

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.	18/00580/FULPP
Date Valid	3 <sup>rd</sup> September 2018
Expiry date of consultations	23rd August 2018
Proposal	Re-development of land involving erection of 7 houses (comprising 1 x 2-bedroom and 6 x 3-bedroom dwellings) divided between two terraced blocks and associated works following demolition of existing buildings
Address	<b>36, 40 and land to the rear of 26 - 54 Cove Road Farnborough</b>
Ward	Cove and Southwood
Applicant	Block 88 Ltd
Agent	Vail Williams LLP
Recommendation	<b>REFUSE</b>

### **Description**

This application relates to an irregularly-shaped area of land measuring approximately 0.22 hectares divided into two main areas east and west of Nos.42-44 Cove Road, a property in separate ownership and falling outside the application site. The site contains a mainly single-storey commercial building with the postal addresses of Nos.36 and 40 Cove Road and covering part of the land to the east side. There is no No.38 Cove Road. The west side of the land is a gravel-surfaced car park enclosed to the north, west and south by a mature conifer tree hedge. The east and west portions of the land are linked to the rear of the curtilage of Nos.42 & 44 Cove Road.

The land is to the rear of shops and a restaurant and takeaway premises with a variety of residential dwellings above fronting Cove Road and forming Nos.26 to 54. There is an existing narrow vehicular entrance to the east side between Nos.30 and 32/34 Cove Road leading into a parking area immediately adjoining the buildings at Nos.36 & 40 Cove Road. This area is located to the rear of both Nos.26-30 and 32/34 Cove Road. From here it is possible to drive around the end of the curtilage of Nos.42 & 44 Cove Road to reach the west portion of the application land. There is an existing narrower vehicular entrance into the west portion of the site between Nos.44 and 46/48 Cove Road. It is understood that this route is in separate private ownership (i.e. neither that of the applicants or the current owner of the

application land). Although there is a legal right of way along this route into the west portion of the application land, this entrance principally provides vehicular access to a parking area to the rear of Nos.46/48 Cove Road (a takeaway and chip-shop with a first-floor residential flat above) and is also used for deliveries to this commercial property. There is a metal five-bar gate that can be closed across the entrance on the boundary between Nos.46/48 Cove Road and the west portion of the application land.

To the west, the application land abuts the side of a large garden area to the rear of mixed commercial and residential property at 56-68 even Cove Road. The north and east boundaries of the application land abut residential properties: Nos.1 Elmsleigh Road and 14 Gables Close directly adjoin to the north; and Nos.9 Gables Close and 24 Cove Road to the east.

The proposal is for the erection of 7 houses arranged in two terraces, both sited across the east-west width of the two portions of the application land with transverse ridge roofs. In this respect, the terraces are sited either side of the rear garden area of Nos.42-44 Cove Road.

Terrace No.1 (containing Plots 1-3 inclusive) would be the west portion of the application land and comprise a single 93 sqm 3-bedroom 2-storey house (Plot 1 at the west end with the side elevation adjacent to the boundary of Nos.56-58 Cove Road); and a pair of taller roofed 120 sqm 3-bedroom 2.5-storey houses. It is proposed that these three houses would all face south-east with their rear gardens facing the side boundary of the rear garden of No.1 Elmsleigh Road. Each of these proposed houses would have a pair of parking spaces to the front within a private parking courtyard with access from Cove Road via the narrow driveway between Nos.44 and 46/48 Cove Road. The parking courtyard is shown to contain a further four parking spaces, comprising an unallocated visitor space and three spaces understood to be allocated for the use of the business occupying Tower Hill Garage on the opposite side of Cove Road. The courtyard area is also shown to provide space for the standing of refuse bins awaiting collection.

Terrace No.2 (containing Plots 4-7 inclusive) would be across the east portion of the site following the demolition and removal of the commercial buildings Nos.36 and 40 Cove Road. In respect of Plots 4-6 inclusive, the proposed houses would be very similar in design to the Plot 1-3 terrace already described above, with the Plot 4 house at the west end being a lower 2-storey height unit. The Plot 7 house would be at the east end of the terrace adjacent to the boundary with No.24 Cove Road and would be an 81 sqm 2-bedroom 2-storey house. The proposed Plot 4-7 houses would be sited backing onto the existing neighbouring residential properties to the rear: the rear portion of the rear garden of No.1 Elmsleigh Road in the case of Plot 4; and the private parking area and front gardens of No.14 Gables Close in respect of Plots 5-7 inclusive. A private parking courtyard is also proposed to the front of Terrace No.2 with access from Cove Road via the existing opening between Nos.30 and 32/34 Cove Road with modified alignment. This would provide a pair of allocated parking spaces for each of the proposed new houses (8 spaces in total), plus two visitor spaces; and a further 5 spaces indicated to be allocated to properties located outside the application land at Nos.32, 34, 32/34, 32a and 32b Cove Road. A bin collection point is shown to be provided adjoining the re-aligned access driveway outside the entrance door to the flat at 30A Cove Road.

The proposed houses are of conventional design and indicated to be largely rendered, but with some tongue & groove timber boarding panels. The roofs are indicated to be finished with resin slate-effect roof tiles; and the fenestration to be grey or black framed. The lower roofed houses would be 8.7 metres high at the ridge and have low eaves 4.2 metres above ground level. The taller 2.5 storey house units would be 9.7 metres at the ridge and 5.7

metres at eaves.

In order to accommodate Terrace No.1 on the land it is proposed that the existing mature tree hedge bordering the rear garden of No.1 Elmsleigh Road, the side garden boundary of Nos.56-68 Cove Road and immediately to the rear of Nos.46-54 Cove Road would be removed in its entirety. It is indicated that this would be replaced with new hedge planting considerably narrower in plan form.

The application is accompanied by a Planning, Design & Access Statement; a Transport Statement; a preliminary Ecological Appraisal and Bat Building Assessment Report; an Arboricultural Impact Assessment & Tree Survey; and a Groundsure Review Report providing a preliminary desktop assessment in terms of contaminated land and flood risk.

### **Relevant Planning History**

The application land has a long history of commercial use. From 1980 this involved the occupation of the land by Cove Industrial Enterprises and other firms undertaking general industrial (Use Class B2) activities. These gave rise to significant and sustained complaints from adjoining and nearby residents relating primarily to noise and smell. This was associated with complaints about the erection of buildings without planning permission and the breach of planning conditions imposed by earlier permissions. In January 1993 planning permission was refused for the erection of an extension and the continued use of premises at the application land (then including land to the rear of Nos.42-44 Cove Road) for both light industrial (Use Class B1) and general industrial use (Use Class B2), 92/00411/COU refers. In February 1993 the Council resolved to take enforcement action primarily in the form of Breach of Condition Notices. Prosecutions were subsequently commenced by the Council for failure to comply with these Notices after they were served. However these proceedings were later withdrawn because the firms occupying the land re-located to premises within the Invincible Road Industrial Estate, thereby ceasing the various environmental nuisances that had prompted the enforcement action.

The preceding history forms the planning context for the existing commercial buildings, associated parking areas and layout of the application land as they currently exist. Planning permission was originally sought in 1994 with planning application 94/00003/COU for retention of the buildings that are currently on the application land (Nos.36 and 40 Cove Road) to be used for light industrial purposes (Use Class B1). The 1994 application site comprised the current application site but also included the land to the rear of 42-44 Cove Road. The consideration of this application evidently coincided with the re-location of Cove Industrial Enterprises and other firms from the application land. The application appears to have been made by the landowner seeking to establish an authorised use and value for the application land against the background of their removal of the unauthorised industrial uses and activity from the land, which is understood to have taken place over a period of time in 1995-6. The proposals evolved considerably during the course of the Council's consideration of the application and were eventually granted permission in February 1997 subject to conditions. Some existing buildings were demolished; various open storage, metal containers and equipment removed from the land; the retained buildings refurbished and sound insulation installed; a parking area was formed principally in the west portion of the land; screen landscape planting was undertaken around the parking area; and improvements made to the existing vehicular access serving the site located between Nos.26 and 32/34 Cove Road. This was originally proposed to involve the construction of pavement build-outs to isolate street parking from the access in Cove Road. However it appears that it was later agreed that this could be reduced to the white-painted 'Keep Clear' road markings that

currently exist.

A number of restrictive planning conditions were imposed by the 1997 planning permission, including:-

Condition No.2: Hours of use of the retained premises restricted to 0730-1800 hours Mondays to Fridays, 0730 to 1300 hours Saturdays; and no use at all on Sundays and Bank Holidays;

Condition No.3: The premises to be used only for the purpose of clutch & brake distribution and/or light industrial purposes within Use Class B1(c) and for no other purpose, including any other purpose within Use Class B1 or B8. Furthermore, the premises were not to be used for the manufacture of plastic mouldings or precision engineering involving the heavy duty cutting, bending, punching and welding of sheet metal or machine parts;

Condition No.4: No external storage of raw materials, finished or unfinished products, parts, crates, packing materials or waste was to take place unless within the specified storage areas identified on the approved plans;

Condition No.5: All plant and machinery was to be enclosed with soundproofing materials and not used unless it was;

Condition No.6: The retention of the approved landscape planting at all times;

Condition No.7: No sound reproduction equipment that would be audible outside the premises was to be installed and/or used at the land;

Condition No.8: The parking and manoeuvring areas shown on the approved plans were to be retained at all times. In addition, 8 parking spaces were to be retained and kept available for the occupiers and visitors to 30A Cove Road; and one space each retained for the sole use of the occupiers of 42 and 44 Cove Road.

Condition No.9: The sole vehicular access to the land was to be from between 30 and 32/34 Cove Road and be improved as approved within 3 months. Additionally, the access driveway between 44 and 46/48 Cove Road was to be kept gated to all vehicular traffic at all times except in an emergency;

Condition No.10: The sound insulation measures that were installed in the buildings to remain was to be retained at all times.

In February 2000 planning permission was granted for the variation of Condition No.8 of planning permission 94/00003/COU to re-allocate parking spaces to different properties, 00/00031/FUL refers. It is evident from an informative attached to this permission that the purpose of this application was solely to re-allocate the two spaces for the sole use of the occupiers of Nos.42 and 44 Cove Road with the 1997 planning permission to other users. Condition No.2 of this permission specifies that the two parking spaces concerned be allocated one each to Nos.30 and 34 Cove Road instead. It seem likely that this permission was prompted by Nos.42-44 Cove Road ceasing to be in the same ownership as the remainder of the application land.

Condition No.5 of planning permission 13/00482/COUPP dated October 2013 relating to the change of use of first-floor offices and erection of a roof extension and loft conversion to

create a pair of 2-bedroom flats at 32 Cove Road requires provision and retention of a pair of parking spaces in the adjoining parking area that is part of the current application land.

The Planning, Design & Access Statement submitted with the application advises that a part of the application premises at No.36 Cove Road was, until recently, used by a furniture restorer whom has moved to new premises in Camberley, but that a small part of No.36 is now being used for an undisclosed purpose by a named individual on a shorthold tenancy instead. In respect of the application premises at No.40 Cove Road, the applicant advises that this was until recently occupied by a martial arts school that has recently moved to Queens Road, North Camp. As a martial arts school is a use that would fall within Use Class D2 (assembly & leisure) this use evidently operated from the premises without planning permission. The applicant's Statement also advises that some of the premises at No.40 are now occupied by another named individual, again for an undisclosed purpose.

## Consultee Responses

Environmental Health	No objections.
HCC Highways Development Planning	Objection : (a) The submitted Transport Statement seeks to analyse the existing traffic generation potential of the site based on the likely vehicular activity associated with an unauthorised use of the site that has now ceased; and the analysis also contains significant calculation errors previously identified to the applicant's Highways Consultants yet not corrected. (b) Inadequate on-site parking is provided to serve both the proposed development <u>and</u> also existing parking use of the land to be retained for the use of occupiers of adjoining and nearby properties as required by extant planning conditions. (c) The proposed vehicular accesses to serve the development would be more intensively used than as existing and with a different pattern of use throughout the day increasing the likelihood of conflict with other highway users in the vicinity. The vehicular accesses are already of inadequate width (failing to meet the minimum standards [4.5 metre width for the first 6 metres] to allow for two-way vehicular passing movement) and have inadequate pedestrian and vehicular sight-lines with Cove Road (B3014), neither of which can be improved. Conflicting reversing manoeuvres onto the road are likely. (d) Inadequate turning provided within the proposed development to enable emergency vehicles to enter and leave the proposed parking courtyards in a forward gear. (e) The proposed refuse collection areas are considered acceptable in terms of size, however the collection area serving Plots 4-7 is shown to be sited immediately adjoining the front door to Flat 30A Cove Road and would need to be re-sited. (f) Cycle storage is implied but not shown on the submitted plans. Consequently it is considered that the proposed development would cause danger and inconvenience to users of the adjoining highway.
Community - Contracts Manager (Domestic Refuse Collection)	Has provided information on the number of refuse and recycling bins that would be required to serve the proposed development. These are : 7 x 140L wheelie refuse bins, 7x 240L wheelie

recycling bins, and 7 x 44L glass boxes. In addition, it is noted that some form of refuse lorry lay-by parking space would need to be made available on Cove Road near the accesses for the proposed development to enable the additional refuse/recycling bin collections arising from the development to be collected safely.

Natural England

Objection : the planning application has been submitted without an allocation of SPA mitigation capacity from an appropriate SPA mitigation scheme to support the proposed development. As such, the applicants have failed to mitigate the impact of their proposed development upon the nature conservation interests and objectives of the SPA contrary to the UK Habitats Regulations and both National Planning Policy & Guidance; and adopted and emerging Development Plan policy.

Ecologist Officer

Objection : In the absence of an allocation of SPA mitigation capacity, the applicants have failed to mitigate the impact of their proposed development upon the nature conservation interests and objectives of the SPA contrary to the UK Habitats Regulations and both National Planning Policy & Guidance; and adopted and emerging Development Plan policy.

In addition, the bat survey work that has been undertaken of the site to date is incomplete : it is a preliminary report covering a partial survey of the application property. As such, no permission should be granted until site survey and assessment has been completed. Furthermore, no biodiversity enhancement measures have been proposed as required by emerging Development Plan policies.

Hampshire Fire & Rescue Service

Provides generic guidance on the requirements for access to buildings as required by the Building Regulations, including the minimum manoeuvring specifications for fire and rescue service vehicles. Advice on other fire safety precautions and measures is also provided.

Crime Prevention Design Advisor

No comments received.

Planning Policy

Objection : the proposals are unacceptable and contrary to adopted and emerging Development Plan policies.

Aboricultural Officer

Objection : This proposal threatens the removal of screening plants located to the south-west, west and north boundaries of the application land. It is accepted that the plants forming the screen are generally of poor individual worth, however they currently perform an important screening function for properties beyond the boundaries of the application property. The replacement planting would be confined to a belt 1.5m deep and 2m high; however it is considered unlikely that this new planting would be maintained into the future as the developer suggests

even if spelt out in a condition. Given that such conditions must be time limited to no more than 5 years, it is considered that their retention would not be sustainable given the tight proximity to Plot 1. As such, planning must factor into its decision, the loss of unsustainable screening due to future pressure to remove the plants as a result of over-development.

This proposal also threatens the unjustified loss of the B grade Sycamore tree T4 which is worthy of retention but for the fact that it would dominate the rear garden of Plot 1 and which further suggests an unacceptable over-development of the land is being proposed.

Thames Water                      No comments received.

Hampshire & I.O.W.  
Wildlife Trust                      No comments received.

### **Neighbours notified**

In addition to posting a site notice and press advertisement, 53 individual letters of notification were sent to properties in Cove Road, Elmsleigh Road, Prospect Road and Gables Close, including all properties adjoining the application site.

### **Neighbour comments**

Objections have been raised by the owners/occupiers of Nos.30A, 42, 44B, owner of 44-44B, 46-48 & the owners of 50-54 Cove Road; Nos.1 & 3 Elmsleigh Road; Nos.2, 4, 8, 9, 12 and 14 Gables Close; and No.20 Horn Road on the following summary grounds:-

- (a) Previous planning history of refusals for residential and other development relating to the application land.
- (b) The applicants do not own the application land and are only prospective purchasers [*Officer Note: this is not unusual - applicants for planning permission do not need to be the owners of the land before they can submit a planning application; and formal notice has been served on the current owners of the application land by the applicants as required*].
- (c) Residential use of the land is inappropriate – the land has commercial light industrial use and is unsuitable for residential development.
- (d) Serious ground contamination renders the site unsuitable for residential development and undertaking the proposed building work on the land would be likely to release contaminants into the environment. No testing of the site for contaminants has been undertaken to date and some correspondents believe that some of the previous industrial activities on the application land may have involved use of highly dangerous and noxious chemicals; and generally involved the release of pollutants into the environment.
- (e) Increased traffic generation that would exacerbate existing road congestion and, thereby have a further negative impact upon the area generally. Cove Road (B3014) and Prospect Road are busy local distributor roads.
- (f) Adverse impact on the character and appearance of the area due to the proposed 2.5 storey houses. The design of the proposed houses does not match their surroundings.
- (g) Inadequate narrow vehicular accesses : they are substantially substandard in width, confined between existing buildings, and insufficient and unsuitable to serve the

proposed new dwellings. This is particularly the case in respect of the access between Nos.44 and 46-48 Cove Road, which is restricted by planning condition to only being an emergency access to/from the application land. Further it is not in the ownership or control of the applicants or the current owner of the remainder of the application land, and also serves as access for parking and servicing of the Chinese takeaway and occupiers at Nos.46-48 Cove Road. It is very much doubted that the accesses meet the necessary minimum standards, including in respect of emergency services. [Officer Note: due to the narrow width of the accesses, fire engines would not be able to enter the proposed development. In order to comply with the Building Regulations in this respect it would be necessary for the proposed houses to be fitted with sprinkler systems].

- (h) Draft revised Building Regulations in the wake of the Grenfell Tower fire will require entrances into residential housing estates to be at least 8 metres wide to allow adequate access for the emergency services – this cannot be achieved by the proposed scheme. [Officer Note: this is currently draft Regulations and, in any event, are a matter for separate consideration under the Building Regulations].
- (i) To widen the accesses would require the acquisition and demolition of buildings that are not within the ownership or control of the applicants and do not form part of the application land.
- (j) The accesses are partially obstructed by refuse bins and fixtures and fittings such as the extraction duct for the Chinese takeaway at Nos.46-48 Cove Road.
- (k) The existing accesses would not provide safe pedestrian access to the proposed houses.
- (l) Extremely restricted and inadequate poor pedestrian and vehicular visibility splays from the proposed access drives onto Cove Road due to proximity of buildings either side and also vehicles parked roadside. This is likely to lead to dangerous and/or conflicting vehicular movements in a very busy locality in terms of both vehicular and pedestrian movements. Both accesses adjoin a very busy bus stop on a major bus route. Many children use the adjoining pavement before and after school. Unacceptable severe detrimental impact upon the safety and convenience of highway users.
- (m) The road-side layby parking along this stretch of Cove Road is nearly always full with a regular turn-over of vehicles coming and going. Vehicles servicing the various businesses along this section of the Cove Road frontage usually seek to reverse into the accesses to the application land in order to unload, thereby regularly blocking the accesses for the duration.
- (n) The boundary fence belonging to No.44 Cove Road adjoining the proposed access to Plots 1-3 is regularly damaged by vehicles using this access. The pedestrian access to existing dwellings at No.44 immediately adjoins the vehicular access and residents would be put in further jeopardy if the proposed development were to be built.
- (o) Inadequate parking provision with the proposed development : insufficient visitor parking and failure to retain adequate parking within the proposed scheme for the use of occupiers of existing adjacent properties outside the application land that are required by planning conditions.
- (p) Likely overspill and displacement of users of existing very limited street parking in the vicinity. Existing problems with demand for parking in Cove Green public car park and indiscriminate and often double street-parking in Gables Close (causing problems with access, including delivery and emergency vehicles) likely to be exacerbated. Street parking takes place in Gables Close in preference to the Cove Green car park to avoid paying parking charges – or simply because it is already full in any event.
- (q) Existing problems with bin collections and deliveries in the vicinity also likely to be exacerbated;



- (r) Likelihood of future proposals for application land seeking to form vehicular access to Gables Close instead : children play in the Close. [*Officer Note: the possible future intentions of a developer are not a matter that can be taken into consideration with the consideration of a planning application – they must be considered as proposed solely on their own individual relevant planning merits*];
- (s) Loss of privacy and amenity due to undue overlooking from the proposed new houses particularly in respect of the houses and gardens of Nos.1 and 3 Elmsleigh Road, 44B Cove Road and 14 Gables Close. Also an overbearing impact due to the extent of overlooking from terraces of partly 2.5 storey height;
- (t) Noise and disturbance associated with activity and traffic associated with the occupation and use of the proposed new houses, especially at night. This is in respect of properties in Elmsleigh Road, Cove Road, Gables Close and Prospect Road. The front door of No.44B is located just 1 metre from the access driveway intended to serve Plot Nos.1-3;
- (u) Loss of existing tree hedge visually screening the site from neighbours – and its proposed inadequate and token replacement. Concern about the effect on ground stability arising from the removal of so many trees all at once. The submitted Tree Report contains inconsistencies and errors.
- (v) Infrastructure in the vicinity is unable to cope with the proposed additional residential development. The proposed houses would have to be connected into existing sewers that are already inadequate;
- (w) The applicant's agent incorrectly and misleadingly states that neighbourhood consultation was undertaken on behalf of the applicants before the application was submitted and that the response received from local residents was generally positive.
- (x) Adverse environmental and other impacts, traffic congestion and general inconvenience arising from the construction period of the proposed development [*Officer Note: It is long-standing Government guidance that the impacts of the construction period of a development cannot be taken into account in considering planning applications.*]
- (y) The existing buildings on the application land to be demolished are believed to contain a high level of asbestos material that will require specialist removal. [*Officer Note: this matter is subject to entirely separate legislation and is not a matter for the Council or to be considered in the determination of a planning application*].
- (z) It is claimed that the proposed houses contain an inherent dangerous design fault and will not last their expected life-span [*Officer Note: the objector raising this point has been asked to explain this point but has not since done so. In any event, it is not a matter that can be taken into consideration in the determination of a planning application*].

Representations in support of the proposals have been received from the current owner of the application land (operating from No.18 Invincible Road); and also by a correspondent from Brading (Isle of Wight) whom identifies themselves as a long-standing client of Cove Industrial Enterprises. The allegations made by some objectors about the historical use of the site involving industrial processes involving dangerous and noxious chemicals are refuted and declared to be untrue. It is suggested that housing re-development would be a good use for the application land and the view is expressed that the traffic access to/from the site would not be a problem. The current land owner considers the proposed development to be an attractive courtyard development of seven nicely positioned and newly constructed houses surrounded by landscaped gardens. It is further suggested that the traffic situation would be quieter and calmer than it is now; and the new residents would use local shops adding more value to the area than the existing commercial use of the application land.

The current owner finally advises that he has been approached twice by the Council with the request that the application land be redeveloped for residential use. [*Officer Note: this correspondent has since clarified that this contact with the Council was in connection with the Rushmoor Urban Housing Potential Study 2005, which examined the possible housing development of a larger area than the application land comprising all of the land to the rear of Nos.26 to 68 Cove Road.*]

## **Policy and determining issues**

The site is within the built up area of Farnborough. The site is not located within or immediately adjoining a Conservation Area, a Listed Building or a non-Statutory heritage asset such as a designated Building of Local Importance.

Adopted Rushmoor Core Strategy (October 2011) Policies SS1 (Spatial Strategy), CP1 (Sustainable Development Principles), CP2 (Design and Heritage), CP3 (Renewable Energy and Sustainable Construction), CP4 (Surface Water Flooding), CP5 (Meeting Housing Needs and Housing Mix), CP8 (Supporting Economic Development), CP10 (Infrastructure Provision), CP12 (Open Space, Sport and Recreation), CP13 (Thames Basin Heaths Special Protection Area), CP15 (Biodiversity), CP16 (Reducing and Managing Travel Demand), and CP17 (Investing in Transport) are relevant to the consideration of the current proposals.

Whilst the Core Strategy has policies that replace specific Local Plan policies, a number of Local Plan policies continue to be 'saved' and therefore remain in use for the time being until they are replaced by future tranches of Local Development Framework documents. In this respect, Local Plan Policies ENV13 (trees), ENV17 (general development criteria), ENV20 (landscaping), ENV41-44 (surface water run-off), ENV49 (ground contamination), OR4 & OR4.1 (public open space), TR10 (general highways criteria), and H14 (amenity space) are 'saved' policies that remain relevant to the consideration of this application.

The New Rushmoor Local Plan 2014 to 2032 contains emerging policies that are relevant to the consideration of the current application. It has now reached an advanced stage of preparation. Proposed main modifications to the Plan are, at the time of writing this report, subject to public consultation following receipt of the Inspector's provisional findings after the Local Plan Inquiry held in May 2018. It is currently anticipated that the New Local Plan will be formally adopted in early 2019. However, where there is now no reason for any changes to be made to the policies and content of the Plan because no modifications are being recommended and/or there is no difference in the policy approach currently taken with the Core Strategy, the new Plan can now be considered to carry some weight in the consideration of planning applications. Where this is the case, this will be noted in the following Commentary section of this Report.

The Council's adopted Supplementary Planning Documents (SPD) on 'Housing Density and Design' (May 2006), 'Planning Contributions - Transport' 2008, new 'Car and Cycle Parking Standards' (adopted November 2017), the Rushmoor Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy as updated November 2017; and the advice contained in the revised National Planning Policy Framework (July 2018) and Planning Practice Guidance are also relevant.

The main determining issues are considered to be:

1. Principle of development;
2. Visual Impact on the character and appearance of the area;

3. Impact on trees;
4. The impact on neighbours;
5. The living environment created;
6. Impact on wildlife;
7. Highway considerations;
8. Drainage issues;
9. Renewable energy and sustainability; and
10. Public open space.

## **Commentary**

### **1. Principle -**

The proposals seek to re-use an under-used light industrial commercial site. Government legislation variously seeks to encourage and enable conversions of vacant commercial properties into residential use. Whilst the current proposal is not 'permitted development' in this respect, legislation clearly indicates the general acceptability of such proposals. Further, the site is not identified as a Key Employment Site in current or emerging plans, therefore it is considered that there is also no objection in principle to the residential re-development of the site having regard to Core Strategy Policy CP8.

The proposed development is seeking to make use of previously developed land, which is a clear objective of the NPPF and local planning policy. This is also acknowledged in the Council's Supplementary Planning Document "Housing Density and Design" published in April 2006. Accordingly, as a general principle, and within reason, such proposals are supported by the Council's past, present and future Development Plan policies and supplementary documents. However, even under the banner of 'regeneration', this general principle is not an open-ended encouragement and 'permission' for ever more intensive use of land, reduced dwelling sizes and amenity, minimal parking provision etc. that fails to meet adopted planning requirements; and/or the failure of proposed development to meet its own needs without unduly and unacceptably impacting and imposing upon its surroundings. Furthermore, it is not an invitation for developments to be proposed on land that would prejudice the efficient use of land and generally not be in the interests of the proper planning of an area.

In this respect, the current owner of the application land has made representation in support of the current planning application in part referring to the Council's invitation to them to participate in the Rushmoor Urban Housing Potential Study 2005. However this does not confer any support for the specific proposals the subject of the current application. Indeed, the correspondence with the owner in this respect made clear that the Council was looking at the potential for housing development across the Borough and that the land identified for the purpose of the Study was only where development may be possible. Furthermore, it was also stressed that inclusion of any land within the Study did not presuppose that any subsequent planning application would be successful. Additionally, the Study was looking at a larger area of land than the more limited extent of land the subject of the current application, additionally incorporating land at Nos.42-44 and 56-68 Cove Road. The Council subsequently concluded that the site was unlikely to come forward in the foreseeable future due to the various land ownerships involved. It was also noted in the assessment of this land for the Study that vehicular access also imposed a clear constraint as existing routes into the site are very narrow, such that re-development would be likely to require building demolitions beyond the area of land identified for examination.

The Council's latest Strategic Housing & Economic Land Availability Assessment (SHELAA) June 2017 Final Report (January 2018) has been used to inform the Council's approach to Housing Policies and allocations with the emerging New Rushmoor Local Plan 2014 to 2032. This report does not identify the application land or the larger area of land examined with the 2005 Study as being developable. Indeed, land identified as being "Land to rear of 26-68 Cove Road" has been assessed as being "non-developable" for a combination of reasons. This includes those reasons identified with the 2005 Study, but additionally the potential for ground contamination, provision of parking within the application land tied to residential units beyond the application land, likely difficulties with bin collections and other physical site constraints. Consequently the land to rear of Nos.26-68 Cove Road incorporating the current application land is not allocated as a housing site with the emerging New Local Plan.

The land the subject of the current application is a smaller area than that already considered by the Council and concluded to be non-developable for housing purposes for a number of clear-cut planning reasons. The current application proposes the residential development of land with a convoluted shape and seeks to use the existing vehicular accesses that have already been identified as inadequate. No attempt appears to have been made to assemble a larger and more regularly shaped site including Nos.42-44 and 58-68 Cove Road; and also some Cove Road frontage property to enable the provision of improved vehicular access. It simply appears that development has, instead, been poorly contrived to fit the pieces of land that the current owner is seeking to sell at present. Accordingly, it is considered that the current proposals are an unsatisfactory and unacceptable piecemeal form of development, since allowing development of the application land in the manner proposed would be likely to prejudice and unduly constrain potential future more comprehensive development of the application land in combination with adjoining land. It is considered that approving the current proposals would not be 'good' development that would be in the interests of the proper planning of the area.

The proposed development proposes residential re-development incorporating provision of a number of private garden areas (i.e. where residents of the proposed dwellings would have direct contact with the ground) and the application land has a history of commercial/industrial use. In this respect the application is accompanied by a desktop study that assesses the potential environmental risk associated with the property in respect of ground contamination to be "Moderate-High" and "In Need of Further Assessment" as a result of the known or inferred historical land uses of the land. The applicants' submitted desktop study considers that the application property has a "high environmental sensitivity". This is on account of the vulnerability of current and future occupiers of the proposed development, construction site workers, and existing neighbouring residents to ground contamination; and the fact that the bedrock layers beneath the application land are classified as a "secondary A aquifer". The applicants thereby identify both significant potential vulnerable receptors and also pathways for the migration of pollutants into the wider environment. Accordingly, the applicants' report recommends that a Phase 1 Environmental Risk Assessment be undertaken that is likely to require some degree of physical site investigation in order to establish whether or not the site is suitable for residential use and occupation; and provide adequate information to support the specification of any remediation measures. In the circumstances of this case it is considered that the site investigation work should be undertaken before any decision be made to grant planning permission in order to determine whether or not the risk from contamination is acceptable. This precautionary approach would be in line with current Government Planning Guidance concerning land potentially affected by contamination. However, since the application is to be refused for other reasons (as set out in this report) it is considered neither appropriate nor reasonable for the Council to request that the applicant commissions and submits this site investigation work. The current inadequacy of the information provided to

assess the suitability of the application land for the proposed development must simply feature as a further reason for refusal in this instance.

Core Strategy Policy CP6 requires, subject to viability, provision of 35% affordable housing with developments of 15 or more net dwellings. A reduced trigger threshold of 11 or more net dwellings is specified by Policy LN2 of the emerging New Local Plan, with a 30% affordable housing requirement. However, since the scheme proposes only seven additional units, the requirements of these current and emerging policies do not apply in this case.

## **2. Visual Impact –**

The vicinity has a mixed character, with a variety of building types, ages and external materials. The application land is not located within a Conservation Area and the buildings are not Listed or identified as a Building of Local Importance. The proposed dwellings would be located in a backland position and be arranged in two separate terraces located to either side of the application land separated by the private garden land of Nos.42-44 Cove Road. Some of the units in each terrace would be taller and have accommodation provided in the roof at second-floor level. The east terrace (Plots 4-7 inclusive) would replace existing buildings of ad hoc utilitarian appearance that are partially visible at the end of Gable Close. However the narrow vehicular accesses into the site from Cove Road are located between existing road frontage buildings that substantially restrict public views of the application land. Similarly, although the rear elevation of the east terrace would be partially visible at the end of Gables Close, this is also a restricted view that is not considered to materially define or influence the visual character and appearance of the area as a whole. The generic modern design and external appearance of the proposed houses themselves is considered acceptable. Accordingly the proposed development is not considered likely to impact materially and harmfully upon the established mixed visual character and appearance of the area.

## **3. Impact on Trees –**

There are a number of trees within or directly adjoining the application land and, accordingly, the application is accompanied by an Arboricultural Impact Assessment and Tree Survey. Much of the west and north boundaries are provided with a significant feeling of enclosure on account of the existence of a substantial mainly cypress conifer hedge that visually isolates the application land from adjacent residential neighbours. This hedge screen was provided and to be retained as a requirement of the 1997 permission. However it now occupies a significant area of land on these margins of the application land and, accordingly, it is proposed to be removed in its entirety to make way for proposed Terrace No.1 (Plots 1-3 inclusive) and Plot No.1 in particular. Whilst the Council's Arboricultural Officer accepts that most of the trees forming the screen are generally of poor individual amenity value, they nonetheless clearly perform an important screening function for properties beyond the boundaries of the application land. Furthermore it is noted that the proposals include the loss of the B-grade Sycamore tree (Tree T4) which is considered worthy of retention. This tree is located close to the north-west corner of the application land and appears to be proposed for removal simply because it would, otherwise, dominate the rear garden of proposed Plot 1. It is, as such, an unjustified removal to facilitate a poorly-designed and contrived development that fails to respond adequately to an existing constraint of the site. This is considered indicative of the proposals being an unacceptable over-development of the land.

The Council's Arboricultural Officer has considered the applicants suggestions for the provision of replacement hedge planting to enclose the west portion of the application land

following the removal of the existing hedge. This is rather improbably and unrealistically shown to be confined to a belt 1.5m deep to provide adequate clearance from the proposed houses; and presumably intended to be grown sufficiently tall to re-introduce some boundary screening between proposed Plots 1-4 and neighbouring residential properties. However, having regard to the plant species indicated it is considered most unlikely that this new planting could/would provide adequate screening even if established and, in any event, unlikely to be maintained into the future as the developer suggests even if required to do so by a planning condition. Furthermore, given that such conditions must be time limited to no more than 5 years, it is considered that the retention of the proposed replacement screen hedge would not be sustainable, especially, for example, given the tight proximity to Plot 1.

The submitted Arboricultural Report correctly identifies a mature tree in the rear garden of No.24 Cove Road to the east and puts forward appropriate tree protection measures in this respect. However the Report fails to identify a further tree in the rear garden of No.24 Cove Road also closely adjoining the application land that would be located near the east end of proposed Terrace No.2. As a consequence the application fails to consider the impact of the proposed development on this tree.

It is considered that the necessity to remove the existing tree hedge screening the application land from existing neighbours to make way for the proposed development, and the inability to provide a sustainable replacement hedge screen in a reduced space, is a further indicator of the proposals being an unacceptable and poorly-contrived overdevelopment of the land.

#### **4. Impact on neighbours –**

It is considered that there is no imperative for the current restricted light industrial use of the site to be removed in favour of the proposed residential development. Although currently under-used, the site has a light-industrial commercial use as a result of the 1997 permission subject to a number of restrictions designed to ensure that impact upon neighbours is minimal. Indeed, by definition, a B1 use is capable of operating adjoining residential property without giving rise to any material adverse environmental effects. This is borne out by the lack of any significant complaints to the Council relating to activities undertaken at the application land since 1997, including the unauthorised martial arts school use. In this respect it is noted that some objectors have expressed the view that the commercial use of the site should remain.

The proposed development would be located in proximity to a number of existing surrounding residential properties. The rear garden at No.24 Cove Road with No.4 Prospect Road beyond and No.9 Gables Close to the east; No.14 Gables Close and Nos.1 & 3 Elmsleigh Road to the north; the garden area to Nos.56-68 Cove Road and 1a Elmsleigh Road beyond to the west. To the south the proposed development abuts the rear of properties fronting Cove Road containing a mixture of commercial uses and residential flats. This includes Nos.44A and 44B Cove Road, which have garden areas that occupy the land located between the east and west portions of the application land and, indeed, is land partially located between proposed Terraces 1 and 2. The relationships that would be created between these neighbouring residential properties and the proposed development are considered in the following paragraphs.

No.24 Cove Road : This property has a sizeable rear garden to the east of the application land and the existing buildings at No.36 and 40 Cove currently directly abut the majority of the shared boundary. As a result of the proposals, the existing light industrial buildings would

be removed, but replaced by a parking courtyard (in part containing the parking spaces allocated to commercial users including the pizza takeaway with home delivery service at No.34 Cove Road), with Terrace No.2 to the rear. The nearest dwelling plot would be Plot No.7, which is a two-storey house specifically designed with the first-floor windows facing towards No.24 Cove Road wholly or partially obscurely-glazed. There would be no windows in the side elevation of the Plot 7 house, which would be separated 3 metres from the shared boundary. Whilst it is considered that there would be no material and undue overlooking of the house and garden of No.24 Cove Road from the proposed new houses, it is nevertheless considered that there would be a strong perception of being overlooked as a result of the presence of Terrace No.2. Furthermore, it is considered that this property would be exposed to noise and disturbance arising from the immediately adjoining parking courtyard, which would, in part be likely to be used at anti-social hours in connection with No.34 Cove Road.

No.4 Prospect Road is located beyond No.24 Cove Road and, as such, not considered likely to be subject to undue overlooking from the nearest of the proposed new houses. However it is conceivable that noise arising from the parking courtyard could affect this property.

No.9 Gables Close adjoins the application land in the north-east corner. The side of this neighbouring property (containing a garage and parking) closely adjoins the east elevation of the No.40 Cove Road building proposed to be demolished. As a result of the proposed development this property would have Plot 7 to the west. Due to a combination of the orientation and separation of the Plot 7 house from this neighbour, it is considered that this relationship is acceptable in planning terms.

No.14 Gables Close : is a detached extended two-storey house located to the north of the application land with the shared boundary closely adjoining the flank elevation of the No.40 Cove Road building to be demolished. The area between the boundary and the front of No.14 Gables Close is the private parking area and front gardens of this neighbour. The proposed development would result in Plots 4-7 backing onto the shared boundary instead with a building-to-building separation distance of between 19 and 24.5 metres. The garden and parking area of this neighbouring property is, at present, particularly secluded and private, being located beyond the end of the Gables Close cul-de-sac. However as a result of the proposed development this existing privacy would be completely removed and the property would be subjected to overlooking from all four of the proposed houses in Terrace No.2. It is considered that this relationship is undue and unacceptable.

Other objectors (Nos.8 and 12 Gables Close) have also raised objection in part in respect of potential loss of privacy due to overlooking of other properties in Gables Close, including their own. However, due to a combination of orientation and the extent of the separation involved, it is not considered that any other residential properties in Gables Close would be materially impacted in planning terms.

No.1 Elmsleigh Road : This property has a sizeable rear garden that extends along the north boundary of the application land. The house itself on this adjoining plot is situated beyond the north-west corner of the application land. At present the entire length of the shared boundary is screened by the existing hedge, largely planted within the application land. As a result of the proposed development the existing screen hedge is to be removed in its entirety. Although the applicants suggest that a replacement hedge screen would be provided, the Council's Arboricultural Officer considers that it would neither be likely to be effective as a screen, nor could it be relied upon to be sustained as an effective screen in perpetuity. Furthermore, even if it were allowed to grow by occupiers of the proposed houses, it would not provide any screening for some time after the proposed houses were occupied. It is

considered that the majority of the rear garden area of No.1 Elmsleigh Road would be subject to unacceptable material proximal overlooking from the Plot 1-4 inclusive houses. Although the house at No.1 Elmsleigh Road itself is somewhat separated from the proposed development and orientated at an oblique angle to the rear elevations of the Plot 1-4 inclusive houses, it is considered that there would still be a strong perception of being overlooked there given the overall extent to which the property would be overlooked.

The rear garden area of No.3 Elmsleigh Road is located beyond that of No.1 and it is considered that occupiers of this property would also have a perception of being unduly overlooked from the proposed development.

Rear of Nos.56-68 Cove Road and 1a Elmsleigh Road : These properties are located to the west of the application land. The blank side elevation of the Plot 1 house would be approximately 2.5 metres from the nearest shared boundary. The parking courtyard for Plots 1-3 would not result in any significant change in respect of neighbouring properties on this side of the application land, since the existing use of this portion of the land is already as a parking area. It is considered that the relationship of the proposed development with these neighbours is acceptable in planning terms.

There are flats located above the commercial properties at Nos.30, 32, 44A, 46-48 and 50-54 Cove Road. However all are considered to be sufficiently separated from the proposed development not to be materially affected by any undue physical relationships with the new dwellings. However it is considered that those properties closely adjoining the vehicular accesses would be likely to experience increased noise and disturbance arising from the comings and goings of residential traffic.

In respect of Nos.44A & B Cove Road these residential properties have garden areas that would be subject to undue overlooking from the proposed houses. Indeed, the garden area of No.44B Cove Road occupies land partially located between the proposed terraces. The proposed Plot 3 house would be located to the north-west and the Plot 4 house to the north-east. It is considered that occupiers of Nos.44a & 44B Cove Road would be subject to unacceptable loss of privacy due to material overlooking from both of these proposed houses in addition to the significant perception of being overlooked from the remainder of the houses in the proposed terraces.

In summary in terms of the consideration of the issue of impact on neighbours it is clear that the proposed development would have unacceptable undue relationships and/or be likely to generate undue noise and disturbance that would be to the collective detriment of the amenities of occupiers of a number of adjoining and nearby residential properties. It is considered that this arises, in part, due to the piecemeal nature of the application land and is evidence of a poorly contrived design and overdevelopment that fails and/or is unable to adequately address the constraints of the land.

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

The proposed houses would all be of acceptable size and internal accommodation having regard to the National minimum internal floorspace standards appropriate for the indicated occupancy of each unit. Each of the proposed houses would be provided with rear garden areas of acceptable size and arrangement relative to the houses. 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 therefore 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 compromised in a number of respects considered to be further symptomatic of the inappropriate piecemeal nature of the proposals:-

- (a) Parking spaces are shown to be provided in the courtyard to the front of Plots 4-7 for the use of the takeaway pizza premises at No.34 Cove Road. It is therefore likely that these spaces would be used for the parking of the motorbikes used for the home delivery service of this existing business. As such, residents of the proposed houses are likely to be subjected to undue noise and disturbance associated with this activity whilst the takeaway outlet is operating.
- (b) Similarly, the parking courtyard of proposed Plots 1-3 contains parking spaces shown to be allocated to a nearby garage business with unknown amenity consequences for residents.
- (c) The proposed houses are located in proximity to a number of restaurants and takeaway premises from which cooking smells emanate and for which extraction systems operate and generate noise whilst they are operating. The impacts in this respect have not been assessed.
- (d) Both the rear of the proposed houses and the garden areas of Plots 4-7 inclusive would be subject to material and undue overlooking from the front of No.14 Gables Close.

And

- (e) Having regard to the likely ineffectiveness and unsustainability of the suggested replacement screen hedge, there is potential for material and undue overlooking of at least Plot 1 of Terrace No.1 from No.1 Elmsleigh Road.

## **6. Impact on wildlife –**

Following the receipt of information from the applicants, the Council has undertaken an Appropriate Assessment of the proposals under Regulation 63(1) of the Habitats Regulations. This has concluded that the proposals would, in combination with other plans and projects, be likely to have a significant effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA). Therefore, having reached this conclusion, in order to be lawfully permitted, it is necessary for the applicants to secure a package of avoidance and mitigation measures.

In this respect, the Rushmoor Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy is in place to provide the possibility to secure appropriate mitigation and comprises two elements. Firstly, the provision of Suitable Alternative Natural Greenspace (SANG) in order to divert additional recreational pressure away from the Thames Basin Heaths Special Protection Area (TBHSPA); and, secondly, the provision of a range of Strategic Access Management and Monitoring Measures to avoid displacing visitors from one part of the TBHSPA to another and to minimize the impact of visitors on the TBHSPA.

However, although the applicants are aware of the need to address SPA impact and have indicated that they are prepared to make a financial contribution for SPA mitigation and avoidance, they have not obtained an allocation of SPA mitigation capacity from the Council

at the pre-application stage to support their proposals. Such an allocation has not been forthcoming because the Council does not consider the proposals presented with pre-application enquiries to be 'good' and policy-compliant development. Since the applicants have not taken steps to address this policy requirement it is considered that they have not mitigated for the impact of their proposed development on the Thames Basin Heaths Special Protection Area. The proposals thereby conflict with the requirements of Core Strategy Policies CP11 and CP13. The conclusion of the Appropriate Assessment in this case is, therefore, that planning permission be refused on SPA grounds.

In addition, the Council's Ecology Officer advises that the ecology survey of the application land is incomplete and that no biodiversity enhancement measures have been proposed as required by emerging New Rushmoor Local Plan Policy NE4. However, it is not considered reasonable for the Council to request that the applicants have the remainder of the survey work undertaken given that the application is to be refused for other reasons. Accordingly this matter must simply be cited as a further reason for refusal.

## **7. Highway considerations –**

Cove Road (B3014) is a busy main distributor road accommodating significant traffic throughout the day and evening. It is evident that the Cove Road frontage in the vicinity of the application land is an extremely busy location in terms of highway traffic and movements. It contains a number of shops, restaurants and takeaways that need to be serviced and attract vehicular and pedestrian traffic from customers. There are also a number of residential flats above and behind the commercial uses generating further highway traffic. This is in addition to significant traffic that is simply passing through along Cove Road. The parking layby to the front has space for just 9 cars plus a bus-stop and there is a regular turnover of vehicles there. Parking restrictions elsewhere mean that spaces in the layby are well used and in constant demand, giving rise to much turnover vehicular movement and activity.

In this busy location the current application seeks planning permission for the residential re-development of a piecemeal irregular-shaped area of land in restricted commercial use; and with a sub-standard constrained narrow vehicular access between buildings at Nos.30 and 32-34 Cove Road. The application land also has an even more constrained substandard driveway access between buildings at Nos.44 and 46-48 Cove Road that is restricted by planning condition to emergency use only. The current landowner of the majority of the application land does not own the land that is the driveway section of the emergency access, although they are understood to benefit from a right of access along it.

The Highway Authority (Hampshire County Council Highways) raise objection to the proposed development on a number of grounds as set out in the Consultations section of this Report.

Both access driveways are only wide enough (approximately 3.1 metres wide between buildings where they join the Cove Road pavement) for one-way vehicle movement for a length of approximately 20 metres until the application land broadens out. There is no possibility of two vehicles meeting each other being able to get past each other along the driveways. The sight-lines for the entrances are poor in respect of pedestrians using the adjoining pavement because they both exit between buildings directly onto the pavement, and vehicles must already be partially emerged onto the pavement before drivers can see along it. The sight-lines are poor in respect of vehicular traffic passing along Cove Road because the view of the road is obscured by vehicles parked in the adjoining parking lay-by.

Drivers of vehicles seeking to join Cove Road must partially emerge onto the Cove Road carriageway projecting beyond the parked vehicles in order to clearly see whether or not traffic is approaching along Cove Road.

The driveways do not just serve the use of the application land. Examination of the planning history of Cove Road frontage properties outside the application land reveals that some adjoining/nearby residential flats have parking spaces within the application land and secured by planning conditions. Nos.46-48 Cove Road has a parking area to the rear that uses the adjoining driveway. The headroom and/or width of the driveways is limited on account of extract ducting fitted to the exterior of adjoining buildings. The access driveways are also a location used for the storage of both domestic and commercial refuse bins. The driveways are used by vehicles entering the application land seeking to turn around or park whether or not they are permitted to do so. It also appears that the applicants are obliged to provide some parking spaces within their proposed development for the use of the operators of Tower Hill Garage since the proposals include provision of some parking for this nearby car sales operation.

The sub-standard vehicular access routes to and from the application land and their poor sight-lines exist for historical reasons. They would not be considered acceptable if proposed with a new development. As has been identified in the Council's assessment of the land as part of the evidence base for the New Local Plan, the existing access driveways are a clear constraint on the re-development of the land that can only be resolved through the demolition of existing frontage buildings to liberate land to create a wider access road with better sight-lines.

The current proposal is unable to improve the existing access driveways or their sight-lines because the application land does not include any land that can be used for this purpose. For example, buildings at Nos.30 and 32-34 Cove Road are understood to be in the same ownership as the current owner of most of the application land. However it is evident that this other property does not form part of the land that the applicants are seeking to acquire and, indeed, are proposing new development. Although the driveway between Nos.30 and 32- 34 Cove Road would be re-aligned to be straighter as a result of the proposals (as a result of the demolition of No.36 Cove Road), it would not be rendered significantly less narrow than it already is as a result of the proposed development. In this respect, it is noted that the proposals would, nevertheless, appear to increase the extent of land to the side and rear of Nos.32 & 34 Cove Road.

Instead, the applicants argue that the proposed development would be a less intensive use of the land than the existing commercial use to be deleted and, since it is also suggested that the existing sub-standard access drives do not cause any highway problems, the proposed development would not do so either. However this is neither considered convincing nor acceptable. First this fails to acknowledge that the existing use of the accesses already gives rise to highway problems that should be eliminated. Secondly, it is considered that the applicants seek to demonstrate traffic generation for the existing use of the application land that is significantly over-estimated and unjustified. Due to the constraints imposed by the access driveways etc. the application has not been used at the suggested level since Cove Industrial Enterprises moved from the site in the mid-1990s. The former martial arts school and joinery workshop tenants only partially occupied the premises. Use of the access drive between No.44 and 46-48 Cove Road to serve the application land should only have taken place in an emergency situation. The submitted Transport Statement has used the former martial arts school use to calculate existing traffic generation, however this was an unauthorised use of a portion of the application land that has ceased. Thirdly, the Highway

Authority (Hampshire County Council Highways) has also identified a number of errors in the applicant's calculations within the submitted Transport Statement.

Hampshire Highways consider that the proposed development would, contrary to the applicants' assertions, result in a material increase in the intensity and quantum of use of the access driveways. There would also be a materially different pattern of use of the driveways associated with the proposed residential development. As existing, vehicles entering the application land have been able to do so using one of the openings to enter the land; and the other to leave : in effect the operation of an ad hoc 'In' and 'Out' circulation arrangement around the rear of land at Nos.42-44 Cove Road such that the chances of vehicles meeting each other in any one driveway may have been reduced. The current proposals, by proposing the incorporation of the connecting land between the east and west portions of the application land into the rear gardens of Plots 3 and 4, removes any possibility of an 'In' and 'Out' circulation and necessitates both access driveways being used entirely independently from each other for two-way traffic. In the case of the access driveway between Nos.44 and 46-48 Cove Road, the current proposals necessitate this access being brought into permanent use to serve all traffic associated with proposed Plots 1-3 inclusive (including the movement and collection of refuse bins); and also provide 3 parking spaces for the use of Tower Hill Garage. At present this access driveway is supposed to be restricted solely to being an emergency access to/from the application land.

It is considered that the proposed development would materially and unacceptably exacerbate the use of the existing sub-standard accesses serving the application land. This is a further symptom of the inappropriate piecemeal nature of the proposals.

In terms of parking provision, the proposed development shows that each of the proposed houses would be provided with two allocated courtyard parking spaces, plus provision of a further three unallocated visitor spaces. However, Hampshire Highways note that, although implied, the application does not show the provision of cycle spaces. The proposed parking courtyards make provision for a further 5 spaces indicated to be allocated for the use of the flats at No.32 and takeaway business at No.34 Cove Road. In order to comply with the requirements of conditions of planning permissions 00/00031/FUL and 13/00482/FULPP there is an on-going need to provide two parking spaces for the use of occupiers of the flats at No.32 Cove Road and one space for No.34 Cove Road. Presumably the additional two spaces that are shown to be provided for these adjoining properties that are outside the application land arise because the applicants are otherwise obliged to do so. Similarly the 3 spaces also shown to be provided for the use of Tower Hill Garage. The parking courtyards would generally provide adequate manoeuvring space for cars, although those spaces at the end of the aisles (a space for Plots 1 and 7, 32b Cove Road and a visitor space : 4 spaces) have limited access and would be difficult to use if the adjoining spaces are poorly parked. Accordingly, whilst the quantum of parking spaces shown to be provided for the proposed new dwellings accords with the Council's current adopted parking standards in full, not all of these proposed parking spaces would necessarily be usable on a daily basis. In addition, Hampshire Highways consider that both proposed courtyard parking areas provide manoeuvring spaces that are too tight to enable emergency vehicles to enter and leave in a forward gear. By extension, it follows that these areas are also likely to be too tight to enable delivery vehicles to the proposed houses to turn around, thereby encouraging the likelihood of further dangerous conflicting reversing manoeuvres onto Cove Road.

The applicants do not make any provision for the 9 spaces to be provided within the application land for the use of No.30 Cove Road to meet the requirements of Condition No.8 of planning permission 94/00003/COU, as varied by planning permission 00/0031/FUL. Site

inspection reveals that there are existing parking spaces reserved for the use of No.30 Cove Road located within the application land, yet the applicants do not seek to justify the loss of parking spaces for the use of this adjoining property or refer to the requirements of this condition. It is therefore considered that the proposals fail to retain adequate parking within the application land to continue to serve this existing adjoining property. Given the very limited availability of, and competition for, street parking in the vicinity, it is considered that the proposals would generate overspill parking that would severely exacerbate parking congestion problems in the vicinity to the detriment of the safety and convenience of highway users.

The Community Contracts Manager (Domestic Bin Collection) has noted that the additional refuse/recycling bins of the proposed dwellings would necessitate different collection arrangements. At present the small number of bins from the existing dwellings along this section of the Cove Road frontage are wheeled across Cove Road to the refuse lorry, which simply stops and temporarily holds up traffic on Cove Road as the bins are emptied. However this is not considered to be a safe arrangement with the additional bins that would need to be collected from the proposed development. The bin collection areas are located some way down the access driveways. The Contracts Manager considers that the refuse lorry would need to park in the Cove Road lay-by to make the bin collections, however the availability of sufficient space there cannot be guaranteed. The refuse lorry could, as an alternative, temporarily use the bus stop space, however this would be likely to disrupt bus services. The proposed development generates additional demand for domestic bin collection and this has consequences for the safety and convenience of highway users.

It is noted that the submitted plans show the bin collection area for Plots 4-7 located immediately in front of the ground floor entrance door for Flat 30A Cove Road. This collection area would need to be re-located.

Due to changes in Government Planning Policy & Guidance, it is not possible to seek a Transport Contribution in respect of a scheme for fewer than 10 dwelling units, as is the case in this instance.

In conclusion it is considered that the inadequacies of the proposed development in highway terms are likely to give rise to a severe detrimental impact on the safety and convenience of highway users. The proposal fail to comply with the requirements of Core Strategy Policies CP10, CP16 and CP17. It is considered that these matters further demonstrate the inappropriate piecemeal nature of the proposals and are also symptomatic of the proposals being an unacceptable overdevelopment of the application land.

## **8. Drainage issues –**

The site is located within Flood Zone 1, which is land at the lowest risk of flooding. As a result, the Environment Agency raise no objections as standing advice and no mitigation measures in respect of flood risk are indicated as being necessary.

Core Strategy Policy CP4 requires all new buildings and the development of car parking and hard standings to incorporate Sustainable Drainage Systems (SUDS). However no such details are provided with the application. The application forms simply indicate that site drainage would be directed to 'soakaways'. However, this is not necessarily the appropriate technical solution given the requirements of Policy CP4 and the potential existence of ground contamination. It is not considered reasonable to seek to impose a planning condition to deal with this aspect of the proposals when it is unclear how and in what form it would be

technically possible to meet the requirements of Policy CP4.

## **9. Renewable energy and sustainability –**

Following the Royal Assent of the Deregulation Bill 2015 (on 26 March 2015) the Government's current policy position is that planning permissions should no longer be granted requiring or subject to conditions requiring compliance with any technical housing standards such as the Code for Sustainable Homes. This is other than for those areas (such as Rushmoor) where Councils have existing policies referring to the attainment of such standards. In the case of Rushmoor this means that we can still require energy performance in accordance with Code Level 4 as set out in Policy CP3 of the Rushmoor Core Strategy. The application does not address this matter, although such measures may be secured by way of a planning condition. However, since the application is to be refused for other reasons this issue cannot be addressed in this way.

## **10. Public open space -**

The Local Plan seeks to ensure that adequate open space provision is made to cater for future residents in connection with new residential developments. Core Strategy Policy CP10 and saved Local Plan Policies OR4 and OR4.1 allow provision to be made on the site, or in appropriate circumstances, a contribution to be made towards upgrading facilities nearby. 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. However, as a scheme for less than 10 dwelling units, this is a circumstance where a financial contribution towards the off-site provision of public open space can no longer be required as a result of the changes in Government policy and guidance.

## **Conclusions -**

The proposals relate to an area of land that has been offered for sale. It is considered that permitting the development of this land without adjoining land would not be in the interests of the proper planning of the area. The proposed development is considered to be unacceptable overdevelopment giving rise to a number of detrimental planning impacts that cannot be satisfactorily resolved within the constraints of the site having regard to the quantum of development proposed. The proposals are thereby unacceptable and contrary to a number of adopted and emerging Development Plan policies, adopted Supplementary Planning Documents and Government planning policy and guidance.

## **Full Recommendation**

It is recommended that planning permission be **REFUSED** for the following reasons:-

1. The proposal, in the context of the piecemeal and constrained site would be a poorly-contrived and incongruous, relating poorly and unsympathetically to its surroundings. The proposed development would be likely to prejudice the possible future development of adjoining land together with the application land in a more satisfactory and comprehensive manner. The proposal is therefore contrary to adopted Rushmoor Core Strategy Policies CP1 and CP2, and emerging New Rushmoor Local Plan (2014-2032) Policies DE1 and SS1.

2. It has not been demonstrated that the application land is suitable for residential re-development having regard to potential ground contamination. The proposals are thereby contrary to saved Local Plan Policy ENV49 and emerging New Rushmoor Local Plan (2014-2032) Policy DE10.
3. The proposals would result in the loss of a tree worthy of retention. The proposals also fail to provide adequate justification for the removal of a substantial boundary screen hedge and has failed to consider the impact of the proposed development on a tree in the rear garden of No.24 Cove Road near the proposed Plot 7 house. The proposals are contrary to saved Local Plan Policies ENV13 and ENV20, and emerging New Rushmoor Local Plan (2014-2032) Policy NE3.
4. Inadequate consideration has been given to the relationships of the proposed development with existing immediately adjoining and nearby residential properties, the occupiers of which would suffer a material loss of privacy due to undue direct overlooking and loss of amenity due to noise, disturbance and activity arising from the use of the parking courtyards. The proposals are thereby unacceptable and contrary to adopted Rushmoor Core Strategy Policy CP2, saved Local Plan Policy ENV17 and emerging New Rushmoor Local Plan (2014-2032) Policy DE1.
5. The proposed development would provide a poorly contrived and inadequate living environment for potential future occupiers by reason of the potential for undue overlooking of proposed dwelling units from existing neighbouring properties and/or the likely noise, disturbance and cooking odours arising from the operation of nearby commercial uses. The proposals are thereby contrary to Rushmoor Core Strategy Policies CP1 and CP2, saved Local Plan Policy ENV17, and emerging New Rushmoor Local Plan (2014-2032) Policy DE1.
6. The proposed development makes no provision to address the likely significant impact of additional residential units on the objectives and nature conservation interests of the Thames Basin Heaths Special Protection Area. The proposals are thereby contrary to the requirements of retained South East Plan Policy NRM6, Rushmoor Core Strategy Policies CP13 and CP15, and emerging New Rushmoor Local Plan (2014-2032) Policies NE1 and NE4.
7. The proposal has failed to demonstrate, through adequate ecological surveys of the application land, that there would be no adverse impact on protected wildlife species having regard to the requirements of adopted Rushmoor Core Strategy Policy CP15 and emerging New Rushmoor Local Plan (2014-2032) NE4.
8. The proposals, would be likely to have a severe impact on the safety and convenience of highway users, including users of the adjoining pedestrian pavement due to:-
  - (a) the failure to propose improvements to the means of vehicular access to and from the site and the proposed intensification in the use of existing sub-standard and unsatisfactory driveways with poor pedestrian and vehicular sight-lines;
  - (b) the failure to provide adequate on-site parking to meet the functional parking needs of the proposed development and the existing continuing requirements to provide parking for occupiers of adjoining properties outside the application land in an area with significant demand for very limited on-street parking with the consequent likelihood of significant indiscriminate overspill parking and additional demand on

already limited on-street parking in the vicinity;

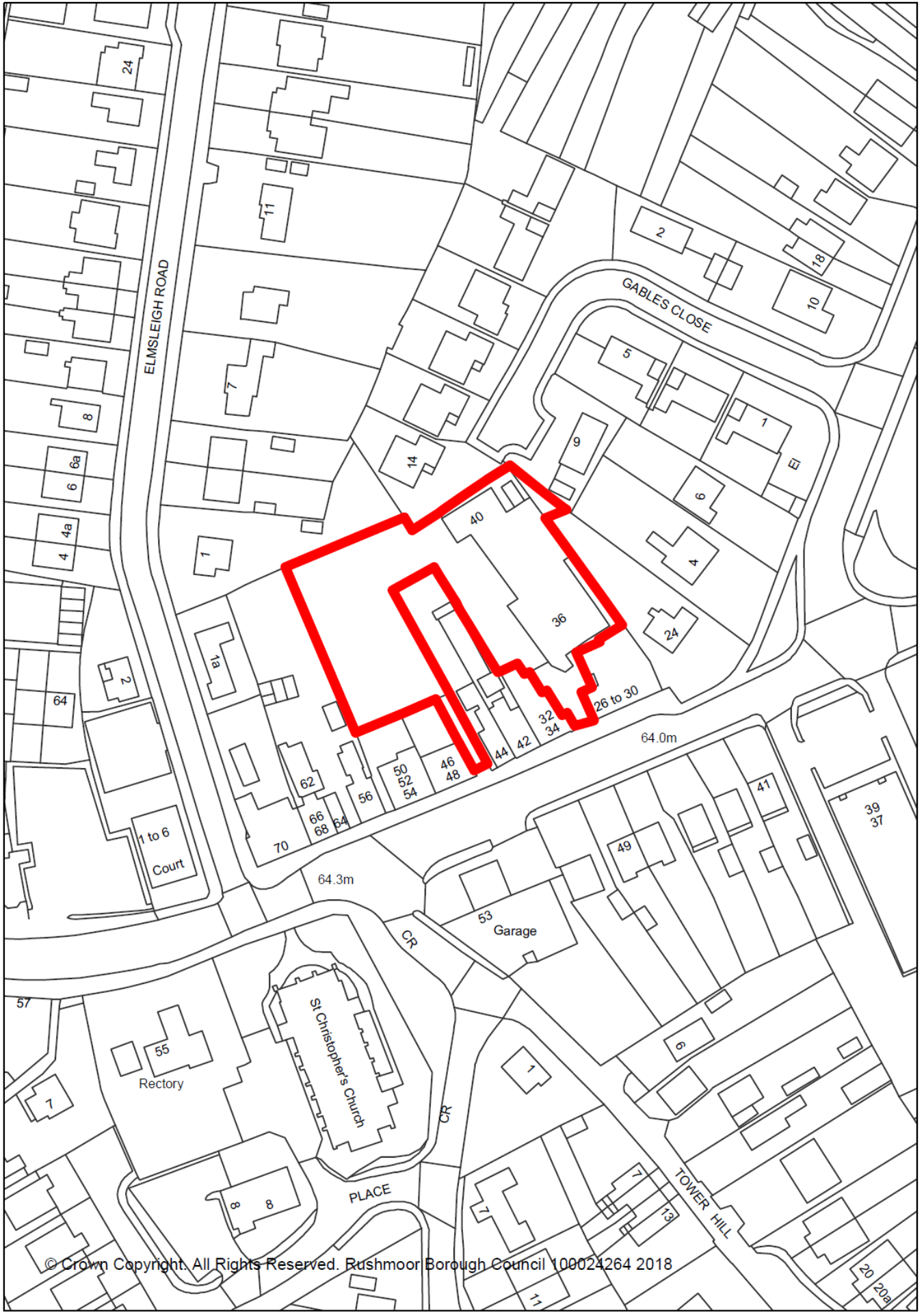
(c) inadequate on-site vehicle manoeuvring space; and

(d) the failure to consider the impact of the proposed development upon refuse collection arrangements;

the proposal would therefore be contrary to adopted Rushmoor Core Strategy Policies CP2 and CP16, saved Local Plan Policy TR10, emerging New Rushmoor Local Plan Policy IN2, and the Council's adopted Parking Standards SPD (November 2017).

9. The proposals fail to provide details of appropriate surface water drainage for the development as required by adopted Rushmoor Core Strategy Policy CP4 and emerging New Rushmoor Local Plan Policy NE8.
10. The proposals fail to provide details of sustainable energy performance measures as required by adopted Rushmoor Core Strategy Policy CP3 and emerging New Rushmoor Local Plan Policy DE1.



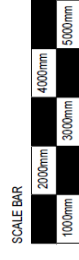
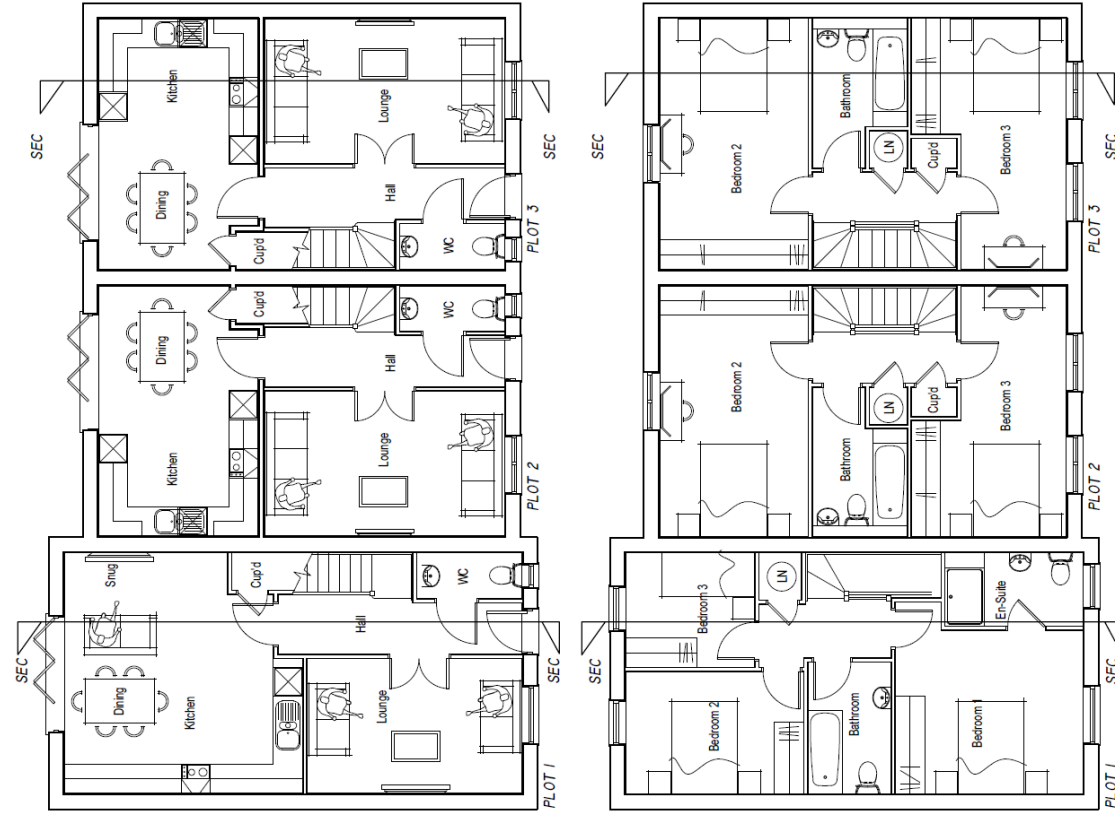




**SITE LAYOUT 1:500**

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SCALE 1:100 @A3



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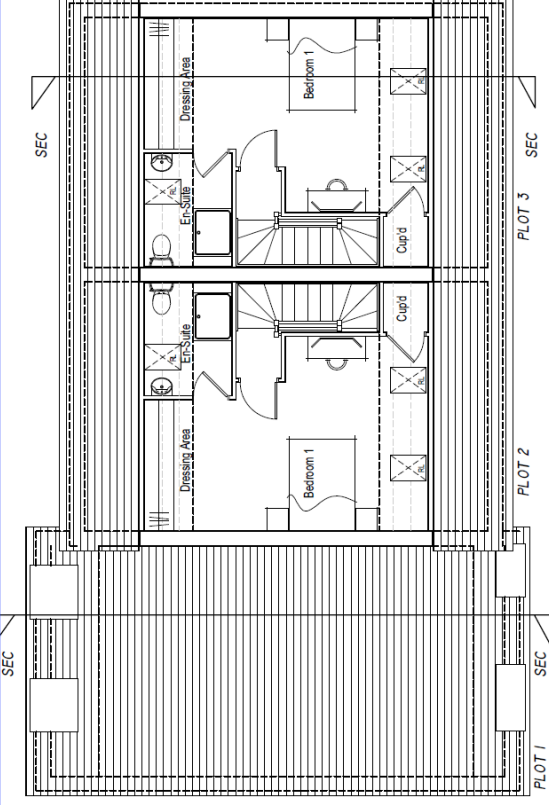
2 x 3 Bed 2.5 Storey @ 120M2  
1 x 3 Bed 2 Storey @ 93M2

Client BLOCK 88	Project Address 36-40 COVE ROAD, FARNBOROUGH	Drawing Title	Rev.	Date	Description	Drawn	Checked
		GROUND AND FIRST FLOOR PLANS PLOTS 1-3 AS PROPOSED		A	27.06.18	AMENDED AS REQUESTED	GDP
Project Description NEW/DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS		Scale	1:100	Drawn	GDP	Author	GDP
		Date	FEB 18	Drawing Status	PLANNING		
		Drg.No	CDA-249-010	Rev.	A		

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**SCALE 1:100 @A3**



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**2 x 3 Bed 2.5 Storey @ 120M2**  
**1 x 3 Bed 2 Storey @ 93M2**

Client <b>BLOCK 88</b>	Drawing Title <b>SECOND AND ROOF PLANS PLOTS 1-3 AS PROPOSED</b>	Rev. <b>A</b>	Date <b>27.06.18</b>	Description <b>AMENDED AS REQUESTED</b>	Drawn <b>GDP</b>	Checked <b>GDP</b>
Project Address <b>36-40 COVE ROAD, FARNBOROUGH</b>	Project Description <b>NEW DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS</b>	Scale <b>1:100</b>	Date <b>FEB 18</b>	Org.No <b>CDA-249-011</b>	Author <b>GDP</b>	Drawing Status <b>PLANNING</b>
		Rev. A				

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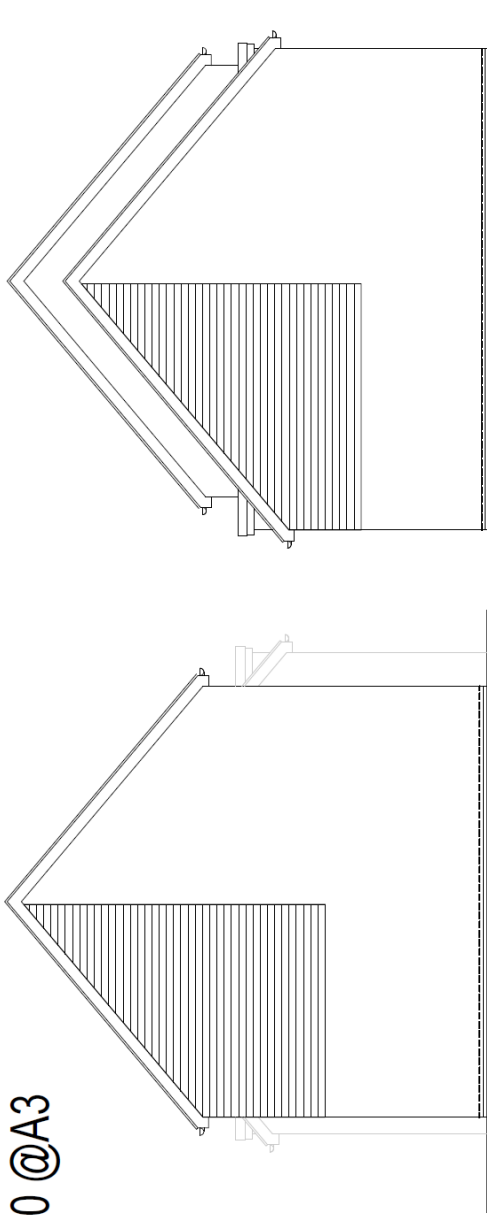
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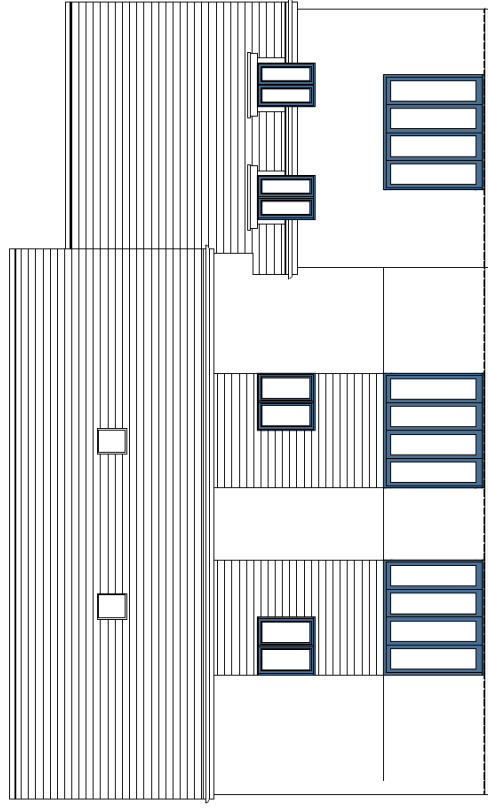
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SCALE BAR



SIDE ELEVATION

SIDE ELEVATION

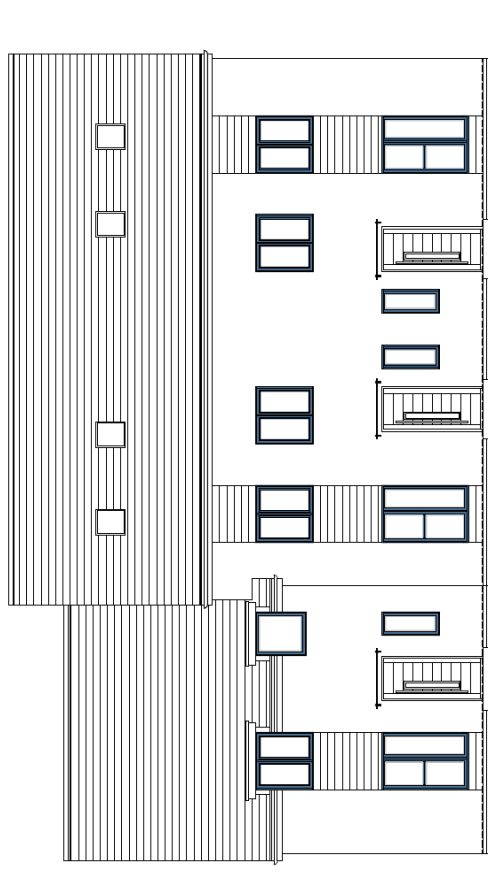


REAR ELEVATION

PLOT 1

PLOT 2

PLOT 3



FRONT ELEVATION

PLOT 1

PLOT 2

PLOT 3

Client  
BLOCK 88

Drawing Title  
ELEVATIONS  
AS PROPOSED PLOTS 1-3

Project Description  
NEW DWELLINGS FOLLOWING  
DEMOLITION OF EXISTING BUILDINGS

Project Address  
36-40 COVE ROAD,  
FARNBOROUGH

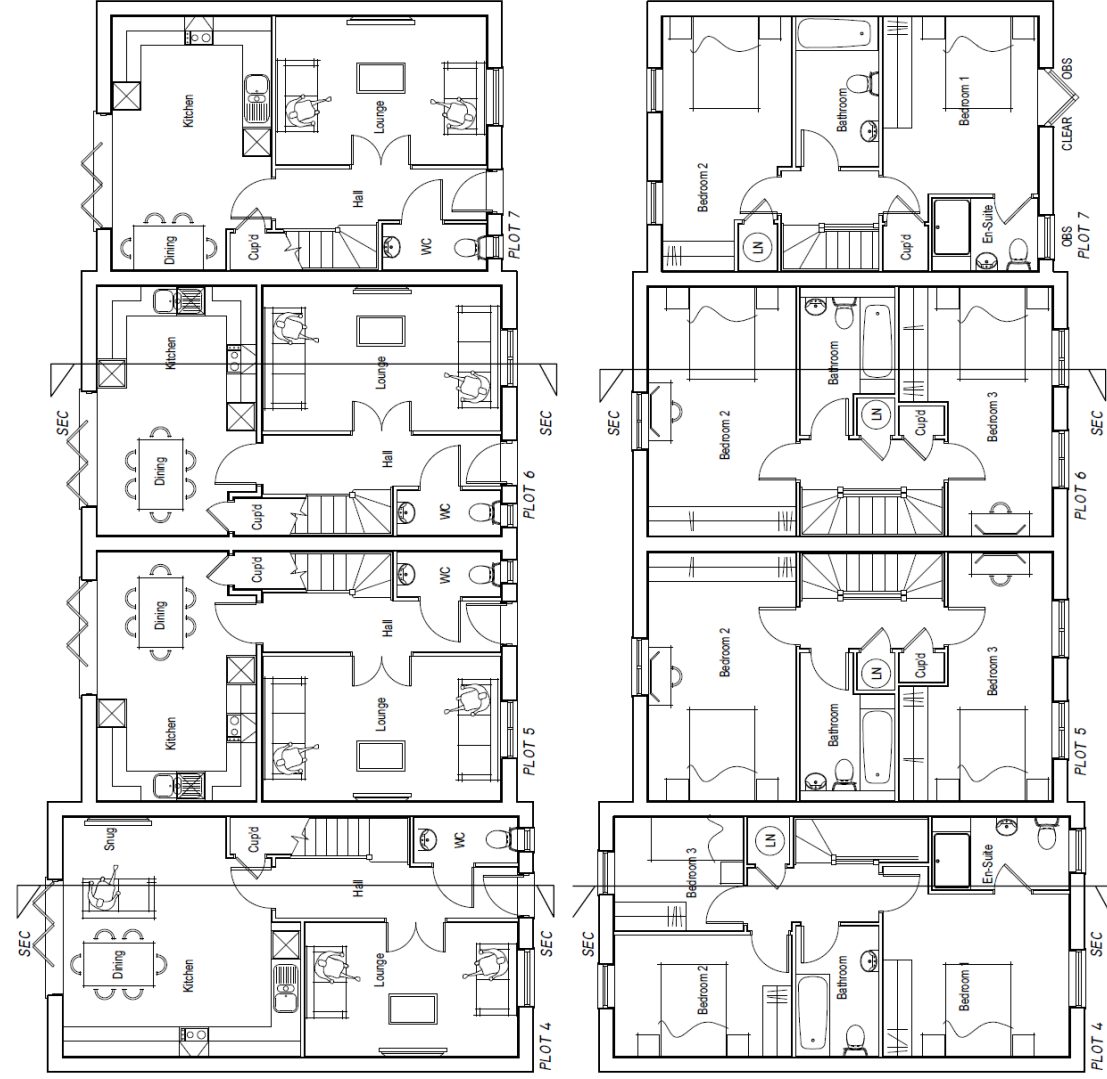
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Scale 1:100	Date FEB 18	Drawn GDP	Author GDP	Drawing Status
Org.No CDA-249-012	Rev. A			PLANNING



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**SCALE 1:100 @A3**



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- 1 x 2 Bed 2 Storey @ 81M2
- 2 x 3 Bed 2.5 Storey @ 120M2
- 1 x 3 Bed 2 Storey @ 93M2

Client  
**BLOCK 88**

Project Address  
36-40 COVE ROAD,  
FARNBOROUGH

Drawing Title  
**GROUND AND FIRST FLOOR PLANS  
PLOTS 4-7 AS PROPOSED**

Project Description  
**NEW DWELLINGS FOLLOWING  
DEMOLITION OF EXISTING BUILDINGS**

Rev. Date Description  
A 27.06.18 AMENDED AS REQUESTED

Scale 1:100  
Date FEB 18  
Drg.No CDA-249-015

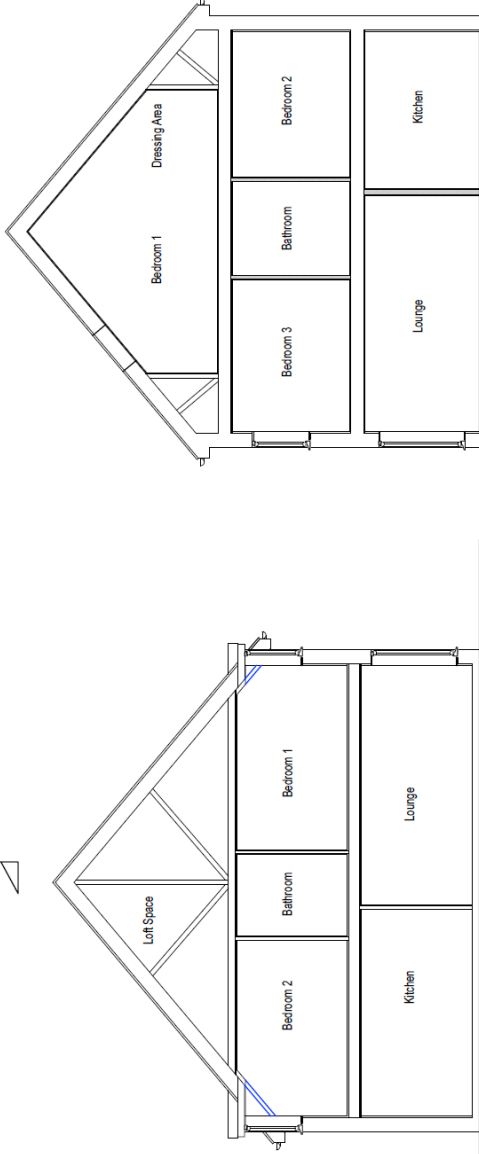
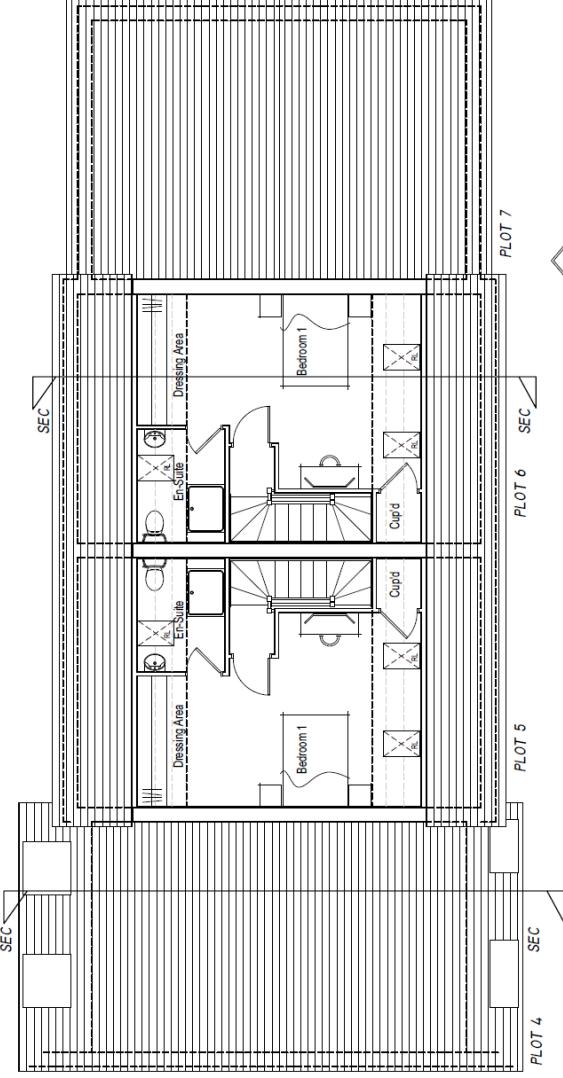
Drawn Checked  
GDP GDP

Author GDP  
Drawing Status  
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1 x 2 Bed 2 Storey @ 81M2  
2 x 3 Bed 2.5 Storey @ 120M2  
1 x 3 Bed 2 Storey @ 93M2

**TWO STOREY SECTION PLOTS 2, 3, 5 & 6**      **THREE STOREY SECTION PLOTS 1 & 4**

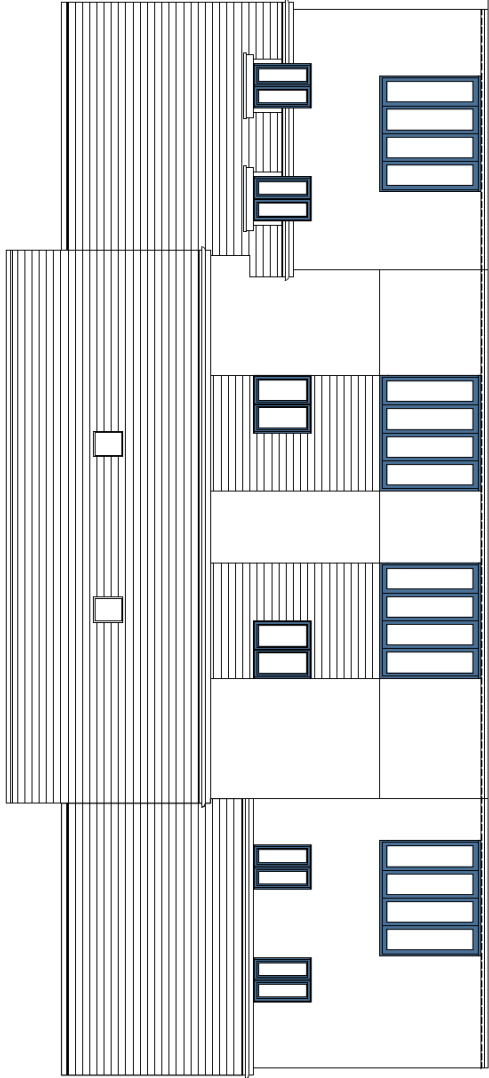
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Project Address <b>36-40 COVE ROAD, FARNBOROUGH</b>		Project Description <b>NEW DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS</b>		Scale 1:100		Date FEB 18		Drawn GDP		Author GDP		Drawing Status PLANNING	
Org.No: CDA-249-016		Rev. A		Drg.No: CDA-249-016		Rev. A		Drg.No: CDA-249-016		Rev. A		PLANNING	

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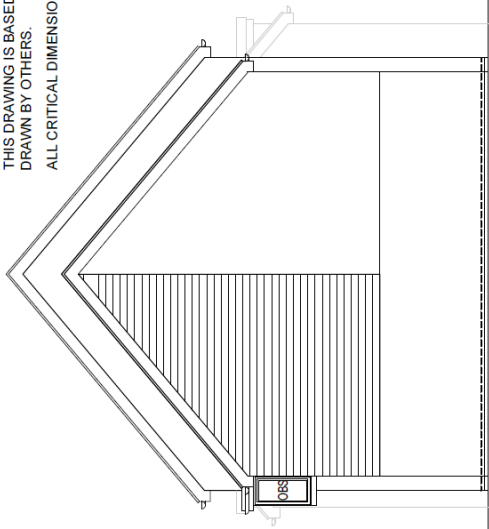
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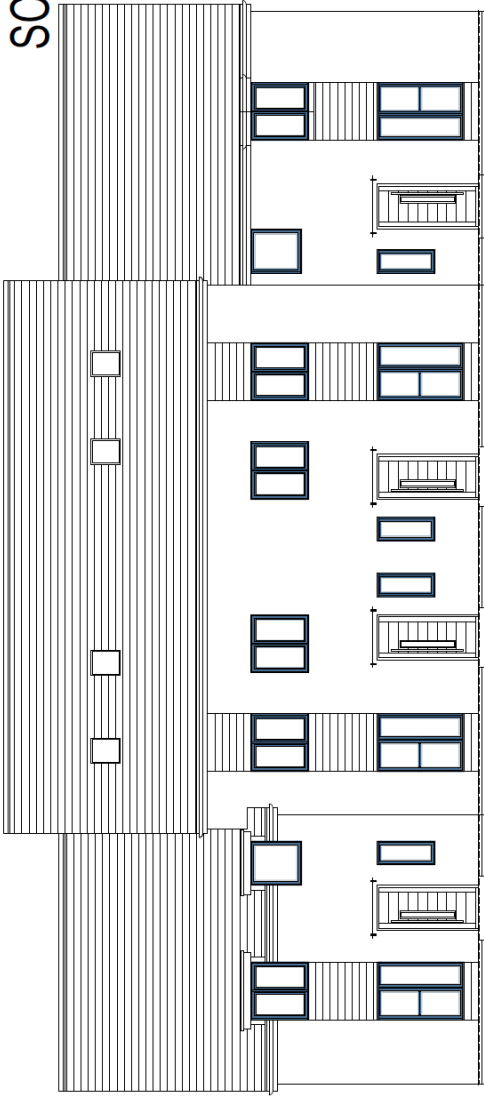
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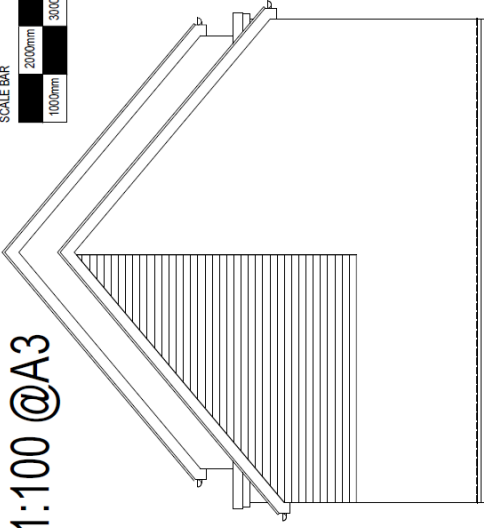
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION

SCALE 1:100 @A3



Client  
 BLOCK 88

Project Address  
 36-40 COVE ROAD,  
 FARNBOROUGH

Drawing Title  
 ELEVATIONS  
 AS PROPOSED PLOTS 47

Project Description  
 NEW DWELLINGS FOLLOWING  
 DEMOLITION OF EXISTING BUILDINGS

Rev.	Date	Description	Drawn	Checked
A	27.06.18	AMENDED AS REQUESTED	GDP	GDP

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