

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer	David Stevens
Application No.	22/00026/FULPP
Date Valid	11th January 2022
Expiry date of consultations	2nd February 2022
Proposal	Erection of 1 x 4-bedroom detached and 2 x 4-bedroom semi-detached dwellinghouses (3 dwellings in total) with associated access, parking, refuse storage, landscaping and ancillary works [re-submission following refusal of planning application 20/00785/FULPP on 21 January 2021]
Address	<b>Development Site, Land at 'The Haven' 19 York Crescent Aldershot</b>
Ward	Rowhill
Applicant	Messrs S & H Sandhu
Agent	Nigel Rose Architects
Recommendation	<b>Grant subject to completion of a s106 Planning Obligation</b>

### Description

The application site is located at the eastern end of York Crescent furthest (approximately 100 metres) from York Road. York Crescent is an unmade privately-owned road having two junctions with York Road.

The plot is of an irregular shape in excess of 60 metres depth east to west; and measures approximately 0.16 hectares. It has a street frontage onto York Crescent of 12 metres, but broadens out to a maximum of 30 metres wide north to south towards the rear of the site. The site is formed from the curtilage of a detached bungalow ('The Haven', No.19 York Crescent) previously occupying the majority of the plot, which was demolished approximately 20 years ago, together with the rear portion of the rear garden of the adjoining property to the south, 'Tragorden', No.21 York Crescent. The application site is also adjoined to the south to the rear of the truncated curtilage of 'Tragorden' by 'Hartgill Cottage', No.23 York Crescent, which is a detached bungalow on a large plot set back from the York Crescent frontage. To the north, the application site adjoins Nos.1-4 Green Acre, a terrace of three-storey town-houses forming part of a small cul-de-sac off York Crescent. Nos.16, 18 and 20 York Crescent are opposite the site frontage. The eastern (rear) boundary of the site abuts the lower slopes of a wooded

hillside (part of Cargate Hill), beyond which properties in Cargate Terrace, including the Hamilton Court flats, are situated. The hillside is thickly wooded and contains a number of mature trees the subject of a Tree Preservation Order (No.387), some of which are located on the rear boundary of the application site. The site road frontage is currently enclosed with temporary Heras wire mesh fencing.

The current application is a revised submission of an application which was refused planning permission in January 2021 (20/00785/FULPP). The new submission is seeking to overcome reasons for refusal which related to ecology/biodiversity and surface water drainage issues.

The proposal is for the erection of 3 X 4-bedroom three-storey houses on the site, comprising a detached house in a frontage position adjoining the north side of 'Tragorden'; and a pair of semi-detached houses (Plots 2 & 3) further towards the rear of the site. A tarmac private vehicular drive would be constructed to the north side of the proposed Plot 1 house from York Crescent to serve a shared turning area at the front of the Plot 2 & 3 houses rear of Plot 1. The Plot 1 house would have a rear garden area measuring 85 sqm; and the Plot 2 & 3 houses side and rear garden areas totalling in excess of 200 sqm each.

The proposed new houses would have a conventional appearance with transverse-ridged hipped roofs reaching a maximum height of approximately 10 metres; each with projecting subsidiary roof gable features to the front. In the case of the frontage house the second floor would be partially within the roof. The external materials would be a mixture of facing brickwork and upper-storey painted render for the Plot 1 house; and facing brick and upper-storey timber cladding for Plots 2 & 3. Interlocking concrete roofing tiles and uPVC window frames would also be used.

It is proposed to provide new boundary fences together with screen/boundary hedgerow planting.

The application is supported by a Design & Access Statement; Access Statement (i.e.Transport Report); a Development Tree Report and Appendices including details for special foundation construction methods to be used to avoid root damage where necessary.

To address the previous reason for refusal relating to ecology and biodiversity, the application is accompanied by the Ecology Survey Reports and Ecology Consultant's correspondence submitted with the previous planning application, plus the report of a further Site Survey undertaken in 2021; a Reptile Mitigation Strategy (February 2021); a Biodiversity Net Gain Assessment Metric Spreadsheet; and a Proposed Landscaping Plan incorporating Badger mitigation measures and biodiversity enhancements. A further supporting letter from the applicants' Ecology Consultant provides an overview of all of the ecology and biodiversity evidence and proposals submitted/re-submitted with the current application.

In respect of the drainage reason for refusal, the current application seeks to address this through installation of a piped surface-water SUDS system for the new hard within the proposed development. This would be connected to the existing surface water drain for Tragorden which connects into the existing surface water sewer in the road. These proposals are accompanied by capacity calculations and other details and are understood to be the subject of a separate licence application to the appropriate drainage authority, Thames Water.

The applicants are preparing a s106 Planning Obligation to secure the necessary financial contributions to address SPA impact and provision of Public Open Space. This would address reasons for refusal Nos.3 and 4 advanced in relation to the previous planning application.

## Relevant Planning History

There has been a history of planning applications relating to 'The Haven', but also larger sites created in combination with 'Tragorden' and also 'Hartgill Cottage' since the early 1980s. Planning permission was granted in October 1981 for the demolition of 'The Haven' and erection of a detached house, RSH03274. A planning application for the conversion and extension of 'The Haven' bungalow to create 4 flats was refused in December 1982, RSH03274/1. Planning permission was then granted in April 1985 for the demolition of 'The Haven' and erection of a pair of semi-detached houses, RSH03274/2. Neither the 1981 nor the 1985 permissions were implemented.

An outline planning application for the redevelopment of a combined site of 'The Haven', 'Tragorden' and 'Hartgill Cottage' for a 2- and 3-storey building comprising 32 sheltered housing units was refused in December 1988 and dismissed at appeal in January 1990, RSH05914. In the late 1990s there was a sequence of planning applications submitted on behalf of Barratt Homes in respect of a site formed from the combined curtilages of 'The Haven' and 'Hartgill Cottage' for the demolition of both dwellings and the erection of a 2- and 3-storey building comprising 15 X 1- and 2-bedroom flats, culminating in the refusal of 98/00360/FUL in October 1998.

In late 2002 the Council served a s215 (Untidy Site) Notice to require the site owner to clear waste building materials from the land. Since then the site has been either partially or wholly cleared of waste materials on a number of occasions and the site frontage was, for a number of years enclosed with painted timber hoardings. The site was last used between 2013 and 2015 as a builders' compound whilst works were undertaken to extend 'Tragorden' on the adjoining land, following which the site was almost entirely cleared to bare earth. Since then the land has largely remained unused and undisturbed.

Planning permission (20/00785/FULPP) was refused by the Council's Development Management Committee in January 2021 for "*Erection of 1 x 4-bedroom detached and 2 x 4-bedroom semi-detached dwellinghouses with associated access, parking, refuse storage, landscaping and ancillary works*" for the following reasons:-

- “1 *The proposal has failed to demonstrate, through adequate surveys of the application land and appropriate proposals for mitigation and management measures, that there would be no adverse impact on protected wildlife species and biodiversity having regard to the requirements of adopted Rushmoor Local Plan (2014-2032) Policies NE2 and NE4.*
  
- 2 *The proposals fail to provide adequate details of surface water drainage measures for the proposed development to take account of the significant additional hard-surfaced area that is proposed contrary to adopted Rushmoor Local Plan (2014-2032) Policy NE8.*
  
- 3 *In the absence of a s106 Planning Obligation, the proposed development fails to make provision to address the likely significant impact of the additional residential units on the objectives and nature conservation interests of the Thames Basin Heaths Special Protection Area. The proposals are thereby contrary to the requirements of retained South East Plan Policy NRM6 and adopted Rushmoor Local Plan (2014-2032) Policies NE1 and NE4.*

- 4 *In the absence of a s106 Planning Obligation, the proposal fails to make provision for public open space in accordance with the requirements of Policy DE6 of the adopted Rushmoor Local Plan (2014 to 2032)."*

## Consultee Responses

Environmental Health	No objections subject to conditions and informatives.
HCC Highways Development Planning	No highway objections.
Contract Management (Domestic Refuse Collection)	No objections and provides details of bins and boxes required to store refuse and recyclables on each proposed house plot. However, as with the remainder of York Crescent and Green Acre, due to the uneven roadway surface, refuse and recyclable collections will be made from York Road, requiring residents to bag up their waste and move it to the collection point for collection days.
Aboricultural Officer	No objections : This proposal would have no adverse implications for amenity trees worthy of retention provided that the development is carried out in accordance with the submitted tree protection measures.
Ecology Officer	No objections subject to conditions.
Natural England	No objection subject to an appropriate SPA financial contribution being secured with a s106 Planning Obligation : as advised in respect of the previous planning application 20/00785/FULPP. In respect of other nature conservation matters, NE advise that they have not assessed this application for impacts on protected species and refer the Council to their Standing Advice in this respect. NE also suggest that the Council you may wish to consult its own ecology services for advice in this respect.
Hampshire & I.O.W. Wildlife Trust	No comments received within the consultation period, thereby presumed to have no objections.
Thames Water	Comments awaited.
Scottish & Southern Energy	Refers the Council to their web-site for network information.
Hampshire Fire & Rescue Service	No objections and provides generic fire safety and precautions advice.
Parks Development Officer	No objections and identifies a POS project for which a POS financial contribution will be required. This is the same as for the previous planning application, 20/00785/FULPP.

## Neighbours notified

A total of 72 individual letters were posted to: Nos. 1, 3, 5, 7, 7A, 7B, 8, 9, 9A, 10, 11, 11 Bottom Flat, 12, 13, 13A, 14, 15, 16, 17, 17 First-Floor, 18, 20, 21, 21A, 21B, 22, 23, 24, 25, 27, 29, 31, 33, 35, 37, 43, 45 & 47 York Crescent; Nos 1-17 inclusive Green Acre; Nos.1-12 inclusive Hamilton Place, The Patch & Oakwood Cargate Terrace; 17 Cargate Avenue; York House, York Road; and No.34 Church Lane West. This includes all properties directly adjoining the application site and, indeed, all properties in York Crescent and Green Acre.

## Neighbour comments

At the time of writing a total of 39 objections have been received from the occupiers of: Nos. 8 (Corner House), 12, 13, 14, 15, 18, 20, 22, 23 (twice), 25, 27, 29 (twice), 31, 35 & 47 York Crescent; 1, 3, 4, 5, 7 (twice), 8 (twice) & 9 Green Acre; Hillside Cottage (No.38) (twice) & 40 (twice) Church Lane West; Trelawney House, Cargate Terrace; Flat 5 Sales Court, Cargate Avenue; Aldershot Baptist Church, Upper Elms Road [the owners of 'The Manse' (No.35) York Crescent]; 62 Coronation Road (representing Aldershot Civic Society); 15 Calvert Close; Hawthorns, Hazel Avenue, Ash Green; 42 Derby Avenue, London N12; County Cllr Crawford (HCC Aldershot North Division); and Cllr Roberts (Aldershot Park Ward). Objection is raised on the following summary grounds:-

### Principle

- (a) The proposals are unchanged/largely unchanged from those refused with the previous planning application 20/00785/FULPP in January 2021 : the reasons for refusal from then are not addressed/not an improvement such that the current application should also be refused;
- (b) The re-submission of applications should not be allowed : how many times do residents have to object to proposals for the site? [*Officer Note: the applicant is entitled to submit applications seeking to resolve issues raised by a previous refusal of permission which the Council is statutorily obliged to consider on its merits.*];
- (c) Gross excessive overdevelopment in an already over-populated area : the proposals reflect the greed of the developer, not what is thought best for the site, local residents and the surrounding area. The proposals would generally exacerbate existing problems already experienced by neighbours; have general adverse environmental effects; affect physical and mental well-being; and place an unreasonable burden on York Crescent residents;
- (d) The proposed development is too dense;
- (e) The proposed development is not wanted or needed : the Council's targets for new housing are already met elsewhere – or should be met elsewhere. There are more suitable sites elsewhere;
- (f) This is unnecessary 'town-cramming', 'garden-grabbing', and unacceptable 'tandem development'/'backland' development. The Council has refused a planning application at 'Twelve Trees' 204 Sycamore Road, Farnborough (21/00378/FULPP) on the ground [*Officer Note: Each case must be considered on its own individual planning merits*];
- (g) Loss of green space : the land should be utilised in a way that is sustainable for local wildlife. Alternative uses should be found for the site. if at all, the site is only considered appropriate for the erection of a single detached 2-storey frontage house constructed with longevity in mind. [*Officer Note: the Council must consider the proposals that have been submitted with the application. The Council cannot consider alternative proposals that may be preferred instead or refuse permission because alternative uses or developments of the site are suggested by third parties*];
- (h) The proposed development is unsustainable development according to Government guidance and advice;

- (i) Increased global warming during a climate emergency;
- (j) No consideration for existing residents. Existing utilities and other infrastructure is/would be unable to cope;
- (k) Potential ground contamination : The land has previously been used for the dumping of rubbish and building materials;

#### Impact Upon the Character & Appearance of the Area/Visual Impact

- (l) The proposals are not good quality design : the design of the proposed houses is poor;
- (m) Loss of local character : York Crescent is characterised by smaller 'period' houses and bungalows in frontage plots. The applicants' Design & Access Statement does not mention this;
- (n) The proposed development would have a negative impact on the area;
- (o) Proposals would appear overbearing, unsympathetic, and out of character with the area and neither follow the existing aesthetic nor pattern of development in the vicinity due to lack of properly enclosed front garden areas; and with buildings set back appropriately from the road. Plot 1 should have a hedge enclosing the front boundary and would appear dominated by parked vehicles as an extension of the adjacent York Crescent roadway; and the Plot 2 & 3 houses are set back in a backland position with similarly unenclosed frontages – these are all features that are out of character. No other houses in York Crescent are set-back in a backland position;
- (p) There is insufficient space for landscaping and proposed landscaping proposals are inadequate. These failures contravene Local Plan policies and Government guidance;
- (q) The proposed houses are too tall and bulky – 3-storeys are out of character with the area, where bungalows and 2-storey houses predominate. Indeed, the proposed houses would be taller than anything else in the vicinity. The property used to be occupied by a bungalow previously;
- (r) Although 'Tragorden' (No.21) York Crescent is of 3-storey height this was created through unauthorised development and, as such, is not an example to follow. [*Officer Note: planning permission was granted by the Council in 2012 for the third-storey at No.21. The 3-storey height and form of Tragorden is not unauthorised*];
- (s) There are no other 3-storey buildings in York Crescent : the adjacent three-storey houses at Green Acre and the flats at Hamilton Court shouldn't count when considering the character of the area because they are located on roads maintainable at public expense;
- (t) The proposed houses look like Houses in Multiple Occupation (HMOs), not family houses;
- (u) The windows of the proposed houses are too small;
- (v) The proposed houses would appear over-dominant such that views into and out of the Cargate Avenue Conservation Area would be compromised by the scale and height of the proposed development, compounded by the possible loss of trees to the rear of the site. This is contrary to adopted Local Plan policies [*Officer Note: the application site does not adjoin the Cargate Conservation Area*];
- (w) Loss of views of trees to the rear of the site as seen from York Crescent;

#### Impact on Neighbours

- (x) Loss of light and outlook to neighbouring and nearby properties – Nos.1-5 Green Acre, 23 York Crescent, 38 & 40 Church Lane West are variously identified in this respect;
- (y) Undue loss of privacy due to overlooking of neighbouring properties in York Crescent, Greenacre and Church Lane West : Nos.1-5 Green Acre, 23 York Crescent, 38 & 40 Church Lane West are variously identified in this respect;

(z) Increased pollution, noise and disturbance, additional general domestic activity, and vehicle movements : loss of local character and a general deterioration of living standards. Contrary to Local Plan policies;

(aa) The parking proposed for the Plot 2 house would be located in proximity to a rear garden patio area at No.23 York Crescent, resulting in occupiers being subject to undue car fumes and possible also cigarette smoke;

(bb) Loss of trees to the rear of the site resulting on overlooking from Hamilton Court and Cargate Hill;

(cc) Air quality issues generally; and due to dust being raised from the roadway by traffic;

### The Living Environment Created

(dd) The proposed houses are substantial in size, yet would have limited size plots. The garden areas would be minimal, small and dominated by hard surfaces; and unduly shaded by TPO trees. A poor living environment would be provided for residents contrary to Government policy, guidelines and standards; nor meet Local Plan requirements;

(ee) The windows in the proposed houses are too small resulting in inadequate light and air for residents : unacceptably dark and cramped accommodation would be provided;

### Impact on Trees

(ff) Loss of, or threat to, mature trees, including TPO trees. The proposed dwellings would be located too close to trees. There should be no felling of existing trees. Government guidance on TPO trees and Local Plan policies would be contravened;

(gg) Some trees are shown to be removed to accommodate the proposed development that belong to the owners of neighbouring properties - and written permission has not been obtained from the owners to do this. [*Officer Note: this is a private property matter for the applicants to seek to resolve with the owners of the trees concerned. Nevertheless these comments appear to originate from the practice of Arboricultural Consultants, as in this case, to grade trees in their reports to include a category recommending felling for those trees that are not considered to be worthy of retention even though there is no need or intention for the developer to actually undertake such work.*];

(hh) The indicated heli-pile foundations would still unavoidably damage the TPO trees to the rear of the site;

(ii) Due to the proximity to the proposed development there would be likely 'future resident pressure' for drastic pruning works to be undertaken to adjoining mature TPO trees - to their detriment;

### Ecology & Biodiversity Impact

(jj) Unnecessary loss of wildlife habitat and greenery : badgers, bats, birds and foxes are variously mentioned and regularly seen in the vicinity/area. Photographs of badgers have been provided;

(kk) Irreparable damage to ecology and biodiversity would occur;

(ll) Concerns of past, present and future adverse/illegal impact on Badgers and an active Badger Sett on site and/or adjacent to the rear of the site. Concerns that badgers and other protected species may have already been driven away from the site by activity on the site over the last year - Site clearance, including with a digger, was undertaken before the application was submitted without appropriate mitigation measures being put in place. Concern that digging may have been undertaken by the applicants and their representatives in proximity to sett holes;

(mm) Badgers are comparatively rare in an urban context and would be put at risk by the proposed development during site clearance, construction and occupation thereafter. This would be a contravention of the Protection of Badgers Act 1992. Indeed, the developer would be in breach of this legislation for undertaking any works on site;

(nn) The submitted Badger Surveys were not undertaken at the optimum time(s) such that the numbers and extent of badger activity is understated. The conclusions of the applicant's Ecological Consultant that the sett holes within the site itself are inactive and unoccupied are questioned on the basis that a survey undertaken by the West Surrey Badger Group in 2021 indicated that, in fact, these sett holes were occupied then. Local residents have seen badgers on the application site;

(oo) Further, the badger surveys are also considered inadequate in terms of both assessing the extent of the impact and prescribing appropriate mitigation measures to appropriately protect badgers and their habitat. Badgers would have nowhere to go if they are excluded from the site;

(pp) The submitted Bat surveys are also flawed because daytime surveying was done yet bats are nocturnal;

(qq) The flight-paths of bats would be blocked by the proposed houses;

(rr) The Council's previous reasons for refusal on ecology and biodiversity grounds have not been addressed, and it would be wrong for the Council to grant permission with the current application on the basis of incomplete information and the inaccurate and misleading findings submitted by the applicants;

(ss) The impacts on badgers of the construction period are not taken sufficiently into account, or at all;

(tt) The Plot 2 & 3 houses are sited far too close to the badger sett. Light and noise pollution and general domestic activity associated with the proposed houses, if built and occupied, would be likely to disturb badgers, thereby putting occupiers in breach of the Protection of Badgers Act 1992;

(uu) None or inadequate mitigation/compensation for biodiversity loss. Biodiversity gain and reasonable mitigation for loss of biodiversity are impossible with the proposed development;

(vv) There is no confidence that the proposed ecology and biodiversity mitigation measures would be provided and retained : how would/could this be monitored and enforced in the future? How would the continued protection of wildlife species be maintained?

(ww) Planning permission must be refused if adequate mitigation for ecology and biodiversity cannot be achieved;

### Highways Issues

(xx) Increased traffic volumes using York Crescent. It is narrow, has a dangerous bend at the end near the application site, has an uneven surface, is poorly maintained, and has no pavements, so pedestrians walk in the roadway. The applicants' Transport Assessment fails to take account of this. York Crescent cannot cope with any further intensification in traffic;

(yy) The proposed vehicular access onto York Crescent would be unsafe due to poor visibility on bend, speeding vehicles, and adjoining parked cars;

(zz) Inadequate on-site parking provision for the proposed development, including parking spaces that block each other, lack of visitor parking space(s) and turning space provision contrary to Council policy, thereby likely to lead to additional overspill on-street parking in York Crescent & Green Acre; obstruction of access to existing neighbours; and problems with emergency, tradesmen, removals and delivery vehicle access;

(aaa) The road frontage of the site is already blocked by overspill parking (including commercial vehicles) alleged to be by occupiers of the adjoining property (No.21 York Crescent). Displacement of this parking would result in street parking having to overspill somewhere else exacerbating existing problems;



(bbb) Tandem parking spaces are unacceptable – they have been disallowed elsewhere in the Borough;

(ccc) A bonus room in the Plot 1 house should trigger a requirement for provision of additional on-site parking for this unit that is not provided;

(ddd) No visitor parking can be provided in a satisfactory manner, although it is a Council policy requirement : 3/5ths of a parking space must be rounded-up to a requirement for 1 space and no leniency should be shown to the applicants in this respect. The proposed development is not exempt from this requirement;

(eee) No disabled parking provision. [Officer Note: there is no requirement for disabled parking bays to be provided with a residential development of this small scale];

(fff) No cycle parking provision;

(ggg) A Transport Contribution is required according to Council policy – and in the absence of this permission should be refused;

(hhh) The provision for refuse/recycling bins for the proposed houses is inadequate. Due to the existing state of York Crescent refuse/recycling bin collections for all existing properties in York Crescent and Green Acre by the Council are made from York Road, with residents required to pile up bin bags there for collection day : this is inconvenient and unhygienic. Bin bags are prone to attack by animals, causing litter;

(iii) Future residents of the proposed development would have no right of access to their houses, or to park in the York Crescent, because it is privately owned and subject to private parking restrictions managed by 'Flash Park'. Further, other owners of the roadway will not grant the applicants or occupiers of the proposed houses a right of access and right to park in the York Crescent roadway [Officer Note: these are not matters for the Council in the consideration of this application : they are private property matters between the applicant and the other owners of the road. Furthermore, management and enforcement of any on-street parking restrictions that frontage owners of the road have introduced is a matter for them];

(jjj) Further damage would be caused to the un-made road surface of York Crescent – which is a private un-adopted road in a poor state of repair, with potholes and raised ironworks. It is not fit for purpose, has no streetlights and is compromised by excessive use and traffic speed/vehicle weight. Utility services buried in the roadway are also vulnerable to damage. The applicants do not repair/do not adequately repair the roadway. The ownership of the roadway is split between York Crescent residents : other residents have to foot the bill for repairs to the roadway on an on-going basis [Officer Note: these are also entirely private property matters that can only be resolved between the applicants and the other private owners of the road : they are not matters for the Council in the consideration of this application];

(kkk) Since the York Crescent roadway is privately owned, the Council has no right to grant planning permission for the proposed development, thereby increasing the usage and wear and tear on the roadway. [Officer Note: the granting of planning permission does not superseded private property rights. If there are private legal reasons why the proposed development cannot proceed relating to the use of/potential damage to the roadway, this is a separate matter between the applicants and the other owners of the roadway. It cannot form part of the Council's consideration of the planning merits of the proposal];

(lll) The existing width of the York Crescent roadway at the site frontage is significantly narrower than is shown on historic documents such that some of the parking for the proposed frontage house (Plot 1) is located within what should be the legal extent of the roadway. The applicants have additionally enclosed part of the roadway in front of the application side and No.21 with temporary site fencing [Officer Note: these are private property matters for other owners of the roadway to take up with the applicants.];

(mmm) The adverse highway impacts in this case are thought to be 'severe' and, as such, justify the refusal of planning permission.

## Flooding/Drainage

(nnn) Existing flooding problems known in the area : the crossroads at Church Lane West/Sandford Road/York Road/Cranmore Lane are frequently flooded. It is thought these would be exacerbated by the proposed development;

(ooo) Increased risk of flooding, soil erosion and land instability. Land in the vicinity is already poorly drained; and there are surface water flows, spring-lines and underground streams. Increased hard-surfacing at the application site would cause more surface water to flow off-site into the York Crescent roadway. The existing situation would only get worse;

(ppp) The York Crescent roadway is already damaged due to the erosion of surface water flows – which can wash material out onto York Road. Permeable paving is not appropriate on steeply sloping ground;

(qqq) The applicants' drainage submissions have failed to undertake adequate site surveys to identify underground streams;

(rrr) The technical nature of the drainage submissions means they are not transparent and are intended to confuse. The Council must obtain technical expertise on hydrology to assess the drainage proposals [*Officer Note: Thames Water, the relevant drainage authority in this case, have been consulted by the Council*];

(sss) The proposed drainage measures are vague and inadequate, unsuitable for local ground conditions, and fail to take into account new hard-surfaces and the likelihood of increased rainfall caused by climate change. Soakaway drainage is not appropriate. [*Officer Note: Soakaway drainage is not being proposed*];

(ttt) Increased strain on existing foul sewers;

(uuu) Parts of the proposed drainage installation to serve the proposed development would be located within land (under the York Crescent roadway) that the applicants do not own. [*Officer Note: this is a private property matter for other owners of the roadway to take up with the applicants in which the Council cannot become involved. The making of drainage connections to a development is a matter for licencing (with Thames Water) that is subject to entirely separate consideration under other legislation. It is not a matter for consideration with a planning application*].

## Other Issues

(vvv) Concerns that the proposed houses are thought likely to be built and used as Houses in Multiple Occupation – multiplying existing problems with population density, overspill parking, noise, disturbance and activity in the area. Indeed, the proposed houses are thought to be designed specifically for this purpose : they are considered to have too many wcs to be genuine houses. How can this be stopped?;

(www) The applicants have already appropriated land from adjoining property that they do not own [*Officer Note: this is a private property and legal matter between the applicants and any neighbouring landowners in which the Council cannot become involved; this matter can have no bearing on the consideration of a planning application. These matters do not need to be resolved as a pre-condition of planning permission being granted because they operate entirely separately from the Planning process. The Council must consider a planning application 'ownership blind'*];

(xxx) As a consequence, the usable area of the application site is misrepresented by the applicants and is actually smaller than the applicants indicate with their site location plan. This renders the proposals even more unacceptable than they already are [*Officer Note: A validation requirement for an application is a declaration by the applicant that they are the owner, or have served notice on the owner, of all the land to which the application relates. The Council has no role in the setting, adjudication, correction or recording of land ownership boundaries which is a matter for HM Land Registry.*];

(yyy) The proposed development fails to comply with covenants prohibiting buildings being located within 15ft of the York Crescent roadway [*Officer Note: This is a private legal matter in which the Council cannot become involved.*];

(zzz) Substantial noise, disturbance, heavy vehicle traffic and activity (thought likely to damage the roadway and underlying services) during the construction period [*Officer Note: it is long-standing Government guidance that the impacts of activity during the construction of a development cannot be taken into account in determining planning applications. Concerns about damage to the roadway and existing services are private property matters between the applicants and the other owners of the roadway*];

(aaaa) Loss of property value [*Officer Note: this is not a matter that can be taken into account in considering a planning application*];

(bbbb) Local residents pay high Council-Taxes [*Officer Note: ditto*];

(cccc) The sincerity and weight of local opposition to the proposals should be taken into account [*Officer Note: the consideration of planning applications is not a ballot where numbers of objections or strength of local opinion determines the outcome. Planning applications must be considered objectively on the basis of relevant material planning issues*];

(dddd) Granting planning permission for the proposed development would be a contravention of the Human Rights Act Protocol 1, Article 1 : 'Protection of Property' [*Officer Note: UK Courts have held that the consideration of planning applications within the UK Planning System is generally compliant with the requirements of the Human Rights Act because the planning process provides the opportunity for people who consider themselves affected by a planning proposal to make representations to the Council which are considered as part of the decision making process*];

(eeee) Concerns regarding the identity of the applicants, including their character, past behaviour, likely future behaviour, workmanship, demolition of the original dwelling built on this site, and ownership of the adjoining property at No.21 York Crescent [*Officer Note: Allegations or opinions regarding the applicants or their likely future behaviour cannot affect consideration of planning applications on their merits*].

### Concerns about the Ownership, Occupation and Use of 'Tragorden' the adjacent site (No.21) York Crescent

Members will be fully aware of the statutory duty to consider the acceptability or otherwise in Planning terms of the proposals the subject of this current proposal in relation to the application site, and based on the application as submitted. The planning status, use and condition of the adjacent property at 'Tragorden' No.21 York Crescent is not under consideration as part of this process and cannot be a material consideration.

A number of responses to notification of this application have contained allegations and statements regarding the use and planning status of No.21 which is also owned by the applicants. The respondents imply that this should have some bearing on the decision whether to grant planning permission for the current proposal. This cannot be the case and any reason for refusal which attempted to cite allegations or off-site issues as grounds for withholding planning permission would not be sustainable or reasonable.

Notwithstanding the above, the allegations together advance the opinion that the development and use of the adjacent property involves breaches of planning control which have not been investigated or satisfactorily addressed. This is not the case, although such allegations understandably may raise concerns or questions on the part of Members and any other parties interested in this application. The following summary is provided solely for information purposes:

To date no evidence of any subsisting or un-addressed breach of planning control has been brought to the Council's attention in respect of 'Tragorden'. This property has a lengthy planning history which includes the following:-

- In 1991 'Tragorden', originally a 2-storey house, was the subject of enforcement action against unauthorised change of use to two flats : one on the ground floor and one on the first-floor;
- The Enforcement Notice was the subject of an appeal which was allowed in 1992 as it was established that the flat conversion was lawful and immune from enforcement action;
- In 2001 an enforcement investigation was carried in respect of alleged unauthorised HMO use. The property was inspected and found to remain in lawful use as two flats;
- In May 2012 planning permission was granted by this Committee for extensions to the property (including a second-floor extension) to facilitate creation of a third flat in a second-floor extension, 12/00286/FULPP;
- The 2012 permission was implemented and followed by applications in 2013, 2014 and 2015 (13/00406MMAPP, 14/00612/NMA & 15/00328/NMA respectively) seeking retrospective approval for minor or non-material changes to aspects of the property and parking layout, all of which were approved by the Council;
- The development as approved in 2012 featured provision of a third storey. There is no record of any subsequent complaint regarding the use, or development, of the property in any manner contrary to the 2012-2015 planning approvals prior to the submission of the 2020 planning application, 20/00785/FULPP. 'Tragorden' is, as it currently exists, as approved by the Council in 2012-2015;
- The allegations made following the 2020 application, and repeated with the current application, regarding unregistered HMO use have been investigated by the Council. The property continues to be used and occupied as three self-contained flats. The property is not registered as an HMO because it is not used as one;
- The allegations concerning inadequate parking provision at No.21 also date from the 2020 application (and repeated with the current application) have been investigated. The 2015 permission regularised and approved the provision of a total of 5 on-site parking spaces comprising a garage (which has been built), together with a further 4 spaces including a forecourt space in front of the garage. This approved parking provision meets the Council's adopted parking standards. The spaces within the site as approved in 2015 remain available for the parking of vehicles. There is no breach of planning control.
- Vehicles parked in the roadway adjacent do not represent a breach of planning control, regardless of their ownership or alleged association with any particular property.
- There is no breach of planning control associated with 'commercial vehicles' parked in the roadway in the vicinity of No.21 regardless of their ownership or alleged association with any particular property .
- Alleged 'poor workmanship' in a development is not a breach of planning control;
- The applicants/owners of No.21 or any other property are not obliged to maintain their property/trees/fences in a manner preferred by the Council and/or neighbours : there is no breach of planning control in this respect.]

## **Policy and determining issues**

The site is located within the built-up area of Aldershot. It is not within or adjoining a Conservation Area. The application site does not contain a Listed Building and is not near one. The land is brownfield previously-developed land, having been the site of a residential dwelling known as 'The Haven'.

Policies SS1 (Presumption in Favour of Sustainable Development), SS2 (Spatial Strategy), DE1 (Design in the Built Environment), DE2 (Residential Internal Space Standards) and DE3 (Residential Amenity Space Standards), DE6 (Open Space, Sport & Recreation), DE11 (Development on Residential Gardens), IN2 (Transport), NE1 (Thames Basin Heaths Special Protection Area), NE2 (Green Infrastructure), NE3 (Trees), NE4 (Biodiversity) and NE6-NE8 (Flood Risk and Drainage) of the adopted New Rushmoor Local Plan (2014-2032) are relevant to the consideration of the current application.

Also relevant is the Council's adopted Supplementary Planning Document (SPD) "Parking Standards" adopted in 2017. Since the SPD was subject to extensive public consultation and consequent amendment before being adopted by the Council, some significant weight can be attached to the requirements of this document. The advice contained in the National Planning Policy Framework most recently updated in July 2021 (NPPF) and National Planning Practice Guidance (NPPG) is also relevant.

The proposals the subject of the application are too small in scale to require the submission of an Environmental Impact Assessment as an 'urban development project' under Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.

In refusing planning permission for an almost identical scheme in January 2021, the Council gave reasons for refusal relating to the inadequacy of the submissions in respect of protected wildlife/biodiversity and surface water drainage only, with secondary technical reasons for refusal relating to the failure of the applicants to complete a s106 Planning Obligation to secure financial contributions in respect of SPA mitigation & avoidance and public open space. It therefore follows that the Council did not determine that any other planning aspect of the very similar proposal would be unacceptable. Unless there have been material changes in planning circumstances since January 2021 in respect of other planning issues that did not inform reasons for refusal at that time, the decision taken then remains an important material consideration. In this context, the key determining issues are considered to be:-

1. The Principle of the proposals;
2. Visual Impact;
3. Impact on trees;
4. Impact on Neighbours;
5. The Living Environment Provided;
6. Highways Considerations;
7. Impact on Wildlife & Biodiversity;
8. Drainage Issues; and
9. Public Open Space.

## **Commentary**

### **1. Principle -**

The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. In this respect, there are three dimensions to sustainable development: economic, social and environmental. These roles are defined as:-

- *"contributing to building a strong, responsive and competitive economy by ensuring that*

*sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements including the provision of infrastructure;*

- *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

The NPPF also advises that these roles should not be taken in isolation because they are mutually dependent, and the planning system should play an active role in guiding development to sustainable locations. Furthermore, it also advises that housing applications should be considered in the context of the presumption in favour of sustainable development to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

The proposed development is seeking to make more efficient use of previously-developed residential land, which, within reason, continues to be a clear objective of both Government planning guidance and current adopted local planning policy.

Whilst objections have been raised on the grounds that the proposed development is not needed for the Council to meet its adopted Local Plan targets for new housing development, there has been no change in circumstances in this respect since the consideration of the previous planning application. Government guidance does not set this as the absolute limit of housing development to be built within the Borough within the Local Plan period (2014-2032). Furthermore, a proportion of the housing target set out within the Local Plan is based on assumptions about the provision of new housing on 'windfall' or unallocated sites such as the current application site.

Adopted Local Plan Policy LN2 requires 30% affordable housing on schemes of 11 or more dwelling units, subject to viability. However, since the scheme proposes significantly fewer dwelling units than this threshold, the requirements of this policy do not apply in this case.

The application site has previously been subject to unauthorised tipping/disposal of waste materials thought to have been derived from building sites elsewhere. The site has also been used for burning of other materials on large bonfires from time to time; and has also been subject to periodic clearances. The extent, nature and content of the tipped material is unknown; as is the extent to which this material was or was not removed from the land when it has, occasionally, been cleared. Accordingly, given this previous history of the site, the Council's Environmental Health Team request that site investigation is undertaken to establish the existence/nature of any contamination and, if so, appropriate remediation. This can be required by imposition of standard planning conditions.

In the circumstances, the proposals are considered acceptable in principle (subject to all usual development control issues being satisfactorily resolved in detail), since the proposals are clearly in line with Government objectives and the Council's own adopted planning policies in principle.

## 2. Visual Impact -

It is Government planning guidance that, in assessing impact of proposed development upon the character and appearance of an area, this should be considered in the light of the impact upon the area as a whole. As a result, the existence of differences from neighbouring buildings are not likely to be sufficient to identify material harm on the character and appearance of an area. Indeed, it is extremely rare for the character and appearance of an area to be narrowly defined by a particular building type, age, size, height and overall appearance : the character of most urban landscapes is usually defined by an eclectic mixture of features and characteristics. Nor is the character and appearance of an area artificially restricted to properties with a specific postal address on individual roads within an area to the exclusion of others. In this case, the character of the area is mixed, comprising a range of conventional dwelling types, ages, designs, styles, heights, external finishing materials and, indeed, extent of alterations. Furthermore, the application site has been vacant, neglected and enclosed in a purely temporary and utilitarian fashion for a considerable period of time.

There have been no material changes to the existing character of the area since the previous planning application was considered last year and no harm to the character and appearance of the area was concluded. The existing character of the area includes the presence of three-storey buildings including two that are directly adjacent to both sides of the application site at 'Tragorden' and Green Acre. The difference in height between them is due to the difference in the ground heights where each are built, since ground levels rise from 'Tragorden' across the site to Green Acre, which is built on the highest ground. In this respect, the roof ridge of the Plot 1 house would be approximately 0.5 metres higher than that of 'Tragorden' and approximately 1 metre lower than the ridge height of Nos.1-4 Greenacre. With respect to the proposed Plots 2 & 3 houses, these are also of the same building height as the Plot 1 house and, although to an extent dug into the existing ground levels, they would be built from a level approximately 1.5 metres higher than the proposed Plot 1 house in front. Consequently, the proposed Plot 2 & 3 houses would be approximately 2 metres taller than 'Tragorden' and 0.5 metres taller than 1-4 Greenacre. It is considered that none of these differences in relative building heights would be significant or give rise to any material harm to the character and appearance of the area as a whole.

The proposed houses would, from within York Crescent, be viewed against the backdrop of the trees and hillside behind. It is not considered that the application site makes a particularly significant contribution to the character and appearance of the area. The site is at the far end of a private road and does not become readily visible until close to the corner. The rear boundary abuts a wooded hillside forming part of the flank of Cargate Hill, with a number of houses and flats beyond the trees at higher level. The site is not visible from publicly accessible parts of the adjoining residential roads to the rear.

The design and external appearance of the proposed houses is conventional and acceptable. There have been no changes to the house design since the previous application and the previous application was not refused on design or visual impact grounds. It is considered that the proposed development would remain appropriately sympathetic to the already varied pattern of development and built form of the area.

In its overall context, it is considered that the proposed development would have a limited visual impact and is otherwise of an acceptable design. As such it remains the case that the proposed development is not considered to give rise to material harm to the overall visual character and appearance of the area.

Objection has been raised on the basis that part of the development comprises tandem or backland development. Proposed development is not intrinsically unacceptable simply because elements are located away from a road frontage behind other development. There are other examples of dwellings similarly located behind the road frontage in the vicinity. It is not considered that any material planning harm arises in this case from the layout of the proposed development and how it relates to existing adjoining and nearby development.

Concern is expressed by objectors that the proposals represent 'garden-grabbing' however this is a term normally applied to developers buying up sections of rear gardens of a number of adjoining residential properties in order to assemble a larger site. The application site was formerly a single house plot and has been in the same ownership for many years. No garden land belonging to other adjoining landowners has been acquired to create the site.

It is not considered that the proposed development would materially and harmfully affect the visual character and appearance of the area. It is therefore considered that the proposals remain acceptable in visual terms.

### **3. Impact on Trees -**

There have been no material changes in circumstances in respect of trees on or adjoining the site since the previous planning application was considered; and no reason for refusal citing impacts on trees was advanced at that time.

A Development Tree Report in respect of the proposals has been re-submitted with the current application. This examines and assesses the quality of all trees on or adjoining the site, the likely impact of undertaking the construction of the proposed development, tree protection measures to be in place for the duration of the site clearance and construction period of the development, and the potential for impact on the trees in the longer term due to possible 'future resident pressure' once the proposed houses are occupied, including any specific elements of the design of the current scheme that would mitigate such impacts.

The side and rear margins of the application site are partially screened by trees, including a stand of substantial mature trees situated on the east (rear) boundary the subject of TPO No.287. The TPO trees have root protection areas and canopies that extend some way into the site and are either Category A or B trees. There are also a small number of younger non-protected Category C or R trees located along the side boundaries of the site to the north and south, most of which located outside the ownership of the applicants; and the canopies and rooting areas of these other trees are smaller and extend much less into the site.

The proposed development has been designed to provide adequate separation from all trees and no protected trees are proposed to be removed as a result of the proposals. It is proposed that special foundation construction be used for those parts of the proposed construction of the Plot 2 & 3 houses that slightly impinge into the rooting zones. Combined with the implementation of tree protection measures for the duration of the construction period, it is considered that no undue harm should arise to trees to be retained as a result of the construction of the proposed development.

Although the submitted Tree Plans indicate that two younger trees on either side of the site would be removed, the removal of these trees is unnecessary to enable the development to proceed since the canopy and rooting zones would not be affected by the proposed construction. Nevertheless, whether or not they are actually removed, it is not considered that these trees make any material contribution to the character and appearance of the area. They



are not subject to a Tree Preservation Order and nor would they be worthy of such protection.

In the case of the No.4 Green Acre tree indicated to be removed, this appears to be owned by this neighbouring property. However, this tree overhangs the boundary of the application site and it is understood that the applicants would be entitled to remove the overhanging parts provided that they offered the cuttings back to the owner of No.4. Any damage to the roots of this tree arising from the construction of the proposed development, or generally to the health and stability of the tree arising from any cutting back, would also be a private property matter between the applicant and the owner(s) of No.4 Green Acre.

The proposed Plot 2 & 3 houses are both provided with private amenity space in excess of what is required to compensate for the potential shading impact of the trees. Furthermore, the houses are spacious internally and designed to have dual aspect to the main living rooms. In the circumstances, it is not considered that any concern about future resident pressure is sufficient to justify the refusal of planning permission in this case.

The Council's Arboricultural Officer is satisfied that the existing trees would be adequately protected from harm during the construction period. Furthermore, whilst it can be a matter of concern that 'future resident pressure' may arise where existing trees are located adjoining or within proposed new house plots, whereby undue pressure would be brought to bear on the Council to allow inappropriate works to trees in the future, the Council's Arboricultural Officer raises no objections to the proposals. The most significant trees concerned are, in any event, protected by the TPO such that it would be an offence for future occupiers of the Plot 2 & 3 houses to undertake any works to these trees without the prior written consent of the Council following the submission of an application for TPO consent. Subject to the imposition of conditions requiring the proposed special foundation construction be implemented in full, and the prescribed tree protection measures are implemented and retained as specified for the duration of the construction period of the proposed development, it is considered that the proposals are acceptable having regard to Policy NE3.

#### **4. Impact on neighbours -**

The existing long-standing vacant and unused site, has understandably been a matter of concern to local residents for many years.

A number of amenity concerns have been raised by objectors, predominantly in respect of loss of light and outlook; the potential for loss of privacy due to undue overlooking of adjoining and nearby residential properties in York Crescent, Green Acre and Church Lane West; and also concerns about undue noise, disturbance, activity and fumes. These were all considered with the previous planning application and the Council concluded that the relationships with all neighbours would be acceptable in planning terms. There have been no material changes in circumstances in respect of this issue since.

When considering impacts upon neighbours, the basic question for the Council to consider is whether or not the impacts of the proposed development on the residential amenities of neighbouring properties would be both materially and harmfully impacted in planning terms. The correct test in this respect is whether or not existing neighbouring properties would, as a result of the proposed development, maintain acceptable amenities to meet the needs of residential occupation. It is not the role of the Planning system to defend neighbours against the loss of any private views from their properties where these views are derived from over adjoining land not in their ownership. In terms of privacy concerns, a degree of mutual overlooking often exists between neighbours and this is considered both normal and

acceptable. It is necessary for the Council to consider whether or not occupiers of neighbouring properties would be subjected to unacceptable undue overlooking rather than any overlooking at all.

In this context, whilst the application site is surrounded by existing residential property, most is somewhat removed from the proposed development by any combination of separation distance, orientation, different ground levels and intervening screening vegetation and other means of enclosure. As a result, it is considered that, with the exception of Nos.21 & 23 York Crescent to the south side, Nos.16, 18 and 20 York Crescent on the opposite side of the bend at the end of the Crescent, and Nos.1-4 Green Acre to the north side, no other neighbouring properties could be materially and harmfully affected by the proposals.

The impacts upon those nearest and/or adjoining residential properties identified above as being conceivably materially impacted by the proposed development are considered in the following paragraphs:-

'Tragorden' (No.21) York Crescent: This adjoining 3-storey property is in authorised planning use as three flats and the proposed Plot 1 house would be located alongside to the north with a conventional relationship, with both properties having windows facing the front and rear. No windows are proposed for the side elevation of the Plot 1 house facing the side elevation of No.21 such that this relationship is considered to be acceptable. The proposed Plot 2 & 3 houses would be separated by in excess of 20 metres from the rear elevation of No.21, such that no material and undue overlooking would arise from this direction. The provision of parking for the Plot 1 house does not impinge upon the parking area required to be retained for provision of on-site parking to the front of No.21. It is considered that the proposed development would have an acceptable impact upon No.21 in planning terms.

No.23 York Crescent: This neighbouring property occupies a large triangular-shaped plot to the south of the application site and the dwelling is an extended bungalow situated set back from the York Crescent frontage behind the buildings on the adjacent plots to either side at Nos.21 and 25 York Crescent. Ground levels within No.23 site rise towards the rear similar to the change in levels within the adjacent application site. The bungalow is, however, dug into the slope such that the dwelling itself on this plot is at a lower level than land at the application site. The bungalow is also sited facing at an angle away from the boundary with the application site. The No.23 plot borders the application site to the rear of No.21 and, as such, shares a boundary with the proposed Plot 2 house. As such, it is considered that No.23 could not be materially affected by the proposed Plot 1 & 3 houses, since these do not directly adjoin and are somewhat distant.

In terms of the relationship with Plot 2, the closest separation building-to-building between the two dwellings would be approximately 22 metres at an oblique angle, with No.23 at a noticeably lower level. Although there are some secondary ground floor windows serving living rooms in the side elevation of the bungalow, it is not considered that any windows in the proposed Plot 2 house would materially overlook them due to the separation distance, and proposed/existing boundary enclosures and trees. Since the bungalow at No.23 is located within a large plot to the south and faces at an angle away from the application site, it is not considered that the proposed development could give rise to any material and adverse impacts upon amenity in terms of loss of light and outlook. There is existing fencing and some trees located along the lower half of the shared boundary providing a degree of mutual ground level privacy between the properties, however there is no effective fencing on the shared boundary further up the garden. Nevertheless, new boundary fencing is to be provided with the development and a planning condition can be used to require provision and retention of new or existing boundary

enclosures to provide an adequate and acceptable level of mutual ground level privacy for occupiers of both properties. This is considered to be the case whether or not the current intervening trees and shrubbery partially screening the boundary with the neighbours were to be wholly or partially removed or damaged as a result of the proposed development.

Although the occupiers of No.23 have specifically objected to the provision of the parking spaces for the Plot 2 house in proximity to an existing patio area at their property as a result of potential nuisance and health effects from vehicle fumes it is considered that this concern is unlikely to be so persistent, significant and unusual within a residential context as to justify the refusal of planning permission.

It is considered that the proposed development would have an acceptable relationship with No.23 York Crescent in planning terms.

Nos.16, 18 & 20 York Crescent: These neighbouring properties are opposite the application site frontage to the west and, as such, the amenities of occupiers could only conceivably be materially affected by the front of the Plot 1 house and the use of the driveway serving the proposed development. In this respect the closest building-to-building relationship between the front windows of the Proposed Plot 1 house would be with No.16 York Crescent, at a separation distance of approximately 24 metres, with Nos.18 & 20 even more distant. It is also noted that these properties are enclosed behind substantial hedging. In the circumstances, it is considered that no undue and material impacts on the amenities of occupiers of these neighbouring properties would arise.

Nos.1-4 Green Acre: These are a terrace of three-storey townhouses that are situated to the north side of the application site on ground at a slightly higher level than the application site. These houses have their rear elevations with the rear gardens (and in the case of Nos.1 & 2, an electricity sub-station enclosure) in-between facing the north side boundary of the site. There is a semi-mature tree located close to the rear boundary of No.1 Green Acre providing a degree of screening of this property to/from the application site. Nos. 2 & 3 Greenacre would face directly towards the blank flank elevation of the Plot 1 house with a building-to-building separation distance of approximately 17 metres with the internal driveway serving Plots 2 & 3 in-between. No.4 Green Acre has a more oblique relationship with the Plot 1 house with a slightly increased building-to-building separation. An even more oblique and distant relationship would arise between Nos.1-4 Green Acre and the Plot 3 house. It is not considered that these relationships would give rise to any undue loss of amenity to occupiers of Nos.1-4 Green Acre as a result of loss of light and outlook. Because the majority of the windows in both the Plots 1 & 3 houses would face towards the front and rear perpendicular with the Green Acre properties it is not considered that any material and undue overlooking of these neighbouring houses and gardens would occur. Although the side elevation of the Plot 1 house would have small first- and second-floor windows serving the stairway in the side elevation facing towards the Green Acre properties, it is considered that any possibility of overlooking from these windows can be eliminated by requiring that the windows be permanently obscurely glazed. There is an existing 'patchwork' of boundary fencing enclosing the north side boundary of the application site shared with Greenacre properties, although the applicants indicate that new fencing would be erected. This can also be required by imposition of a suitably-worded condition. It is considered that the relationships of the proposed development with Nos.1-4 Green Acre would be acceptable in planning terms. This is considered to be the case whether or not the current intervening trees and shrubbery partially screening the boundary with the neighbours were to be wholly or partially removed or damaged as a result of the proposed development.

Concerns have also been expressed more generally by objectors about the possibility of increased noise, disturbance and pollution arising from the proposed residential development. However it is considered that the type and nature of activity in York Crescent would be conventional and typical of that which occurs in residential roads. In the circumstances, whilst it is appreciated that the proposals would result in change, the resulting activity would neither be undue nor unacceptable in planning terms.

Given the location of the application site it is considered appropriate that a condition be imposed to require submission of a Construction Method Statement to set out the measures to be employed during the construction phase to minimise noise, vibration, dust and other emissions to, as far as practicable, limit impacts upon the amenity of neighbours. Likewise the parking and traffic generation impacts of the demolition, construction and fitting-out periods of the development. Although planning applications cannot be refused on account of the likely construction phase impacts, it is considered reasonable to require the submission of details of construction management measures given the clear potential for this to give rise to nuisance and inconvenience to neighbours in this location – if only to alert the developer to the need to have regard to such matters.

In conclusion it is considered that the proposed development would have an acceptable impact upon neighbours.

## **5. The living environment created -**

The previous planning application was not refused on account of this issue and there have been no changes that make a material difference to this assessment for the current application. The proposed houses would provide accommodation meeting the Government minimum internal floorspace standards appropriate for their level of occupancy. Despite provision of a badger buffer/exclusion zone, the proposed development is also able to provide on-site amenity space for residents in the form of private rear gardens exceeding the requirements of New Local Plan Policy DE3 for all of the proposed new dwellings. It is also considered that the proposed dwellings would have acceptable relationships with all neighbours in terms of light, outlook and privacy.

The internal layout of a development is a functional matter between a developer and his client and is to some extent covered by the Building Regulations. Notwithstanding the various objections raised criticising the living environment created for future occupiers of the proposed development, it is a matter for prospective purchasers/occupiers to decide whether they choose to live in the proposed development. Nevertheless, it is considered that the living environment created would be acceptable in planning terms.

## **6. Highways considerations -**

It remains current Government guidance that denying planning permissions on highways grounds is only justified and appropriate where any highways concerns are demonstrated to give rise to '**severe**' harm to the safety and/or convenience of highway users. It is not sufficient to merely identify concern about a highway matter. Furthermore, clear evidence of wider harm(s) being caused to the highway network with severe impact(s) must be identified. As a consequence, justification for refusal on highway grounds must meet a high threshold. This is a material change in planning circumstances that has emerged in recent years.

It is also long-standing Government guidance that it is neither appropriate nor reasonable for developers to be required to resolve existing highway problems in the vicinity of their site in

order to secure planning permission that they are neither responsible for, nor would materially exacerbate as a result of their proposals.

Vehicular access for the development would utilise the existing private roadway of York Crescent via York Road. York Crescent would, as now, remain an un-made shared surface roadway where pedestrians are not segregated from vehicular traffic. This is an arrangement that encourages slow incoming and outgoing traffic. It is considered that the current proposal would only result in a modest increase in traffic using York Crescent. As a consequence of the need to demonstrate **severe** harm to highway safety and convenience of highway users, it is therefore considered that the developer cannot reasonably be required by the Council/Highway Authority to make improvements to York Crescent as a condition of granting planning permission.

As has been noted with the Officer comments on the objections summarised earlier in this Report, this is not to say that frontage owners of York Crescent other than the applicants may not have a different view about this and might wish to require the applicants/developers to undertake improvement works to York Crescent. However, this is a private property matter that other owners would have to pursue with the applicants and/or developer directly. The granting of planning permission does not supersede land ownership rights.

The Highway Authority (Hampshire County Council) has raised no objections to the proposed development on the grounds of traffic generation and any alleged inadequacy in the capacity of York Crescent to serve the traffic associated with the proposed development; and in respect of the proposed vehicular access from the development into York Crescent. In this respect, the proposed development is small in scale, comprising just 3 new dwellinghouses. Additionally, no concerns are expressed about the safety or capacity of the junctions of York Crescent with York Road. The long-established sightlines and junction arrangements there are considered to be conventional and acceptable. There is good visibility along the proposed driveway within the site and ample space provided for passing manoeuvres to take place, albeit it would be traffic associated with the occupation of just two houses such that incidences of vehicles meeting each other are likely to be rare. The driveway is considered to be of an acceptable width and overall standard to serve the proposed development. Turning spaces would be provided so that vehicles at all of the proposed houses could both enter and leave the site in forward gear. The overall arrangement and position of parking internally within the development is therefore also considered to be acceptable.

The proposed development makes satisfactory provision for on-site parking comprising three parking spaces for each proposed 4-bedroom house. Specific objections are raised on the grounds that (a) the Plot 1 house has a 'Bonus Room' that could be used as a 5<sup>th</sup> bedroom, thereby requiring more parking provision; and (b) no visitor parking spaces are shown to be provided with the scheme. However, the Council's adopted Parking Standards SPD requires provision of 3 on-site spaces for **4-bedroom + dwellings**; and the visitor parking requirement for the proposed development (according to Principle 9 of the SPD) is 3/5ths of a parking space. Even rounded-up to a whole number, provision of a single additional visitor or unallocated parking space could be met by temporary parking adjoining the allocated spaces at each of the proposed houses without inconveniencing occupiers of the other dwellings within the scheme. It is considered that the proposals comply acceptably with the Council's adopted car parking requirements and, in any event, the proposed development would meet its own functional car parking needs without materially exacerbating any existing issues. No cycle parking is shown to be provided with the scheme, although it is considered that this is easily done by provision of sheds with each of the proposed house plots, which can be required by condition. The proposals would thereby meet the Council's adopted parking standards in full

and, as such, the proposed development makes appropriate and acceptable provision for parking on-site to support itself.

All of the proposed house plots are shown to be provided with adequate space for the storage of refuse/recycling bins and this can be secured and retained with the imposition of the usual planning condition. Whilst objectors consider the proposed bin collection arrangements for the development to be unacceptable, the proposed arrangements are conventional, would be consistent with the existing collection arrangements applicable to existing properties in York Crescent and Green Acre, and no objections are raised by the Council's Operations Manager (Domestic Bin Collection).

No Transport Contribution has been requested by the Highway Authority, Hampshire County Council, in this case.

It is considered that the proposals are acceptable in highways terms.

## **7. Impact Upon Wildlife & Biodiversity –**

### **(a) Special Protection Area.**

The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17' in April 2018 established the legal principle that a full appropriate assessment (AA) must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA, and that this process cannot take into account any proposed measures to mitigate any likely impact at the assessment stage. This process, culminating in the Council's Appropriate Assessment of the proposals, is overall described as Habitats Regulation Assessment (HRA).

Undertaking the HRA process is the responsibility of the decision maker (in this case, Rushmoor Borough Council) as the 'Competent Authority' for the purposes of the Habitats Regulations. The following paragraphs comprise the Council's HRA in this case:-

HRA Screening Assessment under Regulation 63(1)(a) of the Habitats Regulations : The Thames Basin Heaths SPA is designated under the E.C Birds Directive for its lowland heathland bird populations. The site supports important breeding bird populations, especially Nightjar *Caprimulgus europaeus* and Woodlark *Lullula arborea*, both of which nest on the ground, often at the woodland/heathland edge; and Dartford Warbler *Sylvia undata*, which often nests in gorse *Ulex* sp. Scattered trees and scrub are used for roosting.

Heathland is prone to nitrogen deposition due to increases in Nitrogen Oxide. Calculations undertaken for the Rushmoor Borough Council Local Plan found that there will be no in-combination impacts on the habitats as a result of development in the Local Plan, including an allowance for 'windfall' housing developments. However within the screening process it will need to be ascertained whether development outside the Local Plan within 200m of the SPA will increase vehicle movements to above 1000 extra trips/day or exceed the Minimum Critical Load by over 1% either alone or in-combination with the Local Plan.

The bird populations and nests are very prone to recreational disturbance, with birds vacating the nests if disturbed by members of the public. This leaves the young unprotected and increases the risk of predation. Dogs not only disturb the adults, but can directly predate the young.

Visitor surveys have shown that the visitor catchment area for the Thames Basin Heath SPA is 5km, with any proposals for residential development within this catchment contributing to recreational pressure on the SPA. The research also evidenced that residential development within 400m of the SPA would cause impacts alone due to cat predation of adult and young birds.

The retained South East Plan Policy NRM6 and adopted New Rushmoor Local Plan (2014-2032) Policy NE1 (Thames Basin Heaths Special Protection Area) and Thames Basin Heaths Avoidance & Mitigation Strategy (2019)], state that residential development within 400m of the SPA should be refused and development within 5km of the SPA should provide Strategic Alternative Natural Greenspace (SANG) of 8ha/1000 additional population and contributions to Strategic Access Management and Monitoring Measures (SAMM) dependant on the number of bedrooms.

It is considered that there is sufficient information available with the planning application provided by the applicants with which the Council can undertake the HRA process. In this case the proposed development involves the creation of 3 net new residential units within the Aldershot urban area. As such, the proposed development is located within the 5km zone of influence of the SPA but outside the 400-metre exclusion zone. The proposed development is neither connected to, nor necessary to the management of, the Thames Basin Heaths SPA. Furthermore, the proposed development would not result in a net increase in traffic movements in excess of 1000 vehicular movements per day in proximity to the SPA.

All new housing development within 5 km of any part of the Thames Basin Heaths SPA, of which the current proposals would make a contribution, is considered to contribute towards an impact on the integrity and nature conservation interests of the SPA. This is as a result of increased recreation disturbance in combination with other housing development in the vicinity of the Thames Basin Heaths SPA. Current and emerging future Development Plan documents for the area set out the scale and distribution of new housebuilding in the area up to 2032. A significant quantity of new housing development also results from 'windfall' sites, i.e. sites that are not identified and allocated within Development Plans. There are, therefore, clearly other plans or projects for new residential development that would, together with the proposals the subject of the current planning application, have an 'in-combination' effect on the SPA. On this basis it is clear that the proposals would be likely to lead to a significant effect on European site (i.e. the Thames Basin Heaths SPA) integrity.

Appropriate Assessment under Regulation 63(1) of the Habitats Regulations : If there are any potential significant impacts upon the Thames Basin Heaths SPA, the applicant must suggest avoidance and/or mitigation measures to allow an Appropriate Assessment to be made. The Applicant must also provide details that demonstrate any long term management, maintenance and funding of any such solution.

The project the subject of the current planning application being assessed would result in a net increase of dwellings within 5 km of a boundary of part of the Thames Basin Heaths SPA. In line with Natural England guidance and adopted New Rushmoor Local Plan Policy NE1 and Thames Basin Heaths Avoidance & Mitigation Strategy (2019), a permanent significant effect on the SPA due to an increase in recreational disturbance as a result of the proposed new development is likely. As such, in order to be lawfully permitted, the proposed development will need to secure a package of avoidance and mitigation measures.

Rushmoor Borough Council formally adopted the latest version of the Thames Basin Heaths SPA Avoidance & Mitigation Strategy (AMS) in 2021. The AMS provides a strategic solution

to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Thames Basin Heaths SPA arising from new residential development. This Strategy is a partnership approach to addressing the issue that has been endorsed by Natural England.

The AMS comprises two elements. Firstly the maintenance of Suitable Alternative Natural Greenspace (SANG) in order to divert additional recreational pressure away from the SPA; and, secondly, the maintenance of a range of Strategic Access Management and Monitoring Measures (SAMMs) to avoid displacing visitors from one part of the SPA to another and to minimize the impact of visitors on the SPA. Natural England raises no objection to proposals for new residential development in the form of Standing Advice provided that the mitigation and avoidance measures are in accordance with the AMS.

In order to meet the requirements of Policy NE1 and the AMS applicants must:-

- (a) secure an allocation of SPA mitigation capacity from either the Council's SANGS schemes, or from another source acceptable to Natural England and to the Council; and
- (b) secure the appropriate SANG and/or SAMM in perpetuity by making the requisite financial contribution(s) by entering into a satisfactory s106 Planning Obligation that requires the payment of the contribution(s) upon the first implementation of the proposed development.

These requirements must be met to the satisfaction of Natural England and Rushmoor Borough Council (the Competent Authority) before the point of decision of the planning application.

In this case the applicants have provided written evidence that they have acquired SANGS capacity from the Hart District Council Bramshot Farm SANGS scheme sufficient for the 3 new dwelling units proposed, costing the applicants £35,272.86 that has already been paid to Hart DC. Furthermore, the applicants are also seeking to secure a financial contribution of £3,063.00 towards SAMM by way of a s106 planning obligation submitted to Rushmoor BC requiring payment of this additional SPA financial contribution upon the implementation of the proposed development.

Conclusions of Appropriate Assessment : On this basis, the Council are satisfied that, subject to the receipt of a satisfactory completed s106 Planning Obligation, the applicants will have satisfactorily mitigated for the impact of their proposed development on the Thames Basin Heaths SPA in perpetuity in compliance with the requirements of New Rushmoor Local Plan Policy NE1 and the AMS. Accordingly, it is considered that planning permission could then be granted for the proposed development on SPA grounds.

#### **(b) Site Specific Protected Species.**

As a result of the long-term vacancy and disuse of the application site, the land has, over the years, gone through a number of episodes of being used to dump materials, then becoming overgrown and then being cleared. Indeed, a significant part of the current application site was used to store materials in connection with the construction of the extensions to Tragorden in 2013-15. The steep wooded hillside to the rear of the site is undeveloped, contains a number of mature trees and functions as a local wildlife refuge and corridor. As a consequence there is known clear potential for the application site to contain, or be frequented by, protected wildlife species, most notably badgers, but also reptiles and nesting birds. Bats may also commute across the site and there is potential for bat roosting in the adjoining trees. Non-protected mammal species such as foxes and hedgehogs are also known or likely to frequent the adjoining wooded hillside corridor and the site.



As a consequence of the legal protections afforded to badgers and other protected wildlife species, the proposals have been prepared, submitted and informed by the advice of a suitably qualified Ecological Consultant. Some necessary survey works (ground infiltration and ecology) and associated vegetation clearance were undertaken at the site by or on behalf of the applicants late last year in connection with the preparation of the current planning application. This work was carried out with the advice and/or supervision/participation of the applicant's Ecology Consultant. Whilst objectors express concerns that the landowner may have undertaken activities at the site that could have disturbed badgers in contravention of wildlife protection legislation, no complaints have been made to the Police about this; and the Police are not investigating or pursuing any matter in connection with any alleged disturbance of badgers or badger setts (or any other protected species) at this site. In this respect, the legislation does not preclude works being undertaken at the site subject to appropriate advice and precautions being taken to avoid disturbance and harm being caused to any protected wildlife species that may be present and, thereby, to comply with the law.

The Council has no role or jurisdiction in the enforcement of protected wildlife legislation. Nevertheless, in the context of land use planning, Local Plan Policy NE4 (Biodiversity) seeks new development to avoid significant harm to biodiversity and, if not possible, to ensure that adequate mitigation is proposed that clearly demonstrates that there would be no adverse effect on the conservation status of priority species. This policy states, inter alia:-

*“Development proposals will be permitted if significant harm to biodiversity ... resulting from a development can be avoided or, if that is not possible, adequately mitigated such that it can be clearly demonstrated that:*

1. *There will be no adverse effect on the conservation of priority species*
5. *There will be no loss or deterioration of a priority habitat type, including irreplaceable habitats; and*
6. *There will be no adverse effect to the integrity of linkages between designated sites and priority habitats.”*

Additionally, Paragraph 175 of the National Planning Policy Framework (2021) (NPPF) explains that if significant harm to biodiversity cannot be avoided, mitigated or compensated for then permission should be refused. Government Circular 06/2005 (Biodiversity and Geological Conservation) Paragraph 99 states that:-

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”*

The previous planning application was partly refused on the basis of the failure to satisfactorily address the ecology & biodiversity impacts of the proposed development. At that time, insufficient information was considered to have been submitted, particularly so in respect of biodiversity impacts, such that, taking a precautionary approach, it was not, on balance, considered appropriate to deal with the matter by the imposition of conditions.

The Council's Ecology Officer has carefully considered the survey information relating to the application site and its surroundings that has been submitted with the current application – in

addition to the body of survey and other information submitted with, and in the immediate aftermath, of the previous application. Combined with the specific landscaping and wildlife mitigation proposals now to be incorporated into the scheme, the Ecology & Biodiversity Officer has concluded that the Applicants' have now presented sufficient information and proposals to understand the likely impacts upon protected wildlife and ensure that ecological and biodiversity matters are appropriately addressed with the proposed development. Consequently, it is considered that the ecology and biodiversity reason for refusal of the previous planning application has now been satisfactorily addressed. It is therefore recommended that planning permission can now be granted subject to conditions in respect of ecology and biodiversity matters.

**Protected Species – Badgers :** Badgers are less numerous in an urban context; and more prevalent in rural locations. Badgers are omnivores and typically eat, depending upon availability, earthworms, frogs, rodents, birds, eggs, lizards, insects, bulbs, seeds and berries; for which they forage nocturnally. Although badgers are adaptable creatures, urban badgers tend to have smaller clans living in more compact setts, reflecting a more restricted range with reduced food supply. Road deaths can have a significant impact on urban badger populations in particular. Domestic gardens can be important foraging areas and urban badger clans can, to an extent, become habituated to human presence and activity to an extent where it provides them with opportunities for food.

Badgers are legally protected under The Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), which makes it illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so. It is also an offence to damage, destroy or interfere with a badger sett or disturb a badger while it is occupying a sett. Significant loss of foraging grounds and restrictions of movement to the badger clan may also constitute disturbance. The responsibility and obligations in this respect in the context of activity at the application site and the implementation of the proposed development lay with the applicants – whom are well aware of the legal protection afforded to badgers and their setts. It is clear that the granting of planning permission does not override the requirements of the Protection of Badgers Act 1992. Irrespective of the granting of a planning permission, it remains a matter for the Applicants to ensure that they comply with the law in respect of Badgers (and other protected wildlife species) and can demonstrate, if asked by the Police, that they have taken the appropriate advice, precautions and care to remain within the law.

As a general guide, any works undertaken within 30m of an entrance to a badger sett has the potential result in disturbance of a badger in the sett. Badgers could be affected if the implementation of a development proposal causes: damage to setts, loss of setts, loss of foraging areas, and/or disturbance to badgers while they're occupying setts - from noise, lights, vibration, fires or chemical use. However, the legislation does not preclude the undertaking of development in proximity to badgers and their setts. A licence from Natural England is required to undertake development works which would otherwise result in an offence being committed under the legislation, but the developer must provide justification and show what mitigation measures will be put in place. Natural England provides Standing Advice which is available from the GOV.UK website. The Applicants may require, in addition to planning permission, a Government licence to undertake some aspects of their proposed development and, in this respect, they are being advised by a consultant ecologist.

The GOV.UK advice is that, where possible developments should avoid effects on badgers. But that, where this is not possible, the developer will need to include mitigation or compensation measures in their proposals. In considering planning applications for developments that may, affect badgers or their setts, the Council must consider if the

developer has taken appropriate measures to avoid, mitigate or compensate for any negative effects. It is suggested that development proposals could include mitigation measures that: maintain foraging and watering areas, or create new areas; maintain habitat connectivity, for example with tunnels, underpasses or green corridors.

Councils are advised to consider the need for site monitoring and management in order to make sure that mitigation measures are installed as proposed; and to check that setts have not been interfered with during or after development.

Surveys undertaken on behalf of the Applicants identify/confirm the existence an active main badger sett near the east (rear) boundary of the development site in the adjoining land. This has evidently existed for many years and is, indeed, noted with survey work undertaken for previous planning applications relating to this site. It is considered that the adjacent hillside habitat is likely to provide the main commuting and foraging opportunities for badgers, meaning the application site is of less importance for the maintenance of the main sett. Furthermore, the mature trees and vegetation along the bank within the site provide some screening of the main sett from the site.

Some outlier sett holes are noted that are located within the application site close to the eastern boundary, although the submitted surveys conclude that these were, at the time of survey, disused and unoccupied. Nevertheless, the surveys also note mammal runs and fence line push-throughs indicating that badgers are present and frequent the application site, at least for commuting and foraging for food. Some of the problems objectors report about rubbish bags being ravaged may be due to badgers. Some neighbours may feed badgers and there are regular sightings of badgers in the vicinity. However, sightings of badgers within the application site or general vicinity are not evidence confirming that badgers reside in the badger holes found on site. As has been noted by the Applicants' Ecologist, it would seem that generations of badgers have co-existed in proximity to the domestic noise, smells, lights and activity disturbance of adjoining and nearby existing residential properties in the vicinity of the application site.

The proposed development has been amended from the scheme presented with the previous planning application to incorporate specific mitigation measures as set out in the submitted Badger Mitigation Strategy; and as shown with the proposed Landscaping Plan (Drawing No.P.09 REV.D). In this respect, it is proposed that a strip of land within the application site adjoining the eastern boundary of the application site be preserved as a wildlife corridor and buffer zone to be permanently fenced-off from the garden areas of the proposed houses, including for the duration of construction works. This would serve the dual purposes of protecting the land containing both the outlier sett within the application site; and also the main sett beyond from domestic encroachment from the use and occupation of the proposed adjoining Plot 2 & 3 houses. Further, in order to enable badgers to commute and forage further afield, the buffer zone would also be connected to a fenced segregated link pathway to run along the north boundary of the site at the side of the Plot 3 house, so that badgers and other wildlife would be able to gain access to and from York Crescent and provide permanent wildlife connectivity from there to the hillside beyond the site serving as their main corridor for movement in the area. The Applicants' Ecologist suggests that establishing the wildlife corridor/buffer zone at an early stage would be sufficient to enable the proposed development to proceed without the need for a Government licence, however this would be a matter for Natural England to decide as part of a licence application.

The recommendations of the submitted Badger Mitigation Strategy also acknowledge that some enhancements and ongoing suitable habitat management of the wildlife corridor/buffer

zone will be required. In this respect it is stated that there will be some planting of fruit bearing trees in order to provide additional foraging resource, including suitable species such as apple, elder, plum, hazel, hawthorn, blackthorn and wild cherry. Furthermore, that the wildlife corridor/buffer zone also needs to be maintained long term and kept clear of obstacles such as refuse and garden waste dumping. Accordingly, trees and scrub vegetation present within the wildlife corridor should be retained where health and safety permits; and it is stated that an annual check of the wildlife corridor be undertaken by an ecologist for five years; and that any actions noted as required to maintain the corridor identified must then be undertaken.

It is recommended that no artificial lighting (either during or after construction) be positioned where it would fall on or within the wildlife corridor, or well used paths leading directly from it. It is considered that the various mitigation measures described are appropriate as a means of enabling urban badgers to co-exist alongside humans and their dwellings. Accordingly, the Ecology Officer is satisfied that the proposed badger mitigation measures are an appropriate response in this case and would, if maintained, provide adequate protection and commuting/foraging range for badgers and, indeed, ensure that occupiers of the new houses can also live in their properties without causing undue disturbance to the activities of their badger neighbours. Accordingly, the Ecology Officer recommends that the developer should be required to implement the proposed development in accordance with the recommendations of the submitted Badger Mitigation Strategy, specifically Section 4 'Mitigation Recommendations', and also the long-term retention and maintenance of a wildlife corridor as shown by the submitted 'Proposed Landscaping Plan' Drawing No.P.09 REV.D. It is considered that this can be secured by use of suitably-worded planning conditions.

It is also considered necessary that a condition be imposed to require that, immediately prior to the start of works, a top-up walkover survey of the site be undertaken by an appropriately qualified and experienced ecologist within the proposed development boundary and a 30m buffer area beyond, to search for any new badger setts and, indeed, to confirm whether or not any setts that are present on site remain inactive. If any badger activity is detected on site, the condition should then require a suitable course of action to be submitted to and approved in writing by the Council to prevent harm to badgers.

Objectors have also expressed concern about the likely adverse impact on badgers during the construction period of the development. This is, however, a matter that the Applicants' Ecologist does make detailed recommendations in the submitted Badger Mitigation Strategy, including:

- The wildlife corridor must be clearly marked to avoid accidental clearance or access by site machinery and to shield it from site works, with the fencing in this respect comprising high close board wooden or other 'solid' panel fencing which should be in place before any site clearance or works begin. This would then act as a sound barrier between the sett and the site. Notices would be placed on the fence stating, 'Wildlife Protection Area KEEP OUT';
- Good building practice, to include covering open trenches at night or to provide them with a means of escape for badgers, should be followed during all works on the site. [*Officer Note: this practice would be of benefit to other terrestrial mammals (such as foxes and hedgehogs) in addition to badgers*];
- Bonfires should be avoided on the site (as the smoke from a fire could enter the sett); and if absolutely necessary these must only be lit well away from the sett and it should be ensured that the wind is not blowing towards the sett;

- No chemicals to be used within 20m of any active badger holes;
- If any noisy works are required close to the sett (it is suggested within 20m of the main sett) these should be kept to a minimum and only carried out first thing in the morning to allow time for the badgers to settle during the day before their evening active period;
- A 'toolbox talk' should be given by an ecologist to site workers / contractors to outline the strict instructions and procedures to be followed and this should be incorporated into the site induction for all workers;
- Site clearance will be supervised by an ecologist, who will check for any sett holes under brash (vegetation). Should sett holes be found, and in use, in such circumstances it is indicated that the developer would stop works and seek advice and, if necessary, seek a licence for the continuation of the works; and
- Disposal of brash with a bonfire is unlikely to be appropriate and use of a chipper or other similar machinery should be avoided if possible (due to noise levels). However, if this is the only option the chipper should be located as far away from the rear of the site as possible (ideally by the site entrance) to reduce the noise near the sett and wildlife corridor. Brash close to the wildlife corridor should be dragged away by hand to the site entrance for removal.

Badger protection legislation does not prevent building works proceeding, it simply establishes the principle that the developer and their contractors are obliged to take appropriate care to comply with the law and/or operate under the appropriate licence. Nevertheless, from a planning perspective, the Council's Ecology Officer agrees with the various measures that are recommended and it is considered that these can be secured by condition. For the sake of consistency and visibility to site workers, these measures should be mentioned in the Construction Management Plan condition.

The Applicants' Ecologist acknowledges that licences are, if required, only issued for any required mitigation work to be undertaken (when full planning permission has been granted) normally between 1 July – 30 November, with 1 December - 30 June being a closed season. This is to try to prevent damage to setts and avoid disturbance and injury to badgers and cubs during the breeding and weaning season. However, since this is a matter that would be a condition of the licence, it is not considered that it would be appropriate or necessary to duplicate this requirement with a planning condition. That said, the GOV.UK advice is that Councils ensure that planning conditions to be imposed do not conflict with conditions for a licence. Councils should consult NE concerning conditions that they are minded to impose. Accordingly, NE were consulted in respect of the suggested conditions relating to the protection and mitigation of protected species as a result of the proposed development. Their response is that the Council should follow their standing advice, the guidance of their Ecological officer and that they will only provide bespoke advice on protected species where the site forms part of a SSSI or in exceptional circumstances.

It is usual for information submitted concerning badgers with planning applications to be treated in confidence by Councils in order to protect the security of the sett. In this case the relevant material has been removed from public view with the remainder of the applications plans and details following the completion of the neighbour notification period. Nevertheless, given the location of the application site at the end of a private road and the continued vigilance of local residents it is considered that the threat to the safety of the badgers near this

application site arising from a general public awareness of the existence of a badger sett in this locale is low. Furthermore, given the level of local public interest and that planning permission was refused previously on account of ecology and biodiversity issues it was considered appropriate that local residents had access to the full range of information submitted with the application during the notification period.

**Protected Species – Bats** : Bats are protected under the Wildlife & Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2018, which apply to all bat species. Although located in an urban environment, the mature trees on the undeveloped hillside adjoining the eastern boundary of the application site form part of a significant tree belt which is considered likely to be important foraging habitat and commuting route for any bats present. : the presence of bats and bat roosts in the general vicinity of the application site is therefore considered to be highly likely.

Although objectors criticise the survey methodology of the Applicants' Ecology Consultant on the basis that the survey work has been undertaken during the daytime, the point of the survey work was to look for likely bat roosting opportunities in the trees adjoining the site rather than to seek out and identify the presence of bats, since the likely presence of bats is already accepted. Some of the trees on the rear boundary of the site are considered suitable bat roost features and it is therefore considered likely that commoner species of bat are present in the immediate environment; and may well be using the application site for foraging and commuting. However, as confirmed by the Applicants and their Ecology Consultants, it is proposed that all trees within or adjacent to the application site are to be retained and not subject to significant works. Indeed, the most significant trees, those on the rear boundary, are subject to a Tree Preservation Order, such that any works to be undertaken to these trees requires the written consent of the Council. Undertaking works to TPO trees on an unauthorised basis is the committing of an immediate offence that would place anyone undertaking such works, such as the developer, their contractors, tree surgeons and, in the future, the occupiers of the proposed houses, at risk of prosecution by the Council. Clearly, should tree works be undertaken that disturb a bat roost an offence would may be committed under wildlife protection legislation that would be a matter for the Police. In the circumstances, it is considered that there is adequate legislative protection already in place to ensure that any bat roosts that may exist in the vicinity of the proposed development are likely to remain unmolested. The Ecology & Biodiversity Officer agrees with this assessment.

As nocturnal species, both bats and badgers are sensitive to any increase in artificial lighting of their roosting and foraging places, and commuting routes. Paragraph 185 of the National Planning Policy Framework 2021 states that planning policies and decisions should "*limit the impact of light pollution from artificial light on ... dark landscapes and nature conservation*". Accordingly, the Ecology & Biodiversity Officer advises that the developer will need to ensure that the proposed development will result in no net increase in external artificial lighting at primary bat foraging and commuting routes across the development site, in order to comply with the relevant legislation and the recommendations in BCT & ILP (2018) Guidance Note 08/18. "Bats and artificial lighting in the UK. Bats and the Built Environment. Bat Conservation Trust, London & Institution of Lighting Professionals, Rugby". In order to ensure that compliance with this best practice guidance is secured, it is recommended that a suitably-worded planning condition be imposed to require the formulation, approval by the Council and implementation of a Sensitive Lighting Management Plan prior to commencement of development.

**Protected Species – Reptiles** : These are also subject to protection under the Wildlife & Countryside Act 1981 (as amended) and, as such, enforcement of any offences would be a

matter for the Police. Nevertheless, in this respect the submitted 2019 Reptile Survey of the application site, whilst identifying potential reptile refugia, did not find any reptile species on the land. However, suitable habitat for reptiles exists on site and there is potential for reptiles to colonise the site from adjacent land. Accordingly, the Ecology & Biodiversity Officer recommends that, where site vegetation has not been managed in accordance with the recommendations of the July 2019 Reptile Survey report, any site clearance should be undertaken only in accordance with the applicants' Reptile Mitigation Strategy (Feb 2021) which can be secured by condition. Since it is to be recommended that a badger survey be undertaken by an appropriately qualified and experienced ecologist immediately prior to the start of development works, it would also be sensible for the developer to check the site for the presence of reptiles at the same time.

**Protected Species - Breeding Birds** : In this respect, the Ecology & Biodiversity Officer advises that the developer should be made aware that Part I of the Wildlife and Countryside Act 1981, as amended, makes it an offence to intentionally kill, injure or take any wild bird, or intentionally to damage, take or destroy its nest whilst it is being built or in use. Accordingly, any vegetation clearance at the development site should be undertaken only in accordance with the recommendations of paragraph 7.7 of the submitted Protected Species Walkover Survey dated 1st September 2020 which, again, can be required by condition. The Council also uses an Informative to alert developers to the requirements of wildlife protection legislation.

Whilst not subject to statutory protection, it is considered that compliance with the various wildlife protection measures identified by the Applicants' Ecology Consultant should also avoid harm to other mammal species (such as hedgehogs and rabbits) as is noted in paragraphs 7.13 and 7.14 of the same document.

### **(c) Biodiversity**

In addition to Policy NE4, Local Plan Policy NE2 (Green Infrastructure) requires that development provides green infrastructure features within the development and maximises opportunities for improvement to the green infrastructure network, including restoration of fragmented parts of the network. This approach is also supported by the NPPF. In this respect, development proposals should seek to secure opportunities to enhance biodiversity and include proportionate measures to contribute, where possible to a net gain in biodiversity, through creation, restoration, enhancement and management of habitats and features, including measures that help to link key habitats.

In addition, the Environment Act 2021 introduces a statutory footing for securing measurable net gains for biodiversity, requiring a 10% minimum uplift post-development. However, this will not become a legal requirement until November 2023 such that, for the time being, the Council seek and secure net gain from developers on a voluntary basis.

In submitting the current application, the applicant has provided additional information for consideration in respect of biodiversity gain comprising a Proposed Landscaping Plan and a Biodiversity Metric V3.0 'Small Sites Metric Beta Test', DEFRA spreadsheet completed by the Applicants' Ecology Consultant. The submitted Biodiversity Metric calculates a 49.01% increase in habitat units as a result of the proposed development. However, whilst the Ecology & Biodiversity Officer considers this to be an over-estimate, they acknowledge that the application now presents a suite of on-site measures to compensate for losses of existing habitats, as presented within the Proposed Landscaping Plan Drawing No.P.09 REV.D. In this respect, the measures include native species planting, provision of a range wildlife

nesting/roosting boxes (an igloo hedgehog home, 3 X hedgehog holes, 6 X bat boxes, 6 X bird boxes and 3 X log-piles/hibernacular), a native hedgerows, tree planting and permanent retention of a semi-natural habitat buffer at the east of the development site : measures that are considered to be proportionate to the scale and circumstances of the proposed development. As already noted in this report, the landscaping plan also presents a suite of species-specific landscaping measures that are considered to satisfactorily address protected species issues. Accordingly, the Ecology & Biodiversity Officer concludes that, despite the overestimation of the biodiversity gain using the Metric, they are content that the proposed development would deliver no net loss of biodiversity, in line with the requirements of the NPPF provided that the measures presented within the Landscaping Plan are implemented in full. A planning condition can be used for this purpose.

#### **(d) Conclusions on Ecology & Biodiversity**

It is considered that the proposed development the subject of the current application has satisfactorily addressed the previous ecology/biodiversity reason for refusal and that the proposals are now acceptable having regard to the relevant adopted Local Plan Policies and Government Guidance.

#### **8. Surface Water Drainage -**

The site is located on land at lowest risk of fluvial flooding and low risk of surface water flooding. Indeed, the primary flood risk in the area in these respects arise in the immediate vicinity of the stream feeding the River Blackwater that flows under the York Road/Cranmore Lane/Sandford Road/Ayling Hill crossroads. York Crescent and the application site is unaffected in this respect, although, nonetheless, the land at York Crescent slopes down in this direction and, within the Crescent itself, the application site slopes down into the roadway, with a portion of the wooded flank of Cargate Hill rising behind. Infiltration Tests undertaken for the Applicants at the site last year have demonstrated that the ground is relatively impermeable due to the local geology, which is typical of the Cargate Hill area, comprising interleaving beds of sands and clay. As objectors have noted, there are therefore established natural springs, water seeps, and 'wells' in the area. Further, as existing, surface water can and does flow downhill into the roadway from adjoining properties on higher ground, including from the application site, during heavy rainfall, when the limited capacity for on-site infiltration into the ground is exceeded.

The Council's refusal of the previous application included a reason for refusal relating to drainage issues. This was because the application was not accompanied, as it should have been, by any details and proposals for the drainage of the site. Indeed, the only suggestion of drainage proposals with the previous application was the indication that surface water drainage would use soakaways. Since the refusal of the previous application, Infiltration Testing has been undertaken on behalf of the Applicants that demonstrate that a soakaway drainage scheme would be inappropriate to the local ground conditions at the site. As a result it is clear that the Council's drainage reason for refusal was justified.

In order to address the drainage reason for refusal the current planning application is accompanied by details for a piped system to drain surface water from the house roofs and other hard-surfaces of the proposed development. This is shown to incorporate a SUDS feature in the form of a cellular water storage buffer tank located in the ground under the forecourt parking area of the Plot 1 house with a controlled outflow to be fed into the existing combined sewer also serving Tragorden.



The making of drainage connections to a development is subject to licencing (with Thames Water) that is subject to entirely separate consideration under other legislation and, as such, is not a matter for direct and technical consideration by the Council with a planning application. Nevertheless, adopted Local Plan Policy NE8 (Sustainable Drainage Systems) requires that developments include the implementation of integrated and maintainable Sustainable Urban Drainage Systems (SUDS) in all flood zones for both brownfield and greenfield sites.

Whilst the technical details/specification of this proposed SUDS drainage installation are the subject of separate consideration and licence approval by Thames Water, it is considered that the proposed drainage scheme is feasible, credible and acceptable in principle and would deliver an improvement on the existing site drainage situation, thereby meeting the objectives of Local Plan Policy NE8. Due to the relative impermeability of the existing ground at the site, it is considered that the introduction of hard-surfaces due to the new house roofs, hard landscaping and parking spaces would not, in themselves, significantly change the existing drainage characteristics of the site. However, whilst the proposed drainage system could not be expected to eradicate surface water flows entirely, the collection of surface water from the roofs and parking spaces etc into a piped system and incorporation of the proposed SUDS storage tank would be an improvement since it would result in surface water flows being subject to a degree of control that is not currently the case and, indeed, would address the impacts of surface water flows arising from the proposed development.

Objectors argue that the Applicants will be unable to install their proposed drainage system because it is disputed that the Applicants have sufficient ownership and control of all of the land required to install the storage tank. This is, however, a private legal matter between the Applicants and other owners of the York Crescent roadway in which the Council cannot be involved. Neither does it have any bearing on the technical merits of the proposed drainage scheme and its acceptability in planning terms.

In the circumstances, subject to the imposition of an appropriately-worded condition to require the installation of the indicated SUDS drainage system, it is considered that the proposals would meet the requirements of adopted Local Plan Policy NE8. Accordingly the previous drainage reason for refusal has been satisfactorily addressed.

## **9. Public open space -**

The Rushmoor Local Plan seeks to ensure that adequate public open space (POS) provision is made to cater for future residents in connection with new residential developments. Policy DE6 allows provision to be made on the site, or in appropriate circumstances, a contribution to be made towards upgrading POS facilities nearby.

This is a circumstance where a contribution (in this case the Parks Development Officer identifies a POS project requiring £6,600.00 towards public open space comprising refurbishment/renewal of play facility at Kingsway Playground, Kingsway Aldershot) secured by way of a s106 Planning Obligation would be appropriate. which the applicant is in the process of completing. Subject to the completion of this Obligation the proposal is considered to be acceptable within the terms of Local Plan Policy DE6.

## **Other Matter -**

Objectors have raised concerns that the generous size and design of the proposed dwellings would lend them to the future possibility of being converted into Houses in Multiple Occupation

(HMO). Planning permission would be required in any circumstance for the change of use to an HMO occupied by 7 or more persons such that any attempted change of use to a large HMO would be a clear breach of planning control. However, it is currently 'permitted development' (i.e. an automatic planning permission granted by secondary planning legislation) to change the use of a dwellinghouse (Use Class C3) to a small HMO occupied by up to 6 persons (Use Class C4) and visa versa. Minimal communal facilities would need to be provided and such a change of use could not require the provision of any additional on-site parking despite the average occupancy of a C4 small HMO being approximately 3 adult persons more than the average occupancy of a C3 dwellinghouse. Given the nature of the development and the finite space available on site for parking it is, however, considered that this is a circumstance where it would be reasonable for the Council to impose a planning condition removing permitted development rights for the change of use of the proposed houses to C4 use. In this way it is considered that the Council would also retain control over the possible future change of use of the proposed houses to small HMOs.

## **Conclusions -**

It is considered that the proposals have satisfactorily addressed the reasons for refusal of the previous planning application. The proposals are considered acceptable in principle and in highways terms; would have no material and harmful impact upon the overall visual character and appearance of the area and trees worthy of retention; would have no material and adverse impact on neighbours; would provide an acceptable living environment; provide coherent and considered proposals for the surface water drainage of the site; satisfactorily address the ecology & biodiversity impacts of the proposed development; and, subject to financial contributions being secured in respect of Special Protection Area mitigation & avoidance and Public Open Space with a s106 Planning Obligation, the proposals would have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area; and appropriately address the Council's adopted Local Plan Policy DE6 concerning Public Open Space. The proposals are therefore considered to be acceptable having regard to the criteria of Policies SS1, SS2, DE1, DE2, DE3, IN2, DE1, DE2, DE3, DE11, IN2, NE1, NE2, NE3, NE4 and NE8 of the adopted Rushmoor Local Plan (2014-2032).

## **Full Recommendation**

It is recommended that **subject** to the completion of a satisfactory Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by 26 March 2022 to secure the SAMM, SPA and Public Open Space contributions as set out in the report, the Head of Economy, Planning and Strategic Housing in consultation with the Chairman be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

In the event that a satisfactory s106 Agreement is not completed by 26 March 2022, the Head of Economy, Planning and Strategic Housing, in consultation with the Chairman, be authorised to refuse planning permission on the grounds that the proposal does not provide a financial contribution to mitigate the effect of the development on the Thames Basin Heaths Special Protection Area in accordance with The Rushmoor Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy and adopted Rushmoor Local Plan Policy NE1; and does not make appropriate provision for Public Open Space in accordance with the requirements of adopted Rushmoor Local Plan Policy DE6.

## Conditions

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to reflect the objectives of the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy as amended 2021 and to accord with the resolution of Rushmoor's Cabinet on 17 June 2014 in respect of Planning Report no PLN1420.

2. The permission hereby granted shall be carried out in accordance with the following approved drawings and details – L.01 REV.A; B.01 REV.B; P.01 REV.F; P.02; P.03; P.04; P.05; P.06; P.07; P.08; P.09 REV.D; Vincent & Rymill SK1 Drainage Scheme; Surface Water Disposal Hierarchy Checklist; Vincent & Rymill Surface Water Storage Calculations; Vincent & Rymill Soakaway Report Letter (Infiltration Tests); Thames Water Asset Map for YC; AEWG Badger Mitigation Strategy Sept 2020; AEWG response to Council Jan 21; AEWG Reptile Mitigation Strategy Feb 2021; AEWG Ecology Consultants Summary Statement; PTP Access Statement (Highways Issues); AEWG Updated Walkover Survey January 2021; AEWG Protected Species Walkover Survey Sept 20; AEWG Reptile Survey Report July 2019; AEWG Biodiversity Net Gain Metric Spreadsheet; SMW Tree Report & Appendices 1-6; Tree Report: Heli-Pile & Rootbridge System Details; Design & Access Statement; and Applicants' Supplementary Supporting Statement.

Reason - To ensure the development is implemented in accordance with the permission granted.

3. Construction of the following elements of the development hereby approved shall not start until a schedule and/or samples of the materials to be used in them have been submitted to, and approved in writing by, the Local Planning Authority. Those elements of the development shall be carried out using the materials so approved and thereafter retained:

External walls;  
Roofing materials;  
Window frames;  
Rainwater Goods; and  
Ground Surfacing Materials

Reason - To ensure satisfactory external appearance. \*

4. Construction or demolition work of any sort within the area covered by the application shall only take place between the hours of 0800-1800 on Monday to Fridays and 0800-1300 on Saturdays. No work at all shall take place on Sundays and Bank or Statutory Holidays.

Reason - To protect the amenities of neighbouring residential properties and to prevent adverse impact on traffic and parking conditions in the vicinity.

5. Prior to occupation or use of the development hereby approved, screen and boundary walls, fences, hedges or other means of enclosure for the boundaries of the overall site and between adjoining plots within the development hereby approved shall be installed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed and retained in accordance with the details so approved prior to the first occupation of the new dwellings hereby permitted.

Reason - To safeguard the amenities of neighbouring property. \*

6. The development hereby permitted shall not be occupied until the parking spaces shown on the approved plans have been constructed, surfaced and made available to occupiers of, and visitors to, the development as allocated on the approved plans. Thereafter these parking facilities shall be kept available at all times for their intended purposes as shown on the approved plans. Furthermore, the parking spaces shall not be used at any time for the parking/storage of boats, caravans or trailers.

Reason - For the avoidance of doubt and to ensure the provision, allocation and retention of adequate off-street car parking. \*

7. Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.

Reason - In the interests of visual amenity.

8. Prior to first occupation of the development hereby approved the ecological enhancements as shown by Drawing No.P.09 REV.D : Proposed Landscaping Plan hereby approved shall be implemented in full and retained thereafter. All planting, seeding or turfing comprised in the approved details of landscaping shown by Drawing No.P.09 REV.D : Proposed Landscaping Plan hereby approved shall be carried out in the first planting and seeding season following the occupation of the building or the practical completion of the development hereby approved, whichever is the sooner.

Reason - To ensure the development makes an adequate contribution to visual amenity and biodiversity gain. \*

9. Prior to the commencement of development, a Construction Management Plan to be adopted for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The details required in this respect shall include:

- (a) the provision to be made for the parking and turning on site of operatives and construction vehicles during construction and fitting out works;
- (b) the arrangements to be made for the delivery of all building and other materials to the site;
- (c) the provision to be made for any storage of building and other materials on site;
- (d) measures to prevent mud from being deposited on the highway;
- (e) the programme for construction;
- (f) the protective hoarding/enclosure of the site; and
- (g) appropriate provision for ecological advice and/or supervision of works being undertaken at the site.

Such measures as may subsequently be approved shall be retained at all times as specified until all construction and fitting out works have been completed.

For the avoidance of doubt, the Construction Management Plan must incorporate in full all of the management and other measures identified by the wildlife mitigation strategy documents in respect of Badger and Reptiles approved with this planning permission.

Reason - Reason - In the interests of the safety and convenience of adjoining and nearby residential properties; nature conservation; and the safety and convenience of highway users. \*

10. No construction works pursuant to this permission shall take place until a detailed surface water drainage scheme for the site incorporating a SUDS drainage installation in accordance with the indicative Vincent & Rymill SK1 Drainage Details plan hereby approved has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:-

Details for the long-term maintenance arrangements for the surface water drainage and/or SUDS systems shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details shall include appropriate maintenance schedules for each drainage feature type and its ownership.

Such details as may be approved shall be implemented in full prior to the first occupation of the new development and retained thereafter in perpetuity.

Reason - To reflect the objectives of Policy NE8 of the New Rushmoor Local Plan (2014-2032). \*

11. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority: -

i. a desk top study carried out by a competent person documenting all previous and existing uses of the site and adjoining land, and potential for contamination, with information on the environmental setting including known geology and hydrogeology. This report should contain a conceptual model, identifying potential contaminant pollutant linkages.

ii. if identified as necessary; a site investigation report documenting the extent, scale and nature of contamination, ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study.

iii. if identified as necessary; a detailed scheme for remedial works and measures shall be undertaken to avoid risk from contaminants/or gas identified by the site investigation when the site is developed and proposals for future maintenance and monitoring, along with verification methodology. Such scheme to include nomination of a competent person to oversee and implement the works.

Where step iii) above is implemented, following completion of the measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation shall be submitted for approval in writing by the Local

Planning Authority.

Reason - To ensure that the site is safe for the development permitted and in the interests of amenity and pollution prevention.\*

12. In the event that unforeseen ground conditions or materials which suggest potential or actual contamination are revealed at any time during implementation of the approved development it must be reported, in writing, immediately to the Local Planning Authority. A competent person must undertake a risk assessment and assess the level and extent of the problem and, where necessary, prepare a report identifying remedial action which shall be submitted to and approved in writing by the Local Planning Authority before the measures are implemented.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and is subject to approval in writing by the Local Planning Authority.

Reason - To ensure that the site is safe for the development permitted and in the interests of amenity and pollution prevention.

13. Prior to occupation of any part of the development hereby approved, the refuse and recycling bins for each dwelling hereby approved as shown on the plans hereby approved shall be provided and retained thereafter at all times.

Reason - In the interests of visual amenity and highway safety.

14. Prior to the occupation of any part of the development hereby approved, details of on-plot cycle storage for each individual dwelling hereby approved shall be submitted to, and approved in writing by the Local Planning Authority. Those details so approved shall be implemented in full and retained thereafter.

Reason - In the interests of visual amenity and highway safety.

15. No works shall start on site until existing trees and shrubs/hedges to be retained on and adjoining the site have been adequately protected from damage during site clearance and works in accordance with the details that are set out in the SMW Tree Report and Appendices hereby approved with the application. Furthermore, no materials or plant shall be stored and no buildings erected within protective fencing to be erected at the margins of the root protection area of each tree/shrub/hedge to be retained as appropriate.

Reason - To ensure that existing trees are adequately protected in the interests of the visual amenities of the site and the locality in general.

16. No works consisting of foundations and services (pipes drains cables etc), including the proposed area of no-dig construction parking spaces and access, shall start until a construction method statement detailing how impact on the roots of trees identified for retention will be avoided has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the method statement so approved.

Reason - To ensure the amenity value of the trees shrubs and landscaped areas to be retained is maintained . \*

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England), Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C, D and E of Part 1; and Class L of Part 3; of Schedule 2 shall be carried out without the prior permission of the Local Planning Authority.

Reason - To protect the amenities of neighbouring residential properties and to prevent adverse impact on traffic and parking conditions in the vicinity.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no additional windows, doors or openings of any kind shall be inserted in the first-floor elevations and roofs of the new development hereby permitted without the prior permission of the Local Planning Authority.

Reason - To protect the amenities of neighbouring residential properties.

19. Notwithstanding the details shown on the submitted plans, the first-floor landing window in the north side elevation of the Plot 1 house facing towards Green Acre properties shall be fitted with obscure glass and fixed closed with the exception of

- High level windows with a cill height not less than 1.7m above the internal floor level of the room.
- Opening top light windows forming the upper part of a larger window where the horizontal division is no less than 1.7m above the internal floor level of the room, and where the section below the division is obscurely glazed and fixed closed.

Reason - To prevent overlooking and loss of privacy to neighbouring residential properties.

20. No works of construction of the building hereby approved shall start until plans showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the height of any retaining walls within the application site have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the details so approved.

Reason - To ensure a satisfactory form of development in relation to neighbouring property and having regard to surface water flood risk considerations. \*

21. No development shall commence until a Sensitive Lighting Management Plan (SLMP) has been submitted to and approved in writing by the Local Planning Authority in respect of both the site clearance/construction/fitting out stages of the development hereby approved and also the future on-going residential occupation of the Plot 2 & 3 dwellings hereby approved. The SLMP shall:

(a) identify the areas or features on the site that are particularly sensitive for badgers and bats and identify the aspects of the development that would be likely to cause disturbance in or around the breeding sites and resting places of these species or along important routes used to access key areas of their territory; and

(b) show how and where all the proposed external lighting will be installed and demonstrate (through the provision of appropriate lighting plans and technical specifications) that those areas to be lit will not disturb or prevent the above species using their territory or gaining access to their breeding sites, resting places and foraging areas.

The SLMP as may be approved shall be implemented in full in accordance with the specifications and locations set out and retained as required thereafter at all times and, in the case of the on-going residential occupation of the Plot 2 & 3 houses, for the lifetime of the development. No other external lighting shall be installed without prior express consent from the Local Planning Authority in respect of the dwelling Plots 2 & 3 hereby approved.

Reason - To ensure the protection of wildlife in the interests of nature conservation in accordance with the National Planning Policy Framework. \*

22. No development shall commence until an ecological walk-over survey incorporating a refuge search has been undertaken immediately before the start of works on site by a suitably qualified ecologist to identify the presence of any protected species within the area of the development hereby approved and, in respect of badgers, to also cover a 30m buffer area beyond the rear of the application site. The results of the survey shall be submitted to the Local Planning Authority. In the event that protected species are identified within the application site, no works shall start and the survey report shall additionally include a scheme of mitigation measures to protect any such species affected by the development to be subject of consideration and approval as appropriate by the Council. The scheme of mitigation as may be approved shall thereafter be implemented in full in accordance with the approved details prior to any works being started on the site.

Reason: To ensure the protection of wildlife in the interests of nature conservation in accordance with the National Planning Policy Framework. \*

23. Site clearance and development works of any kind in respect of the implementation of the development hereby approved shall take place in full accordance with the mitigation recommendations set out in the AEWB Badger Mitigation Strategy (February 2021) and AEWB Reptile Mitigation Strategy (January 2021) reports hereby approved at all times for the duration of the works.

Reason - To ensure the protection of wildlife in the interests of nature conservation in accordance with the National Planning Policy Framework.

24. Site clearance and development works of any kind in respect of the implementation of the development hereby approved shall be undertaken until the wildlife corridor/buffer zone and associated segregated link route as shown and identified by the Landscaping Plan Drawing No.P.09 REV.D and described in the AEWB Badger Mitigation Strategy (February 2021) hereby approved has been established, enclosed and provided in full. The completed wildlife corridor/buffer zone and associated segregated link route shall thereafter be retained at all times thereafter for the lifetime of the development.

No development of any sort shall take place within the wildlife corridor/buffer zone and associated segregated link route as shown and identified by the Landscaping Plan Drawing No.P.09 REV.D hereby approved. Furthermore, the wildlife corridor/buffer



zone and associated segregated link route shall not at any time form part of the curtilage of the adjoining residential properties hereby permitted and shall not be used at any time for any purpose(s) associated with the residential use and occupation of the adjoining residential properties hereby permitted.

Reason – In the interests of safeguarding protected wildlife species from harm and disturbance.

25. No works in connection with the development hereby approved (including ground works and vegetation clearance) shall commence until a Biodiversity Monitoring & Management Strategy for the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The purpose of the Strategy shall be to safeguard protected wildlife species from harm and disturbance as a result of the development hereby approved; maintain biodiversity enhancements; and to manage the satisfactory retention of the enhancement and mitigation measures approved in respect of the development hereby approved. The content of the Strategy shall, inter alia, include the following:
- (a) Aims and objectives of monitoring to match the stated purposes;
  - (b) Identification of adequate baseline conditions prior to the start of development;
  - (c) Timing and duration and intervals of monitoring; and
  - (d) Responsible persons and lines of communication.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at the intervals identified in the strategy. The report shall also set out how contingencies and remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully-functioning biodiversity gain and safeguarding of protected species objectives of the originally approved scheme. The development shall be carried out in strict accordance with the approved monitoring strategy.

Reason – In the interests of safeguarding protected wildlife species from harm and disturbance; and to comply with the requirements of the NPPF and Local Plan Policy NE4. \*

## INFORMATIVES

- 1 **INFORMATIVE - REASONS FOR APPROVAL-** The Council has granted permission because:-

It is considered that the proposals have satisfactorily addressed the reasons for refusal of the previous planning application. The proposals are considered acceptable in principle and in highways terms; would have no material and harmful impact upon the overall visual character and appearance of the area and trees worthy of retention; would have no material and adverse impact on neighbours; would provide an acceptable living environment; provide coherent and considered proposals for the surface water drainage of the site; satisfactorily address the ecology & biodiversity impacts of the proposed development; and, subject to financial contributions being secured in respect of Special Protection Area mitigation & avoidance and Public Open Space with a s106 Planning Obligation, the proposals would have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area; and appropriately address the Council's adopted Local Plan Policy DE6 concerning Public Open Space. The proposals are therefore considered to be acceptable having regard

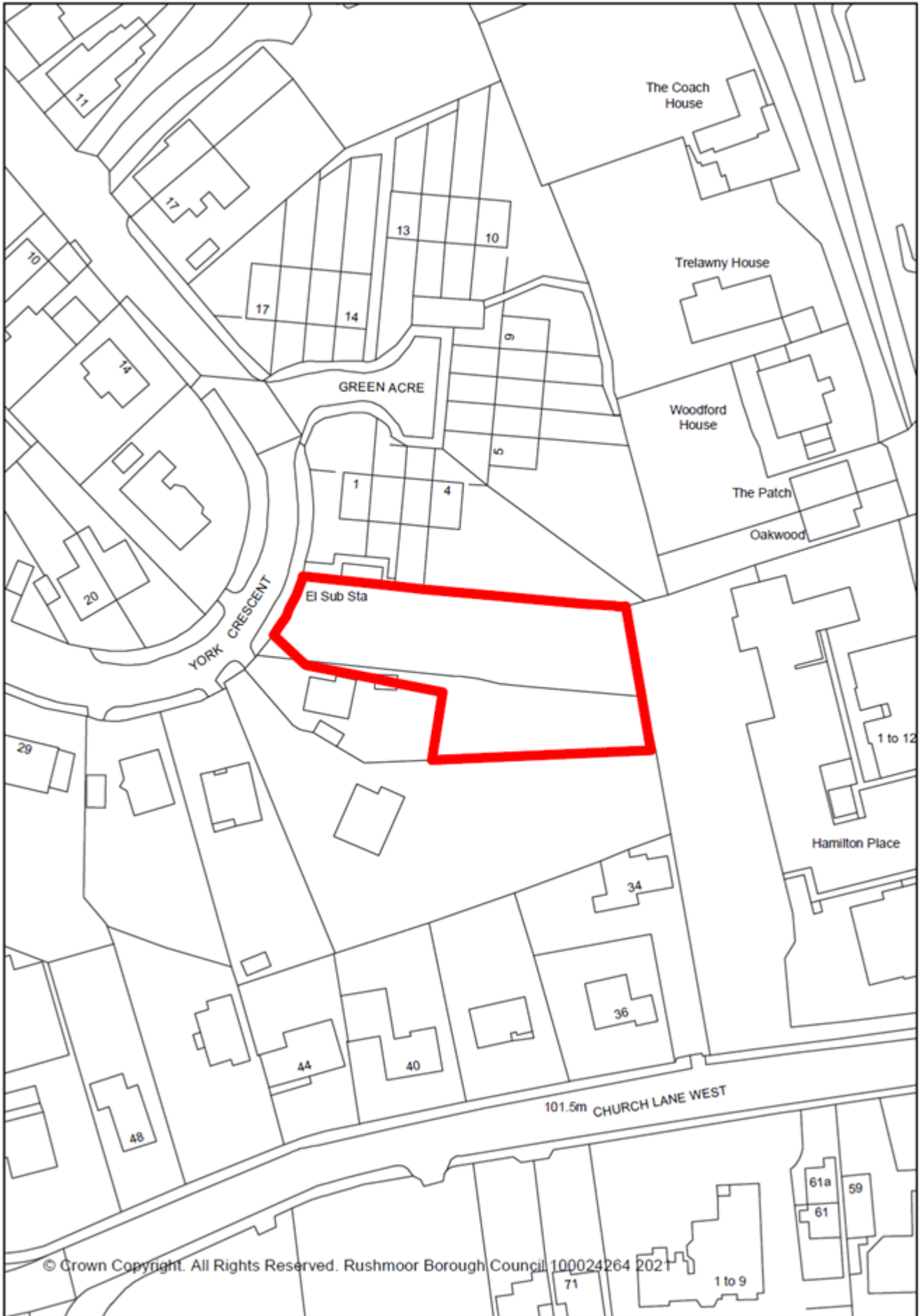
to the criteria of Policies SS1, SS2, DE1, DE2, DE3, IN2, DE1, DE2, DE3, DE11, IN2, NE1, NE2, NE3, NE4 and NE8 of the adopted Rushmoor Local Plan (2014-2032).

It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.

- 2 INFORMATIVE - This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 3 INFORMATIVE - Your attention is specifically drawn to the conditions marked \*. These condition(s) require the submission of details, information, drawings etc. to the Local Planning Authority BEFORE a certain stage is reached in the development. Failure to meet these requirements is in contravention of the terms of the permission and the Council may take enforcement action to secure compliance. As of April 2008 submissions seeking to submit details pursuant to conditions or requests for confirmation that conditions have been complied with must be accompanied by the appropriate fee.
- 4 INFORMATIVE - The applicant is recommended to achieve maximum energy efficiency and reduction of Carbon Dioxide emissions by:
  - a) ensuring the design and materials to be used in the construction of the building are consistent with these aims; and
  - b) using renewable energy sources for the production of electricity and heat using efficient and technologically advanced equipment.
- 5 INFORMATIVE - The applicant is advised to contact the Recycling and Waste Management section at Rushmoor Borough Council on 01252 398164 with regard to providing bins for refuse and recycling. The bins should be:
  - 1) provided prior to the occupation of the properties;
  - 2) compatible with the Council's collection vehicles, colour scheme and specifications;
  - 3) appropriate for the number of occupants they serve;
  - 4) fit into the development's bin storage facilities.
- 6 INFORMATIVE - No materials produced as a result of site preparation, clearance, or development should be burnt on site. Please contact the Council's Environmental Health Team for advice.
- 7 INFORMATIVE - The applicant is advised that during the construction phase of the development measures should be employed to contain and minimise dust emissions, to prevent their escape from the development site onto adjoining properties. For further information, please contact the Council's Environmental Health Team.
- 8 INFORMATIVE - It is a legal requirement to notify Thames Water of any proposed connection to a public sewer. In many parts of its sewerage area, Thames Water provides separate public sewers for foul water and surface water. Within these areas a dwelling should have separate connections: a) to the public foul sewer to carry waste from toilets, sinks and washing machines, etc, and b) to public surface water sewer for rainwater from roofs and surface drains. Mis-connections can have serious effects: i)

If a foul sewage outlet is connected to a public surface water sewer this may result in pollution of a watercourse. ii) If a surface water outlet is connected to a public foul sewer, when a separate surface water system or soakaway exists, this may cause overloading of the public foul sewer at times of heavy rain. This can lead to sewer flooding of properties within the locality. In both instances it is an offence to make the wrong connection. Thames Water can help identify the location of the nearest appropriate public sewer and can be contacted on 0845 850 2777.

- 9      INFORMATIVE - In the UK protected wildlife species, which includes badgers and all species of bats and nesting birds, are afforded statutory protection such that un-licenced harm and/or disturbance would constitute an offence. The grant of planning permission does not supersede the requirements of this legislation. If any protected species or signs of them are encountered at any point during development then all works must stop immediately and you should contact Natural England.
  
- 10     INFORMATIVE - The applicant is requested to bring the conditions attached to this permission to the attention of all contractors working or delivering to the site, in particular any relating to the permitted hours of construction and demolition; and where practicable to have these conditions on display at the site entrance(s) for the duration of the works.



It is sent to you in confidence and must not be reproduced or disclosed to third parties without our prior permission.





Do not scale from this drawing, other than for Local Authority Planning purposes.

This drawing is to be read in conjunction with all relevant conditions, specialist manufacturers drawings and specifications.

Any discrepancies in dimensions or details on or between these drawings should be drawn to our attention.

All dimensions are in millimetres unless noted otherwise.

Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by field measurement.

-  Category 'A' Tree  
Canopy shown N E S W
-  Category 'B' Tree  
Canopy shown N E S W
-  Category 'C' Tree  
Canopy shown N E S W
-  Root Protection Area

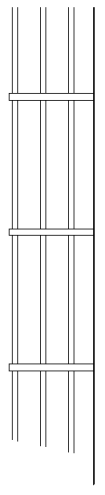
REV	DATE	DESCRIPTION	BY/CHKD
<b>PLANNING</b>			



**harding rose architects**

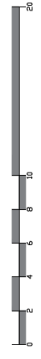
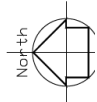
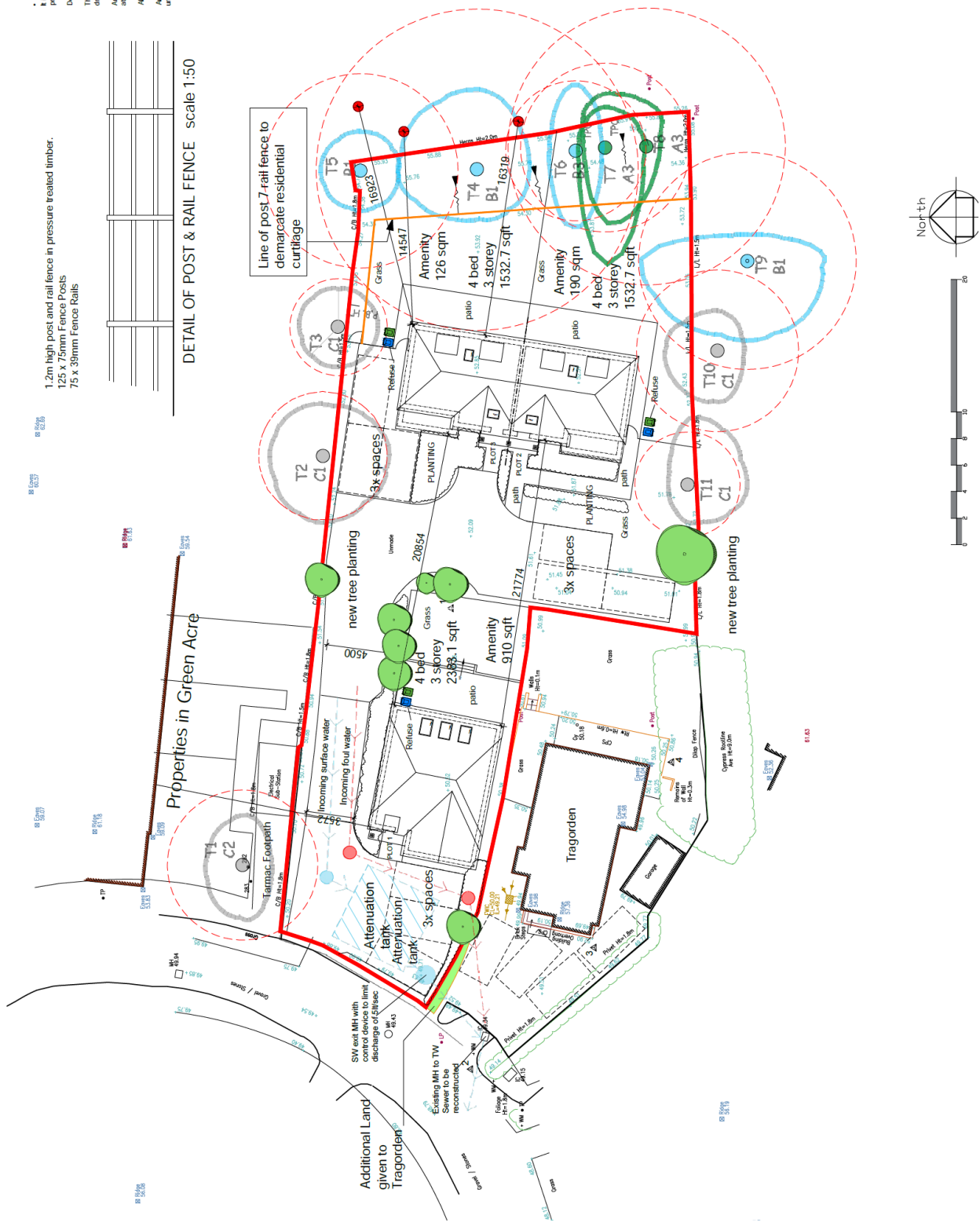
client Samco Construction Ltd  
 project The Haven, 19 York Crescent, Aldershot, GU11 3JN  
 title Proposed Site Layout

1.2m high post and rail fence in pressure treated timber.  
 125 x 75mm Fence Posts  
 75 x 39mm Fence Rails



DETAIL OF POST & RAIL FENCE scale 1:50

Line of post & rail fence to demarcate residential curtilage



..... and must not be reproduced or disclosed to third parties without our prior permission. Evidence and must not be reproduced or disclosed to third parties without our prior permission.

Do not scale from this drawing, refer then for Local Authority Planning purposes.

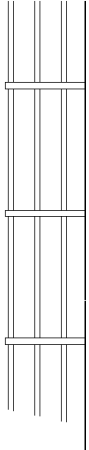
This drawing is to be used in conjunction with all relevant constraints, specialist manufacturers drawings and specifications.

Any discrepancies in dimensions or details on or between these drawings should be drawn to our attention.

All dimensions are in millimetres unless noted otherwise.

Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by field dimension.

1.2m high post and rail fence in pressure treated timber.  
125 x 75mm Fence Posts  
75 x 39mm Fence Rails



DETAIL OF POST & RAIL FENCE scale 1:50



REF.	DATE	DESCRIPTION	REVISION
<b>PLANNING</b>			



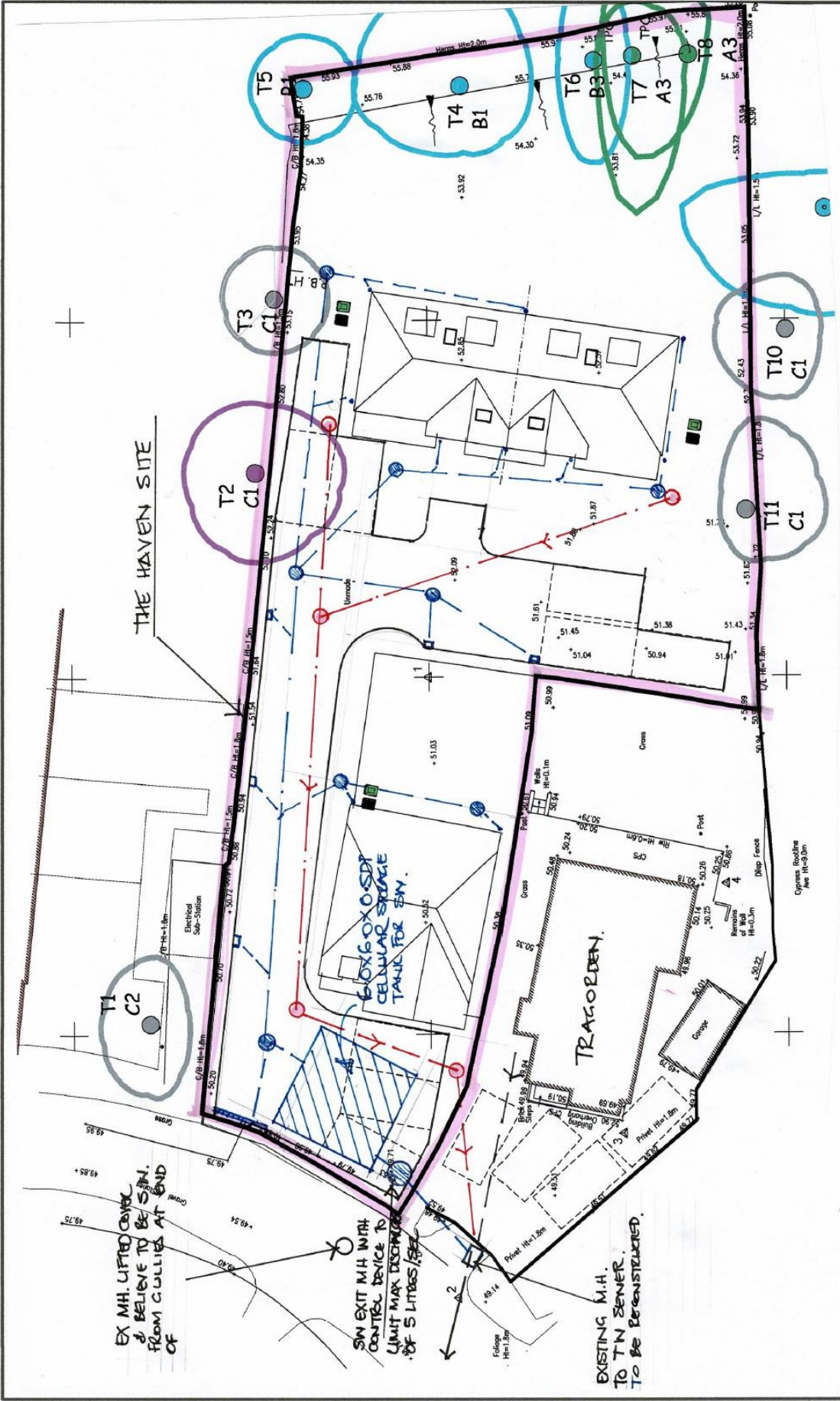
**haring rose architects**

client: Samco Construction Ltd  
project: The Haven, 19 York Crescent, Aldenot, GU11 3JN

Proposed Landscaping Plan	
SCALE	DATE
1:200 @A2	03.02.22
AC	PROJECT NO.
	20.797
	P.09
	D

**LEGEND**

	Grass		Prunus Spinesa
	Driveway - Maraballs Block Paving - Bitulle		Lonicera Periclymenum
	Maraballs Block Paving - Chacoal		Corylus Avellana
	Patio Path - Maraballs Indian Sandstone		Rosa Camina
	Igloo Hedgerow Home x7		Category 'C' Tree Canopy shown N E S W
	Hedgerow Hoop (6 signs) x3		Root Protection Area
	Bat Boxes on Dwellings x3		
	Bat Boxes in Trees x3		
	Bird Boxes on Dwellings x3		
	Bird Boxes in Trees x3		
	Log Pile/Hibernaculum x3		



THE HAVEN SITE

EX MH. LIFTED COVER & BELIEVE TO BE SW. FROM GULLIES AT END OF

SM EXIT MH WITH CONTROL DEVICE TO LIMIT MAX DISCHARGE OF 5 LITRES/SEC

EXISTING M.H. TO TN SEWER TO BE RENOVATED.

6.0x6.0x0.5M CELLULAR STORAGE TANK FOR SW.

TRAGORDEN.

PROPOSED FOGG WATER

PROPOSED SURFACE WATER



Consulting Civil & Structural Engineers

THE HAVEN. YORK CHESSON ADDRESSIT SCHEMATIC C.A.

Scale	1:200	Date	Dec 2021	Job No	21106	Draw No	SK1,
-------	-------	------	----------	--------	-------	---------	------

1.4 GREEN ACRE

PLOT 1

TRAGORDEN



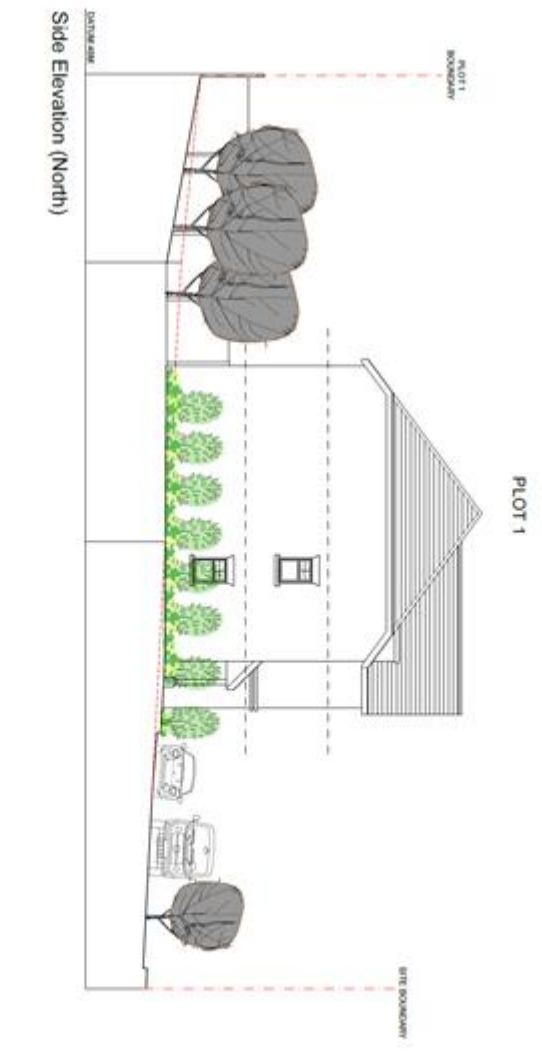
Proposed Street Scene  
(West)



© This drawing is copyright  
 the author and is not to be reproduced or  
 distributed in any form without the  
 author's permission.  
 Do not scale from this drawing, other than for Local Authority Planning purposes.  
 This drawing is to be used in conjunction with all relevant conditions, specialist manufacturers  
 drawings and specifications.  
 Any discrepancies in dimensions or details on or between these drawings should be drawn to our  
 attention.  
 All dimensions are in millimetres unless stated otherwise.  
 Any structural information incorporated within this drawing cannot be guaranteed as accurate  
 unless confirmed by field inspection.



© The drawing is copyright  
 to be used by you in accordance with the conditions and restrictions set out in the contract documents.  
 Do not scale from this drawing. Any error by Local Authority Planning systems.  
 This drawing is to be used for comparison with other conditions, general construction  
 drawings and specifications.  
 Any discrepancies in dimensions or details on construction drawings should be done to our  
 advantage.  
 All dimensions are to be indicated unless stated otherwise.  
 Any structural and/or other requirements shall be shown on drawings prepared by a structural  
 engineer registered with the Engineering Council.



DATE: 20/03/20  
 DRAWN BY: P.03  
 CHECKED BY: P.03  
**PLANNING**

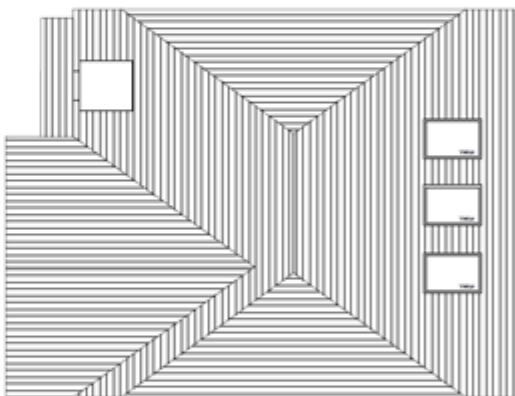


**harding rose architects**

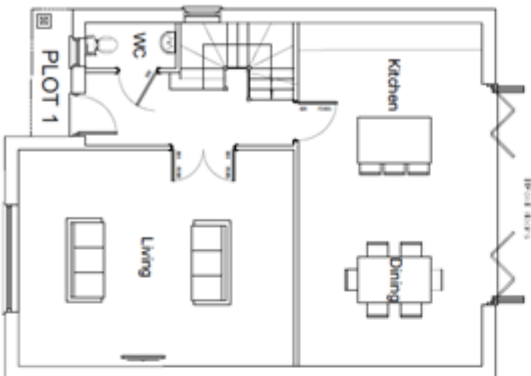
Studio  
 Sarnco Construction Ltd  
 The Haven, 19 York Crescent, Aldershot, GU11 3JH  
 Plot 1 Proposed Front and Side Elevations  
 Date: 20/03/20  
 Drawn by: P.03  
 Checked by: P.03



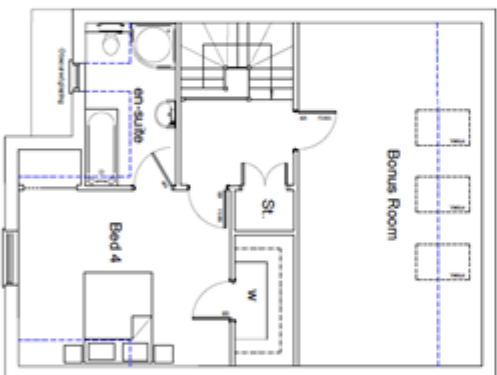
First Floor Plan  
73.8 sqm / 794.3 sqft



Roof Plan  
221.4 sqm / 2383.1 sqft



Ground Floor Plan  
73.8 sqm / 794.3 sqft



Second Floor Plan  
73.8 sqm / 794.3 sqft  
..... 2 m head height

© This drawing is copyright  
It is sent to you in confidence and must not be reproduced or disclosed to third parties without our  
prior permission.  
Do not scale from this drawing, other than for Local Authority Planning purposes.  
This drawing is to be read in conjunction with all relevant contracts, special manufacturers  
drawings and specifications.  
Any discrepancies in dimensions or details on or between these drawings should be drawn to our  
attention.  
All dimensions are in millimetres unless noted otherwise.  
Any surveyed information incorporated within this drawing cannot be guaranteed as accurate  
unless confirmed by field dimension.



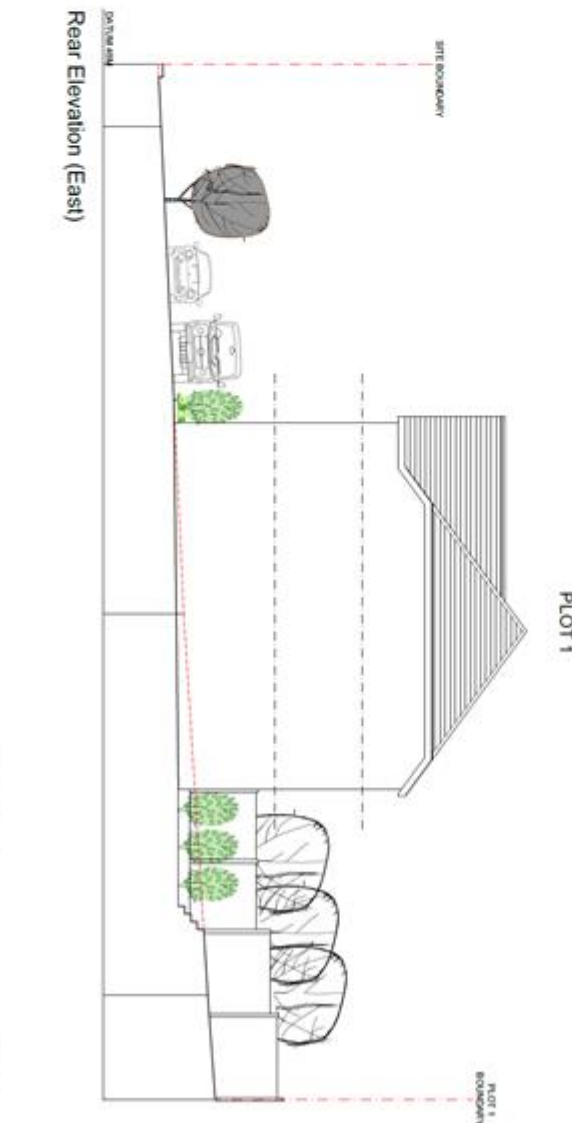
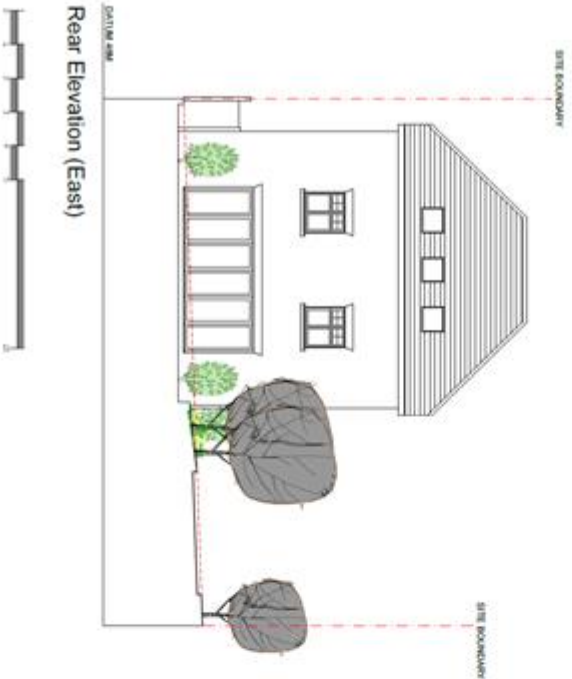
NO.	DATE	DESCRIPTION	BY	SCALE
<b>PLANNING</b>				



harding rose architects

CLIENT  
Samco Construction Ltd  
ADDRESS  
The Haven, 19 York Crescent, Adelhol, GU11 5JN  
SCALE  
Plot 1 Proposed Plans

SCALE	DATE	BY	SCALE
1:100 @A3	28.08.20	AC	P.02
DATE	SCALE	BY	SCALE
20.7.97	-	-	-

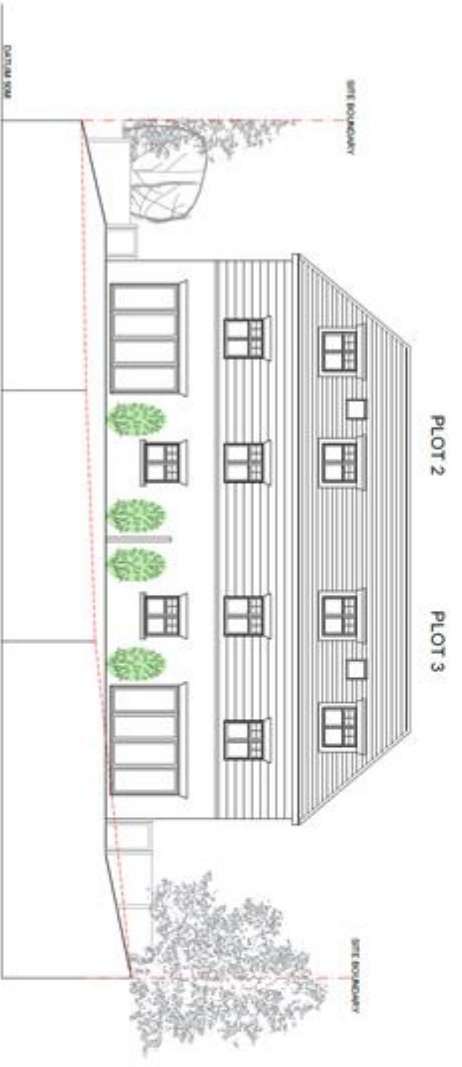


PLOT 1

© This drawing is copyright  
 and remains the property of the  
 author. It is not to be reproduced  
 or distributed in any form without  
 the prior written consent of the  
 author.  
 This drawing is to be read in conjunction with all relevant consultants' specialist requirements,  
 drawings and specifications.  
 Any discrepancies in dimensions or details on or between these drawings should be drawn to our  
 attention.  
 All dimensions are in millimetres unless stated otherwise.  
 Any unexplained information incorporated within this drawing cannot be guaranteed to accurately  
 reflect the actual construction of the building.



Front Elevation (West)



Rear Elevation (East)

© This drawing is copyright  
 of the author and is not to be reproduced or distributed in any form without the  
 prior permission of the author.  
 Do not scale from this drawing. Refer to the local authority Planning Department  
 for the way to be used in conjunction with relevant conditions, special considerations,  
 drawings and specifications.  
 Any discrepancies in dimensions or details on drawings shall be drawn to the  
 dimensions.  
 All dimensions are in millimeters unless noted otherwise.  
 Any structural elements incorporated within the drawing shall be prepared in accordance  
 with the relevant building code.

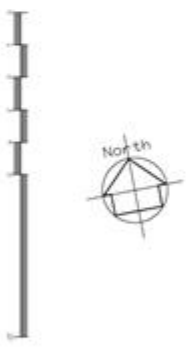
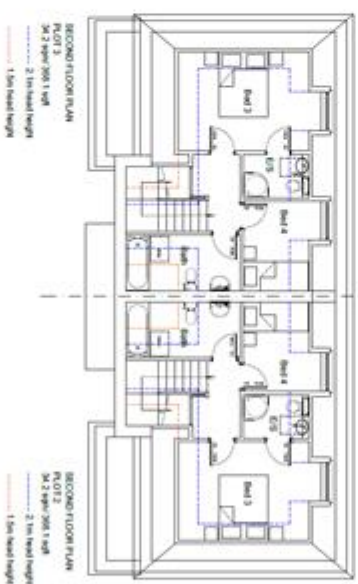
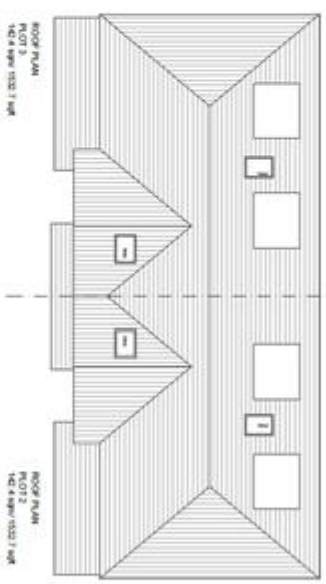
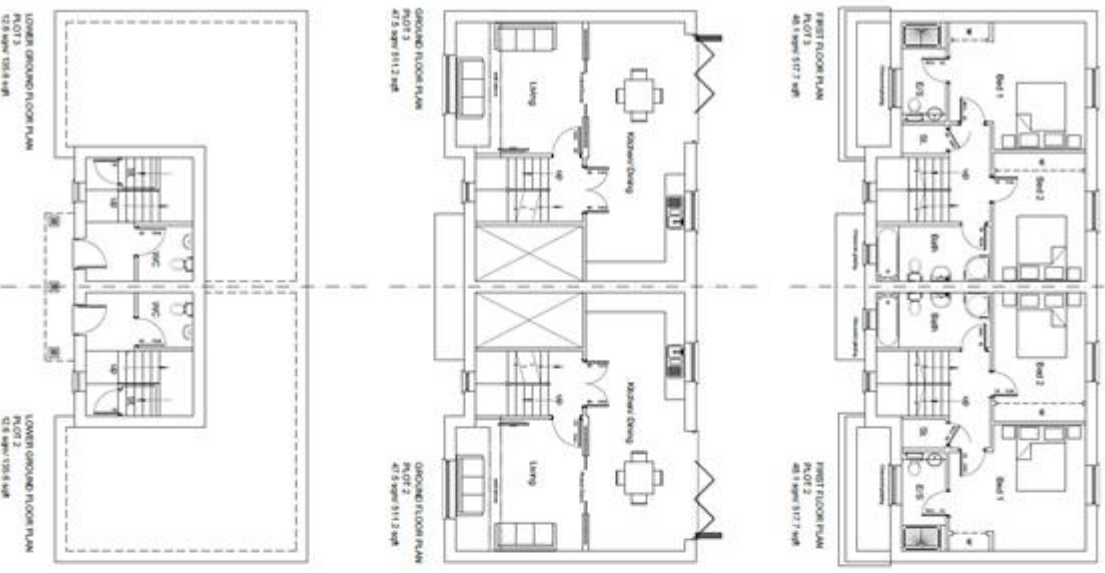
NO. 1	SHEET 1	DATE: 10/20/20	PROJECT: 2019/01
<b>PLANNING</b>			



harding rose architects

Sarnoo Construction Ltd  
 The Haven, 19 York Crescent, Assinipol, QJ11 3AN  
 Phone: 253 Proposed Front and Rear Elevations  
 Scale: 1:100 (A1) Date: 28/08/20  
 Author: AC Date: 20/10/20  
 P 06

© This drawing is COPYRIGHT  
 It is a professional document and must not be reproduced or disclosed to third parties without our  
 prior permission.  
 Do not scale from this drawing. Refer to the Local Authority Planning process.  
 This drawing is to be used in conjunction with all relevant conditions, specified requirements,  
 drawings and specifications.  
 Any discrepancy in dimensions or details on or between these drawings should be based on the  
 dimensions as it is indicated unless noted otherwise.  
 Any structural extension incorporated within this drawing cannot be guaranteed or accepted  
 unless confirmed by third dimension.

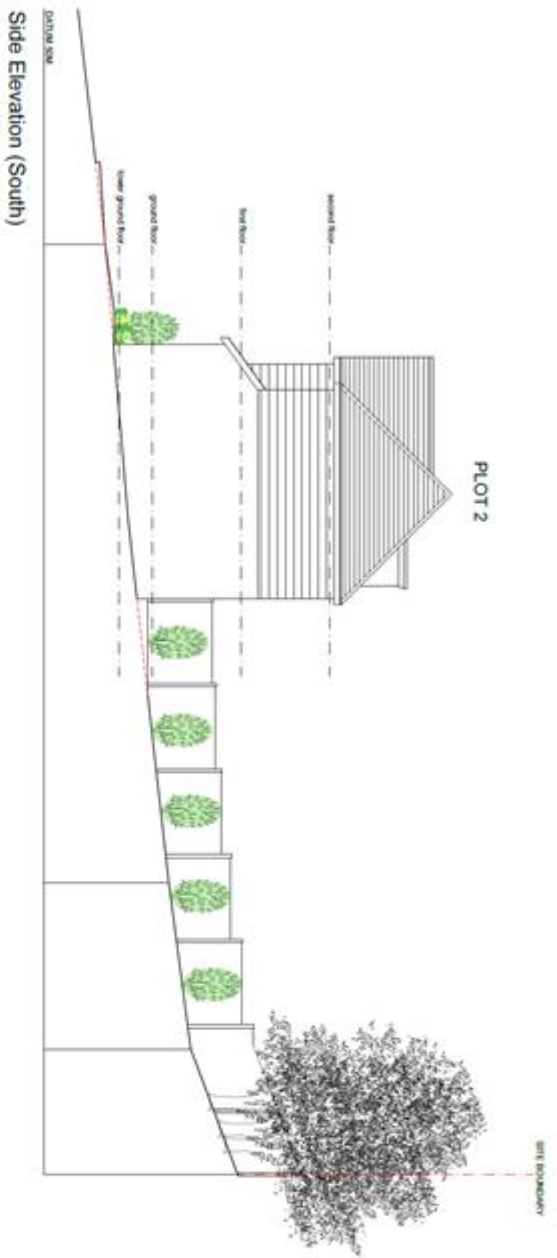


DATE: 15/05/2024  
**PLANNING**  
 SHEET: P.05

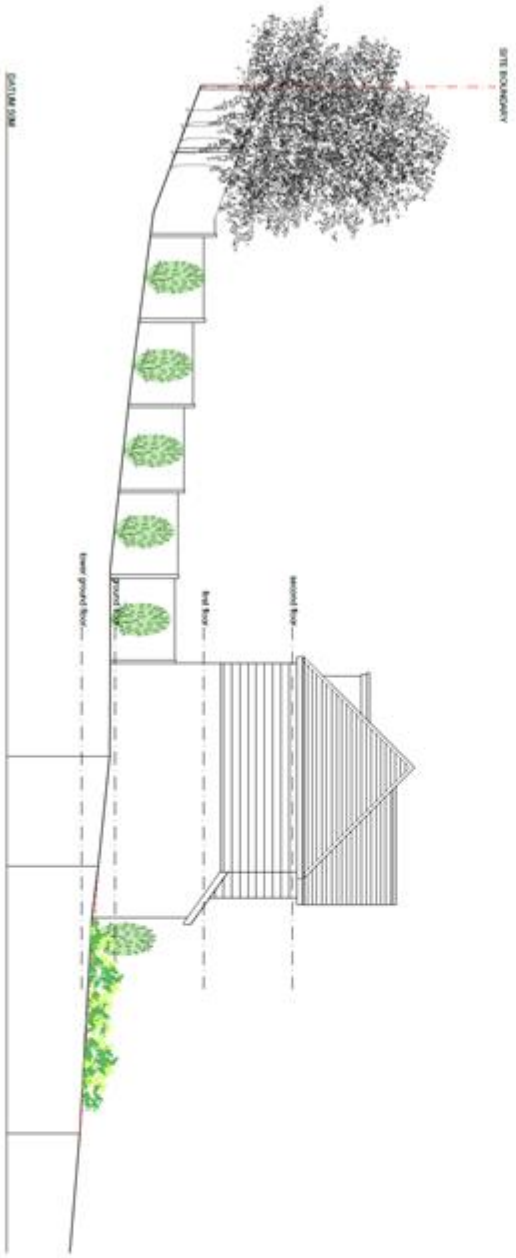


harding rose architects

Client: Samco Construction Ltd  
 Address: The Haven, 19 York Crescent, Alabaster, GU11 3JN  
 Plot: P05 2 & 3 Proposed Plans  
 Date: 15/05/2024  
 Scale: 1:500 @ A1  
 Drawing No: 20/197  
 Sheet: P.05



Side Elevation (South)



Side Elevation (North)

1. The Planning Commission is not responsible for the accuracy or completeness of the information or data provided or decisions by third parties without the user's own independent verification and should not be relied upon for legal purposes.  
 2. The drawings are not to be used for construction without the user's own independent verification and should not be relied upon for legal purposes.  
 3. Any dimensions are not to be used for construction without the user's own independent verification and should not be relied upon for legal purposes.  
 4. Any structural information incorporated herein shall be governed by the applicable building code.

DATE: 10/15/2020  
 DRAWN BY: [Name]  
**PLANNING**  
 CITY OF [Name]



harding rose architects

1000  
 1100 @A4  
 20.000  
 20.000  
 P.07