

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.	18/00709/FULPP
Date Valid	9th October 2018
Expiry date of consultations	6th November 2018
Proposal	Re-development of site with 10 dwellings (comprising 6 X 2-bedroom and 4 X 3-bedroom units) with associated vehicular access road, parking and acoustic fence following demolition of existing buildings
Address	Hawley Yard, Land adjacent Green Hedges Hawley Road Blackwater Camberley
Ward	Fernhill
Applicant	Flavia Estates
Agent	Bell Cornwell LLP
Recommendation	Grant subject to s106 Planning Obligation

Description

This site is an irregular-shaped area of land with an area of 0.335 hectares. It is located off the eastern side of Hawley Road (A327), close to the Borough and County boundary. The site currently comprises a vacant plant storage yard ("Hawley Yard") previously occupied by Surrey Surfacing Co. Ltd. The application site also includes the majority of the adjoining cul-de-sac section of Old Hawley Road that also provides vehicular access (and street parking) for houses at Nos.1-4 Hillside Cottages and 1 & 2 The Hollies.

The site slopes gently from the west to the east. The site stands below the level of the current main Hawley Road roadway, which is screened by trees and hedgerow. The Yard portion of the site is roughly hard-surfaced and previously used for open storage of loose aggregate and road surfacing materials. There are some storage bins located along part of the north boundary. There are also some old ancillary buildings sited close to, and enclosing, the frontage of the Yard with Old Hawley Road. The site entrance is currently from the main Hawley Road via the Old Hawley Road cul-de-sac adjacent to No.1 Hillside Cottages.

To the east the site adjoins the rear garden boundaries of Nos.4 and 5 Bayford Close beyond an existing conifer hedge. A number of mature trees are located beyond the east and south

boundaries of the site within the garden areas of the neighbouring properties there. An existing foul sewer runs through the site from north-west to south-east. The north boundary of the Yard portion of the site is shared with the D & D Plant Hire site, which is an active commercial site used for the open storage of lifting cranes and other large plant equipment.

The current application is a fully detailed planning submission for the erection of 10 dwellings (comprising 6 X 2-bedroom and 4 X 3-bedroom units) with associated vehicular access road, parking and acoustic fence following demolition of existing buildings. The proposed vehicular access would be re-located from its current position adjoining No.1 Hillside Cottages to a new position on the north side of the Yard frontage with the Old Hawley Road, where it would adjoin the boundary with the D & D Plant Hire Yard. The access road within the site would run east from Old Hawley Road alongside the Plant Hire Yard boundary for most of the width of the Yard. A pair of two-storey semi-detached 2-bedroom houses (Plots 1 & 2) would front the south side of the access road adjoining the entrance from Old Hawley Road and back on to the side of No.1 Hillside Cottages. Plot 3 would adjoin to the immediate east of Plot 2 also fronting the new access road and backing onto the side of the rear garden of No.1 Hillside Cottages. As a consequence, this unit would be a 2-bedroom bungalow. There would then be a gap in the frontage of the proposed new houses facing the new site access road corresponding with the position of the sewer easement that crosses the land. Beyond this, continuing the frontage of the site access road would be a terrace of three two-storey two-bedroom houses (Plots 4, 5 & 6). The site access road then turns a right-angled corner to the south to the side of Plot 6 and runs across the site to the south boundary. Plots 7-10 are a row of detached three-bedroom houses fronting the site access road and backing onto the rear (east) boundary of the site adjoining the gardens of neighbouring properties at Nos.4 & 5 Bayford Close. The third-bedroom is incorporated into the Plot 7-10 houses by use of the roofspace as a second-floor with a small rear-facing dormer and Velux-type rooflights on the front roof slope.

It is indicated that the site access road could provide possible future access to both the north and south of the current application site : into (a) the Plant Hire Yard land and (b) land to the rear of Hillside Cottages and The Hollies respectively. However the possible development of these areas of land would have to be the subject of separate planning applications and, as such, the future use or development of these areas of land is not for consideration in the context of the current planning application. In this respect, it is noted that these areas of land are not declared to be currently in the ownership or control of the applicants.

All of the proposed houses would be provided with rear gardens containing storage sheds for bicycles. Each rear garden would have external pedestrian access. Parking of two parking spaces for each dwelling unit in the form of either on-plot forecourt spaces and car port spaces is shown to be provided. Plots 7, 8 & 9 are additionally shown to be provided with attached garages to the side, although these are not counted towards parking provision for these plots. Four visitor spaces are also shown to be provided in the proposed layout.

The plans show the proposed houses to be of conventional design and to have transverse-ridged pitched roofs. Conventional external materials, finishes and detailing are indicated.

The north boundary of the application site shared with the Plant Hire Yard, from the entrance onto Old Hawley Road to near the front of the proposed Plot 7 house is shown to be enclosed with a 3 metre high acoustic fence.

As with a previous application submitted in 2013 incorporating the land of the current application site, it is proposed to provide a properly constructed foot- and cycle-path link

between the end of the Old Hawley Road and the main Hawley Road opposite the front of No.2 The Hollies.

The application is accompanied by a Planning, Design & Access & Statement; a Flood Risk Assessment including a Surface Water Management Plan; an Arboricultural Impact Assessment; a Preliminary Ecological Appraisal (including an Extended Phase 1 Habitat & Protected Species Scoping Survey and a Preliminary Bat Roost Assessment); a Site Investigation Report; and a Noise Impact Assessment.

The applicant is preparing a s106 Planning Obligation to secure Special Protection Area SAMMS and Public Open Space financial contributions. Confirmation is awaited from Hart District Council that the applicants have obtained SPA mitigation allocated on the Bramshot Farm SANG.

Relevant Planning History

There is no planning history solely relating to the current application site. However there is planning history relating to the current application site in conjunction with the east portion of the neighbouring D & D Plant Hire Site. This additional land is also used for open storage purposes and contains a significant earthen bund partially abutting Cove Brook and a portion of the current application site boundary.

Outline planning permission was refused in respect of the larger area of land for the demolition of buildings and erection of 13 houses, garages, play area, vehicular access and estate road on a similar site, including land to the rear of Nos.1-4 Hillside Cottages, in December 2005 (05/00596/OUT) for the following reasons:-

“1 The proposal does not include the informal open space area and would prejudice the future provision of this area, contrary to Policy H3 of the Rushmoor Local Plan Review (1996-2011).

2 The proposed layout of the development is unsatisfactory in terms of the access and parking arrangements and the location of the play area, which is too close to dwellings and lacks adequate surveillance. The proposed layout does not meet the requirements of Policies ENV16 and TR8 of the Rushmoor Local Plan Review (1996-2011).

3 The proposal would result in properties lacking a reasonable residential environment by reason of noise and disturbance from the adjoining plant hire yard, contrary to Policies H4 and ENV16 of the Rushmoor Local Plan Review (1996-2011).

4 The proposal would create a plot severely overshadowed by an oak tree, the subject of a Tree Preservation Order resulting in future pressure to remove or prune the tree, contrary to the requirements of Policy ENV13 of the Rushmoor Local Plan Review (1996-2011).

5 The proposal would result in development lacking an adequate access onto the slip road and lacking safe pedestrian links to Hawley Lane. The proposal does not make provision for improvements to bus and cycle routes in Hawley Lane in accordance with the North Hampshire Transport Strategy. The proposal is, therefore, contrary to the requirements of Policy TR8 of the Rushmoor Local Plan Review (1996-2011).

6 The proposal fails to make adequate provision for public open space in accordance

with Policy OR4 of the Rushmoor Local Plan Review (1996-2011)."

Although an appeal was subsequently lodged against this refusal, this was withdrawn in June 2006.

Planning permission was then refused by the Development Management Committee in October 2013 for a fully-detailed planning application (13/00516/FULPP) relating to the same larger area of land for the erection of a total of 14 dwellings, this time for the following reasons:-

"1 The proposal does not include provision of open space and would prejudice the future provision of this. The proposed development would therefore fail to address the impact of the proposed residential development on the adjoining countryside to the detriment of the character and appearance of the area contrary to the requirements of saved Local Plan Policy H3. The proposal is thereby also contrary to Rushmoor Core Strategy Policy CP2 and saved Local Plan Policy ENV16.

2 The proposal would result in properties lacking a reasonable residential environment by reason of potential noise and disturbance from the adjoining plant hire operation, contrary to Policies CP1 and CP2 of the Rushmoor Core Strategy and saved Local Plan Policies ENV16 and ENV51."

Other reasons for refusal (3, 4 and 5) related to the failure to secure s106 financial contributions in respect of SPA mitigation and avoidance, public open space and transport.

This refusal was subsequently appealed and the appeal dismissed by an Inspector's decision letter in February 2015, solely in respect of reason for refusal No.2 above. In respect of reason for refusal No.1, the Inspector noted that the appeal site would be mostly contained by existing development and viewed in the context of existing adjoining residential development. The Inspector concluded that the development would not encroach visually on the adjoining countryside. Whilst noting the Council's concerns that the partial re-development of the Rushmoor Local Plan Review (1996-2011) Policy H3 allocation may prejudice the provision of the open space element also required by the Policy, the Inspector considered that there was nothing within the wording of Policy H3 requiring a comprehensive re-development of the land. Additionally, having concluded that no visual harm to the character and appearance of the area would arise, there would be no reason to dismiss the proposal for not securing the provision of the open space element of the allocation in any event. The Inspector noted that the proposed development would remove a commercial use from the land benefitting the amenities of existing local residents and would not be in conflict with other Development Plan policies. Accordingly the Inspector did not agree with the Council's reasons for refusal No.1.

In respect of reason for refusal No.2, the Inspector noted that the new housing would be located in proximity to the unrestricted plant hire commercial activities on the adjoining land to the north and west (currently continuing to be occupied D & D Plant Hire), which can often involve early morning starts, and could increase in intensity in the future. Since it was proposed that new housing be located closer to the adjoining commercial yard than is currently the case with existing residential neighbours, the Inspector considered the appellant's proposal to provide a 2.5 metre high acoustic fence, but found that this would only be of any use in mitigating the impact when windows were closed; and for ground floor rooms in the proposed houses only. The Inspector considered that it was likely that noise from the adjoining Yard early in the morning would be particularly audible from bedrooms in

the proposed houses, and also to residents seeking to use their gardens, and be a source of annoyance and nuisance especially during the summer months. The Inspector therefore concluded that the proposed development would provide a poor living environment due to the proximity of the adjoining commercial yard; and found this issue alone decisive in the dismissal of the appeal.

An application (16/00707/EDCPP) seeking a Certificate of Existing Lawful Use for the use of "Hawley Yard" for repairing, maintaining and storing motor vehicles, plant and machinery for hire, contract or sale in association with the existing use of the adjoining land for the same purpose as that established by the Established Use Certificate 82/00022/EUC dated 5th January 1983 (relating to land at 'Green Hedges') was withdrawn in January 2017.

Consultee Responses

Environment Agency	No objections subject to conditions.
HCC Highways Development Planning	No highway objections following receipt of requested additional information, subject to condition.
Environmental Health	No objections subject to conditions and informatives.
Community - Contracts Manager	No objections.
Crime Prevention Design Advisor	No comments received within the consultation period, thereby presumed to have no objections.
Natural England	No objections subject to appropriate SPA mitigation and avoidance measures being secured.
Hampshire Fire & Rescue Service	No comments.
Hampshire & I.O.W. Wildlife Trust	No comments.
Lead Local Flood Authorities	More information required [<i>Officer Note : further information was submitted by the applicants on 22/11/2018 and LLFA re-consulted.</i>]
Parks Development Officer	Identifies Public Open Space projects on which a financial contribution could be spent.
Aboricultural Officer	No objections : no trees worthy of retention would be materially affected by the proposed development.
Ecologist Officer	Holding Objection : awaiting receipt of evidence that the applicants have paid the required SPA SANG financial contribution in respect of the Bramshot Farm SANG scheme to Hart District Council. Otherwise no objections subject to conditions relating to the submission of (a) details of measures to protect Cove Brook from contamination during

the construction of the proposed development; (b) details of a Sustainable Urban Drainage Strategy and on-going maintenance and management plan appropriate for the site and proposed development; and (c) details of a green infrastructure feature within the development as required by emerging New Rushmoor Local Plan Policy NE2.

Planning Policy

No planning policy objections : having regard to the 2015 appeal decision and the more recent proposed deletion of the saved Rushmoor Local Plan mixed residential development and open space allocation set out by Policy H3.

Thames Water

No objection : But notes existence of public sewer crossing the land.

Hart District Council

No objections.

Neighbours notified

In addition to posting a site notice and press advertisement, 27 individual letters of notification were sent to properties in Hawley Road, Bayford Close, Claydon Gardens and Ashbury Drive. These written notifications have included all properties adjoining the application site.

Neighbour comments

Objection to the proposals is raised by the occupiers of Nos.4 & 5 Bayford Close; Nos.2 & 4 Claydon Gardens; Nos.2 & 4 Hillside Cottage; No.2 The Hollies; and No.13 Fernhill Close on the following summary grounds:-

- (a) The scale and density of development proposed is too high and unacceptable;
- (b) The design of the proposed site layout is unacceptable. The design of the proposed houses is also poor : it is a horrid out-dated design, especially in respect of Plots 7-10, and would have a negative visual impact for neighbours and the area as a whole;
- (c) Some of the house designs look too cramped inside to accommodate modern families; and the parking spaces provided are not big enough for SUVs;
- (c) The proposed development encroaches into the strategic gap between Farnborough and Blackwater. The housing allocation for the land has now been removed : the site should be used to provide allotments instead;
- (d) In combination with the approval (despite huge local opposition) of development of 151 dwellings by Hart District Council at the nearby Hawley Farm Park site (on the opposite side of the main Hawley Road), the 10 additional dwellings of the current proposed development would further exacerbate existing problems with traffic generation, rat-running, inadequate infrastructure (hospitals, doctors, schools, sewerage are already overloaded, there are currently no bus services operating on Hawley Road), overspill parking etc. Approving Hawley Farm Park was a mistake : do not make another one. Further development in the area is not justified or needed;
- (e) The proposed development would be built on land that is floodplain : it is low-lying and Bayford Close has flooded in the past. Granting planning permission for the proposed development on this land would be highly irresponsible. Adjoining and nearby neighbours would be put at unacceptable risk of flooding and also incur higher home insurance costs.

- Who would compensate them for this (and also residents of the new houses) should flooding occur? Would residents (existing and proposed) be able to obtain insurance for flooding?;
- (f) The proposals would set an undesirable precedent for allowing the development of adjoining land also within the floodplain but is currently landlocked, likely to further exacerbate the impacts on existing neighbours and the locality, increasing flood risk etc. The developer should not be allowed to gain access to the further land - by not permitting the current proposals. It seems clear that the developer also hopes to develop the area of land to the rear of Hillside Cottages and The Hollies next – the developer at Hawley Farm Park has already done a similar thing [*Officer Note: the possible or intended future actions of developers in respect of adjoining land cannot be taken into account in considering planning applications : there are currently no proposals submitted to the Council for consideration in this respect. The Council must consider the current proposals solely in respect of their own relevant planning merits*];
- (g) Claims for the impermeability of the existing tarmac surfaces at the application site (which assist the applicants in demonstrating an improvement in ground permeability for the proposed development) are exaggerated;
- (h) Additional traffic and likely overspill parking causing even more congestion on Hawley Road. It is already a very busy road and not a good place for young children. It will be impossible to turn right out of the nearby Ashbury Drive side road. The Hawley Crossroads (Blackwater) are already over capacity on three arms at certain times of the day and there was significant queuing on Hawley Road when a section of Fernhill Road and Fernhill Lane were shut for roadworks in recent times;
- (i) The proposed development would further over-burden the existing access onto Hawley Road from Old Hawley Road causing increased risk of car accidents. This is already a dangerous hill-start junction on a bend in the road and there would be conflicts with the use of the access from the Hawley Park Farm development access located on the opposite side of the road;
- (j) Existing inadequate street parking in Old Hawley Road : existing residents have to park in front of the buildings at the application site at present – where will they park instead if the development goes ahead?;
- (k) Inadequate parking provision within the proposed development: this would be likely to lead to overspill off-site parking in the Hawley Road slip-road. The proposed visitor spaces within the scheme would quickly be used up;
- (l) Additional noise, disturbance, activity, disruption and inconvenience, including in combination with that already to come as a result of the Hawley Farm Park development : it is not fair that existing local residents are expected to endure even more [*Officer Note: the construction and associated impacts arising from the implementation of development cannot be taken into account in determining planning applications*];
- (m) Adverse impact on/loss of local wildlife (including statutorily protected species such as bats) due to the loss of green space and habitat and new street lighting. A lot of wildlife is regularly seen in the area : where will it go?;
- (n) Loss of/compromise to privacy and outlook of neighbours due to direct back-to-back overlooking and minimal screening and separation distances. The relationships between existing development at 4 and 5 Bayford Close and proposed Plots 7-10 are specifically identified. No.4 Bayford Close would be confronted with an overbearing wall of French doors and windows (including second-floor dormers) at the rear of plots 7-10 overlooking habitable rooms and the garden at a distance of 20 metres : there are no back-to-back relationships between existing houses in the area. No.5 Bayford Close: if permission is granted, a 6ft close-boarded fence should be provided to enclose the shared boundary with their neighbouring property;
- (o) Loss of perimeter trees within the proposed development;
- (p) Loss of quality of life : I purchased my Cottage in a quiet area in which to raise my family;

- (q) Impacts of potential future development of adjoining land that will be the developers 'Phase B' if 'Phase A' (the current proposals) are permitted : overlooking, loss of light, outlook etc to Claydon Gardens properties. Loss of trees between the site and Hillside Cottages/The Hollies. This land is also floodplain and its development would exacerbate potential flooding problems, including through additional surface water flows [*Officer Note: These areas of land fall outside the application site and are not the subject of the current proposals under consideration*];
- (r) Local residents' objections to the proposals have not altered over the last 18 years : the retention of the commercial yard is much preferred (4 Hillside Cottages);
- (s) By proposing the erection of just 10 dwellings on the current application site (a smaller area of land than could be assembled) the developer is seeking to avoid the requirement to provide affordable housing in accordance with the Council's planning policies;
- (t) Old Hawley Road has not been maintained by the Council for years;
- (u) The Council bin lorry struggles to get to Hillside Cottages and The Hollies every week due to the amount of cars/vans associated with those properties. How will the situation change with the addition of so many new dwellings in such a small area?;
- (v) The proposed acoustic barrier would have a poor and overbearing visual appearance when seen from Old Hawley Road, would provide a poor outlook for occupiers of the proposed houses, and will not work. It will be a monstrosity no matter how it is dressed-up;
- (w) The Plant Hire Yard uses floodlights in the winter months that would also adversely affect the amenities of occupiers of the proposed houses;
- (x) No play area or community space provided;
- (y) Unsustainable location : the nearest shops are about a mile away; and
- (z) How does this proposal fit the Government's policies concerning reducing air pollution and our reliance on the motor car?

Policy and determining issues

The site is identified as being within the built-up area of Farnborough. It is not located within nor adjoining a Conservation Area. Adopted Rushmoor Core Strategy (November 2011) Policies SS1 (The 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), CP10 (Infrastructure Provision), CP11 (Green Infrastructure Network), 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.

Also relevant are saved Local Plan Policies ENV13 (trees), ENV17 (general development criteria), ENV41-44 (flood risk and surface water run-off), ENV48 (environmental pollution & noise), TR10 (highways considerations), OR4/OR4.1 (public open space) and H14 (amenity space).

The New Rushmoor Local Plan 2014 to 2032 contains emerging policies that are relevant to the consideration of the current application and 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 be considered to carry some weight in the consideration of

planning applications.

Also relevant to the consideration of this application are the Council's adopted Supplementary Planning Documents (SPDs) "Housing Density and Design" and "Sustainable Design and Construction" both adopted in April 2006; 'Transport Contributions' adopted in April 2008; and "Parking Standards" adopted November 2017. Since these documents were subject to extensive public consultation and consequent amendment before being adopted by the Council, some significant weight can be attached to the requirements of these documents. Advice contained in the National Planning Policy Framework (NPPF) is also relevant.

Notwithstanding the smaller site and scale of development now proposed, it is considered that the 2015 appeal decision remains an important material consideration for the determination of the current application. This is subject to consideration of whether or not there have been any material changes in planning circumstances since 2015. All of the issues that have been raised by objectors in respect of the current application were considered with the 2013 planning application that culminated in the 2015 appeal decision. The appeal Inspector concluded that the only issue justifying the dismissal of the appeal in 2015 was the potential noise nuisance to occupiers of the proposed new dwellings arising from the adjoining D & D Plant Hire yard. The proposals were considered acceptable in all other relevant planning respects.

In this context, the main determining issues are considered to be the principle of the proposals, the visual impact including impact on trees, the impact on neighbours, the living environment created, impact on wildlife, highways considerations, flood risk and drainage issues, renewable energy and sustainability, and public open space.

Commentary

1. Principle -

Saved Local Plan Policy H3 (combined housing and open space allocation specifically for land at Green Hedges) was a key consideration for the 2013 planning application and 2015 appeal decision, with the Inspector concluding that no material planning harm arose from the Council's concerns of conflict with Policy H3. In this respect a notable change in circumstances since the appeal decision arises as a result of the emergence of the New Rushmoor Local Plan. The specific mixed housing and open space allocation set out with saved Local Plan Policy H3 is to be deleted and the policy designation of the application land reverted to simply being within the built-up area boundary. On this basis, there is no in principle policy objection to the land being developed for residential purposes.

Core Strategy Policy CP6 requires provision of 35% affordable housing with developments of 15 or more net dwellings subject to viability. Emerging New Rushmoor Local Plan Policy LN2 reduces the trigger threshold for provision of affordable housing to 11 units, also subject to viability. However, since the scheme proposes only 10 additional units, the requirements of both the current and emerging policies do not apply in this case.

Due to the nature of the existing use of the site and the more vulnerable nature of the proposed residential use, the Council's Contaminated Land Officer advises that an appropriate site investigation will need to be undertaken in accordance with best practice. The Site Investigation Report submitted with the application is insufficient in this respect, being solely a preliminary assessment. Nevertheless, this is a matter that can be

appropriately addressed through the imposition of the usual conditions to require a full site investigation to be undertaken before works commence on site.

In the circumstances, it is considered that the proposed development is acceptable in principle subject to the proposals being found acceptable in detail in respect of all relevant Development Management issues.

2. Visual impact including impact on trees –

It is not considered that there have been any material changes in planning circumstances in respect of the site and its surroundings that would indicate that a different conclusion should be reached from that made in 2015 in terms of the visual impact of the proposals. The site continues to be mostly contained by, and viewed within the context of, existing adjoining residential development and, as such, the proposed development would not encroach visually on adjoining and nearby countryside areas. There have been no material changes in the way that the site relates to existing surrounding development and land uses since 2015. Arguably, now being a smaller site that does not now abut Cove Brook, the current proposed development has even less potential to impact upon the character and appearance of countryside areas beyond the defined built-up area margin. Whilst objectors draw attention to the approved residential development at the nearby Hawley Farm Park within Hart District Council's area, it is considered that the approval of this nearby development reinforces the conclusions already reached about the application site visually and functionally belonging within the defined built-up area.

There are a variety of dwelling types, ages and external materials evident in the area, although most are relatively modern and conventional. The site is not located within a Conservation Area. The proposed development would undoubtedly change the visual appearance of the site. However, the proposals would result in the removal of some commercial buildings from the land of undeniably utilitarian appearance, not to mention a commercial use that has the potential to detract further from the visual appearance of the vicinity were it to be reactivated. The proposals involve the erection of a mixture of entirely conventional terraced, semi-detached and detached modern houses which is considered to be an acceptable design approach for this location. Appropriate quality external finishing and surfacing materials can be secured by imposition of the usual conditions. There is also provision for the introduction of some landscape planting within the proposed development.

Objectors have raised specific concerns about the visual impact of the proposed 3 metre high acoustic fence to enclose the north boundary of the application site. This would be visible from Old Hawley Road running down the side of the proposed site access road. However this proposed fence would be only 1 metre taller than the conventional height of a fence that would not require planning permission; and just 50cm taller than the acoustic fence previously proposed and not subject to objections. The section of acoustic fence nearest to Old Hawley Road would be located alongside the site of existing utilitarian buildings to be removed as part of the proposals. It would also obscure views of the plant and equipment stored within the adjoining Plant Hire yard. In the circumstances, it is not considered that the proposed acoustic fence would have any significant harmful visual impact upon the visual character and appearance of the area.

The Council's Arboricultural Officer has considered the Arboricultural Impact Assessment submitted with the application and concludes that the current proposed development would have no material and harmful impact on the health and stability of trees worthy of retention.

In conclusion, it is considered that the proposed development would integrate sympathetically into its surroundings and have no material and harmful impact upon the overall character and appearance of the area. It is considered that the proposals are acceptable in visual terms.

3. Impact on neighbours –

Particular care has been taken to ensure that the design of the new development, in combination with the degree of separation and the orientation of the buildings, provides acceptable relationships with its neighbours. This is despite the layout of parts of the proposed development being somewhat different from that considered previously in order to address how the new dwellings relate to the continued existence and operation of the Plant Hire yard to the north. This has resulted in the introduction of different dwelling designs in order to maintain acceptable and conventional relationships with the existing residential neighbours at Hillside Cottages. Notwithstanding the specific objections raised by neighbours to the rear of the site at Bayford Close, there has been no material change in how the proposed development relates to these neighbours from that previously considered and found to be acceptable. In this respect, the introduction of new houses with rear gardens backing on is entirely conventional and acceptable in planning terms. Indeed, such relationships are found nationwide.

A number of objections have been received from neighbours concerned about the potential impacts from loss of light, outlook and privacy to their properties that could arise were land adjoining the current application site to be developed also. These properties, such as those in Claydon Gardens and the Hollies, are sufficiently well separated from the current proposals such that no undue relationships are considered to arise as a result of the current proposed development. The concerns raised by these neighbours could only be considered in the context of the submission of a planning application for the development of the additional land and, as such, are not a matter that can be taken into material account with the current planning application.

It is considered that the proposed layout would fit in well with the surrounding development and would not give rise to unacceptable overlooking, overshadowing or be overbearing to neighbouring properties.

4. Living environment created -

The application site lies adjacent to an unrestricted plant hire yard which commences work very early in the mornings in order to deliver plant to building sites by 8am. Whilst complaints from existing neighbours have been scarce in recent years, possibly because the business is less busy or through their efforts to be better neighbours, it clearly has the potential to create significant nuisance (noise and disturbance) at antisocial hours. This could, for example, happen if there were a marked upturn in plant hire activity, or if the yard were to be let to new tenants. These points were accepted by the 2015 appeal Inspector, whom dismissed the appeal solely on account of the likely adverse impact on the amenities of occupiers of the proposed new dwellings. In this respect the Inspector did not consider that the proposed mitigation measures, comprising a 2.5 metres high acoustic fence, would provide adequate protection for the proposed new dwellings and their garden areas given the layout of the proposed new development.

However, unlike to 2015 appeal scheme, the current proposals have a significantly different site layout and improved acoustic protection measures designed to address the Inspector's

concerns. The previous scheme considered in 2015 was for more houses including an additional area of land to the rear of the Yard. The site layout of the 2015 appeal scheme also placed houses and garden areas directly abutting the site boundary shared with the Yard. However, the access road into the site is now located adjacent to the boundary with the Plant Hire yard so that the proposed new dwellings do not adjoin, and are somewhat separated from, the boundary with the Yard. The proposed acoustic fence is now 0.5 metre taller, which is sufficient to provide better protection for first-floor rooms. The proposed dwellings on Plots 1-6 are now sited facing the site access road with their garden areas shielded behind. Plot No.7 is located sideways onto the Plant Hire yard boundary towards the rear and also protected by the proposed acoustic fence. Plots 8-10 are further separated from the Yard boundary and would also be protected by the acoustic fence. Plots 7-10 have their garden areas shielded to the rear. The proposed scheme also now has all habitable rooms orientated away from the adjacent Plant Hire yard. The Council's Environmental Health Team are satisfied with the conclusions and recommendations of the Noise Impact Assessment report submitted with the application that the design and measures proposed with the current scheme would significantly reduce the potential impact of the Plant Hire operations on future residents. Accordingly, provided that the development proceeds as described and set out within the submitted details Environmental Health have raised no objections. Accordingly, it is considered that the current scheme has satisfactorily resolved the 2015 appeal Inspector's concerns about the impact of activities at the Plant Hire yard compromising the living environment of occupiers of the proposed new dwellings.

All the proposed dwellings would provide accommodation meeting the Government minimum internal floorspace standards appropriate for their level of occupancy. The proposed development also incorporates acceptable private usable amenity space for each dwelling. 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.

5. Impact on wildlife -

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

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

HRA Screening Assessment under Regulation 63(1)(a) of the Habitats Regulations.

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

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

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

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

The retained South East Plan Policy NRM6 and adopted Rushmoor Core Strategy 2011 Policy CP13 (Thames Basin Heaths Special Protection Area) and Thames Basin Heaths Avoidance & Mitigation Strategy (2018) 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 dwellings within the defined built-up area of Farnborough. 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 Rushmoor Core Strategy 2011 Policy CP13 and Thames Basin Heaths Avoidance & Mitigation Strategy (2018), 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 May 2018. The AMS provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Thames Basin Heaths SPA arising from new residential development. This Strategy is a partnership approach to addressing the issue that has been endorsed by Natural England.

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

In order to meet the requirements of Policy 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 are seeking to acquire SANGS capacity from the Hart District Council Bramshot Farm SANGS scheme sufficient for the 10 new dwelling units proposed, costing the applicants £70,347.40. Furthermore, the applicants are also seeking to secure a financial contribution of £3,000.00 towards SAMMS by way of a s106 planning obligation submitted to Rushmoor BC requiring payment of this additional SPA financial contribution upon the implementation of the proposed development.

At the time of writing this report Rushmoor BC has yet to receive confirmation from Hart DC that the Bramshot Farm SANGS mitigation has been secured for the proposed scheme. Nevertheless the applicants have provided evidence that the financial transactions are taking

place and it is expected that confirmation will be received from Hart DC soon. Subject to the appropriate confirmation being received from Hart DC and the applicants also completing a satisfactory s106 Planning Obligation to secure the SAMMS it is considered that the impact of the proposals upon the Thames Basin Heaths SPA would be addressed, thereby meeting the requirements of Rushmoor Core Strategy Policies CP13 and CP15.

The Ecological Survey report submitted with the application assesses the potential for the existing buildings at the site to provide bat roosting opportunities as negligible. No bats or signs of bats were found inside or outside the buildings. The general condition and previous uses of the site were also examined but are considered to render the site unsuitable habitat for other wildlife species, including other protected species. The Report nevertheless sets out advice and recommendations to ensure that their clients' obligations under the Wildlife & Countryside Act are understood and would be met. The Council's Ecology & Biodiversity Officer does not disagree with any of the conclusions and recommendations of the Report. They are, however, concerned about the potential impacts on wildlife and the environment generally arising from the potential release of pollutants as a result of the construction of the development and/or arising from the proposed infiltration method of dealing with surface water drainage from the site on a site likely to have contaminated ground, mirroring the consultation comments received from the Environment Agency (EA). In these respects, the Ecology Officer and EA suggest the imposition of conditions for (a) temporary measures to be taken during the construction period to prevent the release of pollutants into the water environment; and (b) that infiltration drainage only be permitted by the Council in the event that any ground contamination is either removed or found to be benign and/or inert. Given the proximity of the application site to the water environment and the previous commercial use(s) of the land, imposition of conditions to this effect is considered both necessary and reasonable.

6. Highways considerations –

Objection has been raised to the proposals on the basis of the intensification in the use of the existing junction of Old Hawley Road with the main Hawley Road, especially in the light of the recent approval of the Hawley Farm Park development, which has vehicular access located in the vicinity opposite. However, the Highways Authority (Hampshire County Council Highways), whom are well aware of the existence of the Hawley Farm Park development access) are satisfied that the additional traffic associated with the proposed development would have no material and harmful impact on traffic conditions on Hawley Road, or upon the safety and function of the Old Hawley Road junction with the main Hawley Road. In this respect, the proposed development would contribute traffic associated with 10 additional dwellings onto Hawley Road, which is insignificant in terms of the overall traffic volume accommodated by the highway network in the vicinity. In this respect, account also has to be taken of the 'fallback position' of the existing traffic generation potential of the existing commercial use at the application site, which could involve significant traffic movements with large vehicles. It is considered that the proposed residential development would be likely to have significantly less impact upon traffic conditions on the main Hawley Road than the potential of a resumed commercial use of the application site. In the circumstances, whilst objections have raised concerns about the exacerbation of existing traffic congestion problems on Hawley Road, there is no evidence that the current proposed development would have a severe impact upon the safety and convenience of highway users, which is the test that now must be met to justify refusal of development proposals on highway grounds.

The proposal includes a new access onto Old Hawley Lane to replace the existing access adjoining No.1 Hillside Cottages. This new access would conform to adopted highways

standards in terms of sight-lines and geometry and is, as such, equally acceptable to the existing access considered and accepted with the 2015 appeal scheme.

The current proposals continue to show the provision of an improved footpath/cycleway path connection of Old Hawley Road with the main Hawley Road. It is considered that this can be secured through imposition of a suitably-worded condition.

Although objection is raised on the basis of the loss of some existing parking spaces in Old Hawley Road to the front of 'Hawley Yard', these spaces are primarily land in private ownership and, as such, neighbours do not have a legal right to use them. Furthermore, the applicants are not obliged to resolve existing historical shortfalls in parking provision for neighbouring properties. In any event the proposals would simply be replacing the existing site entrance with a new one in a new location on the site road frontage. As a result, some street parking spaces would still be retained in Old Hawley Road that could continue to be used by neighbours.

The proposed dwellings would each be provided with two parking spaces of acceptable size and arrangement located on plot or immediately adjoining. Four visitor spaces would also be provided on site. As a result, the parking provision accords with the Council's adopted requirements in full. Cycle parking could be provided by sheds to be provided in the gardens of all the proposed dwellings. Bin storage and collection arrangements would also be acceptable. Accordingly, it is considered that the proposed development makes appropriate provision for parking on-site to support itself. In these respects it is considered that the current proposals are not materially different from the 2015 appeal scheme, which was also found to be acceptable in these respects.

It is considered that the proposals are acceptable in highways terms and comply with the requirements of Core Strategy Policies CP10 and CP16.

7. Flood risk and drainage issues -

Most of the application site is located within Flood Zone 2, which is land at intermediate risk of flooding. Whilst the current application relates to a smaller site and number of dwellings than the 2015 appeal scheme, it is considered that there have been no material changes in circumstances since then in this respect. A Flood Risk Assessment (FRA) has been submitted with the current application to assess the flood risk implications for both the proposed development; and also whether the proposed development could put other existing development within the catchment and vicinity at increased flood risk, taking into account an allowance for climate change. The Environment Agency (EA) are satisfied with the findings and proposals of the FRA and have raised no objections to the proposals. This is subject to the imposition conditions concerning the assessment of ground contamination and the avoidance of infiltration drainage of surface water within the site if this would mobilise contaminants into the water environment. Whilst objectors have expressed concerns about flood risk, the Environment Agency are the Statutory body with authority and technical expertise to assess flood risk and have concluded that the proposals are acceptable.

The proposed development is likely to result in less site coverage with hard surfacing, especially as the applicants indicate that the roadways and drives would be paved using permeable materials or finishes and a SUDS system would be incorporated to deal with surface water drainage on site. Some additional details in this respect have recently been submitted and the Lead Local Flood Authority (LLFA) has been re-consulted. It is considered that the requirements of Core Strategy Policy CP4 would be met subject to the imposition of

a condition to require the submission of details in this respect. Especially since it is clear that the final design of the SUDS system will depend upon the results of the site investigations in determining the nature and extent of ground contamination. Any further consultation response from the LLFA will be reported to the Committee at the meeting.

8. 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. Such measures may be secured by way of condition and on this basis no objection is raised to the proposal in terms of Policy CP3.

9. 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.

This is a circumstance where a contribution [in this case £17,309.00 towards the off-site provision of public open space comprising: Improvements to footpath at Cove Brook Greenway (Hawley Lane) (£9,918.00) and playground improvements at Prince Charles Crescent, Farnborough (£7,391.00)] secured with a s106 Planning Obligation would be appropriate. Subject to the applicant satisfactorily completing and submitting the s106 Obligation in this respect, the proposal is considered to be acceptable within the terms of Core Strategy Policies CP10, CP11 and CP12 and saved Local Plan Policy OR4.

Conclusions -

It is considered that the proposals have satisfactorily addressed the technical deficiency identified by the 2015 appeal Inspector in dismissing the appeal. Furthermore, where there have been some material changes in planning circumstances, mainly in respect of emerging new planning policies, it is considered that the proposals remain acceptable. The proposals are considered acceptable in principle, would have no material and harmful visual impact upon the visual character and appearance of the area, have no material and adverse impact on neighbours, would provide an acceptable living environment and are acceptable in highway terms. On the basis of the provision of satisfactory contributions towards the Bramshot Farm SPA mitigation scheme, the proposals are considered to have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area. The proposals are thereby considered acceptable having regard to Policies CP2, CP5, CP8, CP10, CP11, CP12, CP13, CP15, CP16 and CP17 of the Rushmoor Core Strategy and saved Local Plan Policies ENV17, ENV35, TR10, OR4/OR4.1 and H14.

Full Recommendation

It is recommended that subject to:

(a) confirmation from Hart District Council that the applicants have secured SANGS mitigation capacity at the Bramshot Farm SANG; and

(b) the completion of a satisfactory Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by 23 December 2018 to secure the SPA SAMMS and Public Open Space contributions as set out in the report

the Head of Economy, Planning and Strategic Housing in consultation with the Chairman be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

However, in the event that confirmation from Hart District Council and a satisfactory s106 Agreement are not received by 23 December 2018, the Head of Economy, Planning and Strategic Housing, in consultation with the Chairman, be authorised to **REFUSE** planning permission on the grounds that the proposal does not make satisfactory provision for a public open space contribution in accordance with Core Strategy Policies CP10, CP11 and CP12 and saved Local Plan Policy OR4; and 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 Core Strategy Policies CP11 and CP13.

- 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 - Drawing numbers:- Think Architecture Drawing Nos.PL32, PL33, PL34, PL35; Hydro-Logic Services Flood Risk Assessment dated 15 May 2018 & letter dated 22 November 2018; 24 Acoustics Noise Impact Assessment (February 2018); Bell Cornwell Planning, Design & Access Statement (October 2018); Exova Jones Environmental Site Investigation Report (25 May 2018); GS Ecology Preliminary Ecological Appraisal report (23 April 2018); and TMC Arboricultural Consultants Arboricultural Impact Assessment and Drawing No.TMC-12032-S REV.A.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, or in the absence of such information, construction of the following elements of the development hereby approved [the external walls, roofing materials, window frames/glazing, rainwater goods, and any new external hard-surfacing materials] shall not start until a schedule and/or samples of the materials to be used in them have been submitted to, and approved in writing by, the Local Planning Authority. Those elements of the development shall be carried out using the materials so approved and thereafter retained.

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

Reason - To ensure a satisfactory form of development in relation to neighbouring property. *

- 6 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.

- 7 Prior to occupation or use of the development hereby approved, screen and boundary walls, fences, hedges or other means of enclosure 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.

Reason - To safeguard the amenities of neighbouring property. *

- 8 The dwelling units hereby permitted shall not be occupied until the parking spaces, bicycle storage and bin storage areas shown on the approved plans have been constructed, surfaced and made available to occupiers of, and visitors to, the development. Thereafter these facilities shall be kept available at all times for their intended purposes and allocation 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 and bicycle parking, servicing, and bin storage within the development. *

- 9 The dwelling units hereby permitted shall not be occupied until the foot- and cycleway improvement connecting Old Hawley Road with the main Hawley Road as shown on the approved plans has been completed and made available for use.

Reason - To ensure adequate pedestrian and cycleway connectivity of the proposed development.

- 10 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. *

- 11 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.

- 12 No works shall start on site until existing trees and shrubs/hedges to be retained on and adjoining the site have been adequately protected from damage during site clearance and works in accordance with the details that are set out in the TMC Arboricultural Consultants Arboricultural Impact Assessment and tree retention and removal plans 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.

- 13 Prior to first occupation of the development hereby approved details of all external lighting to be installed within the site and/or on the exterior of the building hereby permitted shall be submitted to and approved by the Local Planning Authority. The submitted details shall indicate the purpose/requirement for the lighting proposed and specify the intensity, spread of illumination and means of controlling the spread of illumination (where appropriate). The external lighting proposals as may subsequently be approved shall be implemented solely in accordance with the approved details and retained thereafter solely as such unless otherwise first agreed in writing by the Local Planning Authority. With the exception of lighting identified and agreed as being necessarily required solely for maintaining the security of the site/building during night-time hours, no other external lighting shall be used/operated during night-time hours (2300 to 0700 hours daily).

Reason - In the interests of the amenities of nearby residential properties; and to

ensure that there is no inappropriate or unnecessary use of lighting at the site in the interests of amenity and biodiversity.

- 14 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority: -
- i. a desk top study carried out by a competent person documenting all previous and existing uses of the site and adjoining land, and potential for contamination, with information on the environmental setting including known geology and hydrogeology. This report should contain a conceptual model, identifying potential contaminant pollutant linkages.
 - ii. if identified as necessary; a site investigation report documenting the extent, scale and nature of contamination, ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study.
 - iii. if identified as necessary; a detailed scheme for remedial works and measures shall be undertaken to avoid risk from contaminants/or gas identified by the site investigation when the site is developed and proposals for future maintenance and monitoring, along with verification methodology. Such scheme to include nomination of a competent person to oversee and implement the works.

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

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

- 15 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

- 16 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 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.

- 17 Prior to the first occupation of any of the dwellings hereby permitted, details of measures to achieve the energy performance standards in accordance with Code Level 4 of the Code for Sustainable Homes or equivalent for each of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full prior to the first occupation of the dwelling(s) to which they relate and retained in perpetuity.

Reason - To reflect the objectives of Policy CP3 of the Rushmoor Core Strategy.

- 18 The development hereby approved shall not be occupied until the measures to protect the occupiers of the dwelling units within the development from the potential for external noise from the adjoining commercial storage yard have been implemented in full in accordance with the plans and details hereby approved, including the implementation in full of the recommendations set out in the submitted 24 Acoustics Noise Impact Assessment report dated 28th February 2018.

Reason - To protect the amenity of the occupiers of the development. *

- 19 No construction works pursuant to this permission shall take place until measures to incorporate Sustainable Drainage Systems (SUDS) into the new built development have been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full prior to the first occupation of the new building and retained in perpetuity.

Reason - To reflect the objectives of Policy CP4 of the Rushmoor Core Strategy. *

- 20 No infiltration of surface water drainage is permitted other than with the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - At the request of the Environment Agency to prevent the mobilisation of any contaminants present on the site which may result in an adverse impact on groundwater and surface water quality.

- 21 Prior to the commencement of development (including any demolition) a Construction, Environmental & Traffic Management Plan to be adopted for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The details required in this respect shall include:

- (a) the provision to be made for the parking and turning on site of operatives and construction vehicles during construction and fitting out works;
- (b) the means and measures to be taken to control noise, dust, vibration, smoke and other emissions arising from the implementation of the development;
- (c) details of temporary filtration methods used to ensure excellent water quality of

- (d) surface water run-off leaving the site;
- (d) the arrangements to be made for the delivery of all building and other materials to the site, including construction servicing/delivery routes;
- (e) the provision to be made for any storage of building and other materials on site;
- (f) measures to prevent mud from being deposited on the highway;
- (g) the programme for construction; and
- (h) the protective hoarding/enclosure of the site.

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

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

- 22 Before construction of the dwellings hereby permitted commences a connected multifunctional green infrastructure, strategy shall be submitted to and approved by the Local Planning Authority. The strategy should include details of green infrastructure within the site and provision of one biodiversity feature for each dwelling.

Reason - To ensure that Policy NE2 and Policy NE4 of the New Rushmoor Local Plan (2014-2032) are delivered throughout the site.

INFORMATIVES

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

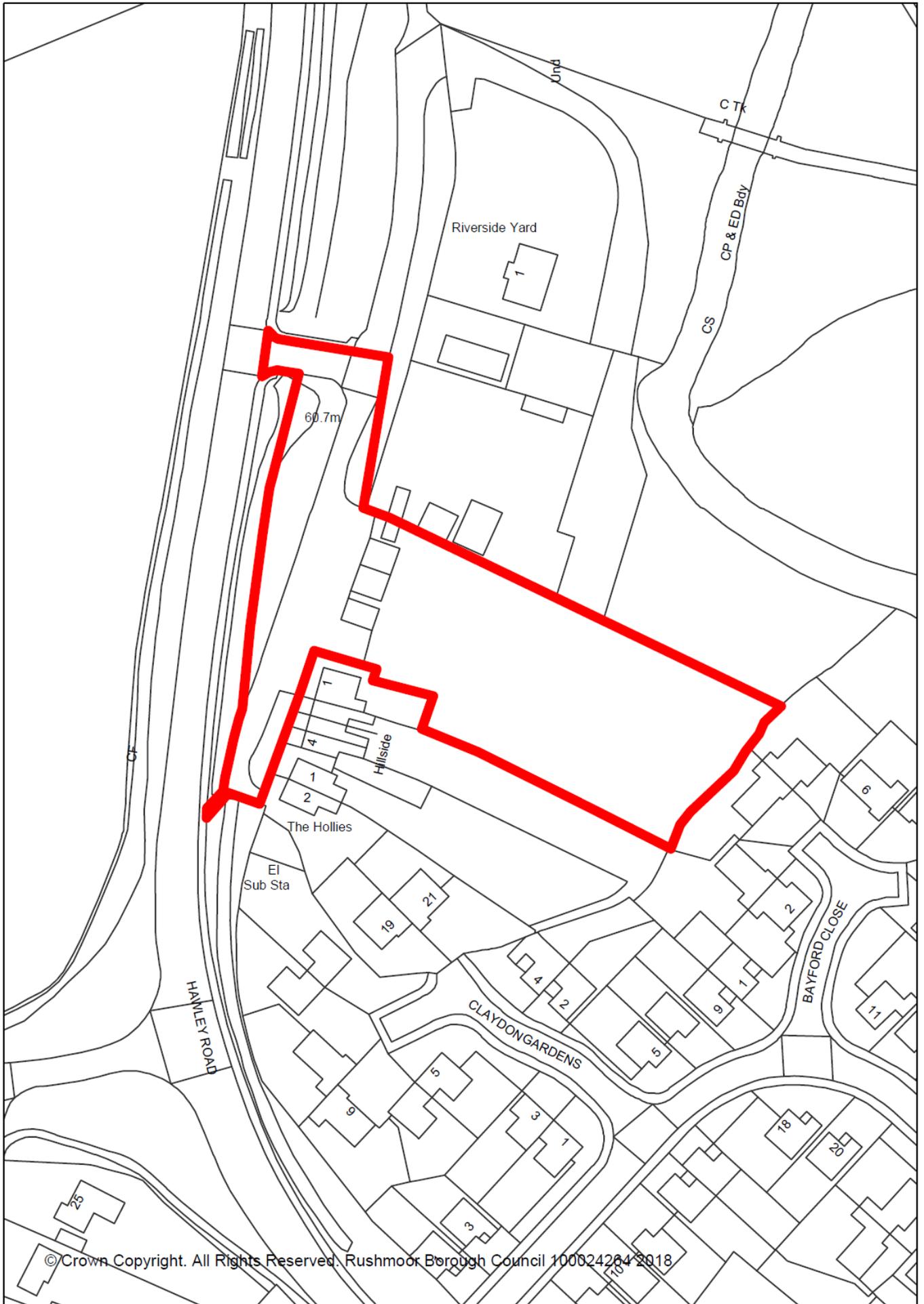
It is considered that the proposals have satisfactorily addressed the technical deficiency identified by the 2015 appeal Inspector in dismissing the appeal. Furthermore, where there have been some material changes in planning circumstances, mainly in respect of emerging new planning policies, it is considered that the proposals remain acceptable. The proposals are considered acceptable in principle, would have no material and harmful visual impact upon the visual character and appearance of the area, have no material and adverse impact on neighbours, would provide an acceptable living environment and are acceptable in highway terms. On the basis of the provision of satisfactory contributions towards the Bramshot Farm SPA mitigation scheme, the proposals are considered to have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area. The proposals are thereby considered acceptable having regard to Policies CP2, CP5, CP8, CP10, CP11, CP12, CP13, CP15, CP16 and CP17 of the Rushmoor Core Strategy and saved Local Plan Policies ENV17, ENV35, TR10, OR4/OR4.1 and H14.

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

- 2 **INFORMATIVE -** This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

- 3 INFORMATIVE - Your attention is specifically drawn to the conditions marked *. These condition(s) require the submission of details, information, drawings etc. to the Local Planning Authority BEFORE a certain stage is reached in the development. Failure to meet these requirements is in contravention of the terms of the permission and the Council may take enforcement action to secure compliance. As of April 2008 submissions seeking to submit details pursuant to conditions or requests for confirmation that conditions have been complied with must be accompanied by the appropriate fee.
- 4 INFORMATIVE - The applicant is recommended to achieve maximum energy efficiency and reduction of Carbon Dioxide emissions by:
 - a) ensuring the design and materials to be used in the construction of the building are consistent with these aims; and
 - b) using renewable energy sources for the production of electricity and heat using efficient and technologically advanced equipment.
- 5 INFORMATIVE - The applicant is advised to contact the Recycling and Waste Management section at Rushmoor Borough Council on 01252 398164 with regard to providing bins for refuse and recycling. The bins should be:
 - 1) provided prior to the occupation of the properties;
 - 2) compatible with the Council's collection vehicles, colour scheme and specifications;
 - 3) appropriate for the number of occupants they serve;
 - 4) fit into the development's bin storage facilities.
- 6 INFORMATIVE - Measures should be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway throughout the construction period.
- 7 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.
- 8 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.
- 9 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.

- 10 INFORMATIVE - The planning permission hereby granted does not authorise the applicant, or his agents, to construct a new/altered access to, or other work within, the public highway. A separate consent for works within the highway must first be obtained from the highway authority who may be contacted at the following address:- Hampshire County Council Highways Sub Unit, M3 Motorway Compound, Hook, Hampshire, RG27 9AA.
- 11 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. Other species, including all species of birds whilst nesting, are also subject to statutory protection. 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 or other protected wildlife species are encountered at any point during development then all works must stop immediately and you should contact Natural England.
- 12 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.
- 13 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.

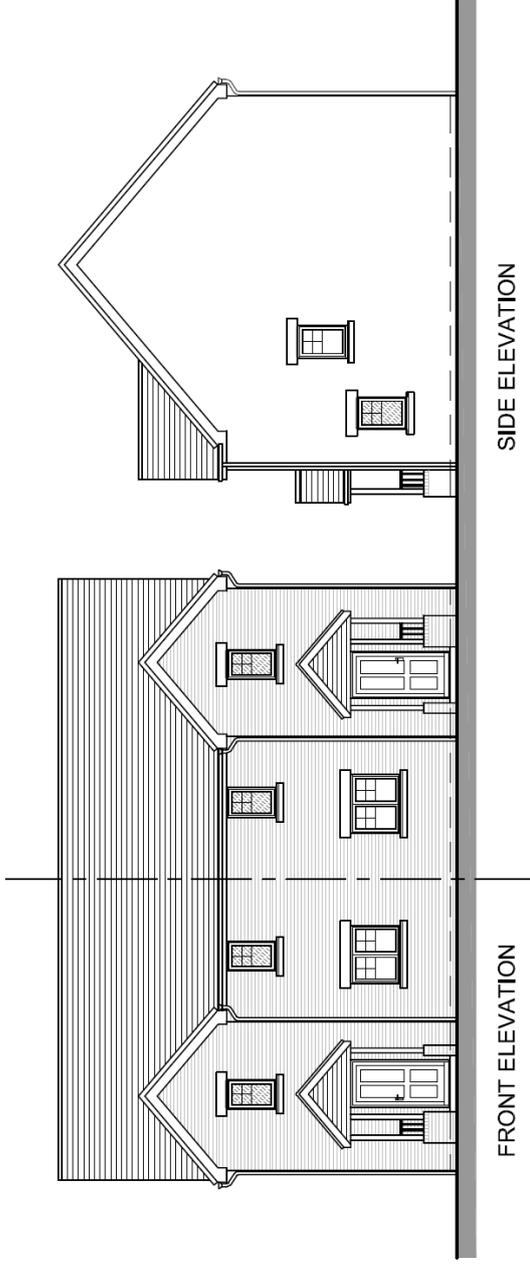




A3

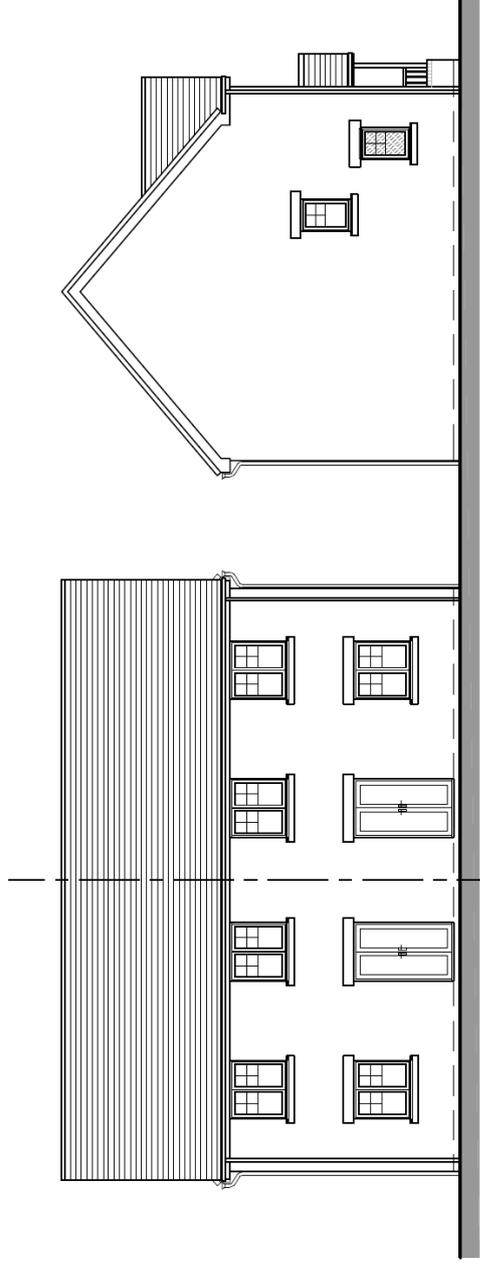
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Rev	Comment	By	Date
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FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION

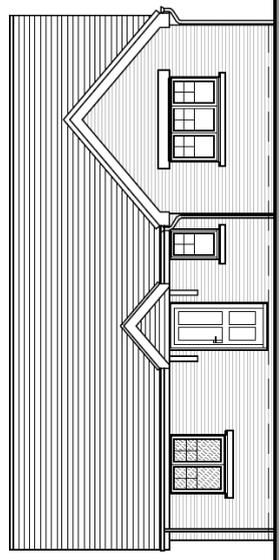


Client:	Flavia Estates
Address:	Hawley Yard, Hawley Road, Hawley.
Drawings Title:	Proposed Elevations for House Type A - Plots 1 & 2.
Scale:	1:100
Drawn By:	JAS
Date:	14.03.18
Drawn No:	068
Plot No:	PL27
Status:	PLANNING

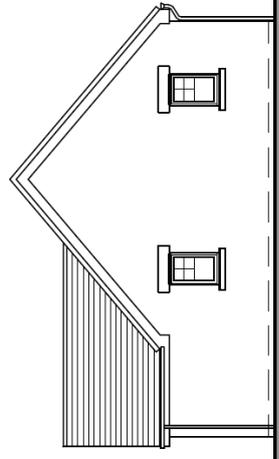


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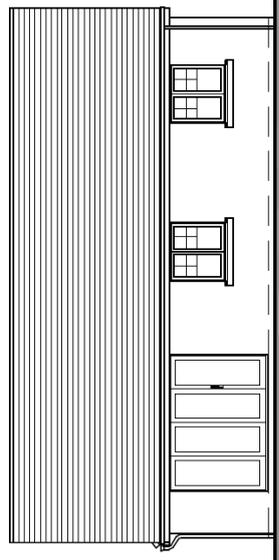
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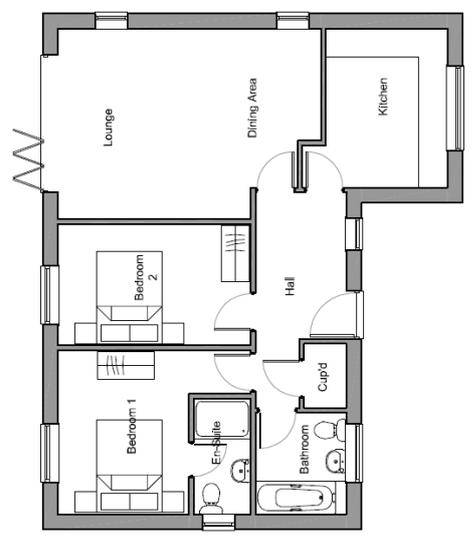
FRONT ELEVATION



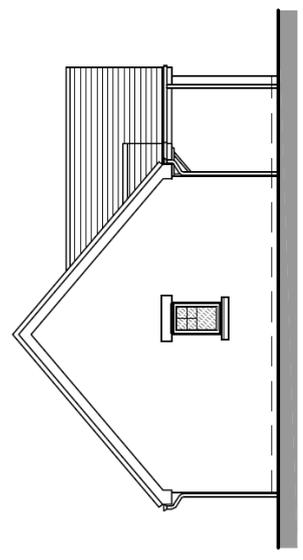
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



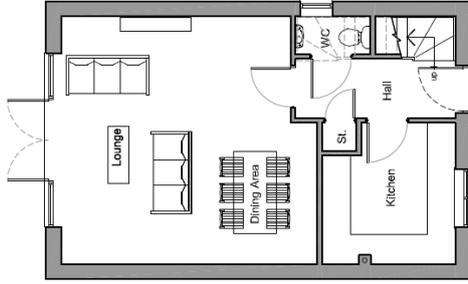
SIDE ELEVATION

Client:	Flavia Estates
Address:	Hawley Yard, Hawley Road, Hawley.
Drawing Title:	Proposed Floor Plan and Elevations for House Type B - Plot 3
Scale:	1:100
Date Drawn:	14.03.18
Drawn By:	JAS
Job No:	068
Tag No:	PL30
Rev:	-
Structure:	PLANNING

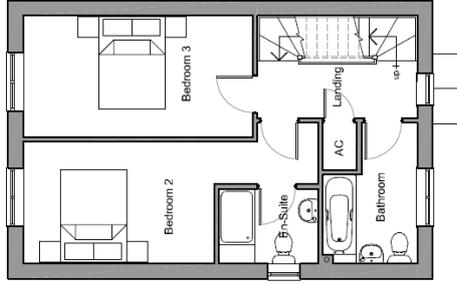


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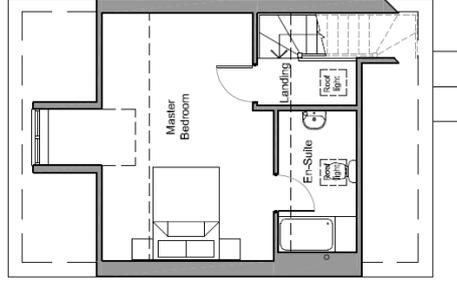
Date	18	06	2018
By	JAS		



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Client:	Flavia Estates
Address:	Hawley Yard, Hawley Road, Hawley.
Drawings No.:	Proposed Floor Plans for House Type C - Plots 7-10
Scale:	Date Issued: 19.03.18 1:100
Drawn by:	JAS
Proj. No.:	068
Rev.:	PL31
Status:	PLANNING



