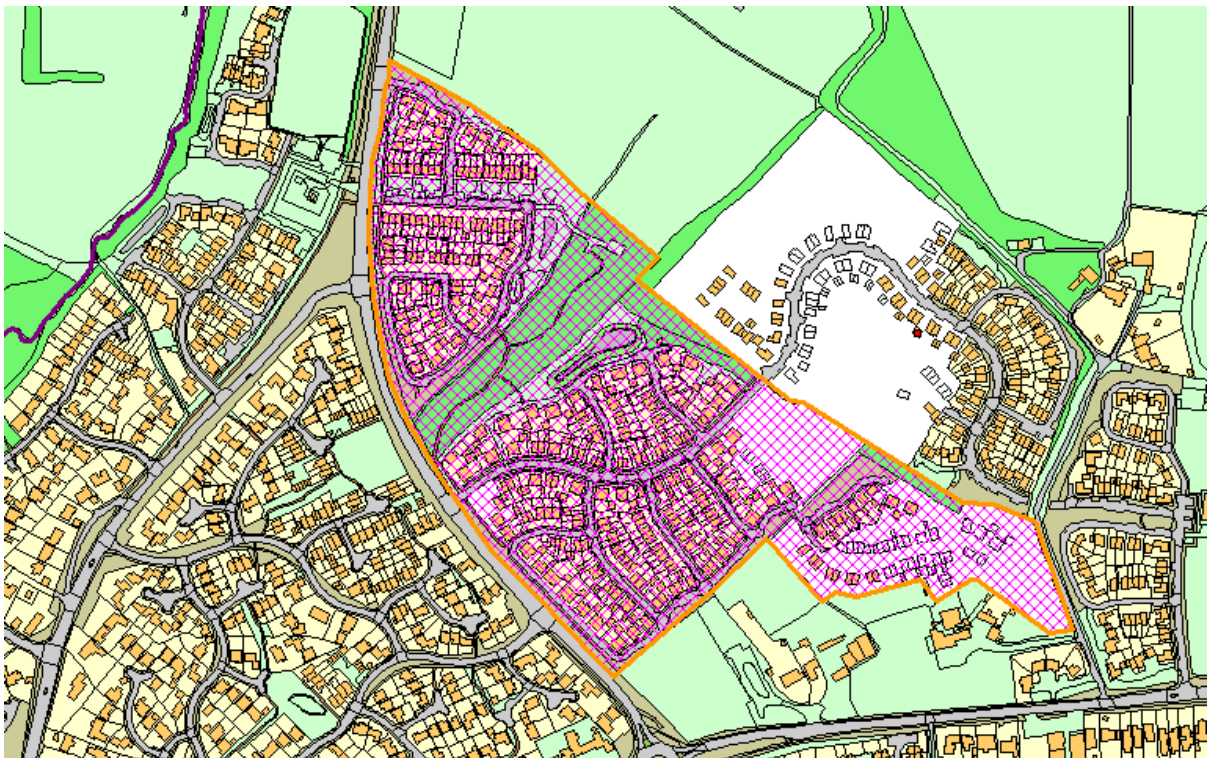


## COMMITTEE REPORT

APPLICATION NO. 22/01987/AMCON  
LOCATION **Land To The North Of London Road, Hook**  
PROPOSAL Variation of Condition 2 attached to Planning Permission 17/01123/REM dated 01/11/2017 to allow the replacement of the hoggin path with a boardwalk path. (Retrospective)  
APPLICANT David Wilson Homes  
CONSULTATION EXPIRY 28 December 2022  
APPLICATION EXPIRY 6 January 2023  
WARD Hook  
RECOMMENDATION **Permission be Granted.**



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. **Please Note: Map is not to scale**

## **BACKGROUND**

This is an application made under s 73a of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which planning permission was granted. Planning permission 17/01123/REM dated 01/11/2017 granted permission for residential development subject to conditions. Condition 2 required development to be carried out in accordance with the approved plans. The approved plans showed a hoggin path crossing an area of open space. The developer has installed a boardwalk instead of the hoggin path. This application seeks to retain the boardwalk. The Executive Director of Place, taking account of the number of objections and the officer's recommendation for approval requested that this application is brought to Committee.

## **DESCRIPTION OF THE SITE**

The site subject of this application is an area of open space that provides a gap between two areas of new development permitted under 17/01123/REM. The area lies within flood zone 3, which means it is liable to flood. Parts of the site appear waterlogged for much of the year.

## **PROPOSAL**

The current application seeks to amend the approved plans condition attached to 17/01123/REM to include plans which remove a hoggin path which linked two parts of the development and provided a link to the Croudace site to the north, crossing an area of open space, and replace it with a raised boardwalk. The boardwalk has been constructed. A link to the Croudace site is no longer provided as the reserved matters application for the Croudace site deleted the footpath link.

The boardwalk is constructed from treated Douglas Fir with the surface having anti-slip strips. The part of the boardwalk to the north of the site is wider, at 2.4m, whilst the rest of the boardwalk is narrower at 1.2m. The narrower parts have passing places at regular intervals. Handrails have been provided at some sections, where the height from the boardwalk to the ground is greater.

## **RELEVANT PLANNING HISTORY**

14/00733/MAJOR: Outline planning permission for residential development of up to 550 residential dwellings was granted November 2016.

17/01123/REM Reserved matters for 300 new dwellings on part of the site were approved in October 2017.

Condition 7 attached to 14/00733/MAJOR required landscaping to buffer zones to be provided. Application 17/00733/CON gave approval to landscaping details relating to the buffer zones (which includes the area subject of this application), in November 2018 (these details were very similar to those approved under 17/01123/REM).

## **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 Local Plan (Replacement) Saved Policies 1996-2006 (HLP06).

The National Planning Policy Framework (2023) sets out a presumption in favour of sustainable development.

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

Policy NBE5 - Managing Flood Risk

Policy NBE9 - Design

Policy INF1 - Infrastructure

Policy INF2 - Green Infrastructure

### Hart Local Plan (Replacement) 1996 - 2006 Saved Policies (HLP06)

Policy GEN1 - General Policy for Development

### Hook Neighbourhood Plan

HK9 – Pedestrian and Cycle Paths

HK12 - Design

### Other Material Considerations

National Planning Policy Framework (NPPF) (2023)

National Planning Practice Guidance (PPG)

National Design Guide (NDG)

Hart's Strategic Flood Risk Assessment 2016

## **CONSULTEE RESPONSES**

### **Hook Parish Council**

Hook Parish Council (HPC) strongly objects to this application. The boardwalk path only represents a leisure facility, i.e. where the use is optional, and is not a functional, all-weather, 24-hour, well-lit path between the Barratt Homes (BH) and David Wilson Homes (DWH) parts of this residential development. The provision of a direct surfaced shared footway/cycleway that is fully lit is required, as per the original Planning Consent, to enable the Barratt Homes residents to access both the Sainsbury's Store and the village centre by non-motorised modes. Until such a path is provided by the Developer, then HPC maintains an objection to the boardwalk.

### **Environment Agency (EA)**

This is a reserved matters application and the Environment Agency did not request conditions, so did not need to be consulted. Comment that the boardwalk may have required a flood risk permit.

### **Hampshire County Council (Highways) (Local Highway Authority (LHA)**

No objection

### **Hampshire County Council (Countryside Planning)**

No objection as there is not public right of way across the site. Comments made about how the boardwalk could be improved, in terms of width, materials, anti-slip treatment and rails.

### **Drainage (Internal)**

No objection

### **Ecology (Internal)**

No objection

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

No comment

## **PUBLIC COMMENTS**

36 letters of objection have been received:

Owners bought properties on the basis of a hoggin path

Boardwalk is slippery and unsafe after dark

The boardwalk is of limited width and has some significant drops which is a hazard for parents with young children, particularly after dark

Fails to comply with manual for streets as path is not overlooked

Boardwalk is not suitable for cyclists and there should be a suitable cycle link between the development parcels

Boardwalk is a deterrent to active travel

A safe footpath should be provided to connect the two developments and allow safe pedestrian access to Sainsburys

The anti-slip grips is not wheelchair, scooter or buggy friendly

There are no edges to the boardwalk to prevent people falling off the side resulting in injury

Boardwalk is too narrow with inadequate passing spaces

Will be expensive to maintain - already rotting in places

Much of the northern end of the boardwalk is permanently under water

The approved plan should not be changed unless property purchasers agree or appropriate compensation paid

Hoggin path would have required drainage as the area is prone to flooding, the boardwalk builds over the floodplain instead  
Residents were not consulted about the changes  
The boardwalk does not provide the open space as planned  
If a boardwalk is required it should have raised edges, handrails, a proper non-slip surface and lighting  
The applicant suggests that a hoggin path would not be a long term solution, but there seems to be no technical evidence to support this  
The developers should have known about the ground conditions so their developments should have taken account of this.  
There should be a link to the Croudace development too

## **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. The National Planning Policy Framework (NPPF) confirms that there are three dimensions to sustainable development: economic, social and environmental.

Paragraph 15 of the NPPF confirms the principle that planning should be genuinely plan-led unless material considerations indicate otherwise.

In this case, the principle of constructing paths across the open area has been established by the grant of outline planning permission (14/00733/MAJOR) and subsequent approval of reserved matters (17/01123/REM). It is the form that the paths take which is under consideration, the issue in determining this application is whether the construction of a boardwalk is a suitable alternative to the hoggin paths that were originally permitted.

The Hook Neighbourhood plan supports the enhancement of existing and creation of new footpaths and cycle paths. The Neighbourhood Plan was made at a similar time to the approval of reserved matters for this development. As such the pathways subject of this application are not identified within the Neighbourhood Plan. Policy HK12 seeks to secure high quality routes for people and wildlife taking opportunities to connect green infrastructure, footpaths and cycleways.

### Impact on the character of the area/design

Hoggin footpaths were originally proposed, and approved, as a link between development parcels providing pedestrian permeability through the site. The hoggin path was proposed at ground level. However, as the development progressed the developer had concerns that a hoggin footpath would not be a viable long-term proposition as the area is in flood zone 3, and a ground level footpath would be wet or submerged for much of the year. Furthermore, the applicants felt that the surface of a hoggin path is likely to have degraded over a relatively short period, needing regular maintenance and being unusable for periods when rainfall is high. As such the hoggin footpath was unlikely to provide the accessibility intended. The proposed

(retrospective) application provides a raised boardwalk, which raises the path above flood levels. A technical note has been provided to demonstrate that the boardwalk would not exacerbate the likelihood of flooding.

The boardwalk as constructed does have handrails along part of its length, where the drop is over 600mm. Part of the boardwalk, to the south west end of the site (the end by the B3349 Griffin Road North) is 2.4 metres wide. The remainder of the boardwalk is 1.2 metres wide but has wider passing bays. The passing bays are at regular intervals and visibility along the boardwalk is clear, so it is easy to see if people are approaching from opposite directions. The boardwalk has been constructed in accordance with guidance published by HCC on boardwalks.

Many of the objections received refer to the fact that a hoggin footpath was approved and that a hoggin path should be provided and that the boardwalk is unattractive to users and unsafe. There is concern that the boardwalk narrow, has no toe guards, handrails are only provided at certain points, the surface is slippery and it is raised quite high off the ground. It is felt that wheelchair users, pushchairs and young children on scooters/bikes could easily fall off the edge of the boardwalk which could result in injury. After dark the slippery surface and lack of lighting make users feel insecure. The surface is bumpy and unattractive to cyclists. Furthermore, there is concern that the use of treated Douglas Fir in the construction of the boardwalk is inappropriate in this location as timber will rot in the wet conditions. Concern has been expressed that the maintenance costs associated with the boardwalk are likely to be far higher than those associated with a hoggin path, and this cost will fall on the residents via the management company. (Officer note: the cost of maintenance is not an issue that can be given significant weight in the determination of a planning application.)

HCC Countryside Service have suggested some improvements relating to the construction of the board walk. However, it is noted that the relevant guidance published by HCC states that, whilst there are no legal requirements for boardwalks, it draws on best practice. The boardwalk complies with the guidance. There is nothing within the guidance to indicate that boardwalks should provide enhanced features in certain circumstances.

Whilst much of the boardwalk is 1.2m wide, it is noted that part of the boardwalk is wider, at 2.4m. The parts of the boardwalk that are narrower, 1.2m, have passing places provided at regular intervals. There is clear visibility along the boardwalk so people using it can clearly see if anyone is coming from the opposite direction. Handrails have been provided at some sections, where drops are more than 700mm. In response to comments made by both members of the public and HCC Countryside Service, the applicant has been requested to amend the boardwalk, to provide toe rails and a handrail along one side of the boardwalk, and use of more durable materials. However, the boardwalk has been constructed in accordance with HCC guidance and, in the absence of any other available industry standards it would be unreasonable for us to require changes to be made. The previously approved hoggin path option would be susceptible to flooding and would have its own inherent maintenance issues. Consequently, although the applicant has been requested to amend the design of the boardwalk it would be unreasonable for us to insist that they

do so now that the boardwalk has been constructed in compliance with guidance. It is understood that, following comments made in respect of its slippery surface, anti-slip strips have been fixed to the surface of the boardwalk.

It was originally intended to provide a link from this site to the Croudace site to the north. However, at reserved matters stage on the Croudace site the link to this site was lost and there is now no link available. Consequently the part of the proposed path that was to provide the link from this site is now redundant.

#### Flood Risk

The site is located in flood zone 3, and is an area liable to flood. The Environment Agency commented that the boardwalk may have required a flood risk permit. A technical note submitted with the application confirms that the boardwalk as constructed is above the approved flood modelling and would not impede water flow as the boardwalk is raised on timber posts. The boardwalk does not span an open ditch or impede any ditch.

#### 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

There are no implications for climate change resulting from this proposal.

#### Planning Balance and conclusion

The boardwalk provides a path that links two development parcels. The pathway follows the route approved under 17/01123/REM, with the exception of the link to the Croudace site, which is no longer available. It was never intended that the path would be lit. Whilst concerns have been expressed about the safety and appearance of the boardwalk, it has been constructed in accordance with published guidance. As such, on balance, the boardwalk is an acceptable alternative to the originally approved hoggin path.

#### **OFFICER RECOMENDATION:**

The application is recommended for approval.

#### **CONDITIONS**

There were only four conditions attached to the original reserved matters submission and they have all been complied-with having no enduring compliance element to them. As this application is retrospective, there are no conditions that need to be repeated or new ones imposed.