Development Management Committee 20 July 2022

Item 11 Report No.EPSH2220 Section C

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. 22/00394/FULPP

Date Valid 9th June 2022

Expiry date of

consultations

4th July 2022

Proposal Erection of 10 x 3-bedroom 3-storey detached houses with

vehicular access from Sorrell Close [re-submission of development approved with lapsed planning permission 21/00066/FULPP dated

26 May 2021]

Address Briarwood Sorrel Close Farnborough

Ward St John's

Applicant M L Management Ltd

Agent Anderson Orr Architects Ltd

Recommendation Grant subject to s106 Planning Obligation

Description & Relevant History

The site is located within the Barningly Park housing estate, which was built in the 1980s between the M3 motorway and A327 link road at Junction 4a to the north-west of Trunk Road. The application land is a cleared site with an irregular shape previously occupied by an institutional building surrounded by residential development. The site measures approximately 0.3 hectares and, whilst located outside the red-line of the application site, has an existing vehicular access in the form of a private roadway owned by Hart District Council, Sorrel Close, that runs north to the site from the adopted turning head at the end of Nutmeg Close. The application site benefits from a long-established legal right of way along Sorrel Close.

The site is bounded to the north and south by areas of mainly grassed public open space, with both of these site boundaries bounded by stands of mature trees and vegetation. These areas of public open space are owned by Rushmoor Borough Council and Hart District Council respectively. To the west, the site abuts the east side of Herbs End, with the closest residential properties opposite being Nos.8 & 10 and 18 & 26 Herbs End. To the east, the site adjoins a narrow strip of land owned by Rushmoor Borough Council, with the rear garden boundaries of houses at Nos.91 Broadmead and 6, 8, 10 & 12 Thyme Court located beyond. Being within a housing estate, there are further residential properties within sight of the application land located in Herbs End, Purmerend Close, Broadmead, Nutmeg Court and Juniper Road.

The application site had a long history of institutional use significantly pre-dating the development of the surrounding housing estate. Although the building at the site was more recently known as 'Briarwood', it was previously called 'Broadhurst House'. The building was of two-storey height and had a cruciform footprint occupying a substantial portion of the centre of the site. There was also a detached garage block located in the north-east corner of the site. Until a boundary review transfer to Rushmoor in 1992, the site was land within the jurisdiction of Hart District Council. Planning permission granted by Hart Council in 1967 for change of use of private residence to Rehabilitation Centre with playing fields. This institutional use was retained when the Barningly Park housing estate was developed in the 1980s but ceased to be used for this purpose and became vacant approximately 7 years ago. Since then, the property was sold into private ownership and, although boarded-up, became a target for vandalism and break-ins with associated anti-social behaviour. The roof of the building was substantially damaged by a fire set in the building in 2019. In June 2020, in the light of continued break-ins and anti-social behaviour, Rushmoor served a s215 'Untidy Site' Notice to require the owner to demolish the building and detached garage block within a period of 18 weeks. These works were undertaken and completed, leaving the site cleared but storing a pile of crushed concrete arising from the footings of the former Briarwood building. The land is enclosed with temporary metal site fencing.

The current planning application is a re-submission of almost identical development proposals to those granted planning permission by the Council in May 2021 (21/00066/FULPP). This arises as a result of the applicant being unable to commence the development before the planning permission lapsed. An abortive conditions application (22/00250/CONDPP) was submitted in late April 2022 seeking to clear pre-commencement conditions of planning permission 21/00066/FULPP, however this was submitted too late in the life of the planning permission and was withdrawn when the parent planning permission lapsed, also with more information being requested from some consultees. The details submitted with this conditions application have also been submitted for consideration with the current application in order to seek the imposition of fewer pre-commencement condition requirements with the new permission.

The proposal is for the residential re-development of the site with 10 X 3-bedroom detached houses. The existing private roadway (Sorrel Close) access from Nutmeg Court reaching the site at the south-east corner would be retained intact as the sole vehicular access for the proposed new development. This would lead into a private shared surface roadway within the site, which would initially run parallel with the east site boundary then turn west towards and terminate at a turning head. All the proposed houses would have a simple rectangular footprint measuring 6.5 x 10 metres and be arranged backing onto the south, west and north boundaries of the site surrounding the internal cul-de-sac roadway. With the exception of Units 8 and 10, which would have the longer elevation of the building fronting the internal roadway, the remainder of the proposed houses would be sited with the narrower face of the building as the plot frontage. Plots 1, 2 & 3 would back onto the south boundary of the site with private rear gardens measuring 10 metres in depth. Plots 4, 5, 6 & 7 would back onto the west boundary of the site adjoining Herbs End with private rear gardens of 9.5 metres in depth. This is the only amendment from the previously approved proposals and arises from a shifting of the houses within Plots 4, 5, 6 & 7 1-metre further into the site away from the Herbs End frontage in order to provide adequate clearance from a drainpipe that crosses the site from north to south within the rear gardens of these plots. Plots 8, 9 & 10 would back onto the north boundary of the site with private rear gardens of a minimum of 10 metres in depth.

Parking, comprising two spaces each, would be provided largely on-plot adjoining the houses all in the form of open parking spaces. Two visitor parking spaces would also be provided in the space between Plots 7 and 8.

Externally, the proposed new houses would have three-storeys of accommodation, although the second floor would be partially within the form of the roof. The roofs of the houses would be simple longitudinal ridges (or transverse ridges in the case of Plots 8 and 10) reaching a maximum height of 10.8 metres at the ridge and 7 metres to eaves above ground level. The external design is relatively conventional modern in style. The indicated external finishing materials are dominantly buff brick, with the remainder of the elevations finished in grey vertical boarding and some metal cladding spandrel panels between some of the windows. The roofs are indicated to be blue/black slate. Internally, the proposed houses would be arranged with the entrance hallway, kitchen, dining and utility rooms on the ground-floor; living rooms, bathroom and a bedroom on the first-floor; and two further bedrooms (one with en-suite) and a study room at second-floor level.

The application is accompanied by a Planning, Design & Access Statement, a separate Design & Access Statement and Site Context Analysis prepared by the project architects, a Transport Statement, Arboricultural Impact Assessment & Tree Protection and Tree Survey Reports, an Ecological Impact Assessment, Flood Risk Assessment & Drainage Statement, and a Phase 1 Site Investigation Report. Additionally submitted with the application are some further reports seeking to address matters previously the subject of pre-commencement conditions, namely: a further Phase 1, and a Phase 2, Geo-Environmental Risk Assessment; a Preliminary Soil Contamination Ground Investigation; a Construction & Methodology Statement including additional tree protection details; and an External Materials Schedule.

A revised Drainage Strategy Plan and Infiltration Test results were submitted to the Council on 8 July 2022 seeking to address the request from the Lead Local Flood Authority for revised/more information concerning the proposed surface water drainage of the site.

The applicants are seeking to complete a fresh s106 Planning Obligation (or, in the alternative, a Deed of Variation to the previous s106 Planning Obligation completed in respect of planning permission 21/00066/FULPP) to secure the necessary Public Open Space and SPA mitigation and avoidance financial contributions to address adopted Local Plan Policies and SPA impact. One consequence of allowing that previous planning permission to lapse is that the required s106 financial contributions have increased since last year.

Consultee Responses

HCC Highways No highway objections. Development Planning

Environmental Health No objection subject to conditions.

Contract Management No comments received, but previously raised no objections in

respect of 21/00066/FULPP

Ecologist Officer More information required. The applicants' agent has been

contacted in this respect and a response is awaited.

Aboricultural Officer No objection subject to the development being carried in accordance

with the submitted tree protection details.

Hampshire Fire & Rescue Service

No comments received, but previously raised no objections in

respect of 21/00066/FULPP

Natural England

No objection subject to an appropriate SPA mitigation and avoidance financial contribution being secured with a s106 Planning

Obligation.

Hampshire & I.O.W. Wildlife Trust

No observations assumed.

Neighbourhood Policing Team No observations assumed.

Thames Water

No objections.

Lead Local Flood Authorities More information required. The applicants' agent has been contacted in this respect and some amended details were submitted to the Council in response on 8 July 2022. The Lead Local Flood Authority has been re-consulted in respect of this revised material

and a response is awaited.

Parks Development

Officer

Provides details of POS projects for which a financial contribution is

required.

Hart District Council

No objections.

Neighbours notified

In addition to posting a site notice and press advertisement, 40 individual letters of notification were sent to Nutmeg Court, Thyme Court, Herbs End, Purmerend Close, Broadhurst and Juniper Road, including all properties located adjoining or opposite the application site.

Neighbour comments

At the time of writing this report a total of 14 representations have been received from the occupier(s) of No.2 Nutmeg Court; 87, 91 & 97 Broadhurst; 2 & 12 Thyme Court; 18 Juniper Road; 7 & 18 Herbs End; 1 & 16 Purmerend Close; 15 Comfrey Close; 7 Coriander Close; and 7 Tarragon Close. Objection is raised on the following summary grounds:-

- (a) The proposed development is an unacceptable over-development of the site it is too densely developed.
- (b) Adverse impact upon the visual character and appearance of the Charles Church Barningly Park housing estate due to the three-storey height and modern design and external materials of the proposed houses that would have a down-market, 'cold', grey and drab appearance with their modern construction materials more commonly associated with industrial or commercial buildings. The proposed development would not be hidden by existing trees and vegetation especially on the west side adjacent to Herbs End, where there are no mature trees. In any event, most surrounding trees are deciduous, which are in leaf only from May until October.
- (c) The proposed houses would be 10.8 metres high whereas existing houses on the housing

estate are typically 8.3m high. They will appear overbearing, standing almost one-third taller than every other house in the neighbourhood. There is no existing three-storey high development in the Estate and existing houses are of traditional vernacular appearance and use of external materials such that proposed development would appear incongruous, and unsympathetic to, the general character of the area. Three-storey development is unnecessary.

- (d) The scale, mass and height of the proposed houses would be over-dominant and give rise to overlooking of neighbours. Specific overlooking of No.1 Purmerend Close, properties in Herbs End (especially No.7 as a result of proximity to the proposed Plot 7, 8, 9 & 10 houses), 3 Nutmeg Court and 4, 6, 10 & 12 Thyme Court is cited. Loss of light to No.18 Herbs End. Additionally, concerns are also expressed more generally about overlooking/overshadowing of properties in Broadhurst and Juniper Road.
- (e) Likely increased speed of/speeding traffic in Broadhurst, Nutmeg Court and Herbs End.
- (f) The proposed development is not acceptable or suitable with the current proposed vehicular access arrangements because the Sorrel Close roadway is not designed for the level of traffic, including refuse, delivery and emergency vehicles, that would be associated with the proposed development. It is suggested that it would be more sensible for the vehicular access for the proposed the development to be from Herbs End. [Officer Note: the Council must consider the proposals as submitted with the application. The Council cannot consider alternative proposals that may be suggested and preferred instead, or refuse permission because amendments are suggested by third parties].
- (g) The applicants' assessment of likely traffic generation for the proposed development is considered to significantly underestimate likely traffic volumes because the submitted Transport Statement was written prior to the Covid pandemic it does not give a true reflection of how busy, or how much busier, the road use will be once new residents have moved in.
- (h) The proposed development would provide inadequate parking: the proposed new houses have potential to have more than the three-bedrooms indicated and, as such, to be even more deficient in on-site parking: 2 on-site spaces for each house is considered inadequate. Provision for visitor parking of just two spaces for the entire development is also inadequate.
- (i) Existing on-street parking congestion problems in the area, particularly in Nutmeg Court and Herbs End, where overspill visitor parking is expected, would be likely to be exacerbated by overspill parking from the proposed development.
- (j) Parking on the grassed areas to the side of Sorrel Close is likely to occur. [Officer Note: the Sorrel Close roadway and the public open space area to the west of the roadway (and to the south of the site) is land owned by Hart District Council. The grassed verge to the other (east) side of roadway and also land to the east of the application site itself is owned by Rushmoor Borough Council. The Property sections of both Councils are aware of the current planning application and the potential implications for land adjoining the proposed development in the ownership of the Councils. It is noted that, since the previous planning permission, Hart DC has installed timber bollards along their side of the Sorrel Close to prevent encroachment by vehicles into this area].
- (k) The development should not be enclosed with walls or fences.
- (I) Loss of, or threat to, mature trees, including TPO trees. The root spread of many trees extends well within the site boundary and trees are likely to suffer damage when groundwork starts. It is possible also that, in future, homeowners would seek to remove the limbs of trees overhanging their properties, either to improve their outlook or gain more light, or simply because they don't welcome the work created when trees shed their leaves. [Officer Note: No trees located within the application site itself have been removed as a result of the site clearance or need to be removed to make way for the proposed development. What has already been removed were garden shrubs not the subject of any protection and, as such, the site owner was within their rights to undertake this work. There is only one tree within the application site that is subject to TPO protection, which is a Scots Pine tree (part of Tree Group

G6 of TPO No.408A) that remains intact.

- (m) Some trees outside the application site are shown to be unnecessarily removed to make way for the proposed development even though they are located on adjoining land and belong to the owners of the adjoining land in this case Rushmoor & Hart Councils. [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 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 undertake such work].
- (n) Potential unnecessary loss of wildlife habitat (badgers, birds and bats mentioned) due to the proposed development, including the removal of the current crushed concrete stockpile on site.
- (o) Concerns about surface water drainage and the need for permeable ground surfaces.
- (p) Increased air pollution, disturbance, noise and pollution detrimental to health and the environment. There are a lot of young children resident in the area.
- (q) Potential ground contamination could/would be disturbed as a result of the proposed works on site: what measures will be put in place to ensure the safety of residents and what measures will the site users take to reduce the impact and risk?
- (r) Noise, disturbance, dust, inconvenience, heavy vehicle traffic and activity, overspill parking etc during the construction period. The submitted Construction & Methodology Statement does not inspire confidence and the indicated construction period is too long. [Officer Note: it is long-standing Government guidance that the impacts of the construction period of a development cannot be taken into account in determining planning applications].
- (s) Loss of property value [Officer Note: this is not a matter that can be taken into account in considering a planning application].
- (t) In todays economic climate 2- or 3-bedroom semi or terraced housing would suffice rather than the proposed detached housing. This would make the properties more affordable for those who desperately need housing either purchased or rented. [Officer Note: the Council must consider the proposals that have been submitted with the application. The Council cannot consider alternative proposals that may be suggested and preferred instead, or refuse permission because amendments are suggested by third parties].
- (u) The applicants are considered to be untrustworthy as a result of their previous failure to comply with Council requirements in respect of the demolition of Briarwood, damage caused to local roads etc during demolition, costs incurred by the local community, and breaches of Health & Safety legislation; and because the applicants have left the site derelict and not properly enclosed for years [Officer Note: Opinions regarding the applicants' past, present or likely future character or behaviour cannot affect consideration of planning applications on their merits. Any alleged or actual breaches of Health & Safety legislation is a matter solely for the Health & Safety Executive and is not a matter for the Council].

A representation has also been received from Hampshire Swifts. This is a charity devoted to the conservation of Swifts in Hampshire and part of a national network of Swift groups throughout the UK. It is requested that consent for the proposed development should include a requirement for multiple internal nest sites for Swifts. Hampshire Swifts strongly recommend the installation of at least 10 integral Swift bricks within the development. The applicants' agent has responded to this comment to confirm that they agree to the imposition of a condition to secure this provision.

Policy and determining issues

The site is located within the built-up area of Farnborough. The site is not located within or near a Conservation Area and it does not contain a Listed Building or is near one.

Policies DE1 (Design in the Built Environment), DE2 (Residential Internal Space Standards) and DE3 (Residential Amenity Space Standards), DE6 (Open Space, Sport & Recreation), IN2 (Transport), NE1 (Thames Basin Heaths Special Protection Area), NE2 (Green Infrastructure – including Green Corridors), 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 (NPPF) and National Planning Policy Guidance (NPPG) is also relevant.

Although the previous planning permission (21/00066/FULPP) has lapsed unimplemented, the fact that the Council has previously granted planning permission for the proposed development of this site is an important material consideration for the consideration of the current resubmission planning application. Unless there have been material changes in planning circumstances that would now give rise to material planning harm being caused since planning permission 21/00066/FULPP was granted in May 2021, there would be no reasonable justification for the Council to refuse planning permission for the proposals the subject of the current planning application. In this respect, this is the key determining issue for the current planning application having regard to the same planning issues as considered previously, namely:-

- 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;
- 8. Drainage Issues; and
- 9. Public Open Space.

Commentary

1. Principle -

There have been no material changes in the planning policy and Government planning guidance and policy since the previous permission was granted. The proposals still seek to residentially re-develop existing brownfield land within an established residential housing estate in the built-up area of Farnborough. The proposed development is seeking to re-use previously-developed land, which, within reason, continues to be a clear objective of both Government planning guidance and current adopted local planning policy.

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

Given the previously developed nature of the land, the Council's Environmental Heath Team

have considered the site investigation reports submitted with the previous planning application and also the reports of further intrusive site investigation undertaken since. In this respect, no significant source of contamination has been identified. Trial pits were dug in areas proposed as private gardens for the new houses and soil samples taken and tested for a standard suite of potential contaminants, with all results being acceptable. The Council's Environmental Health Team are therefore satisfied with the findings and no further site investigation work is required. No objection is raised subject to the usual watching brief being maintained by the developer during ground works in case any unexpected contamination is found.

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

2. Visual Impact -

The application site was left vacant for a considerable period of time and this has not had a positive impact on the character and appearance of its immediate surroundings, despite the site being, to an extent, screened and softened in views by distance and mature trees and other foliage.

It is not considered that there has been any material change in the visual character and appearance of the surrounding area since the previous permission was granted – or, indeed, in the visual impact that would arise in respect of the proposed development. The vicinity of the application site has a mixed character, with a variety of conventional dwelling types, sizes, building-to-building separations, orientations and relationships and a variety of external materials. The site is not located within or near to a Conservation Area. It remains 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 in terms of such matters as building height, design, number of storeys and external finishing materials are not likely to be sufficient to identify material harm on the character and appearance of an area as a whole. Indeed, it is extremely rare for the character and appearance of an area to be narrowly defined by a particular building type, design, age, size, height and overall appearance: the character of most urban landscapes is usually defined by a more eclectic mixture of features and characteristics and, as such, there is room for variations in, for example, building design, scale, height and appearance. Furthermore, modern housing estates such as Barningly Park cover a large area and are, in a visual sense, compartmentalised into smaller areas: estate roads are typically curved, and housing arranged into cul-de-sacs limiting the extent to which any locality can be seen from another. As in this case, housing is also interspersed with areas of public open space, trees and landscape planting. Views of the site from every direction remain relatively confined. It is therefore considered that it is impossible for one locality within an estate to be readily seen from other areas within the estate and, in any event, to such an extent as to have any conceivable material and adverse visual impact upon the character and appearance of the area as a whole.

Whilst undeniably of a relatively modern design and external appearance the proposed houses continue to be entirely conventional and acceptable. Quality external materials would be used that are dominantly of traditional brick and slate. As approved with the previous planning permission, boundaries of the site would, necessarily, be enclosed with fencing. Given the variety of external materials used in the Estate, which includes examples of buff bricks, it is considered that the proposed development would make its own contribution to the existing

variety found within the Estate.

The layout of the proposed development provides clear opportunities for quality landscape planting that could include native hedge planting of the site boundaries and other native planting. It is considered that details in this respect can be secured with the usual planning conditions.

Notwithstanding the visual impact and character objections repeated with the current application, it is not considered that the proposed development would materially and harmfully affect the visual character and appearance of the area. Indeed, that the proposed development would be appropriately sympathetic to the already varied pattern and form of development 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 relating to trees in the vicinity of the application site. The arboricultural details submitted with the current application are now bolstered by the additional tree protection measures set out in the Construction & Methodology Statement originally prepared to address the requirements of Condition No.16 of the previous planning permission.

A good number of the trees in the immediate vicinity of the application site remain of significant stature and amenity value; and are located outside the boundaries of the site, mainly on the margins of the public open space to the north and south of the application site, where they provide partial screening of the site from the main areas of the public open space in which they are situated. In the case of the trees outside the site to the north (on land in the ownership of Rushmoor BC), there are some 13 trees, of which 12 (mainly Oaks, but also a Horse Chestnut and a Pine) form part of Tree Group 7 of Tree Preservation Order No.407. There is also a non-TPO Holly tree in this group of trees. Combined with a group of three Leyland cypress trees situated just within the site boundary, all are shown to be retained.

With respect to trees located outside the application site to the south (on land in the ownership of Hart District Council), these comprise a total of 12 trees, of which 5 Scots Pines adjacent to Sorrel Close near the site access point (most of Tree Group G6) and an Oak tree (T33) of TPO No.408A. The final Scots Pine tree of Tree Group No.6 of TPO 408A is located just within the application site boundary near the access point and is the only TPO tree located within the application site. All of these trees are shown to be retained. A further 6 lesser trees are also located just within or outside of the south boundary of the application site. Although two of these trees are identified by the applicants' Arboricultural Consultant as being compromised and are recommended for removal, this action is not required to enable the proposed development to take place and such action would, in any event, require the consent of the landowner.

To the west side, adjoining Herbs End there is a non-TPO Cherry tree that is indicated to be retained. Similarly, there are two Yew trees indicated to be retained located beyond the east boundary of the site (land owned by Rushmoor BC) close to the existing site access. A pair of Rowan trees also located on land outside the application site (owned by Rushmoor BC) located between Sorrel Close and the rear boundary of No.91 Broadhurst are identified by the applicants' Arboricultural Consultant as being in decline and recommended for removal. However, this action is not required to enable the proposed development to take place and such action would, in any event, require the consent of Rushmoor BC.

Given the value of the adjacent trees it is evident that the proposed development has been designed to provide adequate separation from them. No protected trees are proposed to be removed as a result of the proposals. Although the applicants' Arboricultural Consultant considers that four lesser non-TPO trees should perhaps be removed, there is no necessity for this work to be done because of the proposed development and, in any event, the applicant does not own these trees. Arboricultural Impact Assessment & Tree Protection and Tree Survey Reports have been submitted with the application assessing both the condition/quality of the trees, but also setting out recommended tree protection measures to be observed for the duration of the construction phase of the proposed development.

Having regard to the bolstered tree protection measures now proposed, the Council's Arboricultural Officer is satisfied that the existing trees to be retained 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 near or within proposed new house plots, whereby undue pressure may be brought to bear on the Council to allow inappropriate works to trees in the future, it is considered that the position and amenity space provision of the proposed house plots has been appropriately considered in the site layout design to ensure that no proposed house plot would be unduly and inappropriately impacted and dominated by trees and tree shading. Furthermore, the houses offer spacious internal accommodation. In the circumstances, it continues to be considered that any concern about future resident pressure is insufficient to justify the refusal of planning permission in this case. Subject to the imposition of a condition requiring the proposed tree protection measures be implemented in full and retained for the duration of the construction period of the proposed development, it is considered that the proposals are acceptable having regard to Policy NE3.

Overall, subject to imposition of the standard tree protection condition, it is not considered that the proposed development would materially and harmfully affect trees worthy of retention.

4. Impact on neighbours -

There have been no material changes in the residential properties that adjoin or are near the application site since the previous planning permission was granted.

The existing long-standing disuse of the application site, unresolved status, vandalism and other anti-social behaviour associated with the site, in addition to uncertainty about the future development and use of the site, have been matters of concern to local residents for several years. Allowing the previous planning permission for a residential re-development of the site (something that many local residents have supported in principle) to lapse unimplemented has not helped these concerns.

Several 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 Broadmead, Thyme Court, Juniper Road and Herbs End; and also concerns about undue noise, disturbance, activity and pollution. Concerns are also raised in all these respects by occupiers of some properties more distant from the application site.

As was the case in respect of the previous planning application for this site, when considering impacts upon neighbours, the basic question for the Council to consider is whether the impacts of the proposed development on the residential amenities of neighbouring properties would be both materially <u>and</u> 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 occupiers of neighbouring properties would be subjected to unacceptable undue overlooking rather than any overlooking at all. Overall, it is the role of the Planning system to consider and decide whether or not neighbouring and nearby residential properties would continue to possess an acceptable living environment for occupiers in planning terms as a result of a proposed development.

In this context, the impact of the proposed development upon the nearest and/or adjoining residential properties surrounding the application site are considered in the following paragraphs:-

Nos.6, 8, 10 & 12 Thyme Court: These four neighbouring properties have rear gardens enclosed by conventional 1.8 metre timber fencing backing onto the 6-metre-wide grassed strip of land owned by the Council that separates them from the east side of the application site. Consequently, these properties would have a largely unobstructed view of the application site from the rear windows of their houses, certainly at first-floor level, but less so at ground floor level. In terms of the proposed development, the closest elements of the scheme would be Plot 10 (sited sideways-on to these neighbours) and the internal access roadway. The minimum building-building separation distance would be approximately 20 metres from the blank side elevation of the Plot 10 house and the rear elevation of No.10 Thyme Court. The projecting part of the side elevation of the Plot 9 house would be a further 12 metres distant, but also be a blank elevation. In order of further increasing building-building separation distances at increasingly oblique angles from the side wall of the Plot 10 house are Nos.8 Thyme Court (22 metres), 12 (25 metres) and 6 (28 metres). The front elevation of the Plot 1 house faces the access roadway near the site entrance and, as such, faces obliquely towards the rear of No.12 Thyme Court, but at a minimum separation of approximately 32 metres distant. The Plot 1 house is specifically designed such that the living room window is furthest offset and would have a separation distance of approximately 34 metres from the rear wall of No.12 and 20 metres from the rear fence boundary of this neighbouring property with a pair of yew trees located between.

In the circumstances, whilst it is accepted that the proposed development would be visible from these neighbouring Thyme Court properties, it continues to be considered that the impact upon the occupiers would cause insufficient material planning harm to justify the refusal of planning permission. Indeed, a direct building-to-building separation distance of 20 metres with no intervening screening other than a conventional 1.8 metre boundary fence separating the garden areas is conventionally considered to maintain adequate mutual privacy between residential properties and, thereby, to be acceptable in planning terms.

No.4 Thyme Court and No.15 Juniper Road: Although objection was previously raised by the occupier(s) of No.15 Juniper Road, no comments were received previously from the occupiers of No.4 Thyme Court. No representations have been received from either of these neighbours in respect of the current application. These two properties are separated from the north boundary of the application site by the intervening Rushmoor-owned area of public open space, albeit at its east end where it narrows down into a footpath link that runs between the private-drive serving No.4 and the side boundary of No.6 Thyme Court. The public open space contains a continuous line of mature trees that provide a degree of screening of the application site from views from the north. Nos.4 Thyme Court and 15 Juniper Road are sited roughly parallel to the public open space boundary and share a rear garden boundary with each other.

In this location, the side boundaries of these properties would be separated a minimum of approximately 32 metres (rear elevation of the Plot 10 house to the side boundary of No.4 Thyme Close) and 34 metres (rear elevation of Plot 9 house. In both cases these neighbouring properties would benefit from the significant screening effect of the mature TPO tree belt located on the public open space area adjoining the application site. It is considered that the relationship of the proposed development to these nearby residential properties is acceptable in planning terms.

The occupiers of Nos.7 Herbs End and 1 Purmerend Close are more distant neighbours, but are both new objectors to the proposals, since no representations were received from these two properties in respect of the previous planning application. No.7 Herbs End is also sited parallel to the boundary of the public open space located on the opposite side of the Rushmoorowned public open space where it is significantly wider in extent, such that the minimum separation distance from the nearest boundary of the application site (in the vicinity of the side of the proposed Plot 7 house) would be approximately 50 metres. No.1 Purmerend Close is situated sideways-on to the Herbs End road opposite the west end of the Rushmoor-owned public open space and, with a small garage court in-between, to the north of No.8 Herbs End (see next paragraph below). The rear elevation of this house is separated approximately 42 metres from the north-west corner of the application site where the proposed Plot 7 is located. It is not considered that either of these properties would be materially and harmfully impacted by the proposed development notwithstanding the objections raised in respect of the current application by occupiers of these properties.

Nos.8 & 10 Herbs End: Are a pair of semi-detached houses fronting the west side of Herbs End obliquely opposite the north-west corner of the application. The front elevations of these properties face the Rushmoor-owned public open space north of the application site and views of the application site are screened by the end of the TPO tree belt that adjoins the north side of the application site. A smaller area of public open space lays adjacent to the side of No.10 Herbs End, separated by a private drive that serves Nos.12-16 Herbs End further to the rear. Objections were raised by the occupiers of both properties with the previous planning application concerning the proximity of Plots 4-7 of the proposed development to No.8 & 10 Herbs End although it is the rear of the Plot 7 house that is the closest. However, no representations have been received from either of these properties in respect of the current application. The building-building separation distance is slightly increased as a result of the amendment to the siting of the Plot 4-7 houses submitted with the current application, being in excess of 27 metres between the nearest front corner of No.10 and the nearest corner of the Plot 7 house. The windows of the Plot 7 house are orientated such that they would not face directly towards No.10 and, indeed, they are designed to look towards the adjoining public open space. Given the design of the proposed scheme combined with the retained TPO tree screen it is considered that the relationship of the proposed development with Nos.8 & 10 Herbs End continues to be acceptable.

Nos.18 & 26 Herbs End: Occupiers of neither of these nearby residential properties made representations in respect of the previous planning application, although the occupier(s) of No.18 have raised an objection in respect of the current application. These properties are a pair of back-to-back houses that are sited sideways-on to the Herbs End road frontage opposite the south-west corner of the application site. In this location, No.18 is angled to face towards the smaller area of public open space located between Nos.10-16 and 18-24 Herbs End. Except for a small first-floor bathroom or toilet window in the side elevation facing the road, this property does not have any significant view towards the application. Similarly, No.26 Herbs End has no view towards the application site, with its front elevation facing south down Herbs End towards the cul-de-sac end. The nearest element of the proposed development in

respect of these neighbouring properties would be the Plot 4 house, which would be separated a minimum building-building distance of 24 metres, an increase of 1 metre as a result of the amendment forming part of the current application proposals. It is considered that the relationships of the proposed development with these nearby neighbouring properties remain acceptable in planning terms.

No.91 Broadmead: This detached property is located backing onto the Rushmoor-owned grass verge adjoining the east side of the Sorrel Close roadway near the entrance into the application site at the south-east corner. The occupiers of this property have raised objections to the proposals in respect of both the previous and current applications. The rear garden of this property is enclosed with conventional timber fencing. In this location the nearest elements of the proposed development would be the internal access roadway, with the Plot 1 house beyond. The closest building-building separation distance between the front elevation of the Plot 1 house and the rear elevation of No.91 would be approximately 32 metres at an oblique angle. On this basis it is considered that the relationship with this neighbouring property continues to be acceptable.

Specific concerns were raised previously by the occupier(s) of this neighbouring property concerning the possible loss of some smaller trees located outside the application site to the rear of No.91. However, as has been commented previously in this report, there is no need for these trees to be removed to enable the proposed development to proceed and such works would necessitate the agreement of Rushmoor BC as landowner.

Nos.1, 2 & 3 Nutmeg Court : Although these properties are located some distance from the proposed development [the corner of the Plot 1 house is separated in excess of 35 metres from the nearest corner of the house at No.3 Nutmeg Court at a very oblique angle] they front the sole vehicular access route to the development site. Sorrel Close runs from the adopted highway turning head at Nutmeg Court adjacent to the side of No.3 Nutmeg Court. However, it is not considered that the proposed development would give rise to a volume of traffic materially different to that which could have arisen with the site in its former institutional use. Furthermore, a private drive access serving a residential development of the size proposed is not an unusual arrangement within housing developments nationwide. In the circumstances, whilst it continues to be considered that occupiers of Nos.1, 2 & 3 Nutmeg Court would be impacted by the proposed development, this is not to the extent that would justify the refusal of planning permission.

Concerns were raised in respect of the previous application about the prospect of the refuse and recycling bins from the development being emptied into the refuse lorry in the vicinity of the Nutmeg Court turning head instead of this activity taking place within the proposed development itself. However it remains the usual practice for refuse lorry collections to take place from the nearest adopted public highway – indeed, this is the arrangement that applies generally nationwide.

Due to a combination of the design, degree of separation and the orientation of the proposed new houses relative to neighbours it is considered that the proposals would provide acceptable relationships with all adjoining neighbours having regard to outlook, sunlighting/daylighting and privacy considerations. It is not considered that any other property in the vicinity not specifically mentioned above would be materially and adversely impacted by the proposed development having regard to residential amenity considerations.

Concerns have also been expressed by objectors about the possibility of generally increased noise, disturbance and pollution arising from the proposed residential development. However,

it is considered that the type and nature of activity resulting from the proposed development would be conventional and typical of that which occurs in residential cul-de-sacs nationwide. In the circumstances, whilst it is appreciated that the proposals would result in change for existing residents, the resulting activity would neither be undue nor unacceptable in planning terms. As such, it is considered that objectors' concerns in this respect remain insufficient justification for the refusal of planning permission.

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

Given the cul-de-sac location of the application site it was considered appropriate that a condition be imposed to require submission of a Construction Management Plan 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 construction and fitting-out periods of the development. Although planning applications cannot be refused on account of the likely construction phase impacts, it was considered reasonable to require the submission of details of construction management measures given the scale of the development and the clear potential for this to give rise to nuisance and inconvenience to neighbours. Nevertheless, the current application is now additionally presented with a Construction & Methodology Statement that satisfactorily addresses these matters. As a result, it is no longer considered necessary to impose a condition requiring a Construction Management Plan. Instead, it is simply necessary to impose a condition requiring that the submitted details in this respect are followed for the duration of the construction period of the development.

5. The living environment created -

There has been no material change in planning circumstances in respect of this matter since the previous planning permission was granted. The proposed houses would provide accommodation meeting the Government minimum internal floorspace standards appropriate for their level of occupancy. 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 Local Plan Policy DE3.

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. 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.

6. Highways considerations -

It is not considered that there have been any material changes in circumstances in respect of these issues. It remains Government guidance that denying planning permissions on highways grounds is only justified and appropriate where it is 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 highway harm(s) being caused with severe impact(s) must be identified. Consequently, refusal on highway grounds is required to exceed a high threshold. Furthermore, it remains 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.

The proposed development would utilise the existing vehicular access to/from Nutmeg Court via Sorrel Close. The applicants benefit from a long-standing legal right of way to use Sorrel Close. The roadway itself is land owned by Hart District Council; and the land to either side is owned by either Hart District or Rushmoor Borough Councils. Hart DC has recently installed timber bollards along the margin of Sorrel Close with their adjacent public open space area in order to prevent vehicles straying off the roadway and/or trespassing into the public open space. Rushmoor could take similar measures to prevent misuse of, or damage to, the grassed verge on the other side of Sorrel Close should this be necessary. The repair and maintenance of the Sorrel Close roadway is a private property matter to be resolved, if necessary, between the developer and the landowner.

Sorrel Close would, as now, remain a private shared surface driveway where pedestrians are not segregated from vehicular traffic. This is an arrangement that encourages slow incoming and outgoing traffic speeds and is a conventional feature of many small infill residential developments (such as the current proposals) nationwide. Shared surfaces do not need to be wide enough for two-way traffic; and there is good visibility along the driveway and ample turning space provided on-site for passing manoeuvres to take place. It is considered to be of an acceptable width and overall standard to serve the proposed development. The overall arrangement and position of parking internally within the development is considered acceptable.

Although concerns have been raised by objectors about additional traffic arising as a result of the proposed development, it is not considered that this would be materially different from the level of traffic that could have arisen from the former institutional use of the site. In this respect the property was not used particularly intensively during its final years of use as the institutional use was wound down. It is considered that it is legitimate for the applicants' Transport Statement to compare the potential traffic generation that could typically arise from a resumption of an institutional use of the type and scale that previously existed on this site against that for the proposed residential re-development in assessing the traffic impact of the proposed new development. Although it is now suggested by some objectors that the effects of the Covid pandemic result in the submitted Transport Statement underestimating the additional traffic generation arising from the proposed development, it is not considered that this factor would make any material and harmful difference to the assessment of the traffic impact of the current proposals.

Possible excess traffic speeds in Broadhurst, Nutmeg Court and Herbs End are a further concern that has been raised by objectors. However, it is considered inappropriate to withhold planning permission based on motorist behaviour that would, if it were possible, be reckless and potentially illegal and subject to law enforcement.

The Highway Authority (Hampshire County Council) has, as before, raised no objections to the proposed development on the grounds of traffic generation and any the capacity of Sorrel Close and Nutmeg Court to serve the traffic associated with the proposed development. Additionally, no concerns are expressed about the safety or capacity of the junction of Nutmeg Court with Broadhurst. The sightlines and junction arrangement there remain conventional and acceptable.

Notwithstanding the objections raised concerning the adequacy of the proposed parking provision, the proposed development makes provision for on-site parking comprising two parking spaces for each of the proposed 3-bedroom houses; plus a further two unallocated parking spaces would also provided within the development for visitors. Cycle parking is shown to be provided by sheds with each of the proposed house plots. The proposals 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 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.

No Transport Contribution is justified in this case because the proposed development is too small to justify seeking such a contribution.

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

7. Impact Upon Wildlife -

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 incombination 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 10 net new residential units within the Farnborough 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 (2020), 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 2022. The AMS provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the incombination 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 CP13 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 already acquired SANGS capacity from the Hart District Council Bramshot Farm SANGS scheme sufficient for the 10 new dwelling units proposed in respect of the previous planning permission; and to do so the applicants have already paid Hart DC £101,114.70. The applicants are currently seeking, with Hart DC, to transfer this payment to support the current planning application instead, and to pay Hart DC an additional £5,117.20 to top-up the Bramshot Farm SANG payment to a total of £106,231.90, reflecting the fact that the SANG contribution payment has increased since last year. Furthermore, the applicants are also seeking to secure a financial contribution of £9,484.50 (an increase of £2,374.50 from the £7,110.00 secured by the s106 with the previous planning permission) towards SAMMS. This increased SAMM contribution would be secured either by way of a new fresh 106 Planning Obligation, or the use of a Deed of Variation to the existing s106 Planning Obligation (subject to Legal advice) submitted to Rushmoor BC requiring payment of this additional contribution upon the implementation of the proposed development.

Conclusions of Appropriate Assessment.

On this basis, the Council are satisfied that, subject to (a) confirmation from Hart DC that the uplifted Bramshot Farm SANG payment has been secured in respect of the proposals for the current application; and (b) receipt of a satisfactory completed s106 Planning Obligation or Deed of Variation in respect of securing the uplifted SAMMS payment, 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, on this basis, it is considered that planning permission could then be granted for the proposed development on SPA grounds.

Site Specific Protected Species.

According to the submitted Ecological Impact Assessment, the application property has limited potential to host roosting bats and other protected wildlife species. Indeed, the most likely potential for wildlife interest arises from the tree belts that are located adjoining the site to the

north and south on land in separate ownership. It is not considered that the proposed development would have any material and harmful impact on this. In any event, should the developer encounter protected wildlife species on site during the course of implementing the proposed development they are entirely separately obliged to observe the requirements of the Wildlife & Countryside Act 1999. The Council's Ecology Officer does not disagree with these findings.

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. Given the existing limited biodiversity potential of the site itself, but its position adjoining public open space and mature trees, it is considered that there is clear potential to provide proportionate biodiversity gain even with relatively modest, but eminently achievable, works within the site itself.

In the circumstances, the Council's Ecology Officer considers that it is appropriate that a condition be imposed to require the developer to submit details of, and implement and retain, biodiversity enhancements in the form of a detailed Landscape & Ecological Management Plan (LEMP) to meet the requirements of Rushmoor Local Plan Policy NE4. This could incorporate, the provision of 10 nesting boxes as requested by Hampshire Swifts – a provision that the applicants have agreed to make. It is also considered appropriate to add an informative to remind the developer of the requirements of the Wildlife & Countryside Act with respect to any protected wildlife species that may be encountered on site notwithstanding the results of the various surveys already undertaken. The Council's Ecology Officer has also advised that a Sensitive Lighting Management Plan be required by condition to ensure that the proposed development will result in no net increase in external artificial lighting to ensure any primary bat foraging and commuting routes across the site are not compromised.

Other Ecology Matter.

Finally, the Council's Ecology Officer has also responded to request more information from the applicants prior to the determination of the application having regard to the contents of the Construction & Methodology Statement submitted with the current application. This is because the Statement indicates that the proposed means of dust suppression relies heavily on the use of water, yet no information is provided for how potentially harmful contamination of this water is to be avoided, or how the water used in dust suppression is to be discharged. This query has been passed on to the applicants' agents, who have responded to advise that the water would be collected and stored on site for collection for appropriate off-site disposal. The Ecology Officer has been re-consulted in this respect and the response will be reported at the meeting.

8. Surface Water Drainage -

There have been no material changes in the flood risk classifications of the application site since the previous permission was granted. 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. The site is located on land at lowest risk of flooding. A Flood Risk Assessment and Drainage Statement Report has been submitted with the application that considers how to incorporate SUDS having regard to the need to protect the rooting areas of trees to be retained. Indeed, constructing soakaways within the rooting areas would not be appropriate. The applicants indicate that a SUDS soakaway system could be incorporated into the development to deal with surface water drainage on site that would be located under the parking spaces and roadway within the development. Or, alternatively, that surface water storage could be disposed of at an appropriate controlled low rate into the existing public sewers.

Further drainage details have been submitted with the current application to sit alongside those details that were submitted with the previous planning application. These additional details, in the form of a Surface Water Report dated April 2022, were originally submitted to the Council pursuant to Condition No.11 of the previous planning permission with withdrawn conditions application 22/00311/CONDPP. However, in this respect the Lead Local Flood Authority (Hampshire County Council: the LLFA) notes that the Surface Water Report is confusing as it appears to be using a different drainage strategy from that suggested previously and with no clear outfall and drainage calculations to back it up. It is also noted that the site infiltration testing previously identified as being needed has still not been undertaken and, as such, the means to determine the best drainage strategy for the site remains unavailable. Further, details of the management and maintenance of the drainage installations are considered to be inadequate. In the circumstances, although the LLFA were previously content to allow permission to be granted subject to imposition of a pre-commencement condition (No.11), the LLFA are now of the view that more information is required from the applicants before permission can be granted and that imposition of a condition would not be appropriate until this information is available and confirmed as being satisfactory. The applicants' agent has been advised of the LLFA consultation response and revised submissions in respect of drainage in the form of a revised Drainage Strategy Plan and also the results of Infiltration Testing of the site were received by the Council on 8 July 2022 and the LLFA has been reconsulted. An update will be provided to Members on this matter at the meeting.

9. Public open space -

Policy DE6 of the New Rushmoor Local Plan seeks to ensure that adequate open space provision is made to cater for future residents in connection with new residential developments. The policy does not set a threshold of a particular number of dwellings or size of site above which the provision is required. The site is not big enough to accommodate anything other than the development proposed and any associated landscape planting.

This is a circumstance where a contribution [in this case now £23,716.00 (an increase of £1,716.00 from the £22,000.00 secured in respect of the previous planning permission) towards public open space comprising: Playground refurbishment/renewal at Pinewood Park, Bartons Way, Farnborough or Pyestock Crescent, Farnborough and/ or landscaping, fencing/furniture and infrastructure improvements at Herbs End, Pyestock Crescent or Nightingale Close POS] secured with a s106 Planning Obligation would be appropriate. Subject to the applicant satisfactorily completed fresh s106 Obligation or Deed of Variation to the previous s106 Planning Obligation in this respect, the proposal is considered to be acceptable having regard to the requirements of adopted Rushmoor Local Plan Policy DE6.

Conclusions -

Notwithstanding the objections raised in the representations received, the proposals continue to be considered acceptable in principle; would have no material and harmful impact upon the visual character and appearance of the area as a whole; have no material and adverse impact on neighbours; would provide an acceptable living environment; and are acceptable in highway terms. Having regard to the contribution towards the Bramshot Farm SPA mitigation scheme and the Strategic Access Management Measurement contribution to be secured by the 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. Subject to the Public Open Space contribution being secured by the s106 Planning Obligation the proposals would satisfactorily address the requirements of adopted Rushmoor Local Plan Policy DE6. It is not considered that the site harbors any significant protected wildlife, nevertheless appropriate biodiversity gain can be secured as a result of the development. Having regard to the surface water drainage of the site it is considered that there is no reason why a satisfactorily detailed drainage scheme for the site cannot be formulated pending the prior submission of adequate information to enable the surface water drainage scheme to be appropriately designed. The proposals are thereby considered acceptable having regard to Policies DE1, DE2, DE3, DE6, IN2, NE1, NE3, NE4 and NE6-8 of the adopted Rushmoor Local Plan (2014-2032).

Full Recommendation

It is recommended that **subject** to:

- (a) No objections being raised by the Lead Local Flood Authority in respect of the surface water drainage proposals for the proposed development;
- (b) satisfactory information being received concerning how water to be used on site for dust suppression during the construction period is to be kept free of contamination and/or discharged from the site;
- (c) confirmation from Hart DC that the applicants have acquired adequate SANG SPA mitigation from the Bramshot Farm SANG; and
- d) the completion of a satisfactory Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by 2 September 2022 or such later date as agreed by an extension of time to secure the SAMMs SPA and Public Open Space contributions as set out in the report, the Head of Planning in consultation with the Chairman be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

However, in the event that a satisfactory s106 Agreement is not received by 2 September 2022 and no Extension of Time has been agreed, the Head of Planning, 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.

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 November 2017 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 - 20036-L01-B; 20036-PP0010-C; 20036-PP0011-C; 20036-PE0009-A; 20036-PP0034-B; 20036-PE0011-A; 20036-PE0010-A; 20036-PE0012-; 20036-PE0014-A; 20036-PP0033-A; 20036-PE0013-; 20036-PP0031-B; 20036-PP0032-A; 20036-PV0010; Point Zero Surveys 1021 R1 Rev.R1; White House Design DM/SC/2022/L: White House Design DM/SC/2022/L1: Carter Jonas Planning, Design & Access Statement; Anderson Orr 20036 Rev.A (Jan 2021) Design Statement: EcologyByDesign Ecological Impact HVT Transport Assessment; White House Design Phase 1 Geo-Environmental Risk Assessment; White House Design Construction & Methodology Statement: Wesson Environmental Phase 1 Site Investigation Report Jan 2021: External Materials Schedule: GS Surveys Preliminary Soil Contamination Ground Investigation; White House Design Phase 2 Geo-Environmental Risk Assessment (June 2022); Venners Tree Protection Plan 20036-SK0011-C: Venners Tree Survey Report Sep 2020: Venners Arboricultural Method Statement & Tree Protection Details; and Drainage Reports as may be submitted and approved.

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

3. The development hereby permitted shall be implemented in accordance with the external and surfacing materials and finishes as set out in the External Materials Schedule submitted with the application and hereby approved. Those elements of the development shall be carried out using the materials so approved and thereafter retained:

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 a fully detailed landscape and planting scheme (to include, where appropriate, both landscape planting and ecological enhancement) shall be first submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the development makes an adequate contribution to visual amenity.

9. All planting, seeding or turfing comprised in the approved details of landscaping 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.

10. The construction and fitting-out phases of the development hereby permitted shall proceed in full accordance with all means and measures set out in the Construction & Methodology Statement submitted with the application and hereby approved.

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

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

11. 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.

12. Prior to occupation of any part of the development hereby approved, the refuse bin and cycle storage for each individual house plot and communal bin collection area as shown on the plans hereby approved shall be provided in full and retained thereafter at all times.

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

13. No works shall start on site until existing trees (including their roots) 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 Venners Arboriculture Arboricultural Impact Assessment & Tree Protection Report and Construction & Methodology Statement 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.

14. 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.

15. 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.

16. The development hereby approved shall not commence until a detailed Landscape & Ecological Management Plan (LEMP) and proforma checklist for the development hereby permitted setting out the steps required to implement the landscape and ecological management measures has been submitted to and approved by the Local Planning Authority in writing. No dwelling hereby permitted shall be occupied until the checklist approved under this condition has been completed, signed off by the project ecologist / wildlife consultant and approved in writing by the Local Planning Authority.

Reason: to protect and enhance biodiversity in accordance with Policy NE4 of the adopted Rushmoor Local Plan (2014-2032) and para 175 of the NPPF. *

- 17. 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 development. 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 development, 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 dwellings hereby approved.

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

18. Surface Water Drainage Condition(s): as may be required by the Lead Local Flood Authority.

INFORMATIVES

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

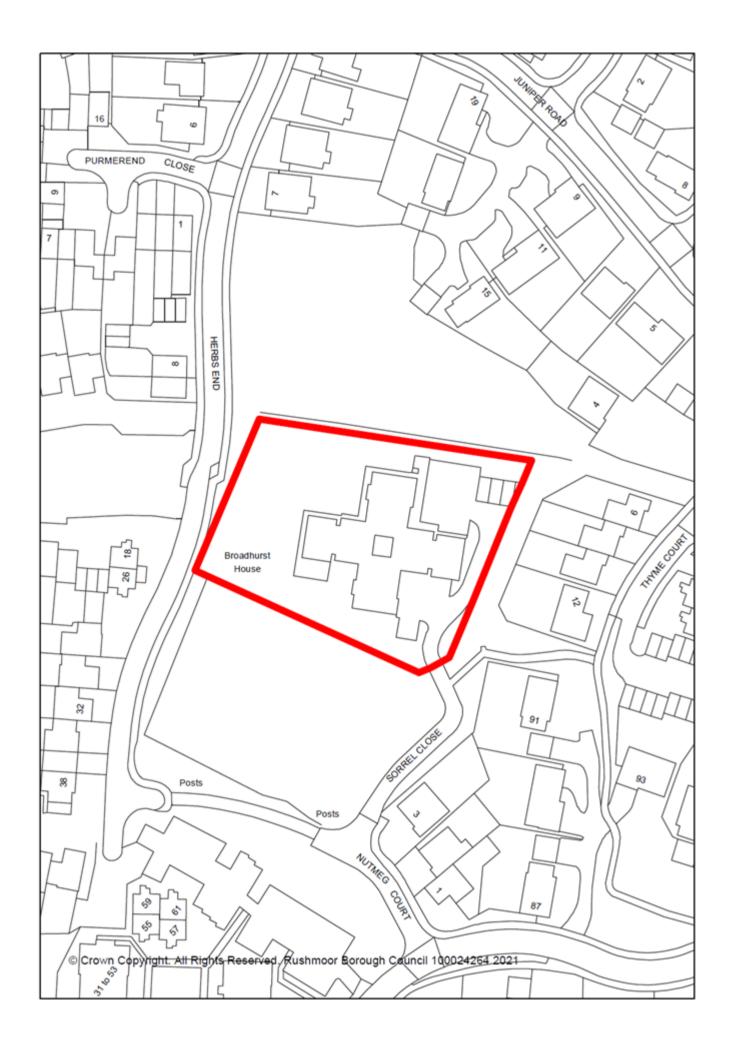
The proposals are considered acceptable in principle; would have no material and harmful impact upon the visual character and appearance of the area as a whole; have no material and adverse impact on neighbours; would provide an acceptable living environment; and are acceptable in highway terms. Having regard to the contribution already made towards the Bramshot Farm SPA mitigation scheme and the Strategic Access Management Measurement contribution to be secured by the 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. Subject to the Public Open Space contribution being secured by the s106 Planning Obligation the proposals would satisfactorily address the requirements of adopted Rushmoor Local Plan Policy DE6. It is not considered that the site harbors any significant protected wildlife, nevertheless appropriate biodiversity gain can be secured as a result of the development. Subject to satisfactory details for the surface water drainage of the site the proposals would have an acceptable impact on local drainage. The proposals are thereby considered acceptable having regard to Policies DE1, DE2, DE3, DE6, IN2, NE1, NE3, NE4 and NE6-8 of the adopted Rushmoor Local Plan (2014-2032).

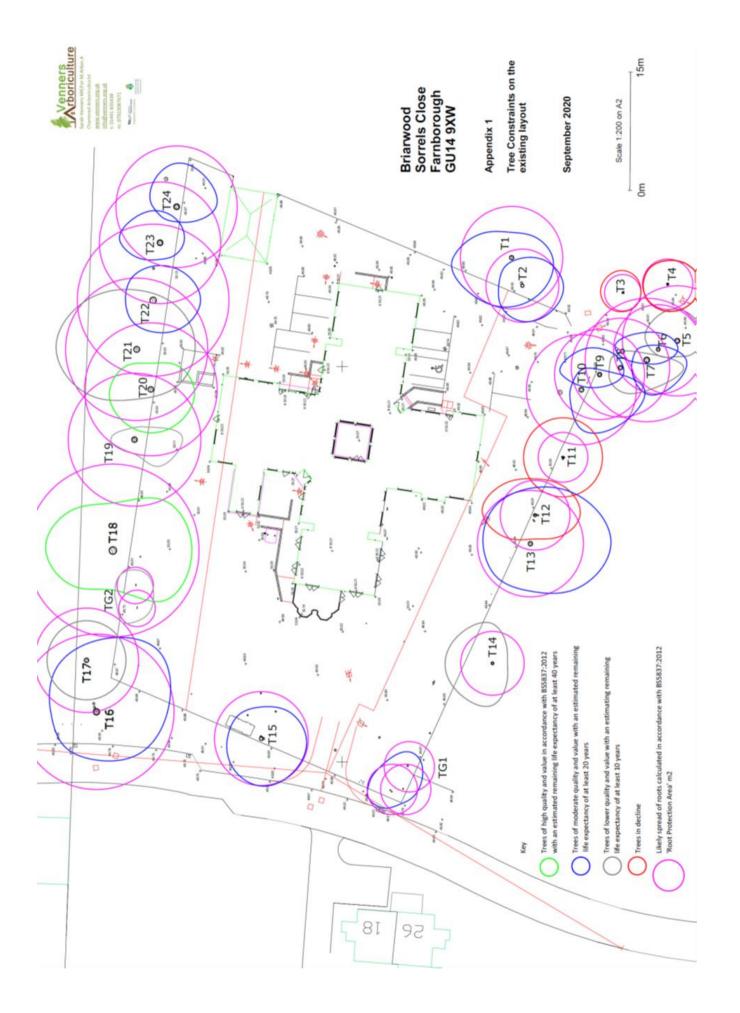
It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant 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). If your legal obligations includes a payment of sums, then you must contact the Council (at plan@rushmoor.gov.uk) at least 20 days prior to the commencement of development both stating your intended date of commencement and requesting an invoice to pay such funds. The payment of all contributions as required by such s106 must be received prior to the commencement of development.
- 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 all species of bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under Schedule 2 of the conservation (Natural Habitats & c) Regulations 2004. The grant of planning permission does not supersede the requirements of this legislation and any unauthorised works would constitute an offence. If bats or signs of bats 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.
- 11 INFORMATIVE The Local Planning Authority's commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.









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VISUAL SCALE (m) 1:100
NOTE.

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ELEVATIONS PLOT 10 TYPE C (V1)

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grey powder coaled aluminium

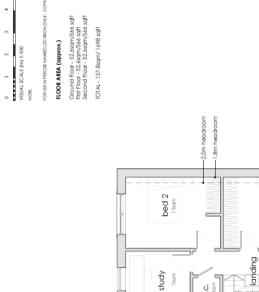
The Studio, 70 Church Bood, Wheothey, Oxford, Oxford 112 (1883-879%). | Intollendersonation | www.ordenoracion

Anderson Orr

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WEST ELEVATION

NORTH ELEVATION



bed 3

dining

C'Q 1 sqm

C,O

bath



living

kitchen

hall

\$1000 COOQ12

First Floor

Plots 2, 4, 5 & 9 (Plots 3 & 6 handed)

Plots 2, 4, 5 & 9 (Plots 3 & 6 handed)

Ground Floor

Second Floor

Plots 2, 4, 5 & 9 (Plots 3 & 6 handed)

B 31/05/22 Pind 3 note added A 110/12/12 Skrage fibor area added revision date description status

PLANNING

BRIARWOOD, SORREL CLOSE, FARNBOROUGH, GU14 9XW

20036 - PP0031 - B

The Studio, 70 Church Road, Wheatley, Oxford, 0X33 1LZ 01858.73936. | Info@andersonar.com | www.andersonar.com





FLOOR AREA (approx.)

Ground Hoar - 52.4sam/546 saft Pat Floor - 52.6sam/546 saft Second Roar - 52.6sam/546 saft

101AL - 157.Bispm/ 1698 soft



ofility

en-suite master bed landing bed 2 study

Second Floor

First Floor

Ground Floor

Plot 10

Plot 10

Plot 10

A 11/01/21 Stange from area added revision date description PLANNING

BRIARWOOD, SORREL CLOSE, FARNBOROUGH, GUI4 9XW

ROOR PLANS - PLOT 10 TYPE C (V1) 05/10/20

20036 - PP0032 - A

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