necessary to facilitate the significant improvements to the accessibility of this green route.

Prior to the submission of the planning application, it is clear from the Supporting Statement that the applicants gave consideration to both alternative ways of dealing with the design issues, impact on biodiversity, impact on trees and risk of conflict or collision amongst users of the path and also the details of elements such as the sourcing of materials to minimise impact whilst assuring maximum benefit through betterment or improvement of the existing narrow path.

However, it is important that the mitigation measures set out in the submitted documents are implemented and this can be controlled through a planning condition of any given planning permission.

The application is therefore recommended for approval, subject to the objection from the Environment Agency being satisfactorily addressed.

RECOMMENDATION:

RECOMMENDATION A

That, subject to the Environment Agency withdrawing their objection, the Planning Committee resolve to **GRANT** planning permission, subject to the following planning 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 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following plan nos. and documents:

Plans:

2019_41 0001 Location Plan
2019_41 0002- Location Plan (Fleet Pond SSSI Boundary)
2019_41 0005 Planning area boundary
2019_41 0006 Widened Footpath Extents
2019_41 0007 Works Area Extent
2019_41 0008 The Flash Bund & Culvert
2019_41 0010 Raised Footpath & New Bridge
2019_41 0011 Location of Dwell Points and Staggered Timber Gateways
2019_41 0012 Footpath Construction Option A & B

Documents:

Construction Phase Plan (CPP) & Construction Environmental Management Plan (CEMP)V1.0 8/12/2020
Fleet Pond Supporting Statement December 2020 V1.2
Northern Path Mitigation Overview
Tabulated DAS discussion results
Causal Flood Area Proforma dated 10.12.2020
Flood Risk Assessment December 2020
BS5837:2012 Arboricultural Survey Implications Assessment & Arboricultural Method Statement (Ref: RMT574) January 2021

REASON: To ensure that the development is carried out in accordance with the approved plans and particulars.

- 3 Prior to the commencement of construction activity including site clearance, demolition or groundworks, an updated Construction Management Plan shall be submitted to the Local Planning Authority for approval. The Plan shall detail the significant risks posed to amenity from the emission of noise, vibration and dust and set out the mitigation measures to be employed to control such emissions and mitigate the effects of such emissions on neighbouring land uses. The Plan shall include the following detail:

1. Arrangements for the parking of vehicles for site operatives and visitors.
2. Arrangements and locations used for loading, unloading of plant and materials to and from site.
3. The arrangements for the erection and maintenance of hoarding to the site boundary.
4. Mitigation measures to be used for the control of dust emission.
5. Arrangements for the control of noise and vibration emission. This shall include a specific method of work including noise mitigation to be employed for the carrying out of piling operations.
6. Arrangements for keeping public roads and access routes free from dirt and dust.
7. A scheme for the storage and disposal of waste, providing maximum recycling

opportunity.

8. Monitoring arrangements for assessing the emission of noise, vibration and dust and assessing the adequacy of any mitigation measures.

9. Arrangements for community liaison, notification and complaint handling.

Unless otherwise agreed by the Local Planning Authority, construction activity shall only take place in accordance with the approved CEMP.

REASON: In the interest of amenity of neighbouring occupiers or uses during the construction phase and to satisfy policies NBE9 and INF3 of the Hart Local Plan - Strategy and Sites 2016-2032 and saved policy GEN1 of the Hart Local Plan 2006.

- 4 The development hereby approved shall be carried out in accordance with the RMT Tree Consultancy Arboricultural Method Statement and Tree Protection Plan ref: RMT574.

REASON: To ensure appropriate tree retention and tree protection and to satisfy saved policy CON8 of the Hart Local Plan 2006.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure the continuity of amenity afforded by existing vegetation and to satisfy policy NBE9 of the Hart Local Plan - Strategy and Sites 2016-2032 and saved policy GEN1 of the Hart Local Plan 2006.

- 6 The Development hereby permitted shall be carried out strictly in accordance with the mitigation strategies set out in the submitted Pre-App DAS Call summary letter 23.04.20, Northern Path Mitigation Overview and tabulated DAS discussion results unless otherwise approved in writing by the local planning authority.

REASON: To avoid impact on protected species and/or interest features of the Fleet Pond Site of Special Scientific Interest in accordance with policy NBE4 of the Hart Local Plan - Strategy and Sites 2016-2032 and saved policy CON8 of the Hart Local Plan 2006.

- 7 Unless otherwise agreed, no construction or demolition activity shall be carried out and no construction related deliveries shall occur, taken at or dispatched from the site except between the hours of 7:30 hours and 18:00 hours on Monday to Friday and 08:00 hours and 13:00 hours on Saturday except in the case of Bank or Public Holidays when no such activities or deliveries shall take place. Unless otherwise agreed, no such activities or deliveries shall take place on Sundays.

REASON: In the interests of amenity and of the environment of the development in the accordance with policy NBE9 the Hart Local Plan - Strategy and Sites 2016-2032 and saved policy GEN1 of the Hart Local Plan 2006.

INFORMATIVES

- 1 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operative's vehicles should be normally arranged on site.
- 2 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.

RECOMMENDATION B –

That, should the Environment Agency not withdraw its Objection, the application be brought back to the Planning Committee for further consideration.