



NOTICE OF MEETING

Meeting:	Planning (Major Sites) Sub-Committee
Date and Time:	Monday, 7 January 2019 at 10 am
Place:	Council Chamber, Civic Offices, Fleet
Telephone Enquiries to:	01252 774131 Alison Cottrell alison.cottrell@hart.gov.uk
Members:	Cockarill, Forster, Radley, Wheale

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

**COPIES OF THIS AGENDA ARE AVAILABLE IN LARGE PRINT
AND BRAILLE ON REQUEST**

- 1 At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- 2 The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording – please see our protocol on Attending and Reporting Meetings**

I MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 22 October 2018 are attached to be confirmed and signed as a correct record. **Paper A.**

2 APOLOGIES FOR ABSENCE

3 CHAIRMAN'S ANNOUNCEMENTS

4 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, or any other, interests.

5 DEVELOPMENT APPLICATIONS

I8/00334/FUL - Hawley Park Farm, Hawley Road, Blackwater GUI7 9EF

To accept updates via the Addendum and to consider the planning report/schedule from the Head of Regulatory Services as attached. **Paper B**

Date of Despatch: 20 December 2018

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. Any recommendation either to take or not to take enforcement action has been assessed to make sure that the decision is compatible with the Act. If there is a potential conflict, this will be highlighted in the individual report on the relevant item.

PLANNING (MAJOR SITES) SUB COMMITTEE

Date and Time: Monday, 22 October 2018 at 10am

Place: Council Chamber, Civic Offices, Fleet

COUNCILLORS

Ambler (substitute for Radley), Cockarill, Forster, Wheale

Officers:

Nick Steevens	Head of Regulatory Services
Emma Whittaker	Planning Manager
Peter Lee	Team Leader
Miguel Martinez	Principal Planner
Wendy Batteson	Shared Legal Services
Gill Chapman	Committee Services

1 ELECTION OF CHAIRMAN

Councillor Cockarill was elected as Chairman.

2 ELECTION OF VICE CHAIRMAN

Councillor Forster was elected as Vice Chairman.

3 MINUTES OF PREVIOUS MEETINGS

The Minutes of the meetings held on 31 October 2017 and 8 November 2017 were confirmed and signed as a correct record.

Councillor Wheale entered the meeting during this item.

4 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Radley, Councillor Ambler substituted.

5 CHAIRMAN'S ANNOUNCEMENTS

None.

6 DECLARATIONS OF INTEREST

None declared.

7 APPLICATION NO. 18/00242/REM – LAND AT ODIHAM ROAD, RISELEY

The addendum was circulated and the updated information accepted.

This reserved matters application was presented to members of the Planning Committee on 8 August 2018 seeking approval for Appearance, Landscaping, Layout and Scale. The Planning Committee accepted that the Landscaping, Layout and Scale of the proposed residential development was acceptable. However, the Committee agreed the design and appearance of the proposed dwellings was unimaginative and did not appropriately reflect the rural character of the locality as there was no variations in the design of the houses.

The Committee agreed that amendments should be sought to address the issues of design/appearance and that the application be deferred to the Planning (Major Sites) Sub-Committee for determination.

The application was presented to the Planning (Major Sites) Sub-Committee following the receipt of revised elevational designs for the dwellings. Details of appearance and design were considered. It was confirmed that the layout and plot sizes had not changed.

Members discussed:

- The single access point and traffic in surrounding highways – It was agreed that highway matters were previously assessed by County and the decision on this had already been made at outline stage.
- The Affordable units and mix – 33 of which 22 social rent, 11 shared ownership
- Position of flats and communal gardens for the flats
- Letterbox positioning
- Hipped roofs
- Permitted development control (Condition 6)
- Sustainability
- Parking, and the discouragement of pavement and unsafe parking.

Members felt the proposals were an enhancement on the original elevations. They asked for conditions to reflect the discussions on letterbox placing and safe parking.

RECOMMENDATION: GRANT subject to appropriate conditions.

CONDITIONS

- 1 The development hereby permitted shall be begun before 21.10.2020.
- 2 The development shall be completed in accordance with the following plans and documents:

2640-A-1001 Rev. A (site location plan), 2640-A-1005 Rev. R (site layout), 2640-C-1005 Rev. Q (coloured site layout), 2640-C-1200 Rev. B (street scenes), 2640-C-1201 Rev. B (street scenes), 2640-A-1700 Rev. C (refuse storage/collection), 2640-A-1701 Rev. D (Parking and Cycle Storage), 2640-A-1709 Rev. C (site management plan), 2640-A-1710 Rev. C (materials distribution), 2640-A-3000 Rev. F (plot 1), 2640-A-3001 Rev. G (plot 5), 2640-A-3002 Rev. G (plot 6, 10, 11, 14), 2640-A-3040 Rev. F (plot 12), 2640-A-3041 Rev. F (plot 20, 21), 2640-A-3042 Rev. F (plot 82), 2640-A-3050 Rev. F (plot 13), 2640-A-3051 Rev. F (plot 16), 2640-A-3052 Rev. F (plot 73), 2640-A-3053 Rev. F (plot 83), 2640-A-3060 Rev. F (plot 17, 18), 2640-A-3061 Rev. F (plot 72), 2640-A-3062 Rev. F (plot 74), 2640-A-3100 Rev. F (plot 25-29), 2640-A-3105 Rev. F (plot 30-34), 2640-A-3110 Rev. H (plot 43-45), 2640-A-3120 Rev. G (plot 58-61), 2640-A-3130 Rev. F (plot 62-65), 2640-A-3200 Rev. E (plot 46-57), 2640-A-3205 Rev. F (plot 46-57), 2640-A-3300 Rev. D (Garages), 2640-A-3301 Rev. B (Outbuildings), 2640-A-3400 Rev. B (plot 23), 2640-A-3401 Rev. B (plot 35-37), 2640-A-3402 Rev. B (plot 24), 2640-A-3403 Rev. B (plot 40-42), 2640-A-3410 Rev. B (plot 67-68), 2640-A-3411 Rev. B (plot 2, 38, 66, 79), 2640-A-3412 Rev. B (plot 39,78), 2640-A-3420 Rev. B (plot 8, 71, 81), 2640-A-3421 Rev. B (plot 69, 80), 2640-A-3430 Rev. B (plot 3, 4, 7, 9, 70, 75, 76, 77), 2640-A-3431 Rev. B (plot 15, 19, 22), A17574-001 Rev. T1 (Drainage Layout Sheet 1 of 5), A17574-002 Rev. T1 (Drainage Layout Sheet 2 of 5), A17574-003 Rev. T1 (Drainage Layout Sheet 3 of 5), A17574-004 Rev. T1 (Drainage Layout Sheet 4 of 5), A17574-005 Rev. T4 (spots levels 1), A17574-006 Rev. T3 (spots levels 2), A17574-007 Rev. T1 (Longitudinal Sections), A17574-009 Rev. P2 (S278 / S37 Adoption Plan), A17574-010 Rev. P6 (Road Geometry Plan), A17574-011 Rev. P2 (7.5t Panel Van swept path plan), A17574-013 Rev. T1 (Drainage Layout Sheet 5 of 5), A17574-014 Rev. P3 (Fire Tender Swept Paths), A17574-015 Rev. P2 (Large Car swept paths), A17574-016 Rev. P2 (refuse vehicle swept path), CALA21541- 03 Rev. A (tree protection), CALA21541 – 10 (landscape masterplan), CALA21541 – 11 Rev. B Sheet 1-5 (soft landscape), CALA21541 – 12 Rev. C Sheet 1-5 (soft landscape), CALA21541 – 21 Rev. B (play area), RI-1300-01 (street lighting layout), D33047/JFT/A (lighting spillage); and

Design and Access Statement (January 2018) prepared by Omega, Planning Statement (January 2018) prepared by Boyer, Heritage Statement (October 2016) prepared by Turley, Soft Landscaping Management and Maintenance Plan (January 2018) prepared by ACD Environmental, Energy & Sustainability Statement (January 2018) prepared by Briary Energy, Affordable Housing Letter (February 2018) prepared by Home Group, Design and Access Statement Addendum (April 2018) prepared by Omega, Road Safety Audit Stage 1 (March 2018) produced by Lawrence Shaw Associates, Highways Response Letter (June 2018) prepared by Stilwell Partnership, Summary of Accommodation (June 2018) prepared by Omega, Schedule of Accommodation (June 2018) prepared by Omega.

REASON: To ensure that the development is carried out in accordance with the approved details and in the interest of proper planning.

- 3 No dwelling in the development hereby approved shall be occupied until the approved vehicular access, roads within the site, turning areas, parking facilities

for vehicles (garages, driveways and on street parking) serving the dwelling, as shown on approved plans listed in condition no. 2 above, are fully completed. The parking facilities shall not be used for any purpose other than the parking of motorised vehicles and access shall be maintained at all times to allow them to be used as such.

REASON: To ensure that the development retains adequate parking facilities in the interest of residential amenity and highway safety to satisfy saved policy GEN1 and T14 of the Hart District Local Plan (Replacement) 1996-2006, the National Planning Policy Framework (2018) and policy I3 of the emerging Hart Local Plan - Strategy and Sites 2016-2032

- 4 The visibility splays shown in approved drawing A17574-010 Rev. P7 (road geometry) within condition no.2 shall be fully implemented and maintained for the lifetime of the development.

REASON: In the interest of safety of highway users in accordance to saved policy GEN1 and T14 of the Hart District Local Plan (Replacement) 1996-2006, the National Planning Policy Framework (2018) and policy I3 of the emerging Hart Local Plan - Strategy and Sites 2016-2032.

- 5 The vehicular access approved on the western boundary of the site fronting onto Basingstoke Road (B3349) shall not be used by motor vehicles other than emergency vehicles.

REASON: In the interest of safety of highway users in accordance to saved policy GEN1 and T14 of the Hart District Local Plan (Replacement) 1996-2006, the National Planning Policy Framework (2018) and policy I3 of the emerging Hart Local Plan - Strategy and Sites 2016-2032.

- 6 Notwithstanding the provisions of Classes A, B, C, D E and F - Part 1 and Class A -Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent order revoking and re-enacting that Order with or without modifications), no enlargement, improvement or other alteration to the dwellinghouses hereby approved under these classes shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

REASON: To prevent the overdevelopment of their curtilage to safeguard the living conditions of adjoining properties and visual appearance of the development and the area as a whole, in accordance with local policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006, the National Planning Policy Framework (2018) and policy NBE10 of the emerging Hart Local Plan - Strategy and Sites 2016-2032

- 7 Notwithstanding the provisions of Class C of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent order revoking and re-enacting that Order with or without modifications), no telecommunication equipment (e.g. antennas, satellite dishes) to the block of flats hereby approved shall be installed without the prior permission of the Local Planning Authority, obtained through the submission of

a planning application.

REASON: To prevent visual clutter and maintain the satisfactory visual appearance of the development and the area as a whole, in accordance with local policy GEN1 and GEN4 of the Hart District Local Plan (Replacement) 1996-2006, the National Planning Policy Framework (2018) and policy NBE10 of the emerging Hart Local Plan - Strategy and Sites 2016-2032.

- 8 No construction or demolition work or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours weekdays or 08:00 to 13:00 hours Saturdays. No development or demolition work or deliveries of materials shall take place on Sundays or Public Holidays.

REASON: To protect the amenity of nearby residential occupiers and to satisfy saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006, the National Planning Policy Framework (2018) and policy NBE10 of the emerging Hart Local Plan - Strategy and Sites 2016-2032

INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicants submitted additional information that had previously been assessed as acceptable and also revised plans. The objection comments received have been carefully considered within the committee report. They were also advised in connection with the need to complete obligations in respect of the impact of the development on European Sites
- 2 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 as arranged on site.
- 3 The applicant is reminded that any work altering the existing conditions of the public right of way running east-west through the development (PRoW 501) should obtain consent/highway agreement from Hampshire County Council.

Notes:

In the absence of a representative from Heckfield Parish Council, Councillor David Bell sent a statement which was read out.

Mr Henry Bennet spoke against the Application

Mr Craig Burden spoke for the Application

The meeting closed at 11.00 am

ADDITIONAL CONDITIONS (DRAFT):

Draft conditions to address Members discussions on letterboxes and unsafe parking:

Additional Condition (letterboxes):

The aperture of letter boxes for the residential development hereby approved shall be positioned, between 0.60m and 1.8m above finished floor level where they are installed, with the exception of accessible letter boxes which shall be positioned between 0.80m and 1.2m above finished floor level.

Reason: In the interest of achieving an inclusive/accessible development to satisfy saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the NPPF (2018)

Informative (unsafe parking):

The applicant is strongly advised to contact Hampshire County Council (Highways) to discuss and implement physical measures/ street furniture to prevent illegal and/or unsafe on-street car parking in the internal roads of the development hereby approved.



HEAD OF REGULATORY SERVICES
REPORT TO THE PLANNING (MAJOR SITES) SUB-COMMITTEE

OF
7th January 2019

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:

- (i) 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
- (ii) Specific policies in the development plan indicate that development should be restricted.

Unsatisfactory applications will however, be refused without discussion where:

- (i) The proposal is unacceptable in principle and there are no clear material considerations that indicate otherwise; or
- (ii) A completely new design would be needed to overcome objections; or
- (iii) Clear pre-application advice has been given, but the applicant has not followed that advice; or
- (iv) No pre-application advice has been sought.

6. PLANNING POLICY

The relevant development plans are, the Hart District Local Plan including first alterations, retained Policy NRM6 of the South East Plan the Hampshire, the Odiham Neighbourhood Plan, the Rotherwick Neighbourhood Plan, the Winchfield Neighbourhood Plan, the Portsmouth, Southampton, New Forest National Park Minerals and Waste Core Strategy, and the saved policies of the Hampshire, Portsmouth and Southampton Minerals and Waste Local Plan.

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 | ✘ loss of view |
| ✘ land and boundary disputes | ✘ matters covered by leases or covenants |
| ✘ the impact of construction work | ✘ property maintenance issues |
| ✘ need for development (save in certain defined circumstances) | ✘ the identity or personal characteristics of the applicant |

- ✘ 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.
- ✘ 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:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. 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 under. 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

Annex A to Planning Report

Contributions towards Community Infrastructure and Mitigation to the effects of Residential Development on European Sites

Introduction

In considering any development proposal it is necessary to consider whether it will have a planning impact. This may be an impact on policy, on the environment, amenity or the physical capacity of the infrastructure to accommodate the development, with the Council not seeking to rectify any deficiencies. This can often be addressed by the use of planning conditions.

Planning conditions cannot however be used to require payment of money (so a tariff based approach is ruled out) and any use of planning conditions will have to meet the 6 tests on the use of planning conditions as set out in the NPPF. This means that planning conditions should only be imposed where they are:

- (i) Necessary;
- (ii) Relevant to planning;
- (iii) Relevant to the development to be permitted;
- (iv) Enforceable;
- (v) Precise and;
- (vi) Reasonable in all other respects.

Such a planning condition would require that the necessary infrastructure to be put in place in line with an agreed timetable. This may be facilitated by a “planning obligation” under section 106 of the Town and Country Planning Act, 1990 (as amended). A “planning obligation” may:

- a) Restrict the development or use of the land in any specified way;
- b) Require specified operations or activities to be carried out in, on, under or over the land;
- c) Require the land to be used in any specified way; or
- d) Require a sum or sums to be paid to the authority on a specified date or dates or periodically.

The Council’s Community Infrastructure Policy was agreed at Cabinet in December 2010 and sets out the Council’s overall approach towards the collection of contributions towards transport, education, leisure and open space, and the Thames Basins Heath SPA.

It stipulates that planning obligations would only be sought:

- a) On case by case basis, and
- b) Taking into account development viability,
- c) Where they meet the three policy test as set out in the National Planning Policy Frameworks (NPPF) as well as the CIL Regulations, and
- d) Where there are agreed projects that meet the criteria set out in the advice note issued by the Planning Inspectorate, and
- e) Where an agreed programme exists to implement the infrastructure.

The Council’s Cabinet has subsequently updated the list of projects on a number of occasions lastly at its meeting held on 7 August 2014.

Reference should also be made to the preface to the Committee report paper which sets out information on Government Policy.

This Annex sets out the Council’s policy position in respect of contributions and should be read in conjunction with the individual reports which will set out the justification for the contribution sought in each individual case.

Thames Basin Heaths Special Protection Area

Saved local plan policies CON1 and CON2 relate to the Thames Basin Special Protection Area (SPA) and state that development which would adversely affect the nature conservation value of a site will only be permitted if it can be subject to conditions that will prevent damaging impacts on wildlife habitats or other natural features of importance on the site or if other material factors are sufficient to override the nature conservation interest. South East Plan policy NRM6 requires adequate measures to avoid or mitigate any potential adverse effects on the Thames Basin Special Protection Area (SPA).

The SPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler. The area is designated as a result of the Birds Directive and the European Habitats Directive and protected in the UK under the provisions set out in the Habitats Regulations. These bird species are particularly subject to disturbance from walkers, dog walkers and cat predation because they nest on or near the ground.

Natural England has indicated that it believes that within 5km of the SPA additional residential development in combination will have a significant effect on the SPA. Thus without mitigation any proposal is contrary to the Conservation of Habitats and Species Regulations 2010.

In April 2008 the Thames Basin Heaths Joint Strategic Partnership agreed a Thames Basin Heaths Delivery Framework to enable the delivery of housing in the vicinity of the SPA without that development having a significant effect on the SPA as a whole. The delivery framework is based on avoidance measures and the policy indicates that these measures can take the form of areas of open space known as Suitable Alternative Natural Greenspace (SANG). The policy also states that local authorities will collect developer contributions towards mitigation measures including the provision of SANGs land and joint contributions to the funding of Strategic Access Management and Monitoring (SAMM) the effects of mitigation measures across the SPA.

To allow the Council to conclude that a proposal will have no likely significant effect on the SPA there are likely to be two options. The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a SANG. The physical provision of SANG is likely only to be suitable for schemes in excess of 60 dwellings due to the need to meet Natural England's guidelines for SANGs. The achievement of this is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The second is to enter into a land transaction for an appropriate financial sum with the Council to obtain a licence to utilise part of one of the Council's SANGs in mitigation. In addition a financial contribution will be sought towards SAMM. The sums the Council considers appropriate to mitigate the impacts of the development and how they are calculated, are set out in the policy.

In terms of the tests set out in the NPPF, a planning condition is necessary to make the development acceptable in planning terms by mitigating against the impact of an increase in population within 5km of the SPA. It relates both to planning (the protection of the SPA) and the development itself with the size of contribution sought relates to the population that will be likely to occupy the development. The wording of the condition will be precise, enforceable and the condition will be reasonable in all other respects.

It would be therefore be possible to conclude that the development will not have an adverse effect on the SPA and therefore complies with saved policies CON1 and CON2, South East Plan policy NRM6 and the CIL Regulations.

Transport

Saved Local Plan policies T14 and T16 seek to ensure that development is served effectively by public transport, cycling or walking and that improvements made necessary by development are to be funded by that development. This relates not only to physical improvements required to permit development to

take place (such as sight lines at an entrance to a site), but also to the wider network, seeking to allow development provided that it could be effectively served by public transport, cycling and walking.

The Hampshire Local Transport Plan (LTP) relates to the years 2011 - 2031 and makes reference to the North Hampshire Transport Strategy (NHTS) which covers the areas administered by Hart District Council, Rushmoor and Basingstoke and Deane Borough Councils and that part of the area of Test Valley Borough Council north of the A303.

Within the Fleet/Church Crookham/Elvetham Heath area the County Council has also adopted the Fleet Town Access Plan (FTAP) as a sub-programme of NHTS.

The Hampshire wide Local Transport Plan identifies a number of key themes:

- a) Supporting the economy through resilient highways;
- b) Management of traffic;
- c) The role of public transport;
- d) Quality of life and place;
- e) Transport and growth areas

Additional development brings with it additional multi-modal transport impacts. This is additional cars, cycles and use of public transport which has an incremental impact on the transport infrastructure. In line therefore with saved policy T14 it is incumbent on developers to show how they intend the development to be served by public transport, cycling and walking. The provision of a contribution towards either NHTS or FTAP would provide that mitigation.

In terms of the policy tests in the NPPF the condition is necessary in that it will secure a scheme that will mitigate the effects of the development on the local transport infrastructure which relates to planning. The scale and kind of the contribution sought relates to the increase in transport activity. The details of the direct link between the schemes the contribution will fund and the development are set out in the Committee report. The wording of the condition will be precise, enforceable and the condition will be reasonable in all other respects.

Leisure

As part of living in a dwelling its residents will use the local leisure infrastructure to undertake recreation. The impact on infrastructure used for recreation is clearly a material planning consideration.

Some of this infrastructure is of a strategic, District-wide, nature while other is more local. At a local level the Council has determined that as a general rule the local infrastructure will be considered at the Parish level.

Even where infrastructure is of a District wide nature it is clear that the further from a development itself the less likely that the residents will use that infrastructure. Utilising visitor data, the Council has set "zones of influence" of the individual elements where it is known that residents visit and will have an impact.

In terms of the policy tests in the NPPF the condition will secure a scheme to mitigate the effects of the development on the leisure infrastructure, which, as set out above, relates to planning. The scale and kind of the contribution sought relates to the increase in leisure activity. The details of the direct link between the projects the scheme will be spent on and the development are set out in the Committee report. The wording of the condition will be precise, enforceable and the condition will be reasonable in all other respects.

Without the necessary scheme in place additional development would exacerbate the existing deficiency in provision for leisure facilities within the vicinity of the site through an increase in population who would have access to the facilities. The nature of the scheme has been assessed through the Council's Leisure Strategy as being appropriate to mitigate these effects.

Education

Hampshire County Council has advised in their policy document Developers' Contributions towards Children's Services Facilities December 2011 where the availability of school places is particularly critical, contributions should be sought in relation to each individual dwelling. Hampshire County Council has confirmed that there are particular pressures on places at the primary and secondary schools in the Fleet/Church Crookham schools and Hook catchment areas, and in the catchment of the Robert Mays secondary school in Odiham where any increase in population will add to the demand beyond the available capacity. Full details of the issues are set out in the Community Infrastructure Policy.

In Fleet/Church Crookham, Hook and Odiham programmes for the provision of additional educational facilities are well advanced. The County Council considers it preferable to invest in existing schools where achievable in building terms and where agreement can be reached with the headteacher and governors of the schools involved.

Schools are ideally organised into classes of 30 pupils across the age range of the school to support curriculum delivery relevant to the pupil year group and to meet statutory class size regulations whereby no class can be larger than 30 for pupils aged 5 to 7. It is not practical, therefore, for schools to marginally increase their capacity, have larger than ideal class sizes, or create a budget deficit due to the need to employ an additional teacher for very small increases to pupil numbers.

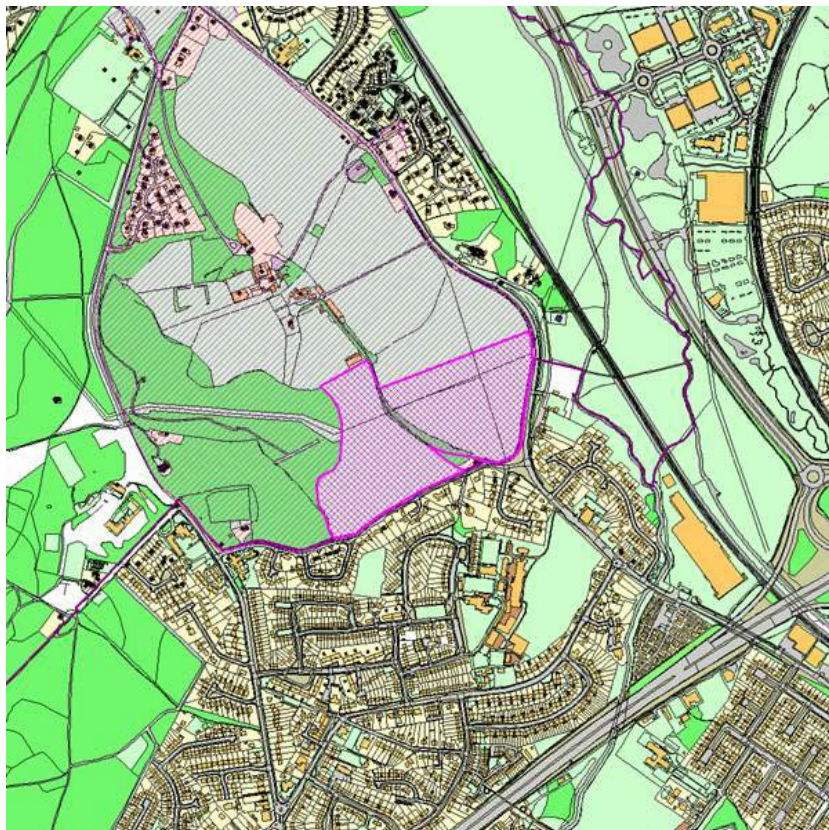
In terms of the policy tests in the NPPF the agreed scheme will mitigate the effects of the development on the education infrastructure, which as set out above relates to the proper planning of the area. The scale and kind of the contribution sought relates to the facilities being provided. The details of the direct link between the contribution and the development are set out above. The wording of the condition will be precise, enforceable and the condition will be reasonable in all other respects.

Hawley Park Farm Hawley Road Blackwater Camberley GU17 9EF

Full planning application for the erection of 158 dwellings, vehicular access from Hawley Road and the provision of SANG, public open space, landscaping and associated works

**COMMITTEE REPORT
ITEM NUMBER: 101**

APPLICATION NO.	18/00334/FUL
LOCATION	Hawley Park Farm Hawley Road Blackwater Camberley GUI7 9EF
PROPOSAL	Full planning application for the erection of 158 dwellings, vehicular access from Hawley Road and the provision of SANG, public open space, landscaping and associated works
APPLICANT	Crest Nicholson Operations Ltd
CONSULTATIONS EXPIRY	30 November 2018
APPLICATION EXPIRY	7 June 2018
WARD	Blackwater And Hawley
RECOMMENDATION	RECOMMENDATION to Planning Committee - GRANT Planning Permission Subject to Conditions



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BACKGROUND

This full planning application was presented to members of the Planning Committee on 10th October 2018 seeking approval for full planning application for the erection of 158 dwellings, vehicular access from Hawley Road and the provision of SANG, public open space, landscaping and associated works. The Planning Committee accepted that the principle of development was acceptable. However, the Planning Committee requested that the application be referred to the Major Sites Sub-Committee for the following six points addressed:

- 1) Review of pedestrian and cycle access from the site especially onto Hawley Lane
- 2) Review of the car parking to ensure that the sizes of the spaces meet the necessary standards
- 3) Relocate the play equipment into the housing development (out of the SANG) and to review the quantum and type of provision to ensure that there is sufficient play equipment for 0-4 year olds
- 4) Remove the flats adjacent to Fernhill Lane
- 5) Review of the affordable housing distribution
- 6) Consider if there are any other community facilities such as providing electric car charging points

The Committee agreed that amendments and further clarifications should be sought to address the issues outlined above and that the application be deferred to the Planning (Major Sites) Sub-Committee for a recommendation prior to being brought back to Planning Committee for determination.

The application is now being presented to the Planning (Major Sites) Sub-Committee following the receipt of revised drawings.

SITE DESCRIPTION

The site is an irregularly shaped area of land measuring approximately 11.1 hectares divided by a track road, with the western part of the site measuring approximately 5.5 hectares and the eastern part measuring approximately 5.6 hectares. It is enclosed to the west by existing woodland, to the north by existing agricultural land, to the east by additional land used for keeping horses and to the south by existing housing.

The site is enclosed on all sides by existing vegetation and in addition by built development to the south and east. Views into the site are therefore limited with the exception of glimpsed views from the existing highway to the south.

In terms of topography, the site slopes west to east at an average gradient of around 1 in 16. The steeper part of the site is towards its western edge.

The nearest residential area, situated to the south of Fernhill Lane, in Farnborough (Rushmoor Borough) is suburban in nature and comprises a combination of detached properties and some semi-detached dwellings. The character is generally two-storey.

The site is on gently sloping land and falls within Flood Zone 1 (at low risk of flooding) according to the Environment Agency Flood Map. There are no water courses or springs within the site, nor within the immediate vicinity. The site is within the Hawley Park and Green Conservation Area, a conservation area dominated by Hawley Park Mansion (a Grade II listed building) and its Stables (also Grade II listed)

situated just south of the Mansion. These properties are located to the north of the application site. The Parkland is a locally listed Historic Park.

The application site area matches that from the previous applications (18/00442/AMCON and 14/01817/MAJOR)

PROPOSAL

The application seeks full planning consent for 158 dwellings over a residential area which measures 5.6 ha. Within the site there are landscape buffers around the edges of the site and areas of open space both in the form of green corridors across the site, and play areas adjacent to the western boundary of the site.

The application proposes that 40% of the housing would be affordable. The overall accommodation mix for the site would deliver a range of housing types, from 1 bedroom flats to 5 bedroom houses with the following breakdown:

Market Housing

- 13 x 2 bedroom dwellings (14%)
- 67 x 3 bedroom dwellings (70%)
- 10 x 4 bedroom dwellings (11%)
- 5 x 5 bedroom dwellings (5%)

Affordable Housing

- 11 x 1 bedroom dwellings (18%)
- 38 x 2 bedroom dwellings (60%)
- 14 x 3 bedroom dwellings (22%)

The application includes an informal open space area to the northern section of the site and a SUDS area in the south-eastern portion of the site, and a large area of Suitable Accessible Natural Green space (SANG) within the eastern portion of the site (5.5ha).

RELEVANT PLANNING HISTORY

18/00442/AMCON - Variation of the wording Conditions 3, 4, 5, 6, 7, 8, 10, 11, 15, 18, 19, 20 to allow an amendment to the trigger from their current "before the development hereby permitted is commenced" / "no development shall take place" triggers to a "save for the construction of the access road no development shall take place" trigger (attached to 14/01817/MAJOR dated 31/07/2015) - Granted with Conditions

16/01552/REM - Reserved matters relating to appearance, landscaping, layout and scale pertaining to 14/01817/MAJOR: Development of 126 no. dwellings, vehicular access from Hawley Road, secondary access from Fernhill Lane, public open space, landscaping and associated works; change of use of land to a Suitable Accessible Natural Greenspace (SANG) - Granted with Conditions

14/01817/MAJOR - Site located on land South of Hawley Park Farm: Hybrid planning application consisting of: outline application for the development of 126 no dwellings, vehicular access from Hawley Road, secondary access from Fernhill Lane, public open space, landscaping and associated works; change of use of land to a Suitable Accessible Natural Greenspace (SANG). Full details of access, layout and landscaping associated with the residential development to be determined at outline stage. All other matters reserved for later approval - Granted with Conditions

CONSULTEES RESPONSES

Responses received in relation to the additional information/amended plans:

Blackwater And Hawley Town Council:

Objection summarised as follows:

- Overdevelopment of the site
- The proposal would place unacceptable pressure on existing traffic infrastructure – increased use of Fernhill Lane as a cut through
- Poor distribution of affordable housing throughout the site
- Inadequate car parking provision – Rushmoor standards do not include garages and visitor car parking is not dispersed evenly across the site
- The proposal would have a detrimental impact upon the residents of Fernhill Lane and Fernhill Walk, in particular the siting of 2.5m storey flats and a 2/3 storey house in this location – create a crowded and claustrophobic feel
- A substantial secure fence to Fernhill Lane is required
- Proposal does not meet SANG requirements – location of access road and play park within SANG is not acceptable
- Outside of car charging ports no community facilities are proposed – allotments would have been a beneficial community facility

NEIGHBOUR COMMENTS

The revised drawings and information submitted was advertised by posting letters to neighbours on 16.11.2018 inviting comments until the 30.11.2018, whilst three site notices were erected in different locations within the vicinity of the proposed development on 13.11.18 inviting comments until the 27.11.18.

Since the previous Committee meeting and in relation to the additional/amended information, 10 individual representations have been received. These objections are summarised as follows:

- The proposed flats to the south of the site would have a detrimental impact upon No. 6 Fernhill Walk - the previously approved plans were houses with lower ridges and garden facing Fernhill Lane
- Doubts as to whether the proposed drawing is accurate showing the flats 18 metres away from No .6 Fernhill Walk- The plans are old and do not take account of the extensions to this property
- There is no vandal proof fence which is vital
- Trees have fallen on Fernhill Lane recently in close proximity to the proposed flats and development will put increased strain on these
- Play equipment to remain within the SANG - topographical issues outlined by developer did not restrict previous play equipment in the site.
- Concerns that the SANG could be further encroached
- Over-emphasis on screening on Fernhill Lane, with much of the trees being deciduous
- None of the issues raised at Planning Committee have been addressed apart from inclusion of car-charging ports
- Concerns in relation to increase from 126 to 158 dwellings and that the agents are riding on the back of initial approval
- Concerns over parking standards loosely adhering to Rushmoor standards, whilst including garages
- Safety concerns over play area adjacent to SUDS basin

- Additional impact upon on street parking, adding to congestion - proposed garages will not be used for parking rather storage areas
- Use of Fernhill Lane as short-cut and highways/pedestrian safety concerns
- Density is excessive
- Number 8 bus service was cancelled in April 2018 - no regular bus service supports new residents
- Damage to Conservation Area and reduction in strategic gap
- Increased flooding potential, sewage problems and damage to the historic sunken Fernhill Lane
- Plots 70-74 have 5.5m long forecourt parking and only one space - as do many other properties - 3.5 spaces is required for 3 bedroom house
- Roads are narrow and will not allow parking on road if emergency vehicles or refuse vehicles are to pass through - parking must on driveways or garages
- Concerns that the proposal will see increased pressure on the Conservation Area
- Density would not be comparable to houses on Fernhill Lane
- Transport statement does not take account of additional traffic generated by recently consented schemes.
- Fails Natural England's requirements for SANG owing to the road running through it
- Why have Crest not included a separate cycle path and the site is 63 spaces short of what is required
- No justification for 2 x 3 storey blocks in a Conservation Area - this provides many taller homes in a semi-rural area.

A number of these objections are repeating the points made previously and already addressed by the October Committee; any comments/objections not already addressed or those relating to the points specifically raised for debate by the Planning (Major Sites) sub-committee will be addressed below.

POLICY AND DETERMINING ISSUES

Hart District Council Local Plan (Replacement) 1996 – 2006

RUR3	-	Devl. in open countryside Control
RUR2	-	Devl. in open countryside General
GEN1	-	General policy for development
GEN11	-	Areas affected by flooding-poor drainage
ALTG13	-	Affordable Housing
CON1	-	Nature Conserv European Designations
CON2	-	Nature Conserv Designations
CON5	-	Nature conserv Species Protected
CON8	-	Trees, Woods & Hedgerows Amenity Value
CON13	-	Conservation Areas General Policy
CON22	-	Setting of Settlements and Recreation
T14	-	Transport and Development

CONSIDERATIONS

As stated above, the Planning Committee deferred the application to allow the Planning (Major Sites) Sub-Committee to consider the following points:

- 1) Review of pedestrian and cycle access from the site especially onto Hawley Lane
- 2) Review of the car parking to ensure that the sizes of the spaces meet the necessarily standards
- 3) Relocate the play equipment into the housing development (out of the SANG) and to review the quantum and type of provision to ensure that there is sufficient play equipment for 0-4 year olds
- 4) Remove the flats adjacent to Fernhill Lane
- 5) Review of the affordable housing distribution
- 6) Consider if there are any other community facilities such as providing electric car charging points

The Planning (Major sites) sub-committee are required to report back to the Planning Committee for a final determination. All other matters were considered to be acceptable by the Planning Committee and should not be revisited.

1) Review of pedestrian and cycle access from the site especially onto Hawley Lane

At the previous Planning Committee meeting, it was clear that Members were concerned about whether there was a “shared pedestrian cycle way on the site”.

The applicant has clarified the above point as the pedestrian and cycle access from the proposed residential properties onto Hawley Road will be provided via the primary access road which provides direct access onto Hawley Road. This incorporates a 2.5m wide footway on the southern side of the carriageway which can facilitate safe and convenient pedestrian and cycle access onto Hawley Road. It would also be possible to walk through the SANG onto Hawley Road at points other than the main access road.

Members are reminded that Hampshire Country Council as Highways Authority has confirmed that they raise no objection to the proposals.

The proposed details are acceptable and the application complies with Saved Policy T14 and GEN1.

2) Review of the car parking to ensure that the sizes of the spaces meet the necessarily standards

This issue related to a number of the properties to the south-west of the site whereby concerns raised about a number of car-parking spaces appearing to be sub-standard in their size. Members should note that the concern did not relate to the overall quantum of parking spaces to be provided.

The applicant has confirmed that the size of the proposed parking spaces across the development meet the size requirements set out in Hart's Parking Provision Interim Guidance; this has been verified by Officers. A further detailed plan (ref. A107935-PL-001) illustrating the satisfactory size of parking spaces to the south-west of the site has been submitted which clearly shows the parking spaces proposed.

The plans are therefore acceptable and the proposal complies with the requirements of Saved Policy T14.

3) Relocate the play equipment into the housing development (out of the SANG) and to review the quantum and type of provision to ensure that there is sufficient play equipment for 0-4 year olds

The Planning Committee's concerns were two-fold. Firstly there was a concern that related to the objections raised by Natural England about the provision of play equipment in the SANG. Secondly, the Committee was concerned that by locating the play equipment in the SANG, there would be insufficient equipped play space within the development itself.

The applicant has reviewed the potential alternative locations for the play equipment as per Members request and has developed an alternative play strategy (Illustrated in Hawley Park Farm Play Provision Drawing) which now proposes additional play equipment which would be sited at three different locations within the development site. All of the proposed areas would be overlooked which provides natural surveillance; a concern also raised by the Committee Members. The additional play equipment is suitable for 0-6 year olds; which addresses an additional point made by Members indicated that provision for younger children would be preferable.

It is still proposed to retain the play equipment within the SANG and this would be designed to meet the needs of older children between 5 and 12 year olds.

Whilst Natural England maintain their concerns over the play equipment in the SANG, they have verbally confirmed that their concern is not principally about play equipment being located in a SANG but rather the type of equipment proposed. For example, they could accept sensitively designed natural play equipment. Final details and type of the play equipment can be secured by way of a planning condition.

Given the above, the additional play equipment proposed satisfies the concerns raised and the details are considered to be acceptable.

4) Remove the flats adjacent to Fernhill Lane

The concern raised did not relate to an objection to the provision of flats within the development but rather "*whether or not the flats could be re-positioned to be more sympathetic to local residents*".

The Members raised concerns regarding the proposed location of two blocks of flats (Plots 85 to 89 and Plots 108-113) in respect of their impact on the neighbouring amenity of residents on Fernhill Lane.

The applicant has not amended plans. Instead they have submitted additional plans and details to illustrate that the proposed location of the two blocks of flats is acceptable and would not have a detrimental impact upon the residential surrounding properties. The applicant has submitted two cross section drawings (Ref. FD17-1483-1000.SK.A) and an illustrative steetscene (FD17 - 1483-1001-SK).

In relation to Plots 108-113 as per Cross Section A-A, it identifies that number 6 Fernhill Walk is the closest property, located approximately 18m from the proposed development. Objectors have expressed concern that due to extensions to this particular property that the proposed development could be as close as 15m with fenestration facing towards Fernhill Lane. Officers have visited the site and reviewed the plans and have assessed the separation distance between the extension to No. 6 Fernhill Walk and the proposed flats (Plots 108-113) at approximately 17m. The separation distance is acceptable.

It is necessary to assess the current application against the previously consented scheme so as to ensure that there is no material difference which would cause more harm to amenity. Section A-A shows that the proposed design would include a ridge-line 1.7m higher than that of the previously approved scheme; such an increase is relatively modest. It is clear that reverting back to houses rather than flats would not create a substantial reduction in the scale of the development in this location.

The proposed flats would not face directly onto No. 6 Fernhill Walk, rather at an oblique angle. The proposed site is to be screened heavily by trees all along Fernhill Lane, notwithstanding a tree being recently felled in a storm, and a condition is to be included to ensure that the proposal shall retain sufficient screening to the Fernhill Lane boundary. It should also be noted that No. 6 Fernhill Walk is located to the south of this site and thus, due its orientation the proposed development would not have a detrimental impact upon sunlight/daylight currently experienced by occupiers of No.6. Due to the separation distance, modest increase in height from previously approved scheme, level differences (proposed flats sit lower than existing dwellings on Fernhill Lane), existing screening and orientation it is considered that any potential impacts upon No. 6 Fernhill Walk would be within acceptable levels.

Whilst the closest relationship between the proposal and adjacent properties would relate to the above, it should be noted that in relation proposed flat blocks Plots 85-89, there would be a separation distance of approx. 25m from the closest properties on Fernhill Lane. Section B-B demonstrates the difference in levels, the increase in height of 1.2m from previously approved scheme and that the proposed flats lie outside of the BRE Daylight Indicator. It is again considered that the separation distances, modest increase in scale from previously approved application, level differences, orientation and screening that the proposal would not create unacceptable levels of harm on the residential amenity of properties on Fernhill Lane and the overall scale and massing is comparable to the previously approved application.

As such, it is considered that further details and drawings have provided additional justification for the retention of the flats adjacent to Fernhill Lane and is considered to adhere to Saved Policy GEN1.

5) Review of the affordable housing distribution

Members previously wanted further comfort as to whether or not the distribution of affordable housing is adequate especially if the flats were to be relocated in order to address the above point.

This is linked to point number 4 in relation to the removal of flats adjacent to Fernhill Lane as this potentially would have required a review of the affordable housing distribution throughout the site. As has been addressed above, the applicant has provided further justification for the retention of the flats adjacent to Fernhill Lane and thus, the proposed affordable housing distribution is not proposed to be altered.

Members are reminded that the Council's Housing Officers have are content with the quantum or distribution of the affordable housing. As such, it is considered that the distribution of affordable housing is adequate.

6) Consider if there are any other community facilities such as providing electric car charging points

The applicant has confirmed that each private garage will be provided with a standard electric vehicle charging point and an additional 5 charging points could be provided across the site (as included in the Indicative Plan). An appropriately worded condition can be included to secure the provision of electric car charging points. Thus, the above matter is considered to be resolved.

CONCLUSION

Having taken into account all the material considerations involved in this case, the relevant objections received, the details submitted to address the concerns raised by members of Planning Committee on 10.10.2018, the proposal would be acceptable and considered to accord with the objectives in saved policies of the Hart District Local Plan (Replacement) 1996-2006, the NPPF (2018) and the Emerging Hart Local Plan - Strategy and Sites 2016-2032.

RECOMMENDATION to Planning Committee - GRANT Planning Permission Subject to Conditions and the completion of a S106 planning obligation

- 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:

FD17-1483-10 A Design & Access Statement (4 parts)
FD17-1483-50 Site Location Plan. A
FD17-1483-51 Existing Site Layout
FD17-1483-52 Existing Site Sections
FD17-1483-60 Proposed Layout.C
Proposed Layout (coloured)
FD17-1483-65 Proposed Layout - Affordable Housing Mix. A
FD17-1483-70 Proposed Material Plan. A
FD17-1483-71 Proposed Material Schedule. A
FD17-1483-200 Plots 1-2 & 122-123 Plans & Elevations
FD17-1483-205 Plots 3-5 & 105-107 Plans & Elevations
FD17-1483-210 Plots 6-7 & 103-104 Plans & Elevations
FD17-1483-215 Plots 8, 9, 99 & 121 Plans & Elevations
FD17-1483-220 Plot 10 Plans & Elevations
FD17-1483-225 Plot 11 Plans & Elevations
FD17-1483-230 Plots 12-14 & 15-17 Plans & Elevations
FD17-1483-235 Plots 18-23, 108-113, 140-145 & 146-115
Plans & Elevations
FD17-1483-240 Plot 24 Plans & Elevations
FD17-1483-245 Plots 25-26 & 27-28 Plans & Elevations. A
FD17-1483-250 Plot 29 Plans & Elevations
FD17-1483-255 Plot 30 Plans & Elevations
FD17-1483-260 Plots 31-32 & 35-36 Plans & Elevations
FD17-1483-265 Plots 33-34 Plans & Elevations
FD17-1483-270 Plots 37-38 & 35-36 Plans & Elevations
FD17-1483-275 Plots 39 & 77 Plans & Elevations
FD17-1483-280 Plot 40 Plans & Elevations
FD17-1483-285 Plots 41-42 & 80-81 Plans & Elevations
FD17-1483-290 Plots 43-50 & 63-66 Plans & Elevations.B
FD17-1483-295 Plots 51-54 & 59-62 Plans & Elevations. A
FD17-1483-300 Plots 55-58 Plans & Elevations. A
FD17-1483-305 Plot 67 Plans & Elevations

FD17-1483-310 Plots 68-69 Plans & Elevations. A
FD17-1483-315 Plots 70-72 Plans & Elevations. A
FD17-1483-320 Plots 73-74, 92-93 & 96-97 Plans & Elevations. A
FD17-1483-325 Plots 75 Plans & Elevations
FD17-1483-330 Plots 78-79 Plans & Elevations
FD17-1483-335 Plots 83-84 Plans & Elevations
FD17-1483-340 Plots 85-89 Plans & Elevations
FD17-1483-345 Plots 90-91 Plans & Elevations
FD17-1483-350 Plots 94-95 Plans & Elevations. A
FD17-1483-355 Plots 100-101 Plans & Elevations
FD17-1483-360 Plots 102 & 120 Plans & Elevations
FD17-1483-365 Plots 114-119 & 154-155 Plans & Elevations
FD17-1483-370 Plots 124-126 & 156-158 Plans & Elevations
FD17-1483-375 Plots 127-129 Plans & Elevations
FD17-1483-380 Plots 130-133 Plans & Elevations
FD17-1483-385 Plots 134-139 Plans & Elevations
FD17-1483-390 Plots 152-153 Plans & Elevations

FD17-1483-600 Single Garage Plans & Elevations
FD17-1483-605 Double Garage Plans & Elevations
FD17-1483-610 Triple Garage Plans & Elevations
FD17-1483-615 Plots 18-23 Bin & Cycle Store
FD17-1483-620 Plots 85-89, 108-113, 134-139 Bin & Cycle Store
FD17-1483-625 Plots 140-151 Bin Store
FD17-1483-630 Plots 140-151 Cycle Store

FD17-1483-750 Proposed Street Scenes - Sheet 1
FD17-1483-751 Proposed Street Scenes - Sheet 2
FD17-1483-752 Proposed Street Scenes - Sheet 3
FD17-1483-753 Proposed Street Scenes - Sheet 4
FD17-1483-754 Proposed Street Scenes - Sheet 5.B

FD17-1483-760 Proposed Sections - Sheet 1
FD17-1483-761 Proposed Sections - Sheet 2
FD17-1483-762 Proposed Sections - Sheet 3.B

FD17-1483-800 Indicative 3D Views
D17-1483-60 Accommodation Schedule
C.2111 Arboricultural Impact Assessment and Tree Protection Plan
Application Form
Covering Letter
170271-005 Rev P3 Drainage Strategy
170271 - 01 Rev A Flood Risk Assessment
DFA18012V3 Ecological Assessment
9558 Heritage Impact Assessment

D6326.001 Illustrative Masterplan

D6326.002 Landscape GA Plan

D6326.101 Hardworks Plan Sheet 1
D6326.102 Hardworks Plan Sheet 2
D6326.103 Hardworks Plan Sheet 3
D6326.104 Hardworks Plan Sheet 4

D6326.105 Hardworks Plan Sheet 5
D6326.106 Hardworks Plan Sheet 6
D6326.107 Hardworks Plan Sheet 7

D6326.200 Planting Schedule

D6326.201 Planting Plans Sheet 1
D6326.202 Planting Plans Sheet 2
D6326.203 Planting Plans Sheet 3
D6326.204 Planting Plans Sheet 4
D6326.205 Planting Plans Sheet 5
D6326.206 Planting Plans Sheet 6
D6326.207 Planting Plans Sheet 7

D6326.400 Landscape Details

D6326.410 Play Equipment

R6326.001 Landscape Management Plan

I70271-003 Rev P5 Level Strategy

MMA14427 Outdoor Lighting Report
MMA14427/001 Rev R0 Street Lighting Design
MMA14427 Rev R0 Environmental Impact Assessment & Lighting Design Category Selection
Process

Risk Management Form

Lighting Schedule

I70271-03 Noise Impact Assessment

Planning Statement

D6326.500 Illustrative Masterplan SANGS
D6326.501 Illustrative Masterplan Key Plan SANGS Phase I
D6326.510 Landscape Schedule SANGS Phase I
D6326.511 Landscape Plans SANGS Sheet 1 D6326.512 Landscape Plans SANGS Sheet 2
D6326.513 Landscape Plans SANGS Sheet 3
D6326.700 Landscape Details SANGS Phase I
D6326.710 Play Equipment SANGS Phase I

Statement of Community Involvement

30969/D01 Transport Statement

Crime Prevention and Anti-Social Behaviour Statement

Energy Statement

Sustainability Statement

R6326.002 SANGS Phase I Delivery and Management Plan

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

- 3 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - Groundwater's and surface waters,
 - ecological systems,
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

Reason: To ensure that any land contamination is adequately dealt with on site

- 4 No development excepting formation of the approved access shall take place until A Construction Traffic Management Plan has been submitted to and approved by the Planning Authority in writing. The detail should include; construction traffic routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. The agreed details shall be fully implemented before further development is commenced.

Reason: In the interests of highways safety

- 5 No development excepting formation of the approved access shall take place until a drainage strategy including details of connection to the off-site foul sewers and increase in capacity where necessary has been submitted to and approved by the Planning Authority in writing. No dwelling shall be occupied on the site until the drainage works have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the development and to avoid adverse environmental impacts upon the community and to satisfy Saved Policy GEN1 of the Hart District Local Plan.

- 6 No development above slab level of any dwelling hereby approved shall take place until and unless a scheme for the boundary treatment along the Fernhill Lane boundary to the site is submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a fence and the existing landscaping/hedging to be reinforced and shall be designed so as to prevent people from accessing Fernhill Road. The fence/planting/landscaping shall be installed/planted prior to the first occupation of any dwelling and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure the safety of local residents and preventing informal accesses to be created down a steep bank onto Fernhill Road.

- 7 No development excepting formation of the approved access shall take place 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, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

- Where applicable, infiltration test results in accordance with BRE 365
- Calculation demonstrating no increase in surface water runoff rates and volumes for all return periods up to the 1 in 100 plus 30% for climate change compared to the existing site.
- Calculations demonstrating that there will be no flooding on site up to the 1 in 30 storm event and any flooding up to the 1 in 100 plus 30% allowance for climate change storm event

will be safely contained on site. Locations where flooding from the drainage network occurs must be identified by pipe number.

- Provide detailed drawings showing the proposed drainage system layout labelled with pipe numbers.
- The drainage scheme shall include the details of any water quality control features.
- The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding and prevent the deterioration of water quality.

- 8 No development excepting formation of the approved access shall take place until drawings including cross-sections through the site showing the finished floor level and finished ridge heights of buildings in relation to the existing ground level of the site have been submitted to and approved in writing by the Local Planning Authority.

The submitted plans shall also show the Ordnance datum levels of the site as existing and as proposed. The dwellings shall not be constructed other than in accordance with the approved levels details.

Reason: To ensure the development is carried out at suitable levels in order to prevent the dwelling being overbearing in the landscape.

- 9 No development excepting formation of the approved access shall take place until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways has been submitted to and approved by the Local Planning Authority in writing. The agreed details shall be fully implemented before any building or use hereby approved is occupied.

Reason: In order to ensure satisfactory access to the development and to comply with saved policy GEN1 of the Hart Local Plan.

- 10 Details and samples of all external finished surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall only be carried out in accordance with approved details.

Reason: To ensure that the external appearance of the building(s) and surfaces is/are satisfactory and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 11 The maintenance of approved landscaping shall be in accordance with the details contained within the Landscape Management Plan (D6323.001).

Reason: To ensure the provision of amenity afforded by appropriate landscaping and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 12 The access road from Hawley Road shall be formation and capable of beneficial use prior to the commencement of construction of any dwellings at the site. No construction traffic shall enter the site from Fernhill Lane.

Reason: to protect the amenities of the locality and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 13 A detailed ecological management plan outlining all ecological enhancements should be prepared and agreed with the Local Authority prior to any construction beginning on the site. The ecological management plan shall be implemented as agreed.

Reason: to ensure appropriate ecological enhancement and to satisfy Saved Policy GEN1 of the Hart District Local Plan

- 14 No development shall take place excepting formation of the approved access until the applicant has secured the implementation of a programme of archaeological work in accordance with previously agreed written specification that has been submitted to and approved by the Local Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

- 15 The identified trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and for at least five years following occupation of the last dwelling in the development. Any vegetation immediately adjoining the site shall be protected in a similar manner for the duration of works on the site. Any vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during the five year period shall be replaced and/or shall receive remedial action as required by the Authority. Remedial works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Reason: to ensure the ongoing protection of the trees on site and to satisfy saved policies GEN1 and CON8 of the Hart District Local Plan.

- 16 No development or demolition work or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours weekdays or 08:00 to 13:00 hours Saturdays. No development or demolition work or deliveries of materials shall take place on Sundays or Public Holidays.

Reason: To protect the amenity of nearby residential occupiers and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 17 The approved parking and bin storage facilities shall not be used for any purpose other than for what they have been designed for and access shall be maintained at all times to allow them to be used as such.

Reason

To ensure that the development is provided with adequate parking provision and bin storage facilities and to satisfy saved policy GEN1 in the Hart District Local Plan.

- 18 Details of the required signage and interpretation boards shall be submitted to and approved in writing by the Local Planning Authority. The details shall be provided prior to the completion of the circular paths and prior to the site being made available to be used by the general public.

Reason: To preserve and enhance the visual amenities of the locality in accordance with policy GEN1 of the Local Plan.

- 19 Hard and soft landscaping works shall be carried out in accordance with the approved details to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice. Any plants which, within a period of five years after completion of the development or occupation of the last dwelling, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of a similar species, size and number as originally approved.

Reason: To ensure the provision of amenity afforded by appropriate landscaping is maintained, and, to satisfy saved policy GEN1 of the Hart District Local Plan.

- 20 Notwithstanding the submitted Landscape Details (D63626 400), excepting the formation of the approved access, no development shall take place until and unless full details of proposed tree pits are submitted to and approved in writing by the Local Planning Authority. The details shall include cross-section drawings, the use of guards or other protective and irrigation measures. The details shall be provided in accordance with BS 8545:2014 (with reference to Figures F.1 Tree pit design, Planting in Grass and F 2 Tree pit design: Planting in Hard surfaces.

Reason: To ensure the provision of amenity afforded by appropriate landscaping is maintained, and, to satisfy saved policy GEN1 of the Hart District Local Plan.

- 21 No development shall take place excepting formation of the approved access until and unless full details of the means of protection, including a detailed Arboricultural Method Statement, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include provision of the items stated within the Barton Hyett AIA and TPP, with addition of the location and method of installation of services. The identified trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and for at least five years following occupation of the last dwelling in the development. Any vegetation immediately adjoining the site shall be protected in a similar manner for the duration of works on the site. Any vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during the five year period shall be replaced and/or shall receive remedial action as required by the Authority. Remedial works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Reason: to ensure the ongoing protection of the trees on site and to satisfy saved policies GEN1 and CON8 of the Hart District Local Plan.

INFORMATIVES

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

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

PLANNING (MAJOR SITES) SUB COMMITTEE

Date and Time: Monday, 7 January 2019 at 10am

Place; Council Chamber, civic Offices, Fleet

COUNCILLORS

Ambler (substitute for Radley), Cockarill (Chairman), Wheale, Worlock (substitute for Forster)

In Attendance: Blewett

Officers:

Nick Steevens	Head of Regulatory Services
Emma Whittaker	Planning Manager
Brian O'Donovan	Senior Planning Officer
Debbie Berry	Shared Legal Services
Alison Cottrell	Committee Services

The meeting commenced at 10.03 am.

8 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 22 October 2018 were confirmed and signed as a correct record.

9 APOLOGIES FOR ABSENCE

Apologies had been received from Councillors Forster (substituted by Councillor Worlock) and Radley (substituted by Councillor Ambler).

10 CHAIRMAN'S ANNOUNCEMENTS

None.

11 DECLARATIONS OF INTEREST

None declared.

12 APPLICATIONS NO. 18/00334/FUL - HAWLEY PARK FARM, HAWLEY ROAD, BLACKWATER

Members accepted the updates via the Addendum and considered the planning report regarding Hawley Park Farm.

The full planning application was presented to members of the Planning Committee on 10 October 2018 seeking approval for full planning application for the erection of 158 dwellings, vehicular access from Hawley Road and the provision of SANG, public open space, landscaping and associated works. The Planning Committee accepted that the principle of development was acceptable. However, the Planning Committee

requested that the application be referred to the Major Sites Sub-Committee for six points to be addressed.

The Planning Committee agreed that amendments and further clarifications should be sought to address the issues and that the application be deferred to the Planning (Major Sites) Sub-Committee for a recommendation prior to being brought back to Planning Committee for determination.

The application was presented to the Planning (Major Sites) Sub-Committee following the receipt of revised drawings.

Members considered the following six points:

- 1) Review of pedestrian and cycle access from the site especially onto Hawley Lane.
- 2) Review of the car parking to ensure that the sizes of the spaces meet the necessarily standards.
- 3) Relocate the play equipment into the housing development (out of the SANG) and to review the quantum and type of provision to ensure that there is sufficient play equipment for 0-4 year olds.
- 4) Remove the flats adjacent to Fernhill Lane.
- 5) Review of the affordable housing distribution.
- 6) Consider if there are any other community facilities such as providing electric car charging points.

Members further considered:

- That Natural England had indicated that the play equipment detailed in the play equipment details document was suitable to be included within the SANG area subject to the final specification being dealt with by planning condition.
- That the third floor in each of the two blocks of flats was located in the roof space.
- The difference in height between an ordinary house and the proposed flats. Members also discussed the difference between the previously consented scheme and the current proposals.
- The differences between parking standards at Hart District Council and Rushmoor Borough Council.
- That the Committee were only considering the size of the car parking spaces and not the quantum.
- That all of the parking spaces were large enough and met Hart car parking standards with parking spaces being 4.8 metres in length and garages 6 metres in length to allow for storage at the end of the garage.
- Hart includes garages as parking spaces and that some of the parking was located in garages.
- Whether or not the use of the garages for the parking of motor vehicles could be conditioned.

- The parking details were 253 allocated visible spaces, 89 garage parking spaces and 39 visitor parking spaces.
- That some of the car parking spaces were located within the undercroft of some of the homes.
- The sunken lane (Fernhill Lane) and whether or not the proposed development sited homes too close to the lane and threatening the stability of the bank.
- That under this current proposal, there is no access to Fernhill Lane, but that there had been pedestrian access in the first scheme.
- That Fernhill Lane is too narrow adjacent to the site to accommodate a footpath/cycleway.
- Whether or not children would be at risk in using the play area away from the site in the SANG.
- Whether or not it would be safer to have the play equipment spread out and located along a walk within the SANG rather than together in one area.
- That the play equipment could be removed from the SANG as play equipment was now also located within the site.
- That the play equipment within the site was toddler play equipment, and located in areas that were overlooked, but that the proposed play equipment within the SANG was equipment for older children (5+ years).
- Whether or not it was possible to have a CCTV camera near to the play area in the SANG.
- The distribution of affordable housing.
- The positioning, size and mass of the flats adjacent to Fernhill Lane.
- The relationship of the flats in terms of street scene and their relationship to other properties.
- The distances between the flats and other properties in terms of overlooking, especially in relation to the gardens of other properties.
- The distances applied as a rule of thumb when considering overlooking.
- Whether or not the flats could be moved to be in a central point to the rest of the development.
- That the flats should not be moved outside of the present footprint.
- Whether or not the boundary is screened.
- That the trees along the boundary with Fernhill Lane are deciduous so that the impact of the flats to the houses on the opposite side of Fernhill Lane will be more apparent in the summer.
- The design of the flats.
- That the main road through the site should be adopted and that Hart Council, or whoever has control of the road, would be able to look at a road traffic order to ensure vehicles were parking in appropriate spaces or garages.
- That a traffic order was a separate process outside of the planning process, but that this would be addressed.
- Cycles and pedestrian access – that what was proposed was acceptable as Fernhill Lane does not lend itself to a footpath.
- That the car parking charging points were acceptable.

Decision – the Planning (Major Sites) Sub-Committee recommends to the Planning Committee that:

The application be **Refused** for the following reasons:

- 1) Plots 85-89 and 108-113 of the proposed development would by virtue of their size, bulk and massing have an unacceptable relationship with the adjoining properties and in particular No. 6 Fernhill Lane causing overlooking and being overbearing. As such the application is contrary to Saved Policy GEN1 of the Hart District Council Development Plan (1996-2006) and the requirements of the National Planning Policy Framework.
- 2) The proposed flats (plots 85-89 and 108-113) of the proposed development would by virtue of their size, bulk, design and massing be overbearing and overly dominant when viewed from Fernhill Lane and as such would be harmful to the character and appearance of the street scene. The application is therefore contrary to saved policy GEN1 of the Hart District Council Development Plan (1996-2006) and the requirements of the National Planning Policy Framework.
- 3) The site is located within 5km of a Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (SPA). In the absence of any evidence that the test of no alternatives under 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 SPA. As such the proposal is contrary to saved policies CON1 and CON2 in Hart District Local Plan, and policy NRM6 in the South East Plan.
- 4) In the absence of any legally binding obligation to secure the provision of a financial contribution toward the provision of off-site highways improvements reasonably necessary to make the development acceptable, the proposed development would conflict with the requirements of saved policies GEN1 and T14 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006.
- 5) The proposed development would not make appropriate provision to mitigate the impact of the development on the provision of leisure facilities. As such, the proposal would be contrary to paragraph 4.6.1 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006.
- 6) The proposed development does not make adequate provision for the provision of affordable housing. As such the proposal is contrary 'saved' policy ALTGEN13 in the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006.

NOTES:

Speaking on behalf of Blackwater and Hawley Town Council: Dr Rachel Mogg

Speaking against the application: Mr Paul Brett

Speaking for the application: Mr Alistair Pott of Crest Nicholson South

The meeting closed at 11.35 am