



1. INTRODUCTION

This agenda considers planning applications submitted to the Council, as the Local Planning Authority, for determination

2. STATUS OF OFFICER'S RECOMMENDATIONS AND COMMITTEE'S DECISIONS

All information, advice, and recommendations contained in this agenda are understood to be correct at the time of preparation, which is approximately two weeks in advance of the Committee meeting. Because of the time constraints, some reports may have been prepared before the final date for consultee responses or neighbour comment. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting or where additional information has been received, a separate "Planning Addendum" paper will be circulated at the meeting to assist Councillors. This paper will be available to members of the public.

3. THE DEBATE AT THE MEETING

The Chairman of the Committee will introduce the item to be discussed. A Planning Officer will then give a short presentation and, if applicable, public speaking will take place (see below). The Committee will then debate the application with the starting point being the officer recommendation.

4. SITE VISITS

A Panel of Members visits some sites on the day before the Committee meeting. This can be useful to assess the effect of the proposal on matters that are not clear from the plans or from the report. The Panel does not discuss the application or receive representations although applicants and Town/Parish Councils are advised of the arrangements. These are not public meetings. A summary of what was viewed is given on the Planning Addendum.

5. THE COUNCIL'S APPROACH TO THE DETERMINATION OF PLANNING APPLICATIONS

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This means that any discussions with applicants and developers at both pre-application and application stage will be positively framed as both parties work together to find solutions to problems. This does not necessarily mean however, that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.

The Local Plan is the starting point for decision making. Proposals that accord with the Local Plan will be approved without delay. Development that conflicts with the Local Plan will be refused unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- (i) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Local Plan taken as a whole; or
- (ii) Specific policies in the Local Plan indicate that development should be restricted.

The Council will grant planning permission where it is satisfied that it will achieve a positive outcome that meets a recognised planning purpose.

Unsatisfactory applications will however, be refused without discussion where:

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

6. PLANNING POLICY

All planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. If the development plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the development plan. Where there are other material considerations, the development plan will be the starting point, and other material considerations will also be taken into account. One such consideration will be whether the plan policies are relevant and up to date.

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

Although not necessarily specifically referred to in the Committee report, the relevant development plan will have been used as a background document and the relevant policies taken into account in the preparation of the report on each item.

The Localism Act 2011 also introduced a system of Neighbourhood Plans which are prepared by a local community for its area. These are subject to independent examination and public referendum. Where passed they become part of the development plan for the area concerned.

Emerging plans gather weight as they progress through the varying processes towards adoption, Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.

7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. These statements cannot make irrelevant any matter that is a material consideration in a particular case. Nevertheless, where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

The NPPF is a material consideration in determining applications. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development with its economic, social and environmental roles. All three aims should be sought jointly and simultaneously. The presumption in favour of sustainable development in decision making means:

- (i) approving development proposals that accord with the development plan without delay; and
- (ii) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

The NPPF indicates that the policies for the supply of housing land in a local plan will not be considered up to date where the Council cannot demonstrate a 5 year supply of deliverable housing land.

The Government has also published the Planning Practice Guidance which provides information on a number of topic areas. Again these comments, where applicable, are a material consideration which need to be given due weight.

8. OTHER MATERIAL CONSIDERATIONS

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned. Much will depend on the nature of the application under consideration, the relevant planning policies and the surrounding circumstances. All the fundamental factors involved in land-use planning constitute a material consideration. This includes such things as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure. Relevant considerations will vary from circumstance to circumstance and from application to application.

Within or in the settings of Conservation Areas or where development affects a listed building or its setting there are a number of statutory tests that must be given great weight in the decision making process. In no case does this prevent development rather than particular emphasis should be given to the significance of the heritage asset.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming. However, provided a consideration is material in planning terms, it will be taken into account, notwithstanding the fact that other regulatory machinery may exist.

Matters that should not be taken into account are:

- | | |
|---|---|
| ✗ loss of property value | ✗ loss of view |
| ✗ land and boundary disputes | ✗ matters covered by leases or covenants |
| ✗ the impact of construction work | ✗ property maintenance issues |
| ✗ need for development (save in certain defined circumstances) | ✗ the identity or personal characteristics of the applicant |
| ✗ ownership of land or rights of way | ✗ moral objections to development like public houses or betting shops |
| ✗ change to previous scheme | ✗ competition between firms, |
| ✗ or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks, means of escape in the event of fire etc). - The fact that a development may conflict with other legislation is not a reason to refuse planning permission or defer a decision. It is the applicant's responsibility to ensure compliance with all relevant legislation. | |

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9. PLANNING CONDITIONS AND OBLIGATIONS

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.”

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under. In such cases the Council should use a condition rather than seeking to deal with the matter by means of a planning obligation. Where a condition requires a matter to be dealt with prior to development commencing (also known as a ‘Grampian’ condition) it is a legal requirement to explain why the matter has be dealt with before, rather than at a later stage in development.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the **Community Infrastructure Levy Regulations 2010** and as policy tests in the National Planning Policy Framework and Planning Practice Guidance. In particular the Planning Practice Guidance sets out minimum thresholds where, with the exception of mitigation of the effects of development on European sites, such as the Thames Basin Heaths Special Protection Area, obligations should not be sought.

In all cases, including where tariff style charges are sought, the Council must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

Planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms.

The Government is clear that obligations must be fully justified and evidenced.

10. PLANNING APPEALS

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. It is the Councils responsibility to produce evidence to show clearly, why the development cannot be permitted. Reasons for refusal must be

- Complete,
- Precise,
- Specific
- Relevant to the application, and
- Supported by substantiated evidence.

Appeals are administered by the Planning Inspectorate - an executive agency reporting to the Secretary of State. Appeals are considered by written representation, hearings, and public inquiries. In planning appeals, it is normally expected that both parties will pay their own costs.

The Council is at risk of an award of costs against it if it behaves unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal
- Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable
- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage
- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations
- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn

Statutory consultees (and this includes Parish Council's) play an important role in the planning system: local authorities often give significant weight to the technical advice of the key statutory consultees. Where the Council has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. Where the statutory consultee is a party to the appeal, they may be liable to an award of costs to or against them.

Interested parties who choose to be recognised as Rule 6 parties under the inquiry procedure rules, may be liable to an award of costs if they behave unreasonably.

11. THE ROLE OF THE SECRETARY OF STATE

The Secretary of State has reserve powers to direct the council to refer an application to him/her for decision. This is what is meant by a 'called-in' application. In general, this power of intervention is used selectively and the Secretary of State will not interfere with the jurisdiction of the Council unless it is necessary to do so.

12. PROPRIETY

Members of the Planning Committee are obliged to represent the interests of the **whole** community in planning matters and not simply their individual Wards. When determining planning applications they must take into account planning considerations only. This can include views expressed on relevant

planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

13. PRIVATE INTERESTS

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Covenants or the maintenance/ protection of private property are therefore not material planning consideration.

14. OTHER LEGISLATION

Non-planning legislation may place statutory requirements on planning authorities, or may set out controls that need to be taken into account (for example, environmental legislation, or water resources legislation). The Council, in exercising its functions, also must have regard to the general requirements of other legislation, in particular:

- The Human Rights Act 1998, which incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property). All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.
- The Equality Act 2010 which replaced previous discrimination legislation. This puts a duty on public bodies, such as the Council, to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. The aim is for public bodies to consider the needs of all individuals in their day to day work, in developing policy, in delivering services, and in relation to their own employees.
The need to advance equality of opportunity involves considering the need to:
 - remove or minimise disadvantages suffered by people due to their protected characteristics;
 - meet the needs of people with protected characteristics; and
 - encourage people with protected characteristics to participate in public life or in other activities where their participation is low

15. PUBLIC SPEAKING

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

Speakers are limited to a total of three minutes each per item for the Parish Council, those speaking against the application and for the applicant/agent. Speakers are not permitted to ask questions of others or to join in the debate, although the Committee may ask questions of the speaker to clarify representations made or facts after they have spoken. For probity reasons associated with advance

disclosure of information under the Access to Information Act, nobody will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

16. LATE REPRESENTATIONS

To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further or new representations no new additional information will be allowed to be submitted less than 48 hours before the Committee meeting, except where to correct an error of fact in the report.

17. INSPECTION OF DRAWINGS

All drawings are available for inspection on the internet at www.hart.gov.uk

Annex A to Planning Report

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

Introduction

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

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

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

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

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

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

It stipulates that planning obligations would only be sought:

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

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

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

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

Thames Basin Heaths Special Protection Area

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

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

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

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

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

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

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

Transport

Saved Local Plan policies T14 and T16 seek to ensure that development is served effectively by public transport, cycling or walking and that improvements made necessary by development are to be funded by that development. This relates not only to physical improvements required to permit development to take place (such as sight lines at an entrance to a site), but also to the wider network, seeking to allow development provided that it could be effectively served by public transport, cycling and walking.

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

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

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

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

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

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

Leisure

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

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

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

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

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

Education

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

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

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

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

Item No: 101

16/00722/FUL

**Page: 70 – 113
Grant**

Bramshill House Bramshill Park Bramshill Hook RG27 0JW

Conversion of Bramshill House, the Stable Block and the existing Nuffield Hall for use as a single dwelling and associated parking. Demolition of curtilage listed buildings and maintenance and restoration works to Bramshill House and Gardens. The provision of a new 13.9ha SANG.

Item No: 102

16/00723/LBC

**Page: 70 – 113
Grant**

Bramshill House Bramshill Park Bramshill Hook RG27 0JW

Conversion of Bramshill House, the Stable Block and the existing Nuffield Hall for use as a single dwelling and associated parking. Demolition of curtilage listed buildings and maintenance and restoration works to Bramshill House and Gardens. The provision of a new 13.9ha SANG.

Item No: 103

16/00724/FUL

**Page: 113 – 140
Grant**

Bramshill House Bramshill Park Bramshill Hook RG27 0JW

Conversion of Bramshill House, the Stable Block and the existing Nuffield Hall for use as offices, providing 5,196m² of commercial (BI(a) space and parking for 175 vehicles. Demolition of curtilage listed buildings and maintenance and restoration works to Bramshill House and Gardens.

Item No: 104

16/00725/LBC

**Page: 113 – 140
Grant**

Bramshill House Bramshill Park Bramshill Hook RG27 0JW

Conversion of Bramshill House, the Stable Block and the existing Nuffield Hall for use as offices, providing 5,196m² of commercial (BI(a) space and parking for 175 vehicles. Demolition of curtilage listed buildings and maintenance and restoration works to Bramshill House and Gardens.

Item No: 105

16/01290/FUL

**Page: 140 – 160
Grant**

Bramshill House Bramshill Park Bramshill Hook Hampshire RG27 0JW

Land at Bramshill House - Change of use of land to provide a Suitable Alternative Natural Greenspace (SANG) area and associated works

Item No: 106

16/01651/OUT

**Page: 161 – 182
Grant**

Land North Of Netherhouse Copse Hitches Lane Fleet Hampshire

Outline application for up to 423 residential dwellings and a community facility. Associated vehicular, pedestrian and cycle access, drainage and landscape works, including provision of public open space and sports pitches. Provision of country park/SANG as an extension to Edenbrook Country Park.

Item No: 107

16/00968/FUL

**Page: 183 – 194
Grant**

33 Basingbourne Road Fleet Hampshire GU52 6TG

Erection of two three-bedroom dwellings.

Item No: 108

16/01537/FUL

**Page: 194 – 220
Grant**

Lidl 21 London Road Blackwater Camberley Surrey GU17 9AP

Demolition and redevelopment of existing Lidl Foodstore, No. 1 Green Lane and car park to provide a gross internal area of 2,563sqm and 104 car parking spaces.

GENERIC REPORT TO READ IN CONNECTION WITH COMMITTEE AGENDA ITEMS

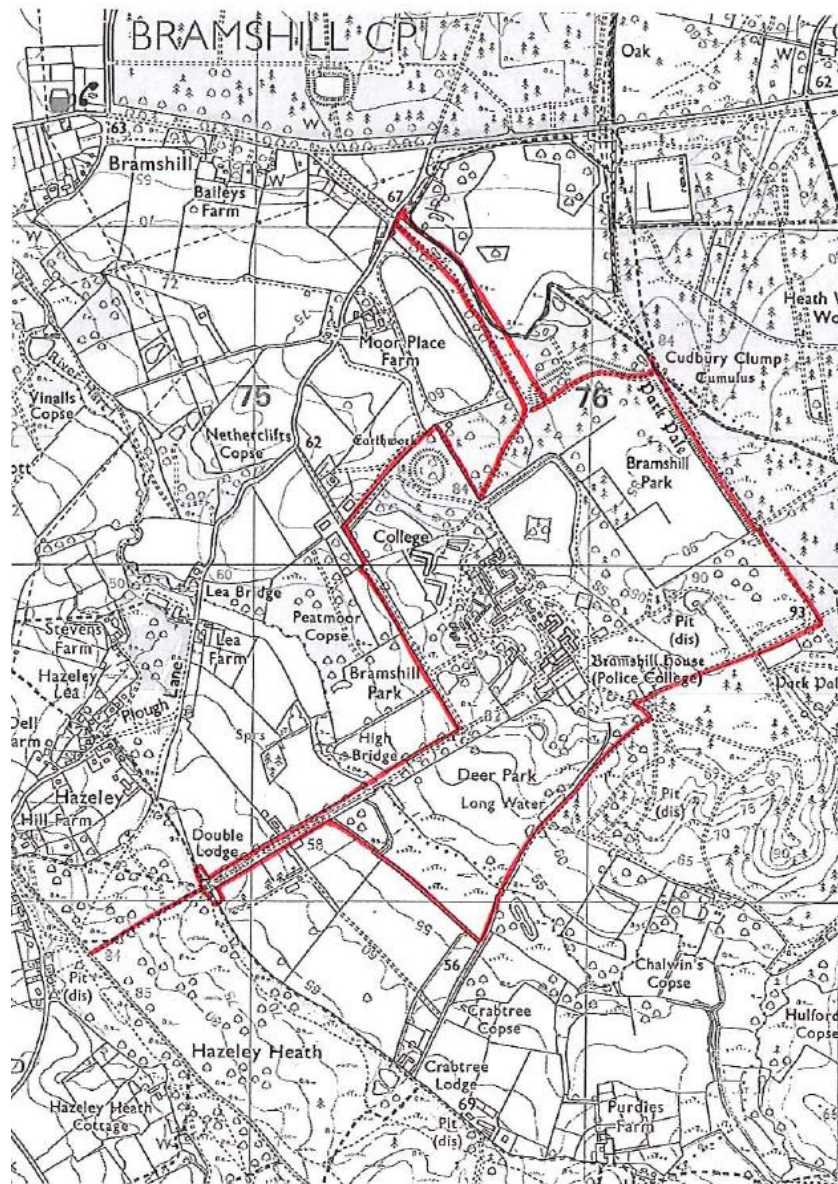
101 – 105 (pages 14-69)

**PLANNING APPLICATIONS 16/00722/FUL, 16/00723/LBC, 16/00724/FUL, 16/00725/LBC
and 16/01290/FUL**

Bramshill House, Bramshill Park, Bramshill, Hook Hants RG27 0JW

This generic covering report relates to the suite of planning and listed building consent applications submitted by City & Country Bramshill Ltd for development at Bramshill House.

The purpose of the report is to introduce the broad approach of these proposals to Members and set out the common and overarching information and consultation responses to all the applications. Further reports deal with the individual applications themselves, the material planning considerations and the recommendations as to whether planning and listed building consents should be granted or not.



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1.0 BACKGROUND

- 1.1 The application sites comprise the land and buildings of Bramshill House and its associated buildings, park and gardens. Bramshill House is a grade I listed building with other grade I¹ and grade II² buildings and structures set within a grade II*³ registered park and garden. The latter also extends beyond the application site.
- 1.2 Between 1953 and 2015 the Bramshill House site was used by and on behalf of the Home Office as a national residential training establishment for the police service. It also held the British National Police Library. The site contains a multitude of buildings including the mansion house, training and recreational buildings and residential quarters together with playing fields and grounds. The lawful planning use of the site is for Class C2 (residential institution) use with associated ancillary buildings and uses. In effect the use relates to a single planning unit and not a series of individual uses since all other uses at the site were dependant on the primary use as a residential training centre and

¹ Grade I buildings are of exceptional interest, only 2.5% of listed buildings are Grade I

² Grade II buildings are of special interest; 92% of all listed buildings are in this class.

³ Grade II* sites are particularly important and of more than special interest (grade II).

ancillary thereto. The only exceptions are 4 and 9 Green Ride which are lawful dwellings in their own right.

1.3 Class C2 of the Town and Country Planning Use Classes Order 1987 (as amended) includes the following uses:

- Use for the provision of residential accommodation and care to people in need of care
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

The police training college fell within the third use.

1.4 The National Police Training College closed on 31 March 2015. Until June 2006 development on behalf of the Crown and Government Departments was immune from the planning system with no requirement to apply for planning permission. Many of the C20th buildings were erected under Crown immunity and reflect an era of less concern for the historic environment. Development during the ownership of the Home Office had very little sympathy with the heritage assets or the site's historical context.

1.5 The site at Bramshill House comprises approximately 106 hectares of land which includes the grade I listed 17th Century mansion at the heart of the site. The whole of the estate forms part of a grade II* Registered Park and a small part is within the Thames Basin Heaths Special Protection Area (SPA).⁴ The SPA is also a site of special scientific interest (SSSI) but for the purpose of the reports for Bramshill the international designation SPA will be used rather than the national designation of SSSI. The mansion has a floor area of some 3,995m² and there are extensive modern buildings providing a total of 33,648m² of training facilities, offices, catering/ social facilities, residential accommodation and ancillary sporting/ recreational facilities.

1.6 The applicants completed the purchase of the site in March 2015 and have held pre-application discussions with the Council and other agencies - Historic England, Natural England, Hampshire County Council etc. regarding working up a set of comprehensive proposals for the future of the site. Those proposals centre on demolishing most of the C20th buildings and redeveloping their sites.

1.7 The applicant's fundamental premise behind the proposals is to find a sustainable and long term future for the Bramshill House Estate. The Registered Park is currently on the Heritage at Risk Register and most of the listed buildings (with the exception of the stable block) are currently vacant and all are in need of maintenance. Any redevelopment and re-use needs to be sympathetic to the heritage assets and ecological constraints and will need to put the estate as a whole to beneficial use.

2.0 THE SITE

2.1 The site lies within a rural area and is subject to countryside planning policies. The River Hart runs through the west/ south west part of the site. The present parkland is a smaller area than that originally laid out in the 17th and 18th centuries and that itself was based on parkland of medieval origin. The gardens comprise a series of early C17th formal walled gardens around the Jacobean house and walled kitchen garden.

2.2 The mansion lies within a landscape where it is not prominent in panoramic public views. The mansion itself sits on a knoll of higher ground giving commanding views to the south and west and

⁴ The majority of the SPA is within the ownership or control of the Forestry Commission but some parts, as in the case of 10.2 ha at Bramshill House, are privately owned

a particularly fine view down the main drive to the entrance lodges and Hazeley Heath. It is from the latter that the only significant public view of the mansion is to be had as there are no public rights of way across the estate.

2.3 In the most recent centuries the main vehicular access to the estate was from the B3011 just south of Hazeley. This is currently gated and locked. A second vehicular access comes from the north from Plough Lane/ Reading Road. This has been the sign posted access to the Police College and for goods vehicles to avoid the weight restricted listed High Bridge on the main drive approach to the house. There is an internal road system that links both entrances/ exits.

2.4 The site is connected to mains supplies of gas, electricity and water and telecommunications systems. The estate is not connected to the mains sewer system and is served by a modern private sewage treatment facility licenced to discharge treated water to the River Hart. The sewage treatment facility is located within one of the walled gardens close to a gardener's cottage.

2.5 Land either side of the River Hart is shown as being within flood zones 2 and 3 but those areas are not affected by the development proposals.

2.6 There are extensive areas of woodland as well as tree lined avenues none of which are subject to preservation orders. With the exception of part of the eastern corner (beyond the cricket pitch) none of the site is subject to national or local ecological designations. The eastern corner, approximately 10.2ha, forms part of Warren Heath which is part of the SPA. It should also be noted that the first 400m of the access drive from the B3011 runs through Hazeley Heath also in the SPA.

2.7 The site contains a variety of buildings, land uses and environments. The principal components are:

- The House and immediate buildings, walled gardens and driveway approaches
- Entrance lodges
- Recreation areas - cricket, football and unused rugby pitches
- Training buildings and residential quarters
- Woodland
- Deerpark
- Lakes and water features

2.8 In planning use terms some of those areas are regarded as previously developed land, the rest as greenfield land. The table below summarises the position.

Use	status
The House and immediate buildings and gardens	Previously developed land
Entrance lodges	Previously developed land
Recreation areas – cricket, football and rugby pitches	greenfield
Training buildings and residential quarters	Previously developed land
Woodland	greenfield

Deer park	greenfield
Lakes and water features	greenfield
Total area	106ha
- Greenfield	91.3ha
- Brownfield - previously developed land	14.7ha (147,447m ²)

Table 1: Status of land

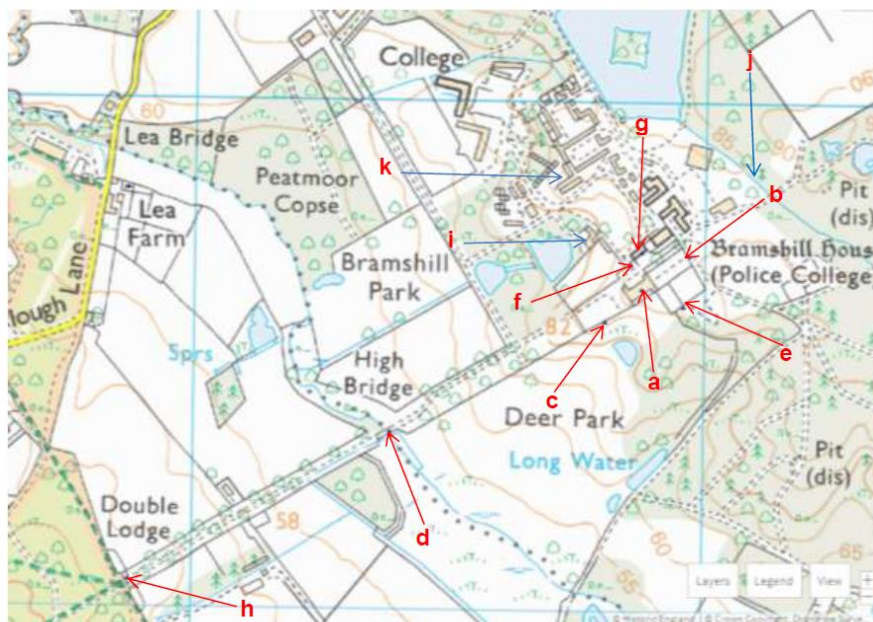
2.9 The table below lists the eight statutory listed buildings and structures on site and these are shown on the map on the below; their descriptions are at [Appendix I](#). The registered park and garden description and map is also included at [Appendix I](#).

Building/ structure	Grade	Ref letter on map
Bramshill House	I	a
Gateway to Bramshill House	I	b
Walls and Turrets South of Bramshill House	I	c
High Bridge	I	d
Garden Walls and Gateways North of Bramshill House	I	e
Walls and Gate Piers to West of Bramshill House	II	f
Stable Block at Bramshill House	II	g
Lodges to Bramshill House	II	h

Table 2: Statutory listed buildings

2.10 Three further buildings are considered to be curtilage listed and these too are indicated on the map below:

- Cottage i
- Conduit House j
- Ice House k



2.11 To the south of Bramshill House and sharing the access drive from Reading Road is a private dwelling known as The Pheasantry. That house and associated land was formerly part of the Bramshill estate and the registered park but was sold away many years ago. That property is not part of the development proposal and would continue to have its vehicular access through the Bramshill estate.

3.0 PLANNING HISTORY

3.1 As noted in the background section above, much of the development post 1953 was undertaken under Crown Immunity from planning control. Only since 2006, with the withdrawal of Crown Immunity, did it become necessary for planning permission to be applied for. The relevant recent planning application history is set out in the table below.

Reference	Development	Decision
15/02940/LBC	Demolition of existing rear extensions & structures and erection of a single storey side/rear extension, new fence and gates and detached garage along with internal refurbishment of Hazeley Lodges.	Withdrawn
15/02939/FUL	Demolition of existing rear extensions & structures and erection of a single storey side/rear extension, new fence and gates and detached garage along with internal refurbishment of Hazeley Lodges	Withdrawn
15/01741/FUL	Use of the existing 51 residential units as C3 (dwelling houses) and provision of Suitable Alternative Natural Green Space (SANG).	Refused 11 Feb 2016

		Current appeal
13/00956/LDCP	Application for a Lawful Development Certificate for a proposed use of the properties as two dwellinghouses ancillary to the occupation of Bramshill Park would be lawful.	Certificate granted 27 Jun 2013
13/00883/LDCE X	Application for Certificate of Lawfulness of existing use or development that the use of the site within the red line shown on the site location plan, but excluding 4 and 9 Green Ride (as shown on Plan Ref: KF BRAMSHILL/03), falls within Class C2 (Residential institutions) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) with ancillary uses falling Classes A4 (Drinking Establishments), B1 (Business) , B8 (Storage and Distribution), C3 (Dwellinghouses) and D1(Non-residential institutions). Note: 4 and 9 Green Ride are C3 dwellinghouses.	Certificate granted 2 Aug 2013

Table 3: recent relevant planning application history

4.0 PLANNING POLICY

4.1 Planning policy comprises a combination of national policy - the National Planning Policy Framework; regional policy - South East Plan 2006 and local policy - Hart District Local Plan (Replacement) 1996 - 2006. These are summarised below.

National Planning Policy Framework (Framework)

4.2 The Framework sets out the Government's planning policies for England and how these are expected to be applied. The overarching purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- Making it easier for jobs to be created in cities, towns and villages;
- Moving from a net loss of bio-diversity to achieving net gains for nature;
- Replacing poor design with better design;
- Improving the conditions in which people live, work, travel and take leisure; and
- Widening the choice of high quality homes.

4.3 The Framework does not change the statutory position in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 that requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Framework at paragraph 12 includes the important principle that:

“Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise”.

4.4 The Framework goes on to advise that it is highly desirable that local planning authorities should have an up-to-date plan in place. This in turn leads to the presumption in favour of sustainable development in paragraph 14 namely that this should be seen as a “golden thread” running through both plan-making and decision-taking. For decision-taking this means:

- a. Approving development proposals that accord with the development plan without delay; and
- b. Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.

4.5 The two footnotes to paragraph 14 are significant in that they mean that the presumption should not be applied to:

- sites protected under the Birds and Habitats Directives and/or to designated heritage assets (footnote 9)

and decision taking is

- subject to the caveat unless other material considerations indicate otherwise (footnote 10).

4.6 Paragraph 17 of the Framework sets out 12 core principles that underpin both plan-making and decision taking. Those relevant to the consideration of the applications at Bramshill House are:

- *“Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*
- *Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*
- *Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*
- *Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*
- *promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*

- *Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”.*

4.7 The sections of the Framework that follow on from the Core Principles will be referred to in the individual application reports but that in respect of enabling development is set out in paragraph 4.12 below.

Regional planning policy

4.8 This was the South East Plan 2006 (SE Plan) but, with the exception of two policies, the Plan was revoked in 2013. Of the two extant policies the only relevant saved policy to Bramshill is:

NRM6 - Thames Basin Heaths Special Protection Area

“New residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England”.

The remaining text to the policy explains how it should be applied.

Local planning policy

4.9 This comprises two development plans - the Hart District Local Plan (Replacement) 1996-2006 and the First Alterations to the Hart District Local Plan (Replacement) 2006. The First Alterations introduced five new policies (with an ALT prefix) that superseded seven of the policies in the original Replacement Local Plan. The two Local Plans referred to above have, in recent years, been regarded as one Local Plan and will be referred to as the Hart District Local Plan Replacement (HDLPR). Policies in the HDLPR are affected by two Directions issued by the then Government Office for the South East in 2007 and 2009 listing those policies that were saved and omitting those that were not. The relevant saved policies for the development proposals at Bramshill House are:

Number	Detail
GEN 1	General policy for development
GEN 2	General policy for changes of use
GEN 3	Landscape character areas
GEN 4	General Design policy
GEN 11	Areas affected by flooding or poor drainage
GEN 12	Design against crime
RUR 1	Definition of area covered by RUR policies
RUR 2	Development in the open countryside - general
RUR 3	Development in the open countryside - control
RUR 4	Re-use of rural buildings - general
RUR 5	Re-use of rural buildings – residential. The application of this saved policy is currently suspended although it still remains part of the Plan

RUR 13	Business in open countryside
CON 1	Nature conservation - European designations
CON 2	Nature conservation - National designations
CON 3	Nature conservation - Local designations
CON 4	Replacement and habitats
CON 5	Species protected by law
CON 6	Heathlands
CON 7	Riverine environments
CON 8	Trees, woodland & hedgerows: amenity value
CON 11	Archaeological sites and ancient monuments
CON 12	Historic parks and gardens
T 14	Transport and development
T 15	Development requiring new or improved access
T 16	Improvements made necessary by development
ALT G13	Affordable housing

Table 5: Relevant Development Plan policies

- 4.10 A new style Local Plan is in preparation and various consultations have been undertaken, are underway or envisaged. For the present the emerging Local Plan does not exist.
- 4.11 The Council also has a suite of supplementary planning documents and other guidance notes. These are, to a varying degree, relevant to some or all of the development proposals. Those documents are:

Parking Provision Interim Guidance (August 2008)
Interim Avoidance Strategy for the Thames Basin Heaths SPA (November 2010)
Bramshill Conservation Area Character Appraisal (2012)
Interim Housing Delivery Strategy (October 2013)
Statement of Community Involvement (July 2014)
Community Infrastructure Policy (August 2014)
Planning Obligations – Principles and Priorities (updated August 2014)
Five Year Housing Land Supply position statement (October 2015)
SANG Capacity Monitoring (December 2015)

- 4.12 Finally, in so far as planning policy is concerned, there is also the issue of enabling development which falls to be considered as an over-arching issue. Guidance on enabling development is provided by paragraph 140 of the Framework that says:

“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies”.

4.13 In that respect the following publication by English Heritage (now Historic England) would be a key consideration:

'Enabling Development and the Conservation of Significant Places', English Heritage 2008
together with the Guidance note:

"Managing Significance in Decision-Taking in the Historic Environment" – Historic England 2015

5.0 POTENTIAL OPTIONS FOR BRAMSHILL HOUSE

- 5.1 In the summer of 2013 Knight Frank, on the instructions of the Home Office, marketed the site and following its disposal has prepared a report on the marketing exercise. That report was provided to the applicant and Historic England but is regarded as confidential information and has not been made available to the planning authority. On behalf of the applicant, it is said that the marketing process undertaken provides vital 'real life' information on the market demand for each of the uses considered in the submitted Use Options report. Be that as it may, the Council is in no position to consider and assess the marketing report.
- 5.2 The Use Options report acknowledges the significance of the heritage assets and the proximity of the site to the Thames Basin Heaths SPA. The report also explains that the financial viability of potential uses is fundamental to the ability to identify a long term sustainable use for Bramshill and that financial viability is a material consideration in the planning process. Identifying a financially viable use is the means to ensure that the heritage assets can be managed and conserved in the long term.
- 5.3 The applicant states that when the property was marketed for disposal no credible proposals were received from Class C2 Use operators. Enquiries made direct by the applicant are also said to have revealed no meaningful interest from Class C2 operators. In the absence of any written corroboration the planning authority is not in a position to assess the veracity of those statements.
- 5.4 A new user/ occupier falling within Class C2 would not require planning permission to occupy the site other than for any material alterations or new buildings requiring planning permission and/or listed building consent. Any such use would need to provide for the long term future of the heritage assets but could be regarded as planning policy neutral.
- 5.5 The applicant has considered a number of potential options and scenarios for the future of Bramshill House itself including:
- Continuation of the C2 use
 - Converting the mansion and associated outbuildings to an hotel (C1 use)
 - Conversion to offices (B1 (a) use)
 - Museum in the Mansion (D1 use)
 - Restoration of the Mansion as a single dwelling (C3 use)
 - Multiple residential use of the Mansion (C3)
 - Multiple residential use of the Mansion with a museum (C3 and D1 use)
- 5.6 The above options are considered in the submitted options report for Bramshill House and the conclusions the applicant reached were as follows:

Continuation of the C2 use

No potential impact on heritage assets or SPA and no planning policy implications. The 'no change scenario' is not considered to be in any way a reasonable or viable option. If the building continues to be left empty the conservation deficit will increase substantially and the designated assets would ultimately be at substantial risk. As there is no demonstrable demand for a continued C2 use, from an operator that would have the ability and funding to refurbish and maintain the heritage assets, it is concluded that such a use is not financially viable and does not secure the future of the heritage assets.

Converting the mansion and associated outbuildings to an hotel (C1 use)

No credible demand' would require alterations to the mansion to accommodate such use and to extend to other buildings. No potential adverse impact on the SPA. The feasibility study concluded that it is clear that the financial viability of the proposed hotel use is unequivocal. The significant cost of conversion when measured against the indicative gross development value make it "highly unlikely" that the project will proceed.

Conversion to offices (BI (a) use)

No credible demand, little or no impact on heritage assets and SPA. The viability of and values associated with the office (use) is set out in the BNP Paribas viability report, and although it does not result in a positive value for the mansion, none of the options presented are able to, due to the high cost of conservation works necessary. Although it is estimated that the conversion costs of an office use would be less than many of the other uses proposed, the lower end value of the use results may bring the viability of the use into question but the beneficial impact in heritage terms and bringing the building back into beneficial use means that this option warrants further consideration.

Museum in the Mansion (DI use)

No credible interest. Possible neutral or negative impact on heritage assets but no adverse impact on the SPA. Assessments undertaken by the National Trust concluded that it would not be commercially viable to operate Bramshill mansion as a museum. Furthermore, it is apparent that a commercially unviable museum would not be able to resolve the conservation deficit.

Restoration of the Mansion as a single dwelling (C3 use)

No interest at the marketing stage possibly due to the modern buildings and the overall heritage challenge. Such a use would re-instate the original purpose and use of Bramshill. The dwelling would be within the SPA 400m exclusion zone. There is no doubting that to convert Bramshill House back into a single residence would result in one of the grandest Country Homes on the market. This is however hampered by the restricted size of the landholding that can be sold with the property. The extensive conservation costs that are identified in the Purcell

<p>Condition Survey as well as the conversion costs and associated fees etc. will result in a property that costs more to provide than the end value i.e. there is a conservation deficit on the building. The BNP Paribas viability report assesses this situation in more detail and although at present (prior to any scrutiny by independent experts) the use results in a negative value, this is to be expected with the importance, scale and fragility of the property. The potential limited impact on the heritage asset itself, and bearing in mind it was the original use, it is seen as an obvious use to continue to pursue.</p>
<p>Multiple residential use of the Mansion (C3)</p> <p>Considered to have a limited degree of harm to heritage assets but all new dwellings would be within the SPA 400m exclusion zone. Whilst the costs of converting the mansion into multiple apartments will be the highest of the options discussed (save for hotel and country club), the end value of the collective space will be far in excess of any other option. As such the multiple apartment option is the most viable, whilst delivering a secure future to this nationally important building. By providing just residential accommodation, there is limited risk associated with the likely market demand for such a product compared to all the other uses, or the introduction of another use alongside multiple apartments. The future maintenance of the building is also in a more secure position, by spreading the annual cost across a greater number of residents. In light of the above, a multiple residential option is felt to be an option worth pursuing.</p>
<p>Multiple residential use of the Mansion with a museum (C3 and DI use)</p> <p>There has been no interest in a museum and such a use would diminish the potential interest in new housing units. Would secure the retention of the principal first floor rooms but all the dwellings would be within the SPA 400m exclusion zone.</p> <p>The financial viability of this option starts from the multiple apartment option above but it then affected by the removal of income generated apartments to allow the fine rooms to be publically accessible and run by a Charitable Trust. Whilst it is acknowledged that the conversion costs of the areas are saved, there are still substantial 'conservation costs' that will need to be spent regardless. With no income generating use, this is a further drain on the viability. Discussions with the National Trust and Historic England have identified which of the fine rooms are the most important and it is these that have been set aside for the Charitable Trust. It is recognised that this option cannot be as viable as a 100% multiple residential option, but is seen as a potential compromise by ensuring the future of the mansion is secured and the public can access the fine rooms.</p>

Table 6: Applicant's use options for Bramshill House

5.7 The consideration of those options has informed the approach taken in the submitted proposals.

6.0 PROPOSALS

6.1 A total of seven planning applications and three listed building consent applications have been submitted. The applications have been revised since they were submitted by the submission of

additional material or revised statements and appraisals. Three of the applications are alternative options for the House and stable block. There is also a separate application for the provision of the SANG on its own. The applications are:

1. **Applications 16/00720/FUL and 16/00721/LBC.** Conversion of Bramshill House, the Stable Block and the existing Nuffield Hall, to provide a total of 25 residential units and associated parking. Use of the principal rooms of Bramshill House as a publically accessible museum space.
2. **Applications 16/00722/FUL and 16/00723/LBC.** Conversion of Bramshill House, the Stable Block and the existing Nuffield Hall for use as a single dwelling and associated parking.
3. **Applications 16/00724/FUL and 16/00725/LBC.** Conversion of Bramshill House, the Stable Block and the existing Nuffield Hall for use as offices, providing 5,196m² of commercial BI (a) space and parking for 175 vehicles

All three pairs of applications include the demolition of later curtilage listed buildings and maintenance and restoration works to Bramshill House and gardens. The provision of a 14.4ha SANG is common to the first pair of applications but is not included with the third (office use).

4. **Application 16/00726/FUL** – Construction of 235 residential units and associated parking, access and landscaping in the area known as The Core which includes; the Quad, Lakeside, Central Area, Walnut Close, Maze Hill and Sandpit Close. Demolition of non-listed listed buildings. Construction of a replacement cricket pavilion. The provision of a new 14.4ha SANG.
5. **Application 16/00727/FUL** - Construction of 14 residential units with associated parking, access and landscaping within areas known as Maze Hill and Sandpit Close. The provision of a new 14.4ha SANG.
6. **Application 16/00728/FUL** – Construction of 9 residential units with associated parking, access and landscaping within an area known as Pinewood. The provision of a new 14.4ha SANG.
7. **Application 16/01290/FUL** - Change of use of land to provide a Suitable Alternative Natural Greenspace (SANG) area and associated works

6.2 The applications are supported by comprehensive reports and documentation which in many cases overlap the other proposals. Those documents, some of which have been superseded and revised, are:

- Environmental Statement and appendices
- Environmental Statement – Non Technical Summary
- Affordable Housing Statement
- Arboricultural Impact Assessment and tree protection plan - revised Oct 2016
- Archaeological Statements
- Bramshill Condition Survey – additional surveys submitted
- Design & Access Statement - revised Oct 2016
- Ecological Appraisals, including species specific surveys
- SANG Creation and Management Plan – revised Nov. 2016, and Visitor Strategy Management Plan
- Energy Statement
- Flood Risk Assessment and drainage strategy

- Ground Conditions report
- Heritage Impact Assessment
- Heritage Impact Assessment for SANG - revised Oct 2016
- The Landscape and Gardens of Bramshill
- Landscape Plans - revised
- Planning Statement - revised Oct 2016
- Planning Statement for SANG - revised Oct 2016
- Statement of Community Involvement
- Structural Surveys (in respect of applications 1, 2, 3)
- Transport Assessment - revised Oct 2016
- Travel Plan
- Utilities assessment report
- Playing field and sporting facilities assessment
- Use Options Report
- Financial Viability Analysis – confidential document submitted under separate cover.

and common plans:

- Landscape masterplan (aerial) 6232-LD-PLN-GLA-001 rev C
- Proposed Location Plan, site boundary Setting & curtilage and application zones 7870 P0 002 P-02
- Existing site plan showing building identification and application zones 7870 P0 003
- Site plan existing showing demolition 7870 P0 004
- Masterplan with new accommodation Layout whole site 7870 P0 005 P-02

- 6.3 The Environmental Statement reports on the Environmental Impact Assessment and identifies the likely consequences arising from development on the existing biological, physical and human environment. Its purpose is to ensure that the environmental effects of development are fully investigated, understood and taken into account during the planning and any other consent process. The submitted Environmental Statement embraces a multitude of technical assessments including - air quality, archaeology, cultural heritage, ecology, flood risk and drainage, ground conditions, landscape and visual impact, noise and vibration, socio-economics, transport and travel planning, environment and construction planning. Many of those aspects are covered by other separately detailed reports and assessments.
- 6.4 The first three pairs of applications relate to options for the future use of Bramshill House and the built heritage assets. They also touch on the registered park and garden heritage asset so far as the immediate environment of the mansion is concerned. The applicant explains the reason for submitting three parallel applications as being to allow the Council to consider the relative merits of the different proposed uses of the mansion and stables. The first two applications relate to residential use (multiple residential and single residence respectively). The former also includes public access to principal rooms of the mansion by means of the creation of a museum within part of the building.
- 6.5 The third pair of applications proposes office use. This is on the basis that such a use would not, in policy terms, bring into question the integrity of the SPA. On that point the applicant maintains that the two residential uses proposed within the mansion would equally protect the integrity of the Thames Basin Heaths SPA.
- 6.6 The submitted Heritage Impact Assessment plus the condition and structural surveys deal with the issues relating to the listed buildings and structures. The Landscape and Gardens of Bramshill report provides further analysis of the history of the park and garden.

- 6.7 The principal residential application within the grounds of Bramshill (16/00726/FUL) includes a mixture of conversion (60 dwellings) and new build development (175 dwellings). That application includes provision for extensive works to the grounds to improve and restore the historic landscape including the removal of a number unsympathetic buildings and reigning back the location of development to the west side of Reading Avenue only. The application also proposes the construction of a replacement cricket pavilion which would double as a community facility and meeting hall for a future Bramshill community. It also provides for the retention of the existing cricket and football pitches, tennis courts and reinstatement of the bowling green. The cricket and football pitches would continue to be used by local clubs. The disused rugby pitch that lies to the east of the football pitches would be 'lost' to the proposed nature reserve.
- 6.8 The other two applications for new development within the grounds (16/00727/FUL and 16/00728/FUL) are separate but additional applications to the main housing application. The applicant initially explained that those two proposals were submitted to allow the Council to consider the merits of approving more or less residential units to subsidise the works proposed to address the conservation deficit and secure the long term use of the whole estate. It has since been confirmed that both are needed to address the cost of the heritage works.
- 6.9 As noted above in table 1, paragraph 2.8 the amount of existing 'brownfield' land (previously developed land) is 14.7ha (147,447m²) comprising all the built form, curtilages, car parks and roads etc. The amount of proposed developed land in all three development scenarios is marginally greater being approximately 148,086m², an increase of 639m² or 0.4%; or 0.06% of the total site area.
- 6.10 The overarching Planning Statement explains that the strategic aims of the masterplan design have focused on the unique opportunities afforded by this highly significant site and the masterplan has been worked up with the historic landscape and existing topography to create new buildings that will be special places to live. The aim is that the proposed development would fully realise the potential of the site by placing protection and enhancement of the heritage features of the site at the forefront of the scheme while responding to the distinct site constraints.
- 6.11 As submitted the Planning Statement accompanying the planning applications considered whether the proposals were in accordance with planning policy. It concluded that the proposals accorded with development plan policies and that HDLPR policy RUR 2 is out of date and that material considerations indicate that the development should proceed. It was, therefore, maintained that the applications are not predicated on the need to apply enabling development principles, on the basis that, having regard to Historic England guidance, Enabling Development "*is development that would be unacceptable in planning terms*". However, if it is determined that the proposals are contrary to Local Plan policy the applicant accepts that the scheme can be assessed against the enabling developments test, and can be found to pass those tests.
- 6.12 The issue of whether the proposals accord with development plan policy, policy is out of date and material considerations indicate that the development should proceed are outlined in Section 14 below. That section also considers whether the enabling development principle applies. Discussions with the applicant have led to the acceptance that the development package involves enabling development.
- 6.13 The Design and Access Statement sets out the approach taken with the development proposals. It says the strategic aims of the masterplan design focussed on the unique opportunities afforded by this highly significant site and it has fundamentally worked with the historic landscape and the existing topography to create new buildings that will be special places to live. The design approach has been to realise the potential of the site as a heritage centrepiece and the idea that new development can make a positive contribution to the area. A wealth of built, historic and natural research and investigation has gone in to developing the proposals.

- 6.14 The applicant maintains that all new build housing is absolutely necessary to fulfil the objectives of protecting and enhancing the nationally significant heritage assets. The three residential applications thus reflect the applicant’s considered assessment or what is required to deliver a high quality residential scheme that can provide the cross subsidy to manage the conservation deficit. This is explained in the viability analysis submitted as a confidential document. The viability analysis is the subject of external assessment on the Council’s behalf and that work is ongoing. The viability analysis does not have any significant bearing on the planning merits of the single dwelling use, the office use of the provision of a SANG on its own.
- 6.15 Cumulatively and in combination the applications would result in three potential developments comprising the following.

Applications 1, 4, 5, 6 (and 7)	Restored House (25 units), Museum space and 258 new build dwellings, new cricket pavilion and SANGS of 14.4ha (total 283 dwellings)
Applications 2, 4, 5, 6 (and 7)	Restored House (single dwelling), 258 new build dwellings, new cricket pavilion and SANGS of 14.4ha (total 259 dwellings)
Applications 3, 4, 5, 6 (and 7)	Restored House and use as offices (5,1962m ²), 258 new build dwellings, new cricket pavilion and SANGS of 14.4ha (total 258 dwellings)

Table 7: Summary of the application combinations

- 6.16 The applicant has submitted information relating to the cost of repairs along with the various costs associated with each of the development options. The applicant is making the case that there is a substantial conservation deficit associated with all of the three options for the redevelopment of the mansion and other listed buildings and as a result the housing in the grounds is required to enable any of the options in the mansion and other historic/listed buildings. This information is still being analysed and the Council is in discussion with the applicant to clarify and challenge the data submitted. As it stands, whilst it is clear that there will be significant costs associated with which ever use option is exercised for the mansion and the other historic buildings, it isn’t possible to confirm what the agreed amount is although the applicant is suggesting that the conservation deficit is circa. £33 million. The final amount of the conservation deficit will subsequently inform the quantity and form of development elsewhere in the grounds (i.e. applications 4-6).
- 6.18 Enhancement of the historic parkland through conservation and restoration is the basis for the proposed masterplan at Bramshill. Other key influences include responding to the various ecological constraints, particularly in relation to the Thames Basin Heaths SPA and maintaining recreational use.
- 6.19 The key Landscape Masterplan objectives include:

Restoration and enhancement of the historic avenues including the Green Ride, Reading Avenue and The Approach.
Conservation of the remaining formal gardens surrounding the mansion.
Retention of the cricket pitch, tennis courts / bowling green and football pitches.
Retention of the current deer park and associated landscaping.

Selective woodland clearance to re-link the parkland and improve the setting of the mansion.
Enhancement of other key landscape features focusing on the main Lake, White Pond and Dog Kennel Ponds.
Provision of new recreational routes including Suitable Alternative Natural Greenspace (SANGs) and its 2.3km walking route
Creation of new heathland habitat to the eastern areas
Landscaping within the new build to the north west of the mansion.
Establishing new woodland to replace existing pine plantations and integrate new housing.
New permissive footpath, providing year round access to parts of the parkland.

Table 9: Key landscape masterplan objectives

6.20 In terms of specific matters the proposed development would deliver the following restoration benefits to the landscape (both in its historic and natural forms)

The Walled Gardens: The walled formal gardens including the Kitchen Garden to the west, the Green Court to the east with the Long Garden beyond, The Rose Garden also in the east and the troco ground would be retained and conserved in their present form.
The Main Approach: This is retained, with the avenue inter-planted to reinforce the tree lined edge. The gravel area in front of the mansion is to be removed and returned to grass.
The Main Lake: Encroaching vegetation removed.
Reading Avenue: The avenue would be fully restored and reinstated by the removal of 20th Century buildings and replanting with semi-mature oaks.
The Maze: The earthwork would be better revealed by some localised clearance of undergrowth and then new links would be created improving peoples' access to the site
The Wilderness: The Wilderness will be maintained in its current form with ongoing management of the tree stock.
The Conduit or Well House: The woodland enveloping Conduit House would be selectively removed to reconnect the eastern parkland to the west.
White Pond and Dog Kennel Pond: Localised thinning of the encroaching woodland to open up views from the mansion towards White Pond. This will include selective removal of some of the Ash and conifer trees.
The Green Ride: Similar to the main approach drive, with the avenue inter-planted to maintain the tree lined edge.
Deer Park Boundary: The former edge of the deer park is represented within the proposals and acts as a link through the new residential development to the Maze.
Other key avenues and walks: Several additional avenues and walks will be restored and enhanced.

The Italian Garden: Ladywell Pond will be retained within the present day deer park and any archaeology associated with the area reputed to have been an Italian garden would be retained in situ.
Current Deer Park: New occasional parkland tree planting.

Table 10: Park and Garden restoration and enhancement

- 6.21 Beyond the areas where built development is to take place, it is proposed that the whole site be the subject of a management plan (to be secured by means of a legal agreement), the objective of which is to improve the physical condition, visual appearance and ecological diversity of the landscape.
- 6.22 The five planning applications that include residential development also provide for a SANG extending to 14.4 ha. The proposed SANG is the subject of the seventh planning application (16/01290). The applicant's aim is to provide one SANG to meet all the requirements specified in Natural England's guidance. The applicant proposes that the first phase of the SANG would be ready for use prior to occupation of any dwellings and would be managed, monitored and funded to meet the requirements specified in perpetuity. The SANG would be secured by means of a legal agreement.
- 6.23 The revised SANG Creation and Management Plan and submitted Visitor Strategy Management Plan explain the approach being taken to delivery and management.

7.0 PROPOSED SUITABLE ALTERNATIVE NATURAL GREENSPACE (SANG)

- 7.1 The purpose of a SANG is to avoid significant effects on the Thames Basin Heaths Special Protection Area (SPA) arising from new housing development. The concept of SANGs was developed through the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) Delivery Framework which informed Hart District Council's Interim Avoidance Strategy (IAS).
- 7.2 The SANG has been designed to provide mitigation for the maximum cumulative 283 new residential units in the development proposals for the site. All the applications for residential development include provision of an identical SANG and there is also a separate application for its provision. The separate application has been submitted to enable the SANG to be provided in advance of any residential development. As a result the SANG could be brought forward as a stand-alone entity to provide access to the natural environment for future residents of Bramshill house estate.
- 7.3 The site for the SANG is wholly within the listed park and garden and lies close to and partly adjacent to the SPA. The land with Bramshill House includes some 10.2 ha of land within the SPA but that is not subject to any of the development proposals. The SPA also adjoins the Bramshill site to the east and north east, and part of the Bramshill estate, including the mansion itself, lies within the Inner Exclusion Zone for the SPA being within 400 metres of the SPA boundary. The remainder of the site is located in the 400m - 5km SPA Zone of Influence.
- 7.4 The proposed works to create the SANG are said to be minimal, comprising the erection of fencing along the boundary with the SPA, landscaping and the provision of soft paths. The proposed SANG area already possesses attributes suitable for use as greenspace with a variety of woodlands and open areas. The extent of the proposed revised SANG would be 14.4ha. The SANG application seeks to formalise land already used for informal recreational purposes. There would be little change to the way it is used and the only physical works are to secure its boundaries with the

adjacent SPA and proposed local nature reserve and to improve access and circulation. Where work is proposed to existing planting it is mainly or solely in the interests of biodiversity.

- 7.5 The proposed SANG is predominantly semi-natural broadleaved and coniferous plantation woodlands and includes the north and east sides of the large lake to the north east of Bramshill House. The two football pitches (2.2 ha) are not included and there is a buffer area of 11.2 ha between the SANG and the boundary of the SPA that is largely to be kept as a nature reserve. The revised SANG Creation and Management Plan provides more information as to the establishment and management of the SANG. The applicant explains that the SANG has been designed to provide a recreational resource for the future on site community. It will be created, managed and monitored to provide a benefit for a range of habitats and species.
- 7.6 A 2.1m high anti-climb green plastic coated mesh fence is to be erected along the south and eastern edge of the SANG to prevent direct access to the SPA. This will be accompanied by a 0.5m deep wet ditch and thorn scrub along the inner edge of the fence to further strengthen the effectiveness of the fence as a preventative barrier both for people, dogs and cats. There would be a further fence erected on the boundary of the nature reserve land. The recommended 2.3km walk around the SANG, with signage, is included supplemented by other paths. Leaflets and a SANG information pack would be provided to future residents and a management and monitoring agreement is suggested to ensure successful functioning as a SANG in perpetuity. The draft Management Plan has been discussed with Natural England and other ecology interests.
- 7.7 The key features of the Bramshill SANG include:
- A mixed environment of woodland, grassland and lake;
 - Woodland thinning and clearance to increase habitat diversity and structure to benefit biodiversity and visitor interest
 - Maintenance of different types of woodland
 - Provision of a 2.3km circular walk with connections to a wider network of footpaths within the Bramshill site;
 - No direct access to the SPA or habitats/features of high ecological value (e.g. heathland, and badger setts);
 - Provision of large areas of open grassland where dogs can exercise freely off-lead;
 - Removal of Rhododendron along the edge of the lake;
 - Willow scrub control along the eastern lake edge to increase diversity and the extent of aquatic marginal vegetation.
- 7.8 The Council's Interim Avoidance Strategy for the Thames Basin Heaths SPA (November 2010) was to regulate and facilitate the development of land affected by the SPA and its two zones. The reasons for the Strategy are well known to District Council members being a means to safeguard the habitat for internationally important bird species of the Woodlark, Nightjar and Dartford warbler. Those birds are particularly sensitive to disturbance from walkers, dog walkers and cat predation because they nest on or near the ground. The SANG proposals incorporate and reflect the aims of the Council's adopted Strategy.
- 7.9 The comments and responses of Historic England and Natural England are crucial to the consideration of the SANG application (16/01290) and the SANG proposals included with the individual development applications.

8.0 CONSULTATION RESPONSES

- 8.1 Some 29 consultees have been consulted on the Bramshill proposals and many of their responses cover broad issues as well as the specific detail of some of the applications. The broad issues are set out in the table below (except for heritage, ecology and highway issues where the overarching

responses are set out in Sections 11 - 13) and the specific comments are included in each application report.

8.2 The following table includes revised comments from consultees and indicates where further comments of responses are awaited. Those will be reported on the Committee update sheets.

<p>HCC Highways</p>	<p>Awaiting further comments but initially recommended refusal until satisfactory further information has been provided regarding, inter alia, the suitability of both the junctions from Reading Drive South and Plough Lane onto Bramshill Road and poor operational performance at the junction of the B3011 and Bramshill Road. See section 13 below for the initial detailed response.</p>
<p>HCC Rights of Way</p>	<p>No objection subject to Section 106 contributions towards rights of way creation and improvement. Eversley Bridleways Nos. 7 and 11 are located near to the north-eastern boundary of the estate and form part of Welsh Drive, a rights of way route which runs from Yateley Country Park to Bramshill Common. In addition, Mattingley Footpaths Nos. 23-26 are also within the site's proximity, as well as the SPA and a number of SINC.</p> <p>In line with paragraph 75 of the NPPF, development opportunities should be sought to provide better facilities for rights of way users, for example by adding links to the existing rights of way network. This would also help meet the aims of the Hampshire Countryside Access Plan 2015-2025. In addition, as outlined in paragraph 118 of the NPPF and Policies CON 1-5 of the Hart Local Plan 1996-2006, development should seek to conserve and enhance biodiversity and sites of nature conservation, including providing appropriate mitigation measures.</p> <p>Previous consultations have identified a lack of rights of way connectivity in and around this development site which presents substantial mitigation opportunities. Hazeley Heath flanks the development site to the south west, and Warren Heath to the north east. Both of these sites are open access land and an additional multi-user Public Right of Way route between the two has been identified as an aspiration for improvements to the rights of way network.</p>

	<p>Additionally, sections of Welsh Drive running adjacent to the site would benefit from resurfacing and reclamation to help overcome drainage issues, as well as new signage to replace the existing.</p> <p>Request the following owner covenants be secured by a 106 agreement, consideration should be given to the added value that they will provide in supporting green infrastructure and sustainable transport initiatives, and the intrinsic benefits in health and wellbeing that they will bring to local residents in providing access to the countryside:</p> <p>In the interest of the amenity of the public, that the applicant provide a new multi-user public right of way, linking Hazeley Heath to Warren Heath, to include establishment of the route to the satisfaction of the Highway Authority.</p> <p>In the interest of the amenity of the public, that the applicant provides a financial contribution of £204,750 for resurfacing and reclamation works to the Welsh Drive.</p> <p>These enhancements would break-down as follows:</p> <ul style="list-style-type: none"> • Resurface and reclaim parts of Eversley Bridleways No.7 and 11 (1400m): £110,000 • Provide ongoing maintenance costs for this path (1400m calculated at 5% over 10 years): £5,500 • Upgrade Mattingley Footpaths Nos. 23 and 26 to bridleway standard (2793m): £85,000 • Provide ongoing maintenance costs for this path (2793m calculated at 5% over 10 years): £4,250
Environment Agency	No objection subject to conditions to ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site including the River Hart and the lake.
HDC Drainage Engineer	No objection is raised to the proposals subject to a condition requiring an Emergency Flood Plan to be agreed in writing by the Local Planning Authority.
HCC Lead Flood Authority	No objection raised but further information is requested.
Thames Water	No objection

Natural England	Object to all five housing applications. No objection to office use and the creation of a SANG. See section 12 below and individual reports.
RSPB	Objects due to likely impacts on the integrity of the European and nationally Protection Area (TBHSPA) and Hazeley Heath and Bramshill Sites of Special Scientific Interest (SSSI), as a result of increased recreational disturbance. See section 12 and individual reports.
Hampshire & Isle of Wight Wildlife Trust	Object to the proposals that are considered to impact on the Thames Basin Heaths SPA and made detailed comments on the ecological surveys, assessments and mitigation. See section 12 below and individual reports
HDC Ecologist	Objects until more information is provided to address a number of detailed points
HDC Countryside Manager	No objection with comments
Sport England	Awaiting further comments but originally objected on the basis that it was understood that the proposals prejudice the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years.
Historic England	Awaiting further comments in relation to revised plans and information but initially objected and commented. See section 11 below.
The National Trust	Initially submitted two letters both objecting to the proposals and making detailed comments. The objection from the National Trust's Regional Director is included in Section 11 below as are the general comments of the Trust's Planning Advisor. Objections and comments specific to individual applications are included in the relevant report.
The Gardens Trust	Strongly objects to all proposals to develop housing within the grade II* landscape. This is an extremely important and unique Jacobean landscape and is the ONLY example in the UK where the house and its associated landscape remain intact. See individual reports for detailed objections
Hampshire Garden Trust	Commented that there appear to be no detailed proposals for the walled garden lying to the NNW of the Bramshill House and Object to the proposed housing – the Pinewood houses.

HDC Conservation Officer	Some initial comments have been received but final comments in relation to the suite of applications are awaited - see individual reports
HCC Archaeology	No objection - see comments in the individual reports.
HCC Minerals	No Objection and suggest conditions be used requiring demolition materials and excavated material be recovered where possible for use in the development.
HCC Education	No objection subject to the payment of financial contributions for additional housing - see individual reports
HDC Tree Officer	No objection subject to a number of matters being clarified or amended
HDC Environ. Health	No Objection on air quality grounds. Conditions recommended in respect of potential contamination and its remediation.
HDC Housing officer	Consultation response awaited
HDC Landscape Manager	Further comments awaited but originally Objected on the grounds that these proposals are contrary to local and national planning policy and for those reasons alone refusal is fully justified. Detailed comments included in the relevant reports
Southern Gas Networks	No Objection
Crime Prevention Design Advisor	No objection in principle - see comments on individual reports.
Hampshire Fire & Rescue	No objection

Table 11: Summary of consultee comments and responses.

9.0 PARISH COUNCIL REPRESENTATIONS

- 9.1 The application sites lie within Bramshill Parish. Joint representations on behalf of Bramshill, Heckfield, Hartley Wintney, Mattingly and Eversley Parish Council have been submitted on the planning and listed building consent applications. Four letters have been received; two deal with planning and listed building consent issues and the other two relate to highways and transport. All four letters are at [Appendix 2](#).
- 9.2 There is a separate representation from Hartley Wintney Parish Council that explains its objection is based on the information currently available. It is probable that in time further details will become accessible, at which point it may submit further comments.

“Hartley Wintney Parish Council support Bramshill Parish Council in their concern to ensure that the future of this historic site is secure while allowing the absolute minimum of enabling development to take place in order for this to happen. HWPC also support the submissions of other parishes bordering Bramshill.

In addition we would draw attention to the following:

- The plans make no provision for any infrastructure on site and the Council are concerned about the impact any housing will have on schools and the provision of medical services in the surrounding area. In the event that planning permission were to be granted we would request that conditions be attached to any approval requiring C&C to support financially any necessary extensions to these services.*
- We also note with regret that no provision for affordable housing is proposed in this scheme and would ask HDC to look at this more closely.*

C&C’s preferred exit from the site is along Plough Lane. HWPC are concerned that whichever exit is used, whether it be Plough Lane or B3011 there would be significant highways and traffic issues. This is not the only potential development in the locality and the cumulative impact would be extremely serious. We respect the traffic surveys undertaken by C&C but again would ask HCC Highways to look very closely at this aspect of the development and, should planning permission be granted, request contributions to improve the problem junctions already identified by C&C.

HWPC is commenting on the practical issues raised by this application but we recognise that there are many additional areas for concern – conservation, wildlife, listed building/grounds consent, significant views and increased light and noise pollution, to name but a few.

The applications concern an estate of huge national, historic significance and the restoration of the mansion and the preservation of the surrounding park is paramount. However, in the light of all the factors highlighted above, we object to these applications and would ask that C&C are requested to reconsider their plans”.

9.3 Eversley PC has also separately objected to the proposals on the grounds of:

- Additional traffic – particularly in the light of the Arborfield development
- Road capacity – Bramshill Road and the Tally Ho junction are at capacity which will be exacerbated further by the Arborfield development
- Schooling – the catchments school, Charles Kingsley School, is at capacity, is a listed building and has no scope to expand
- Burial ground capacity – Eversley Burial ground currently serves Eversley and Bramshill and is at near capacity.
- Affordable housing on site would be unsuitable due to the lack of public transport and therefore it would make more sense to make a contribution to this off site.
- SANG provision does not fully mitigate as it would prove difficult for residents offsite to use

10.0 THIRD PARTY REPRESENTATIONS

10.1 The ten planning and listed building consent applications have generated a total of 63 letters and emails. 51 are objections, 2 are comments and 10 support some of the applications as shown in the following table.

Application	Objection	Comment	Support
16/00720 & 00721 25 res units & public access	7		4
16/00722 & 00723 Single dwelling use	4		1
16/00724 & 00725 Office use	11		
16/00726 235 dwellings	15		
16/00727 14 dwellings	6	1	2
16/00728 9 dwellings	6	1	2
16/01290 SANG proposal	2		1

Table 12: Public representations received

10.2 The main points of objection across the spectrum of the applications can be summarised as follows:

- Unacceptable increase in traffic on local roads endangering vulnerable road users - walkers, cyclists, horse riders
- Plough Lane is unsuitable for use as access and egress to the site by increased traffic. It should be blocked to through traffic or provided with traffic calming
- Plough Lane is incapable of accommodating extra traffic
- There would be increased traffic noise and disturbance to residents in Plough Lane
- There are no local amenities in the immediate area and no bus stop therefore will the majority of people living at the site will have to travel by car
- As well as future residents' cars there will be delivery vans, post, supermarket deliveries, etc adding to traffic.
- How will the schools, doctors surgeries, dentists, etc, cope.
- Lack of capacity at nearest Primary school
- Unsustainable location
- The site is not set up to contend with that sheer volume of traffic especially at peak times,
- The roads and infrastructure cannot cater for the increase in residents and cars
- An additional 235 houses and pollution and people traffic will affect the environment. Will there still be protected areas of land for the wildlife?
- No thought has been given to the current environment/ landscape/ surrounding location that Bramshill House is a part of.
- Affordable housing should be provided
- The Bramshill junctions to the public highway need to be upgraded and widened to cope with additional traffic
- Object to the quantum of development - up to 258 new dwellings is far too many

- The B3011 & B3017 Road junction at Heckfield is the biggest problem and won't be able to cope with the extra traffic

10.3 Other comments made about the applications include:

- Reluctantly support the proposals for Mansion if local roads can be improved
- The archaeology of the whole site requires investigation
- 25 units in the house is the maximum
- Great need to provide sufficient and safe vehicular access
- The SHMA shows a greater need to 1 and 2 bed units than is being provided
- Agree the grounds should be cared for and looked after to protect the local wildlife and plant habitat. Due care should be made for the large herd of deer that live here. Areas should be kept for dog walkers
- The bulk of housing on application site 00726 is not objectionable but the encroachment into historic woodland by the Maze Hill, Sandpit Close and Pinewood application is not acceptable

11.0 HERITAGE ISSUES

11.1 The status of the historic assets of the mansion, outbuildings and the registered park and garden is a prime consideration in these applications. Objections have been received from Historic England, the National Trust and other consultees in respect of the originally submitted applications. Amended plans and details have been submitted to address those issues and it may be necessary to update Members at the meeting on the latest heritage consultation responses.

11.2 Further comments from **Historic England** are awaited. It originally commented on the overall approach of the proposals in the following terms:

We have been notified of several applications relating to Bramshill House and Park. As it is likely that the process of negotiation over these will not be concluded soon, and Historic England is involved in these negotiations through the provision of various forms of specialist advice, it seems best to state briefly the outline of our approach to assessing each of these applications, which we will amplify in our final advice. Each of this suite of letters contains material which is common to all of the letters; material that is peculiar to that particular application on the mansion; and material relating to all three of the planning applications which affect the historic landscape.

The Basic Purpose of an Application on this Site

While there could of course be other reasons to submit applications on this land, the context of these applications is the national significance of Bramshill House and Park, which are separately designated in the higher grades and form a remarkable and in some ways unique historic ensemble. As the site is on a hinge between its past - of sixty years as a police college - and its future, the purpose of these applications is likely to be chiefly one of sustaining this ensemble. This aim, which is admitted by the applicants in this case, needs to be kept in mind because the aim is the point rather than the specific means to reach it; and the applicants need to explain why theirs is the means that should be accepted. As explained below, there are several elements of this argument which are not yet in place and may not convince.

The State of Knowledge of the Site

After considerable debate it has been established that Bramshill House fully deserves its Grade I status, and that it is a great Jacobean house which is largely intact. On the whole, this understanding is reflected in the accompanying documents to the applications - although there are still exceptions, and we will be countering this dissentient voice in our detailed advice. The recognition that the park is of exceptional interest in itself, rather than simply as the visual setting of the mansion, and thus deserving of its Grade II* status, is less well reflected in the supporting literature and here too we will have more to say.

There is now a fairly full condition survey both for the mansion and for the associated structures of the park. These costs have not all been fed into the applicants' cost analysis (on which more below), and we have not yet embarked on checking them, but hope to do so soon. On the whole, the level of cost is not remarkably high in relation to the size of the building, nor greater than might have been anticipated at the time of sale, which reflects the care taken by the Home Office and the Police College to keep abreast of most problems, and the information available to buyers. So we do not anticipate the level of these costs being a major factor in determining the overall level of development which, in any case, is not formally seen as 'enabling' by the applicant. Nevertheless, the level of costs is great enough to raise a question over the sale price which will be a major matter of scrutiny in the coming weeks.

The applicants have conducted an extensive investigation of possible uses of the site and made applications for three uses - multiple residential, single residential and office use. One other use that was discussed initially, a care home, was rejected because of the level of intervention - with which we agree - but another, hotel use, though bringing in its train considerable changes, should not be regarded at this stage as entirely out of the frame. A detailed report by Knight Frank (appended to the Planning Statement) does not see a hotel as necessarily unsuccessful in this location on its own terms - which other cases suggest is correct - but simply as unviable on the current figures, which of course have yet to be given their full assessment.

One of the important determinants of which uses will be admissible is the set of constraints created by the SSSIs flanking the site. As these stand, they appear to make difficult any increase in domestic use within the 400m exclusion zone, and thus the re-occupation of the mansion for living (though some substitution of the accommodation units already on site, where not ancillary, might be feasible). Other active uses, including those which would increase traffic or activity towards the SSSI boundaries - such as the projected cricket pavilion/ tea house - could also be problematical for this reason. There is no extant advice from Natural England which gives comfort to the applicants in this respect, and our information suggests that they have no reason to be confident. We offer no comment on the documents relating to the natural environment; it is simply a matter of general concern, for a range of possible uses and users if this divergence of view cannot be resolved.

The Sequence of Analysis for These Applications

The submitted documents do not clearly set out how these applications should be analysed; the Planning Statement reaches a positive conclusion (at 8.25), via paragraph 134 of the NPPF, within four paragraphs (and fourteen lines) of the start of the section on heritage assets, based on the highly questionable assumption that the site is without a use. In reality, there are layers of consideration based on the basic legislation, the statutory instruments and the internal processes they lay down. It seems worth putting these down briefly.

Thus the 1990 Act, at Section 66(1), as we were reminded by an important leading case (*Barnwell vs East Northants DC and others 2014*), requires an authority 'to have special regard to the desirability of preserving the [listed] building or its setting', and in effect to view this assessment as prior, giving it 'considerable importance and weight'; then to look at whether, following the NPPF, a listed building or other designated asset (such as a park) is being conserved in a manner appropriate to its significance, giving its conservation (para 132) 'great weight', specifying that 'the more important the asset the greater the weight should be'; your authority is urged then to minimise harm, if it is found; and should require clear and convincing justification for the amount of harm that remains, after that process. Only then may the harm and benefits be weighed together. It is particularly necessary for substantial harm, if found, to be confronted in this way and not submerged hastily in a broad assumption about the balance of advantage. This, also, is the lesson of the enabling development advice, which the Planning Statement quotes at length - beginning with the criterion 'it will not materially harm the heritage values of the place or its setting'. At no time has this sequence made it impossible to come to a positive conclusion on an application for change, to practice 'constructive conservation', but it does provide safeguards against the unnecessary loss of what is irreplaceable.

The Impact on the Park

The Environmental Statement conflates the effect on the park in each of the scenarios (Options 1, 2, and 3). This is sensible - although there would in practice be some variation, e.g. in the relationship between the mansion and its immediate environs, given the likely (and as yet un-illustrated) requirements for Option 3 to provide catering for the office workers outside the envelope of the mansion, and probably for Option 1 to provide some functions for visitors outside. Conflation recognises that, at this juncture all three development areas (as submitted in applications 00726, 00727, and 00728) are claimed as necessary to support any of the suggested uses.

Looking at these applications in the light of the legislation, can we say *prima facie* that they preserve the listed building (the mansion) or its setting? Clearly there would be gain in this respect from the removal of buildings to the north of the mansion, but the importance of this change should not be exaggerated. Considering the extent of the clearance work, and the way in which this benefit is insisted on in the supporting documents, it is striking that even in the applicant's own Environmental Statement (which in our view is too indulgent) Option 1 is only, in aggregate, given a rating of 'minor beneficial effect'; only one option (3) reaching 'major' on this scale. While in the case of Option 1 this partly reflects the problematic nature of the works to the mansion, it also in all three cases reflects the degree of change that would be imposed on the landscape, which is the wider setting of the mansion as well as a highly-graded designated asset.

That wider setting would be considerably changed, including by greenfield building: towards Green Ride, that new build would harmfully affect a formal feature of the eighteenth-century landscape; one of these applications (00728) would bring houses to a side of the Lake which has never had them (while another, 00726, promotes the refurbishment or replacement of buildings close to another side of the Lake). The ES is right to see this work as 'suburbanising' the Lake, and that which is clearly a decisive departure from the existing character - the Pinewood houses - would have a serious effect on the Lake as a key element of the significance of the landscape: this would be substantial harm. There must be a serious question over whether the improvements to one end of the landscape could justify this harm; and whether it is financially necessary (whether under enabling provisions or not) to go to this length in order to repair the heritage assets. Evidently, the landscape would not be uniformly 'conserved in a manner appropriate to its significance' in this scheme, so the basis for needing to proceed in this way has to be convincingly proved.

What still needs to be known

Despite the considerable amount of work which has been done on the application submitted, there are significant elements of the picture missing and these will need to be put in place for a full assessment to be made.

In particular, while the extent of harm from these options is largely calculable on the current drawings, and has been briefly described above, until the financial information has been assessed it will not be clear whether this much harm is necessary, or indeed whether a greater extent of development would be needed than that which is envisaged in all of the areas shown. It should be stressed again that all of the site lies within the Registered Park, so that there is a need for all development where there has not been building previously to be actively justified, just as much as that which could directly replace existing construction.

As you know, Historic England has consistently seen this case as one where an enabling argument is being employed, and thus the provisions of the HE advice could be invoked. This argument can only be sharpened by the full financial assessment. It may prove to be the case, following that analysis, that the case for this set of applications, from this applicant, cannot be made out. In that event, it may be necessary to re-market the site, as our guidance discusses.

The applicant is likely to say that a careful sale procedure has already been gone through by the Home Office, and the Planning Statement says that details of this were shared with Historic England (though otherwise confidential). I must take this opportunity of stating that although we have been shown some detail (also passed to your authority) we have not been shown the full picture. We cannot be entirely confident that the Home Office made the right choice according to the guidance on the disposal of heritage assets. And as you have yourselves discovered, there is overage on the site (of unknown extent and terms), imposed by the Home Office, which, unless fully understood, constitutes an element of the financial picture you cannot assess.

SANG proposal

We have been notified of this application as part of the series of applications on this site. This one covers the provision of SANG, the creation of which would be required in the event of the construction of a considerable amount of domestic accommodation on the Bramshill site. SANG is, in this respect, entirely dependent as an idea on new build and the fact or extent of this has not been agreed. I assume, therefore, that there is no particular advantage to your authority in the submitting of this application separately. If the reason for doing this is (as stated in the LUC creation and Management Plan, 1.7) the possibility of constructing it in advance of residential development.

As you know from our letters on the other of the applications (especially 16/00721/LBC dated 26 June), there are many unknowns at this stage of the application process. We shall be commenting in detail on the landscape aspects of the case, which cause us particular concern. In this letter I would wish to make only the following initial comments. .

1. All of the proposed SANG is within the Grade II* registered park (not Grade II as stated by Jones Lang Lasalle, p3). It can therefore be presumed that whether the demands of SANG fit with or conflict with, the character that the landscape has as a designed landscape, or which could be recovered is a question this application should address. This is particularly the case because the criteria for the formation of SANGs take no special account of historic character, indeed they are meant to be semi-natural' or 'naturalistic', which begs many questions. LUC do not discuss this issue; Feilden & Mawson glance at it only far enough to say that the SANG will be in the setting of the mansion, that this setting was more open at the time of the landscape's creation than now, and the 'benefits of opening up the water garden and its surrounding natural landscape far outweigh any

impact that the paraphernalia of SANG might be perceived to have' (3.5) This is imprecise for so important a question, although it will be clear to you that making the landscape more open has important implications for the visibility of the extensive new build suggested in other applications.

2. It does not seem to be explained why the boundary of the SANG and the nature reserve do not coincide on the eastern edge. The fence forming the nature reserve boundary would be visible, and as proposed would cut across a relict avenue in an undesirable way. It would be worth exploring whether it could run alongside the avenue which defines the eastern edge of the SANG, unless this was even less desirable. At all events, the visual impact of this feature ought to be assessed for its effect in a designed landscape.

- 11.3 The above are the initial general comments of Historic England on the overall development, its concept and the SANG proposal. These may change in the light of amended plans and further information. Historic England's comments on the individual applications are included in the relevant individual reports.
- 11.4 Further comments from the **National Trust** have been received in relation to the proposal for single dwelling and office use. It originally submitted two letters of objection that have a bearing on the wider heritage issues. The applicant has had meetings with the National Trust to resolve issues and the Trust's further views on the single dwelling and office use are that the relationship of those two proposals with the wider development is unresolved and these are supported in principle but it remains concerned that granting permission for office use or as a single dwelling without considering the implications for development within the setting of the house would be contrary to the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.5 The first letter of objection is from the Trust's Regional Director and is as follows:

*We are writing, on behalf of the National Trust, to **object** to the planning applications above that propose the sub-division of Bramshill House into apartments and the construction of new houses in the formal landscape of the house. The detail of our concerns is set out in the attached letter from Anna Budge, our Planning Adviser.*

The National Trust has a specific interest in Bramshill by dint of the covenants it holds over the house. However, we have a broader interest in the future of the house, garden and landscape. We believe Bramshill to be one of the pre-eminent Jacobean houses and landscapes in this country and that great effort should be taken to preserve and where possible restore it to something like its former glory. As more work is done on the history of the house and particularly its gardens and formal landscape setting, its importance increases.

Although we commend the work done by City and Country to put forward proposals that are sympathetic to Bramshill, we do not feel, as currently proposed, they have achieved their objective. We have three overall reasons for our objection:

1. The National Trust would prefer to see Bramshill House remain in single use. We have therefore included in our letter support for the principle of conversion of the house to office use (applications 16/00724/FUL and 16/00725/LBC) or a single residence (applications 16/00722/FUL and 16/00723/LBC). However, we recognise that City and Country would prefer to convert the building into apartments with the some of the principal rooms retained as a 'museum'. City and Country have kept us abreast of their thinking and shown us similar schemes they have worked on, for example, Bentley Priory, but none of these has involved a house and landscape of such importance and sensitivity as Bramshill. The National Trust's expert advisory group has now visited Bramshill and

reviewed the submitted plans in detail, and their view is that these plans compromise the historic integrity of the building.

2. In order to support a mixed use of apartments and museum, there has to be a mechanism in place to ensure the preservation and opening of public rooms is assured over the long-term. We have had discussions with City and Country and proposed that an independent charitable trust should be established, legally constituted as part of the management company in such a way that guarantees that trust's longevity. No such proposal has come forward, so in the absence of that guarantee, we cannot support a mixed-use proposal.

3. Although City and Country have done considerable work on establishing the history of the formal landscape at Bramshill and we commend their proposals to remove the worst modern buildings and layout we feel that there are still significant omissions in the understanding of the landscape and this has led to an inappropriate level and form of new development. In particular, the houses to the north of the Jacobean lake would be far too intrusive into the landscape.

For all these reasons we object to the planning applications as currently submitted, but would wish to continue our discussions with City and Country to try to improve the proposals over the coming weeks.

11.6 The second letter, from the Trust's Planning Adviser, has the following general comments and objections:

The National Trust was granted a covenant on Bramshill House by Brocket Estates Ltd in July 1943 which restricted both internal and external works only be undertaken with the consent of The National Trust. The Trust considers that Brocket Estates recognised the national importance of the property and wished to ensure that its guardianship was secured in perpetuity. The covenant remains in force today.

The Trust considers that Bramshill is at a critical moment in its history. The house, gardens and wider landscape have escaped major interventions since their creation over 400 years ago with the core of the estate remaining in single ownership throughout this time resulting in largely benign and reversible impacts. Through its consideration of the applications submitted by City and Country, The National Trust has sought the advice of specialist advisers whose knowledge and expertise of historic buildings and landscapes is considered to be of the highest calibre. The Trust and its specialist advisers consider that there needs to be a judgement of the applications submitted not only against individual elements, but also the impact on the understanding and significance of the place as a single entity. Consequently, the Trust would advise that a holistic plan needs to be prepared for the future of the house, gardens and landscape and from this work the significance of the whole can be clearly understood and any development proposals can then be designed to respect not only each element, but the understanding of the whole.

The Trust in this response to the planning and Listed Building consent applications will indicate why the organisation considers Bramshill House and its surrounding landscape to be of such significance, will comment on the approach the applicant has taken to assessing the significance and sensitivity of the mansion house and landscape, and respond in detail to the various proposals that the applicant is seeking consent for through the applications submitted.

Statement of Significance

As noted by Historic England in its List Entry, Bramshill is 'a great Jacobean palace' and it clearly ranks as one of the most significant country houses in England. The house was created between 1605 and 1625 by the 11th Lord Zouche, who was an intimate of the Cecils, chief ministers to Elizabeth I and James I. Lord Zouche used his direct knowledge of the latest design sources, gained by extensive travel abroad and close connection with the court, to create a fitting and

fashionable seat in close proximity to London. This allowed Bramshill to play a key part in the court life of early Stuart England: James I and the Prince of Wales stayed in 1620, Charles I returned with his consort, Henrietta Maria, and other eminent visitors of the time included the French ambassador and the Archbishop of Canterbury.

Christopher Hussey, the noted architectural historian, summarised Bramshill as 'one of the noblest Renaissance buildings in England, and perhaps the most satisfying of all its great contemporaries'. Although Bramshill has dipped out of the public eye due to its recent use, it ranks alongside such houses as Knole, Hatfield and Audley End and this has been reiterated to us by many of today's scholars, including Professors Malcolm Airs and Maurice Howard.

What sets Bramshill at the top of the league of Jacobean houses is the survival of much of its early 17th century exterior, as built, with three great show fronts and the most elaborately ornamented frontispiece of any building of the period. The interiors, in addition, are sophisticated and extraordinarily intact. There are lavish plaster ceilings of top quality remaining throughout the principal floor of the building, a series of magnificent marble fireplaces of the latest fashion which have been attributed to Maximilian Colt, monumental sculptor to James I, and significant evidence of 17th century decorative schemes. Furthermore, the Jacobean plan, even taking account of the truncation of the wings projecting either side of the forecourt and other alterations, remains exceptionally legible and is the most intact of the three houses built at the time with dual state apartments (the others being Hatfield and Audley End), this arrangement reflecting that of royal palaces. The survival extends to major elements of the principal guest apartment on the ground floor leading off the great staircase and Lord Zouche's rooms on the first floor. All this is backed up by extensive surviving documentary evidence from the period.

The importance of the setting of the house is equally high, in spite of the college developments to the west. The series of walled gardens immediately around the house is as laid out by Lord Zouche and the design for the terraces descending to the south (now part of the park) has been likened by Dr Paula Henderson (report commissioned by City and Country) to the Italian, Constantino de Servi's plan for Prince Henry's garden at Richmond. The principal cross axes are also still in place as are Lord Zouche's lake with its fort-like island and the site of his maze. All of these would have provided courtly diversions and today constitute one of the grandest Jacobean landscapes to survive anywhere in the country. Dr Henderson has stated that Bramshill's garden is 'certainly one of the best preserved, and as a group with the house, unique'. Subsequent developments, during private ownership up to 1953, were largely carried out in sympathy with the Jacobean landscape and reflect the trends of the times.

In spite of its recent use as a police training college, including the construction of associated buildings, the spirit of place remains strong. Most of the college development is well out of sight of the historic core and what does intrude is recommended for removal by planning guidance. The principal views out from the house and formal garden are unimpeded by any other buildings or structures, including pylons, and given the close proximity of major transport links, the setting is extraordinarily peaceful. Bramshill is a remarkable and precious survival and deserves to be treated with the greatest sensitivity.

Sensitivity Categorisation and Significance Assessment

The Trust has carefully reviewed the information contained in the Heritage Impact Assessment which has been produced by Hugh Feilden and Ian Dieffenthaler in support of the applications by City and Country Bramshill Ltd. The Trust is very disappointed that the report produced by Nicholas Cooper has not been made available to support these applications. It considers that this is a significant omission to the supporting documentation and is an essential piece of research which should be available for review. The Heritage Impact Assessment indicates that the sensitivity categorisation of the structure has been based on Mr Cooper's work, but to fully understand the categorisation the Trust consider that the original document should be submitted. The Trust is concerned that there is no information on how the sensitivity categorisation has been derived and

this contrasts with the clear assessment criteria set out in the Cultural Heritage chapter of the Environmental Statement (ES). The Trust considers that it is imperative that the criteria Mr Cooper has used for assessing the sensitivity is submitted to allow for an open debate of the differences between the levels. The Trust has struggled to understand what the differences might be between the levels, even with the supporting text and consider that the full publication of Mr Cooper's report would better inform our considerations. Furthermore, the Trust feels that section 6 of the Heritage Impact Assessment consistently underestimates the harm caused by the individual changes within the proposals, particularly in the case of the apartments with museum option. Many relating to the house, rather than being neutral, are, in our view harmful and we consider that their cumulative effect for the house with that option, internally and externally, is harmful rather than the slight enhancement suggested.

The Trust would welcome the opportunity to review Nicholas Cooper's work on Bramshill and discuss its implications in terms of sensitivity ratings within the HIA.

In terms of the assessment of significance contained in the HIA, the Trust agrees with the high aesthetic and historic value identified in the document at section 4.4.2. The communal value identified as being low is also considered appropriate alongside the potential for this to be substantially improved. However, the Trust would dispute the low value given to the evidential significance of Bramshill. The Trust considers that there is a substantial amount of evidential value in the property with the original plasterwork ceilings, fine seventeenth century fireplaces and panelling, surviving decorative schemes and the original plan form of apartments still highly legible. The ES clearly indicates that there is "a substantial amount of 17th century fabric, both externally and internally.... The extent of survival of this historic fabric, ..., render the building of historic, architectural and aesthetic value." (paras 8.6.9 to 8.6.11). The Trust therefore questions the apparent conflict between the conclusions in these two documents regarding the significance of the property

Conclusion

Overall the Trust considers that there is still a significant amount of work to be undertaken prior to acceptable proposals being put forward on the site. Bramshill is at a key point in its life and the current submission does not reflect the high level of significance of either the mansion and its landscape. The Trust consider that the proposed alterations to the mansion to form a mixed residential and museum use are, overall, going to result in substantial harm to important features, contrary to the conclusions made in the submitted Planning Statement, and therefore the requirements of paragraphs 132 and 133 of the NPPF need to be fully considered prior to a decision being made. At the current time the Trust would contend that the public benefits do not outweigh the harm or loss that is necessary to achieve the development proposals. The Trust recognises that this is a high test but does consider that in each of the applications relating to the mansion there are adverse impacts which would seriously affect key elements of its aesthetic, historical and evidential value.

In relation to the proposed single residential dwelling and office use proposed the Trust would consider that there is harm arising, including some areas of substantial harm to particular features. The Trust does consider there to be merit in these proposals, but clearly there is still a need to demonstrate that such harm is in the public interest and this justification would need to be provided through any revised proposals.

In the landscape the introduction of new housing proposed in application 6 would result in substantial harm to the Registered Park and Garden due to the impact on the Jacobean water garden. The remaining development in the landscape does result in harm to it, but the Trust considers that further information is required before this can be quantified and whether there are public benefits that could overcome it.

The Trust would welcome the opportunity to provide further input into the proposals to help facilitate

an acceptable scheme which helps to sustain and enhance Bramshill as a national important heritage asset of the highest order.

- 11.7 The Trust's initial concerns regarding detailed aspects of the proposed office use and conversion to a single dwelling have largely been addressed but there are some points of detail it would like clarification on.

12.0 ECOLOGY ISSUES

- 12.1 **Natural England (NE)** initially commented on all eight planning applications and has made comments on the revised SANG proposal, the office use and single dwelling application. No objection in principle has been raised to the applications for the change of use to a single dwelling (17/00722) and office use (16/00724). Its first comments on the broad issues raised by applications 16/00720 - 00724 for the mansion are set out below.

The site lies approximately within 400 kilometres (km) linear distance from the nearest part of the boundary of the Thames Basin Heaths Special Protection Area, which was classified on 9th March 2005 under the EC Birds Directive. The nearest part of the SPA lies in the Bramshill - Site of Special Scientific Interest, notified by Natural England under the provisions of section 28 of the Wildlife and Countryside Act 1981. It is also within close proximity to Hazeley heaths SSSI.

It is now widely recognised that additional housing development, particularly within 5km of the boundary of the SPA, has the potential to adversely affect its interest features, namely nightjar, woodlark and Dartford warbler, which are the three internationally rare bird species for which it is classified. Planning authorities must therefore apply the requirements of regulation 61 of The Conservation of Habitats and Species Regulations 2012 (as amended), to housing development within 5km of the SPA boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SPA.

In order to ensure that additional housing development avoids such effects on the SPA, Natural England generated the Thames Basin Heaths draft Delivery Plan (May 2006). This has been taken forward by the Thames Basin Heaths SPA Joint Strategic Partnership Board, through a Delivery Framework which was endorsed in February 2009. The principles of the Framework are to be incorporated into Local Plans and can be found at <http://webarchive.nationalarchives.gov.uk>

The Secretary of State published the South East Plan (the Regional Spatial Strategy for the South East of England) in May 2009. It forms part of the statutory development plan. Although the document was revoked in February 2013, Policy NRM6 which specifically covers the Thames Basin Heaths SPA was kept in place.

In conjunction with policy NRM6 in the South East Plan, and through Local Plans, the Delivery Framework will ensure a comprehensive, consistent and effective provision of avoidance and mitigation measures to enable new housing development in accordance with the RSS and Local Plans.

Development in accordance with the Local Plans, Avoidance and Mitigation Strategies and the Delivery Framework, would not be likely to have a significant effect on the SPA because they will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.

However, development proposals which are not in accordance with the above policy documents (particularly policy NRM6) would be likely to have a significant effect on the SPA, either alone or in combination with other plans and projects. In accordance with regulation 61, before granting planning permission for such a proposal, the planning authority must undertake an appropriate assessment of the implications of the development, on the SPA, in light of the site's conservation objectives. The

conservation objectives are to maintain and, where not in favourable condition, to restore, the habitats of the nightjar, woodlark and Dartford warbler, with particular reference to lowland heathland habitats and rotational forestry plantations.

This proposal is within the exclusion zone within 400m of the SPA boundary, where the saved local plan policy CON 1 European Designations and the Hart Interim Avoidance and Mitigation Strategy and the Delivery Framework indicates that mitigation measures are unlikely to protect the integrity of the SPA, so residential development should not be permitted.

Natural England has reviewed the Bramshill Report to Inform Habitats Regulations Screening prepared by LUC dated March 2016 and disagrees that the mitigation proposals will be sufficient to avoid a likely significant effect on the SPA.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development would not adversely affect the integrity of the SPA. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat on which the birds depend and increased disturbance to the bird species for which the SPA is classified, by reason of increased access to the heath including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of regulation 62.

Natural England is also of the opinion that the proposal is not in accordance with the development plan, namely policy NRM6 and the saved local plan policy CON 1 European Designations and the Hart Interim Avoidance and Mitigation Strategy

- 12.2 NE's further comments on the proposed single dwelling and office use in the light of the revised SANG proposals are that it still objects to the single dwelling house use as the mansion lies within the 400m exclusion zone but has no objection to the SANG proposal on its own and no objection to the principle of office use subject to conditions.
- 12.3 NE's comments and advice relate to the effects on the interest features of the SSSI. If the Council is minded to grant planning permission, contrary to Natural England's advice, the procedures set out in S.281 of the Wildlife and Countryside Act would apply.
- 12.4 Section 281 (6) refers to cases where should NE advise against granting permission or recommend conditions and the planning authority does not follow that advice then the authority are required to provide written notice of any permission and its terms and a statement of how the advice of NE has been taken into account. No permission should be granted that would allow operations to start before 21 days after the date of the notice.
- 12.5 Its comments on the broad issues raised by applications 16/00726/FUL – 16/00728/FUL (residential development in the grounds) are as follows:

The site is within 5 km linear distance from the nearest part of the boundary of the Thames Basin Heaths Special Protection Area (SPA), which was classified on 9th March 2005 under the EC Birds Directive. The nearest part of the SPA lies in the Bramshill Site of Special Scientific Interest (SSSI) notified by Natural England under the provisions of section 28 of the Wildlife and Countryside Act 1981. Hazeley Heath SSSI is also within close proximity.

It is now widely recognised that additional housing development, particularly within 5km of the boundary of the SPA, has the potential to adversely affect its interest features, namely nightjar, woodlark and Dartford warbler, which are the three internationally rare bird species for which it is classified. Planning authorities must therefore apply the requirements of regulation 61 of The

Conservation of Habitats and Species Regulations 2012 (as amended), to housing development within 5km of the SPA boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SPA.

In order to ensure that additional housing development avoids such effects on the SPA, Natural England generated the Thames Basin Heaths draft Delivery Plan (May 2006). This has been taken forward by the Thames Basin Heaths SPA Joint Strategic Partnership Board, through a Delivery Framework which was endorsed in February 2009. The principles of the Framework are to be incorporated into Local Plans and can be found at <http://webarchive.nationalarchives.gov.uk>

The Secretary of State published the South East Plan (the Regional Spatial Strategy for the South East of England) in May 2009. It forms part of the statutory development plan. Although the document was revoked in February 2013, Policy NRM6 which specifically covers the Thames Basin Heaths SPA, was kept in place.

In conjunction with policy NRM6 in the South East Plan, and through Local Plans, the Delivery Framework will ensure a comprehensive, consistent and effective provision of avoidance and mitigation measures to enable new housing development in accordance with the RSS and Local Plans.

Development in accordance with the Local Plans, Avoidance and Mitigation Strategies and the Delivery Framework, would not be likely to have a significant effect on the SPA because they will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.

However, development proposals which are not in accordance with the above policy documents (particularly policy NRM6) would be likely to have a significant effect on the SPA, either alone or in combination with other plans and projects. In accordance with regulation 61, before granting planning permission for such a proposal, the planning authority must undertake an appropriate assessment of the implications of the development, on the SPA, in light of the site's conservation objectives. The conservation objectives are to maintain and, where not in favourable condition, to restore, the habitats of the nightjar, woodlark and Dartford warbler, with particular reference to lowland heathland habitats and rotational forestry plantations.

- 12.6 The following section relates to the SANG proposal. NE originally objected to the SANG on the grounds that the individual 'bespoke' proposals for avoidance and mitigation measures offered with the proposals are not considered to be appropriate because there is currently insufficient information to enable certainty that the proposed mitigation will be effective in ensuring no likely significant effect arising from recreational impacts to Thames Basin Heaths SPA. NE's comments on the revised SANG proposal are:

Following receipt of further information NE is satisfied that the specific issues raised in previous correspondence relating to this SANG have been resolved. Therefore the individual bespoke proposals for avoidance and mitigation measures offered within the proposal are now considered appropriate provided the following mitigation measures are secured by way of a condition:

- *Provision of a resource or contact for ongoing interaction with the public on matters relating to the SANGs. This will include either via the use of a website, email address or on-site office for a park manager*

- 12.7 NE's original objection has been largely addressed by the revised SANG proposal and additional information. There remain two points that require clarification. That clarification is likely to come before the Planning Committee meeting.

12.8 The **RSPB** continue to object to the revised SANG proposal although it welcomes the changes that have been made to the SANG Creation and Management Plan. Its objection is on the following grounds:

It is crucial that SANGS provide a safe area for off the lead dog exercise to ensure it functions as an attractive alternative to the SPA. Therefore, making sure dogs cannot run onto the road from the SANG is essential and an appropriate barrier should be included (south-west edge of SANG/ south east of the lake), this could take the form of low level hedging to minimise visual intrusion.

We welcome the inclusion of bollards as an essential measure to prevent parking along Manor Drive and contribute to addressing concerns of increased use of Hazeley Heath (SPA). However, the bollards will require Sec of State consent. Whilst we acknowledge it is not within the applicants control to ensure this consent, we will only be able to withdraw our objection once this has been secured, to provide confidence that the mitigation can be delivered. The RSPB has now included the bollards in the ongoing Hazeley Heath consultation which will inform the application to the Sec of State.

12.9 Members should also note that the RSPB also considers that:

- the SANG provision should be for the site residents only and not for the wider public,
- there should be a more frequent schedule of maintenance checks,
- monitoring of visitors to the SPA is welcomed,
- car parking should not be made available for use by the public
- funding in perpetuity should be guaranteed and secured. Costs are only provided for the first 10 years

12.10 The initial consultation response from the **Hampshire and Isle of Wight Wildlife Trust** was also highly relevant to the consideration of the applications and is included below. Where revised comments have been received those are separately identified. There may be further comments in the light of any amended plans and further information for the residential development applications.

Thames Basin Heaths SPA

We are pleased to see that the applicant has confirmed that they will make SAMM contributions in accordance with Hart District Council's Interim Avoidance Strategy (Appendix 9.9 Para. 5.3), for dwellings located within the zone of influence.

Residential Development within 400m of the SPA - additional comment

The Thames Basin Heaths SPA 400m buffer is in place to address the effects of urbanisation on the European and nationally designated nature conservation sites. The impacts of a net increase in residential development on the SPA is likely to be such that it cannot be concluded that there will be no adverse effects on the nature conservation interests of the designated sites. As such we remain opposed to any application that seeks to increase the net number of dwellings within the 400m buffer.

We acknowledge the efforts that the applicant has gone to in order to address the various concerns raised in previous submissions but we are of the opinion that the mitigation measures proposed, such as cat proof fencing and cat covenants, are not considered effective and therefore are insufficient to determine that there will be no adverse effects on the SPA. We are also concerned that any development within the 400m SPA buffer could undermine the long term effectiveness of the strategy, and set a dangerous precedent that could lead to erosion of the 400m buffer zone. We refer to the RSPB response for more detailed comments.

Suitable Alternative Natural Greenspace (SANG) - revised comments

We are not opposed to the principle of the SANGs proposals and consider that some positive changes have been made to the plan in the light of meetings with the various consultees. We note that there are still some outstanding concerns from the RSPB, namely

- Provision of a safe place for dogs to exercise off the lead; and
- Securing the measures to restrict parking along Mansion Drive.

Given the RSPBs locus in this area and to avoid duplication of resources we refer to their response for detailed comments on this application.

Habitat Management and Creation

The applicant should be reminded of their obligation to appropriately manage the part of the SPA that they own and ensure that it is maintained in favourable condition, irrespective of the development proposals. As such, the appropriate management of the SPA, in order to bring it into favourable condition, cannot be considered to be mitigation. Furthermore the proposal to maintain part of the SPA “as a continuous woodland buffer unsuitable for nest SPA birds”, as detailed Appendix 1 Figure 3 of Appendix 9.9, is not legally compliant with the Habitats Directive.

In addition, the acid grassland proposed for the Private Nature Reserve already exists, is functionally linked to the SPA and supports some SPA species. It cannot be considered that 14.5ha of SPA habitat is to be created since this habitat already exist and is functioning as part of the SPA (Appendix 9.9, Para 6.21).

Private Nature Reserve

We support the creation of the area of acid grassland adjacent to the SPA/SSSI as a Private Nature Reserve but it is important that sufficient funds are available for its long term management. We would wish to see the production of a management plan which provides detailed prescriptions as to how the reserve will be managed in the long term.

We are aware of the comments by the RSPB encouraging the inclusion of the area east of Mansion Drive as a Private Nature Reserve; we support these comments. There would be the opportunity to significantly enhance the biodiversity of this area with appropriate and sensitive management which could significantly add to the overall value of the site.

Mitigation and Visitor Access

The RSPB have provided in their response some detailed information concerning significant issues with the proposed mitigation; particularly the in-effectiveness of restrictions on residents keeping pets and cat proof fencing, we support their comments.

They have also provided some detailed information relating to visitor access and discrepancies in the information and assessments provided in the Design and Access Statement and Appendix 9.9. They have drawn attention to the way that the different documents assess impacts based on walking distances and highlighting only certain paths. To pick up on that point, the local area is bisected by a network of permissive paths, forestry tracks and desire lines and these are all visible on OS mapping and on-line mapping sites. Few of these sites appear to have been assessed through the habitats Regulations Screening Report (Appendix 9.9) and are not illustrated on supporting maps, therefore assessment of the existing usage of the SSSI/SPA and effectiveness of mitigation proposals may be completely inaccurate.

Bats - revised comments

In our response of 29th July 2016 we acknowledged the amount of survey work that had been carried out on the site, but considered that there were still some gaps that needed addressing, particularly in respect to Bechstein’s bats. Bechstein’s bats are notoriously difficult to identify using aural bat detectors; this is in part due to their quiet echolocation and preference for foraging in dense

vegetation or in the canopy but also due to the similarity of their calls with some other species of the *Myotis* genus. Any report attempting to assess the level of impact on a species in the first instance needs to have a good understanding of the species present and how they are using a site. With regard to Bechstein's we did not think this had been achieved, and therefore recommended further surveys be carried out.

Paragraph 1.2, point 1 of Appendix 1 of the Combined Ecology Report highlights the text from the latest bat guidelines recommending when bat capture and radio-tracking should be carried out. The subsequent points attempt to justify why capture and radio-tracking should not be used in the case of this application. As we stated in our previous comments it is important to remember how difficult Bechstein's bats are to hear and identify from recorded calls and as such the frequency with which they are picked up will be lower, and in fact that they are often overlooked or call grouped into a general term as *Myotis* bat species. Given the rare and protected status of this species it is important that where it has been recorded further surveys are carried out.

We had a very constructive meeting with LUC on 15th September and as stated in the Combined Ecology Report a compromise was reached with regard to additional work being required for Bechstein's bat. We agreed five locations for static bat detectors to be situated and also provided some suggestions for other mitigation options.

The additional bat survey work has provided some interesting results, and not unexpectedly identified high levels of bat activity where areas of optimal habitat exist. Most notably was the presence of more presumed Bechstein's bat registrations from two of the recording locations, Express 5 (two calls) and 7 (41 calls). For the reasons discussed above and in the absence of further surveys there will be an element of uncertainty with the true identity of these bats, and therefore given the additional number of registrations recorded, we consider that there is sufficient justification for additional survey work.

As such we support the approach proposed in paragraphs 1.37 and 1.38 that additional survey work could be subject to a planning condition attached to planning consent, should consent be granted. We recommend that in the first instance bat capture sessions should be carried out in order to confirm whether Bechstein's bats are indeed present. If confirmed bat radio-tracking sessions should be carried out to establish the status of the species, for example single bats or maternity roosts, locate roosting sites and gain an understanding as to how bats are using the site.

Bechstein's and many other woodland bat species are particularly susceptible to the impacts of light pollution and changes to the structure of habitat. Therefore the information gathered should be used to inform the Landscape and Habitat Management Plan and also the lighting plan for the site, which we understand will be secured via a planning condition. We would request that we are consulted throughout the development of these plans.

Breeding Bird Assessment (Technical Appendix 9.8)

Generally the breeding bird survey work appears to have been carried out to a good standard, although we note that there are some inconsistencies, inaccuracies and missing information in the report. We note that the RSPB have also raised concerns in their response, we are supportive of the issues they have raised.

We also note the lack of consideration given to foraging nightjar *Caprimulgus europaeus* and how this species may use the site. Further consideration needs to be given to this point.

We are also surprised to see that no common swifts *Apus apus* were recorded during surveys. The common swift has declined significantly in recent years and it is now included on the amber list of Birds of Conservation Concern. The declines are partly due to the loss of nesting sites (as a result of building works); the species is extremely site faithful and returns to the same nesting site every year. They have an atypical behaviour in that they don't return to a nest site as frequently as other species,

such as house martin, and leave little or no evidence outside a nest or below an entrance point, therefore they can be easily overlooked if appropriate and targeted survey work is not carried out. The Hampshire Ornithological Society are currently running a project, which the Trust are supporting, whereby targeted survey work is carried out in order to locate sites where the species is nesting, and ensure that measures are put in place to protect them, particularly where buildings are proposed for development or renovation. The breeding bird report makes no mention of common swift, and therefore it would appear that the suitability of the buildings to support them has not been considered, and also no enhancement measures have been included.

13.0 HIGHWAYS ISSUES

13.1 The County Highways Authority comments on the revised Transport Assessment are awaited. Its response will be reported verbally and in the update sheets for the meeting. The Highways Authority initially responded to the consultations on the planning applications as follows:

The planning applications to redevelop the site from its existing use as a police training college comprise of several different land uses. This response will consider them in the combinations as set out in the supporting Transport Assessment:

- *Combination 1 - Applications 1, 4, 5 and 6. This results in a total of 25 dwellings in the mansion, museum space, and 258 dwellings in the estate.*
- *Combination 2 - Applications 2, 4, 5, and 6. This results in one dwelling in the mansion and 258 dwellings in the estate.*
- *Combination 3 - Applications 3, 4, 5 and 6. This results in 5,194sqm of office space within the mansion and 258 dwellings in the estate.*

The overall characteristics of the site including accessibility will be considered as one application.

I have reviewed the supporting information submitted alongside this application and have the following comments to make.

Location and accessibility

The Transport Assessment (TA) provides some information on the site's location relative to local facilities and nearby settlements including Hartley Wintney including bus stops, rail station and cycle/footways. In addition the baseline traffic and road safety aspect of the local highway network is considered using the Personal Injury Accident (PIA) data obtained for the latest 5 year period available.

Bramshill Road is located to the north of the site and runs east to west linking the A33 to the A327 and wider destinations. Bracknell Lane (B3011) links the site to destinations south of the site including the A30 and the nearest village of Hartley Wintney.

The centre of the site is approximately one mile from the site's accesses where the unadopted roads of Mansion Drive and Reading Drive South meet public highway at the B3011 and Bramshill Road respectively.

The applicant has compiled a list of local facilities including schools and shops. The nearest facilities are in the village of Hartley Wintney approximately 4.7km away with further facilities including secondary school and supermarket being 7.2km away. The distances to these facilities are considered beyond reasonable walking distance and it is not considered realistic to expect journeys on foot to these facilities.

Furthermore due to the rural location of the site there are no footways that link the site to the local centre of Hartley Wintney and pedestrians would need to walk in the carriageway which would be considered unsafe. There are also local Rights of Way however these would not provide year round all weather use.

The local highway network does not provide specific cycle facilities and the nature of the routes to local destinations are not cycle friendly so journeys by cycle are unlikely to be taken except by the most confident of cyclists.

The nearest bus stops are located 1.6km from the centre of the site on Bramshill Road and the B3011. The Bramshill Road stop services the number 8 Stagecoach service that runs between Reading and Farnborough 3 times in the AM and 4 times in the PM during term time. The stop on the B3011 serves the Stagecoach number 7 and runs between Aldershot, Fleet and Reading once an hour from Monday to Saturday.

Due to the proximity from the site of the bus stops and infrequent services it is considered that opportunities to travel by bus are limited and it is not realistic to expect journeys to be made by bus.

There is no rail station within the immediate vicinity, the closest being Winchfield station. Whilst rail travel is viable for longer journeys it is likely that a vehicle would need to be utilised to travel to the station.

There are limited opportunities as a result of the lack of infrastructure to travel from the site sustainably by non-car modes and therefore vehicle generation by the site is likely to be higher than if the development were located in a residential area with sustainable travel infrastructure.

Personal Injury Accidents

Personal injury accident data has been supplied for the most recent 5 year period available between 1st May 2010 and 30th April 2015 for the local area.

There were 23 incidents recorded of which 7 were classified as serious and one as fatal.

At the Bramshill Road/Bracknell Lane (B3011) junction 12 injury accidents were recorded of which 4 were serious. The junction has previously been identified as an accident cluster spot by Hampshire County Council and a safety engineering scheme was installed in mid 2015 in an attempt to reduce the number of accidents.

However 4 accidents have since occurred at this junction and demonstrate that the junction still has an accident problem due to poor visibility and the number of complicated manoeuvres that can be made through the junction. With the expected increase in traffic at the junction that will be generated by the development the applicant should consider further improvements that can be made to address the number of accidents in this location.

3 accidents including 2 that were classified as severe were recorded at the Bramshill Road/Reading Drive South junction. It is not clear from the accident data appended to the TA what the causes were and this should be clarified.

A proportion of development traffic is expected to access the highway network from this junction. Bramshill Road has a 50mph speed limit and visibility to the right when exiting the junction is severely impaired due to vegetation within the visibility splay. Due to the increased traffic using this junction it will be necessary for the applicant to consider further improvements that can be made to the junction to improve its safety.

Baseline traffic

Two Automatic Traffic Count (ATC) surveys were undertaken to establish baseline traffic for the existing site. The surveys took place over seven days in September 2014.

	Arrivals	Departures	Total
College of Policing vehicle trips			
08:00 – 09:00	106	8	114
17:00 – 18:00	17	66	83

It is important to note that the surveys were undertaken after much of the activity at the college had been reduced.

In addition to the ATCs, manual turning counts were undertaken in April 2015 with peak hour queue length surveys and two ATC surveys to establish baseline traffic flows on the local highway network.

Development Proposals

Access

Access is proposed to be taken from the existing accesses from Reading Drive South and Mansion Drive both of which form private drives approximately 1.6km in length.

Reading Drive South and Plough Lane are both used for vehicles accessing Bramshill Road to the north of the site while Mansion Drive will be used for vehicles access to the west via the B3011/Bracknell Lane.

Use of Plough Lane

It is understood that there is some local concern at the potential use of Plough Lane (between Reading Drive and the B3011) by traffic from the proposed development. Due to the indirect route and extra distance that development traffic would have to travel to access Bracknell Lane it is unlikely that the route would be an attractive option and use is likely to be low. However, due to the height restriction on Mansion Drive, the applicant will need to demonstrate the effect this would have on traffic use on Plough Lane.

The applicant has proposed a modification to the Plough Lane/Reading Drive South junction to discourage vehicles from turning left onto Plough Lane when travelling towards Bramshill Road past local residences.

Separate discussions with the applicant have also raised the possibility of carrying out works to stop through traffic on Plough Lane. Hampshire County Council can confirm that it has no in principle objection to such measures however details would need to be agreed.

The suitability of both the junctions from Reading Drive South and Plough Lane onto Bramshill Road also needs to be investigated.

Trip Generation

The applicant has used the industry recognised database TRICS to calculate the sites potential trip generation for the all the different land uses together with a control survey of a local village to verify the residential trip generation.

Office

Only one survey was used to calculate the trip generation for the office element of the site and it does not appear to be comparable to the proposed site's rural characteristics and location.

Due to the proposed site's location and distance from local facilities it is unlikely to expect anyone to travel by any means other than the private car and the TRICS output should not include any journeys on foot, public transport or cycle and these trips should be added to the vehicle trip rate.

Residential

A TRICS survey was carried out for the residential element of the site and results in the following trip rates:

Time	Trip Rate - houses		
	Arrivals	Departures	Total
	(per dwelling)	(per dwelling)	(per dwelling)
08:00 – 09:00	0.185	0.413	0.598
17:00 – 18:00	0.373	0.198	0.571
Daily	2.42	2.489	4.909

Table 7.5 TRICS Residential Trip Rates

A control survey was also undertaken by the applicant by surveying a nearby village known as Hound Green to verify the residential trip rate from the TRICS survey.

The site, size, makeup of houses and location to facilities of the two sites are comparable to one another. The results as shown by the table below indicate that the trip rates gained from the survey are similar to those of the TRICS survey however it is not clear which set of trip rates were used in the junction assessments and should be clarified.

Time period	Arrival		Departure		Total
	Trips	Trip Rate	Trips	Trip Rate	Trip Rate
AM peak	12	0.19	23	0.365	0.556
PM peak	19	0.302	22	0.319	0.651
Daily	160	2.54	105	1.657	4.206

Table 7.4 Hound Green Residential Trip Rates

The following table compares the existing use to the proposed uses. Combination 3 which includes both residential and office uses result in there being an increase of 111 trips in the AM peak and 135 in the PM peak as a result of the development. However this is likely to change when the office trip rates are revisited.

	Arrivals	Departures	Total
Combination 1			
08:00 – 09:00	-52	+95	+43
17:00 – 18:00	+68	+32	+100
Combination 2			
08:00 – 09:00	-57	+86	+29
17:00 – 18:00	+61	+24	+85

Combination 3			
08:00 – 09:00	+14	+97	+111
17:00 – 18:00	+65	+70	+135

Development Traffic Assignment

The distribution of the residential development traffic has been calculated based on the likely route taken from the site accesses on Bramshill Road and the B3011 using local Census Travel to Work Area data from the 2001 Census. This should be updated with more recent 2011 census data.

The distribution of trips generated by the commercial development has been calculated by applying a model of the trips generated by the existing police college and 2011 census data.

Based on the forecast trip assignments approximately 55% of people travelling to and from the site are likely to travel via Reading Drive South and 45% will travel via Mansion Drive and the B3011 which appears to be a reasonable assumption.

Junction Assessments

Capacity assessment has been undertaken for both the AM peak (08:00 – 09:00) and PM peak (17:00 – 18:00) for the 2017 baseline scenario and future year of 2022 with and without development.

In order to attain future years traffic flow National Traffic Model (NTM) growth factors adjusted by local TEMPRO growth factors have been applied to the existing traffic flows to provide future 2017 and 2022 baseline flows.

The applicant has carried out a sensitivity test within the modelling by including committed development as a worst case scenario. This includes the major Arborfield development in Wokingham.

The applicant has assessed the capacity at the following junctions for all 3 combinations of the proposed development:

- Junction 1 - A33/The Causeway;
- Junction 2 – B3011/Bramshill Road;
- Junction 3 – Bramshill Road/Reading Drive South;
- Junction 4 – Bramshill Road/Plough Lane;
- Junction 5 – A327/Bramshill Road;
- Junction 6 – Reading Drive South Site Access;
- Junction 7 – Mansion Drive Site Access;
- Junction 8 – A30/Dilly Lane.
- Junction 9 – A30/B3011; and
- Junction 10 – A30/A323.
- Junction 11 – A30 Hartbridge Flats.

Junctions 3, 4, 6 and 7 which include the site accesses have all been assessed using PICADY priority junction modelling software. The modelling identifies that the junctions will operate within capacity under all 3 development combinations in the 2022 future year scenario.

The applicant has produced a table (Table 9.1 of the TA) to show the percentage change in level of traffic during peak hours as a result of the development at each junction. The table demonstrates that approximately a 2% increase would be expected at the over capacity junctions which is considered to be within the day to day variation of traffic levels.

Nonetheless the modelling has shown that some of the junctions are over capacity and an increase of traffic through these junctions may lead to a significant impact upon the junctions in question. It is noted that junctions 1 (A33 / The Causeway) and 10 (A30/A323) have been unable to be validated and as such the results may not accurately reflect the impact at the junction. Some of the increases in queue length for these junctions for combination 3 (largest traffic generation) are indicated below:

- Junction 1: queue length increase from 136 to 152
- Junction 10: queue length increase from 529 to 542

Although based on modelling that has not been validated there is a possibility of a significant impact at these junctions. It is noted that for junction 1 the impact would only be for Combination 3 as Combinations 1 and 2 have minimal development traffic through this junction.

As previously mentioned there is a poor safety record and poor operational performance at the junction of the B3011 and Bramshill Road, the traffic modelling does indicate that traffic does block back within the junction. The applicant will need to consider mitigation at this junction.

Travel Plan

The Travel Plan and its associated approval and monitoring fees will need to be secured through the Section 106 agreement. The Travel Plan is currently being assessed and comments will be passed directly to the applicant.

Mitigation

There has been no consideration towards mitigation of the sites wider impacts beyond the submitted access proposals and alterations to the Plough Lane/Reading Drive South junction. Further to this the impact of the development at the junctions of the A33 / The Causeway and the A30 / A323 is unknown.

A contribution and/or works may be necessary in order to off-set the wider transport and highway impacts of the development and to encourage greater use of non-car based transport. However it is not possible to consider further mitigation including specific contributions towards local infrastructure until comments on the Transport Assessment have been suitably addressed.

Recommendation

I am not in a position to provide a positive recommendation on the proposals from a highways and transport perspective until the further information as highlighted in my comments has been provided to my satisfaction.

If you are minded to determine the application before this additional information is submitted, I would request that the application is refused for the following reasons:

- In the opinion of the Planning Authority the proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the significant movements generated by the proposal could not be accommodated adequately on the existing transport network. This would result in a severe impact on the road safety and operation of the local transport network contrary to the NPPF and policy T14 of the Hart District Local Plan
- In the opinion of the Planning Authority the proposal involves development that cannot be reconciled with the National Planning Policy Framework in that there is insufficient provision of, or support for, sustainable transport options. This would result in a greater number of trips by private car which will create a severe impact on the local transport network and environment contrary to the NPPF and policy T1 and T16 of the Hart District Council Local Plan

- 13.2 The above are the initial general comments of the Highways Authority on the highway implications for the overall development. These may change in the light of amended plans and further information.
- 13.3 The third and fourth letters at [Appendix 2](#) set out the highway and transport objections of Bramshill and four other neighbouring Parish Councils.

14.0 ENABLING DEVELOPMENT AND VIABILITY

14.1 The applicant maintains that the proposals accord with local plan policy or in respect of policy RUR2 (Development in the countryside), that material considerations indicate that the development should proceed and the policy is out-of-date. The applications were not originally submitted on the principle that the proposals were 'enabling development'. Notwithstanding the applicant's original position on this issues, the proposals went on to consider Historic England's enabling development guidance in case it was determined that the development is considered contrary to Local Plan policy.

a. The status of the HDLPR and do the development proposals accord with local plan policy?

14.2 The functions of the HDLPR include:

- providing a detailed statutory basis for development control; and
- providing a detailed statutory basis for co-ordinating and directing development and other use of land, both public and private.

Those functions still hold good in the Framework era.

14.3 The plan's aims and objectives are:

- 'sustainable development' to provide for present needs without compromising the ability of future generations to meet their own needs.
- maintaining and enhancing the District's quality of life for both present and future inhabitants, by permitting appropriate development and protecting interests of acknowledged importance (including for example ecological diversity, landscape and built heritage).
- meeting genuine local needs for jobs, housing and services. Essential elements of the overall strategy include the provision of affordable housing.
- Safeguarding and enhancing the District's assets and resources, including its attractive and productive countryside, ecological diversity, historic and built heritage.
- Controlling pollution and congestion by reducing the need to travel.

Those aims and objectives equally hold good in the Framework era.

14.4 Where a planning authority cannot demonstrate a five-year supply of deliverable housing sites the Framework states that relevant policies for the supply of housing should not be considered up-to-date. The Council's position is that it can demonstrate a five-year supply of deliverable housing sites and in that respect the local plan policies are considered up-to-date.

14.5 In planning policy terms the table at paragraph 4.9 above set out the relevant saved HDLPR policies. In broad terms it is considered that, setting to one side the enabling development principle and the proposals for Bramshill House itself, the new build residential development of up to 198 dwellings with no affordable housing provision, and no contribution to address the infrastructure deficit (notably education) does not accord with the following policies:

Number	Detail
GEN 1	General policy for development
GEN 3	Landscape character areas
GEN 4	General Design policy
RUR 2	Development in the open countryside - general
RUR 3	Development in the open countryside - control
RUR 4	Re-use of rural buildings - general
CON 1	Nature conservation - European designations
CON 2	Nature conservation - National designations
CON 4	Replacement and habitats
CON 6	Heathlands
CON 8	Trees, woodland & hedgerows: amenity value
CON 12	Historic parks and gardens
T 14	Transport and development
T 15	Development requiring new or improved access
ALT G13	Affordable housing

Table 13: Relevant Development Plan policies the new build housing conflicts with

14.6 The justification for this considered view will be explained in the individual reports.

b. Is policy RUR 2 out-of-date?

14.7 The HDLPR set out planning policy for the district to 2006. Certain policies were superseded by the subsequent First Alterations. The HDLPR is an 'old style' development plan that predates the Framework. By virtue of two Government Office Directions various policies were saved and others expired. When the Framework was published Annex I: Implementation explained that

211. For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.

212. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans.

213. Plans may, therefore, need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan.

214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004³⁹ even if there is a limited degree of conflict with this Framework.

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

14.8 The HDLPR is not an up-to-date development plan having had a 'plan life' to 2009. However policies were saved beyond that date where they were still relevant. Saved policy RUR 2 has a dual purpose in protecting the environment and being a policy that limits house building. Saved policies still carry weight albeit that relevant policies for the supply of housing should not be considered up-to-date if the planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this case the Council can demonstrate in excess of a five-year supply. It is noted that in the Moulsham Lane appeal the Inspector concluded that as RUR 2 was negatively worded it was therefore out of date as the NPPF generally requires Council's to phrase policies positively. That said the NPPF does not prevent negatively worded policies where appropriate. Rather than the policy being considered out of date it would be more appropriate to consider each application on a case by case basis as the intent behind the policy, to protect unsuitable development in the open countryside is still a valid one. It would therefore be appropriate to give the policy some weight whilst properly considering the planning balance and merits of each application. In simple terms, where an application for planning permission delivers significant benefits and is in a location that is otherwise suitable for sustainable development it is not necessarily appropriate to rely on RUR 2 to refuse permission.

c. What are the other material considerations?

14.9 The following are the key material considerations applicable across the spectrum of the applications:

Heritage - buildings and historic landscape
Ecology - SPA, mitigation and enhancement as well as protected species
Location - sustainable or otherwise
Highways
Housing provision and supply including affordable housing
Enabling development - see d below
Trees and countryside character
Public access to mansion and grounds

d. Enabling development

14.10 Enabling development refers to development that would usually be unacceptable in planning terms but for the fact that it would bring public benefits. It is more commonly used in the heritage field to bring about the restoration and re-use of Heritage assets. However in the High Court in 2014, Justice Lindblom in *Thakeham Village Action Ltd, R [on the Application of] v Horsham District Council [2014] ref. JPL 772* considered the issue of a case which related to residential development facilitating the retention and continued operation of a local business providing local employment opportunities and he came to the view that the principles of enabling development are not limited to ventures that would protect a heritage asset or a facility that serves or is accessible to the public as the scope for enabling development is wide. It is the 'proper planning purpose' that was the principle at issue.

14.11 This is an important distinction as the Framework guidance in paragraph 140 says:

"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies".

and implies that the concept of enabling development only applies to heritage assets.

- 14.12 As originally submitted the proposals were not advanced by the applicant as an enabling form of development. That has since changed and the revised applications are now proceeding on the basis that the development concept as a whole is an enabling development to facilitate the restoration, re-use and conversion of the heritage assets. The applicant explains that

Having regard to the conclusions of the HIA and the Cultural Heritage chapter it is found that the total benefits of the combined applications result in a positive impact on the heritage assets; given the significance of the assets (including Grade I listed buildings/structures and Grade II Registered Park) and the conclusions of the technical reports which conclude that the applications will comply with other relevant policies, it is right to conclude that the benefit of securing the long term future of those assets (assets which are currently vacant, and in the case of the Registered Park on the At Risk Register) does outweigh the disbenefits of departing from policy (Planning Statement paragraph 8.30)*

e. Viability

- 14.13 The Council has engaged external consultants to advise on costs and viability matters to inform a the consideration of the enabling development case. That work is on-going and will primarily affect the consideration of the applications for new residential development which are to be reported to a subsequent meeting.
- 14.14 The issue of viability is a very minor issues for applications for the use of the Mansion House as a single dwelling or offices, and to the SANG proposal where such uses are considered compliant with the HDLPR

15.0 PLANNING CONSIDERATIONS

- 15.1 The relevant planning and material considerations are examined and reviewed in the individual reports that follow.

Bramshill House – grade I

1605-1612. A great Jacobean palace, having symmetrical elevations facing outwards but with a narrow interior court; the long east and west sides end in projecting wings. 2 storeys to north and east, 3 to the south and 3 above cellars to the west, all arranged below a single roof line. Red tile roofing, generally hipped but with large gables on the west side; grouped diagonal flues on rectangular chimney stacks. Walling is in red brickwork (English bond) with stone dressings, including a pierced stone balustrade parapet on the 3 main fronts, weathering bands, mullion and transom windows, arcaded openings to each end of the eastern terrace and an elaborate entrance feature. The entrance (south) front of 3 storeys has flanking wings of 3 windows (of 1703), a recessed centre of 2 steps (each of 1 window) and projecting porch of 3 storeys in stone. This is surmounted by a circle framing Prince of Wales feathers and a crown; below this the 3 levels are marked by an Orderly Treatment with coupled pilasters on each side, a pilaster between round-headed windows at the 2nd floor, an oriel at the 1st floor, and at the ground floor an arched entrance flanked by arched pavilions (in line with the porch and forward of the recesses). The east front has 4 full-height angular bays with 2 windows between, the upper side walls of each wing are blank above 2 arches framed within a rectangular panel (and treated with classical details), the wings also have full-height bays. The north front has 3 angular bays widely spaced, with 1 window between each, above the centre is a Dutch gable with a figure in a niche, flanked by small obelisks. The ground floor of the centre bay is an arched doorway. The west elevation has continuous gables, and there are sash windows at the ground floor (above cellar) level. Within, the house is notable for the rich period decoration of its principal rooms, which include a long gallery, a great drawing room, a chapel (former chapel) drawing room, a dining room, staircase, bedrooms and entrance hall.

Garden walls and gateways north of Bramshill House – grade I

Early C17, early C19. Rectangular enclosures project northwards from the House, the adjacent smaller area having small doorway entrances near the house, and a large arched opening (beneath stepped walling) on the axial line. The larger northern enclosure ends in the Gateway (again on the axis); to the east of this unit is a similar (and later) enclosure with doorways in the centre of each side, comprising a cambered arch with a raised simple pediment treatment above. These enclosures are bounded by high red brick walling (in English bond and Flemish Garden Wall bond) with weathered top and plinth, the fourth enclosure (east of that next to the house) has a pierced stone balustrade on the east and south sides.

Stable block at Bramshill House – grade II

Late C18. A symmetrical design with a centre-piece connected to flanking blocks by a short wall. Red tile roofing, hipped; the higher central part having an octagonal timber bell turret, moulded eaves rising at the centre as a wide pediment. Red brickwork in Flemish bond with blue headers, rubbed flat arches, plinth. Several openings are now blank, some have small windows in the upper part, those on the outer side of the wings have sash windows. Altered, modernised as a garage block.

Gateway to Bramshill House – grade I

Early C17. Situated on the axis of the north front, on the north wall of the system of garden enclosures. A triple-arched design in stone, the flanking arches at a lower level beneath a pediment form, the lower part of these side openings being filled with a 2-bay balustrade. The central arch is framed within Doric pilasters, supporting an entablature above which are 3 finials, one in the centre of the split pediment, the others in line above the pilasters.

Walls and turrets south of Bramshill House – grade I

Early C17. From the south east corner of the house a boundary wall extends southwards to mark the east side of the entrance forecourt; it terminates by rising to meet a small octagonal turret, with a lead ogee cap. A similar turret marks the western side of the forecourt but the present flanking wall is further to the west. The turrets are in red brick work with small stone quoins and stone door frames in the inner face. Brick dentil eaves. Between the turrets a wrought iron railing allows a vista of the entrance front.

Walls and gate piers to west of Bramshill House – grade II

C18. Boundary walls continue to the west of the House, with gate piers displaying former divisions. These are squares red brick structures (in Flemish bond with blue headers) capped by stone cornices and vases.

High Bridge- grade I

Early C19. 2-arched bridge (over the River Hart) of Jacobean style, with details similar to the House. The 4-centred arches have 3 half-octagonal embrasures above the cutwaters and, continuing with similar spacing for 3 bays, 2 simpler "cutwater" abutments supporting the side walls. The structure is in red brick work (English bond) with stone dressings. The long straight parapets form a continuous stone balustrades, ending in octagonal turrets.

Lodges to Bramshill House – grade II

Early C19. Symmetrical gateway on the avenue approach to Bramshill House, flanked by lodges. Each lodge is a square 3-storeyed block with a single-storeyed outer wing: I.I windows. Scallop-tile ogee roof, topped by a ball finial. Stone eaves moulding. Walling is in red brick English bond with cement quoins, plain (eaved) architraves, plinth. The casement windows are on each face at each level, the ground-floor opening on the inner face being a plain doorway. Between the lodges is a red brick screen wall pierced by a central carriageway entrance flanked by pedestrian entrances: crenelated top, 4-centred arches, small buttresses between openings.

Bramshill Park – registered park and garden grade II*

A series of early C17 formal walled gardens surrounding a contemporary Jacobean house standing within a park of medieval origin which was formally landscaped in the C17 and mid C18, and later, in the late C19 and C20, given informal features and enlarged to encompass woodland with axial rides.

Historic development

The Bramshill manors were owned by the early C14 by Sir John Foxley. His son, Thomas, was licensed to enclose a deer park of 2500 acres (1012ha) in 1347 and between 1351 and 1360, built a house at Bramshill. The property descended through the Foxley family until the late C15 after which it passed through various hands including those of Lord Daubeny in 1499 and of the Crown, Edward VI then granting it to William Paulet, first Marquis of Winchester, in 1547. In 1605 it was sold to Edward, Lord Zouche of Harringworth, a patron of science and a horticulturalist (VCH 1911). He built the present mansion in 1605-12, on the site of Thomas Foxley's house, which he left on his death to his cousin Sir Edward Zouche. It was during Lord Zouche's ownership and that of the Henley family, who purchased the property in 1639, that the lake with its island, the system of ponds, the walled gardens around the house, and a number of the avenues were laid out (Isaac Justis survey, 1699). In 1699, Bramshill was sold to Sir John Cope who restored and altered the house, developed new designs for the formal gardens, and continued large-scale tree planting in the park which included the laying out of a complex pattern of avenues and formal tree features (Estate plan, 1733). The property remained in the Cope family until the 1930s with, in the late C18 and early C19, the park and gardens being given a degree of informality with

the formation of the Broad Water on the course of the River Hart and the return to parkland of formal garden enclosures south of the house. The heaths to the east, parts of which were imparked, were also first planted with conifers at this period and a system of rides laid out across them (estate map, nd; OS Surveyor's drawing, 1792). The house underwent two further restorations, in 1851 by Sir William Cope and in 1920, after a period of neglect, by Captain and Mrs Denzil Cope, who also undertook restoration of the garden including one of the ponds. Their son, Sir Denzil, sold Bramshill to Lord Brocket in 1936. On his subsequent sale of the whole estate in 1952, the house, gardens, and some of the surrounding parkland were purchased by the Home Office for its present (1999) use as a Police Staff College. Adjoining areas of parkland within the site were sold as farmland and are in private hands while the remaining estate land was sold commercially, with much of it now (1999) leased to the Forestry Commission which manages it as commercial woodland.

Description

Location, area, boundaries, landform, setting Bramshill is situated on the north side of the A30, Camberley to Basingstoke road, c 2km north of Hartley Wintney on the B3011. The c240ha site comprises c10ha of formal enclosed gardens and ornamental grounds, parts of which incorporate Staff College campus buildings, surrounded by a c230ha park which includes c110ha of woodland. From the south-west part of the site, which occupies the floor of the valley of the River Hart, the land rises gently north-eastwards up the side of the valley onto a level plateau. The boundaries are enclosed entirely by agricultural fencing and are surrounded to the north-west, west, and south by a narrow belt of farmland and heathland contained by minor roads (Plough Lane to the west and the B3011 to the south-west). A major landfill site abuts the boundary in the north corner while to the south-east, east, and north-east, forestry plantations form the setting, with operational sand and gravel extraction pits within the woodland to the south-east.

Entrances and approaches The principal entrance and approach to Bramshill is from the south-west. From a lane leading 400m north-east from the B3011, a drive enters the park at Hazeley Heath Lodges (now known as Double Lodge), passing through a carriage gateway in a screen wall which is flanked by a pair of three-storey square lodge houses with scallop-tiled ogee roofs (ensemble of early C19 lodges, walls, and gateway listed grade II). The drive runs north-eastwards, following a course axial on the house which is shown established on the plan of 1699 (Justis), to cross the Broadwater on High Bridge (listed grade I), an early C19 brick structure in Jacobean style with stone dressings. Beyond the bridge, the axis continues rising in the form of a broad grassy slope, lined with oaks of varying ages, to meet the forecourt enclosure on the south-west, entrance front of the house. The drive then follows a parallel course on the north-west side of the axis to run along the north-west side of the forecourt and serve both the principal, south-west entrance to the house and a second entrance, off a turning circle, on the north-west front. The north-western half of the turning circle is enclosed with further walling dating from the C18 with, axial on the north-west door to the house, a gateway framed by red-brick piers capped with stone vases (walls and gate piers listed grade II). An C18 stable block (listed grade II) stands 40m north of the house, immediately beyond the turning circle. A second approach to Bramshill, known in the C19 as the Reading Avenue (Cope 1883), enters from Plough Lane to the north-west and forms a cross-axis with the main drive. Fringed with trees and, on its north-east side, by a landfill site on former gravel pits, it runs 700m south-eastwards, then south through woodland before passing along the south-west bank of the C17 Fish Pond. This last section is shown on the Justis survey of 1699, although the extension to the present Plough Lane entrance did not occur until the late C18 when it was laid out as an avenue (OS Surveyor's drawing, 1792) which survived until the mid C20 (OS).

Principal building Bramshill (listed grade I) stands to the south-centre of the site, on the south-west edge of the plateau looking out over the deer park to the River Hart valley and to wooded ridges beyond. One of the largest Jacobean houses (Pevsner and Lloyd 1967), traditionally attributed to John Thorpe (CL 1899) and built entirely in red brick with stone dressings, the long south-east and north-west sides of its rectangular plan end in projecting wings. The principal, south-west front, which rises to

three storeys, has a great frontispiece consisting of a three-bay arcade, the central arch of which is surmounted by three tiers of decorated pilasters and a central bow-fronted oriel. On the south-east front, the projecting wings at each end each contain a loggia which opens onto a connecting 'troco; or bowls terrace, while the north-west front, of two storeys, has three canted bays and a round-arched entrance which leads into a narrow, internal courtyard. The house was built between 1605 and 1612 by Lord Zouche, on the site of Thomas Foxley's house of the mid C14 of which a few remnants survive incorporated into the present fabric. The house was reduced in size between 1695 and 1703 by the shortening to their present size of the two wings flanking the principal front; the house was also altered internally on the west side in the C18. It underwent restorations in both 1851 and 1920 (CL 1985).

Gardens and pleasure grounds Formal walled gardens, established to their present (late C20) plan in the early C17, lie immediately east of the house, with informal wooded gardens with ponds to the west.

The principal, south-west entrance front opens onto a 100m long rectangular forecourt, shown in plan on the Justis survey of 1699, which is enclosed along its south-east side by a parapet wall and laid to lawn. At each corner of its south-west side stands a small, early C17 octagonal red-brick turret with a lead ogee cap (turrets and wall listed grade I) linked by a wrought-iron railing which allows a vista down the main drive both to and from the house. On the south-east front, below the level of the terrace and its loggias, the platforms of further formal garden enclosures, removed as part of a late C18 informalisation of the landscape, survive in the form of a level trapezoidal lawn and, south-westwards below a steep bank, a further platform laid to rough grass and containing a central rectangular pond. These are shown on the Justis survey as areas of enclosed gardens, a design for which survives at Bramshill (Valuation, 1666). A survey of 1756-7 shows three ponds on the lower platform although these appear to have gone by 1871 (OS 1875) and the present pond is of C20 origin.

The main walled gardens on the north-east front consist of an 80m x 90m enclosure divided by internal walls into four compartments (all walls listed grade I). The house door opens into a small compartment forming a forecourt, with two symmetrical parterres of lavender laid out either side of an axial path. The path leads north-east through an arch in the wall into a larger rectangular compartment, laid to lawn with perimeter shrubbery, which has set into its outer, north-east wall, an early C17 triple-arched stone gateway, the central pedimented arch framed within Doric pilasters (listed grade I). Arched gateways lead south-eastwards into two further compartments: that to the south-west is laid to grass and gravel and enclosed to the south-west and south-east by a pierced stone balustrade with a corner bastion while the south-east, and largest, compartment is planted with a late C20 design of bedding which replaces a former rose garden (CL 1923).

West of the house, beyond the kitchen garden, the ground slopes away to light woodland containing an upper (north-western) and a lower pond, both of which are shown on Justis' survey of 1699. The upper, known as Dog Kennel Pond, has its banks and islands planted with ornamental shrubbery including azaleas. The lower, White Pond, which had disappeared from maps by the mid C19 (eg: Tithe map, 1842) was restored in the mid C20 by Lord Brocket who also, in 1949, erected the timber bridge spanning the cascade connecting the ponds. North-east of Dog Kennel Pond, grassy slopes are planted with mature trees, including exotic conifers, while beyond the ponds, the Staff College campus buildings extend 400m north-west and north beneath a canopy of intermittent light woodland and c 150m north-eastwards, across the line of the C17 avenue, into the park.

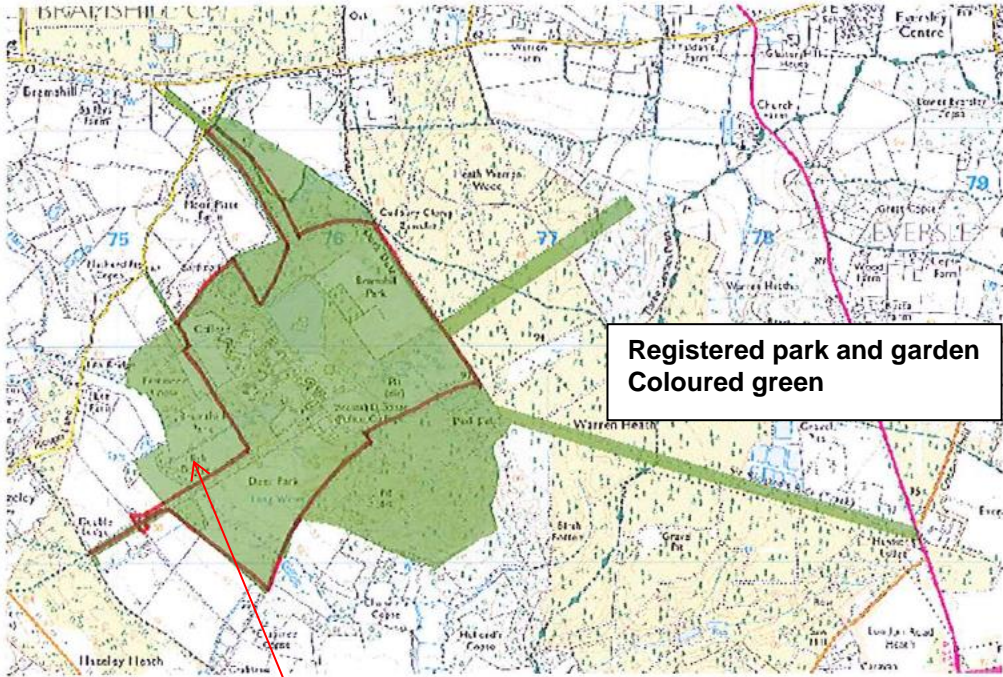
Park Although the park surrounds the house and gardens on all sides, the main area of open, deer-grazed parkland lies south-west of the walled gardens on the slopes down to the Broad Water. Thomas Foxley's deer park, for which he obtained a licence to enclose in 1347, and which covered an area of 120 acres (c 48ha) in 1517, is shown on Justis' 1699 survey as lying largely to the north and east of the house, although he records a 'deer orchard' enclosure immediately south of the walled gardens. The extent of the C17 park changed little in the early to mid C18, although it was planted with a complex pattern of intersecting avenues and formal enclosures of trees which is shown in detail on a survey

dated 1756-7. The slopes down to the Broad Water on both sides of the main drive were imparked from former fields in the late C18 as part of the informalisation of Bramshill's landscape by the Cope family. The Broad Water was constructed from the course of the River Hart (OS Surveyor's drawing, 1792) and the southernmost formal garden enclosures returned to parkland. The lake is now (1999) severely reduced by encroaching vegetation while the parkland on the north-west side of the drive is under arable cultivation. A number of groups of mature oaks on the arable and pasture slopes survive from both former field boundary planting and from the south-east end of the Green Ride. This ride, which was laid out between 1699 and 1733 some 250m south-west of the house as a ride cross-axial with the main drive, survives north-west of the main drive as a track lined with an avenue of oaks of mixed ages. Immediately north-east of the Green Ride, the park is laid to open pasture and meadowland while the woodland belt on the northern site boundary contains a circular earthwork which was the site of a C17 maze (Justis survey, 1699).

North, east, and south-east of the house, the majority of the park is wooded, predominantly with commercial softwood plantations. These were developed in the mid to late C20 from the conifer planting (largely Scots pine) which occurred in the mid to late C19 over both the former deer park and, to the south-east, on heathland newly imparked between c 1810 and 1830 (Debois 1992; OS 1875, 1897). Remnants of the C17 and early C18 pattern of avenues, some of which appear to have been replanted as part of the early to mid C19 period of park expansion, survive in the north-east part of the park, as do sections of a further series of avenues and rides laid out through the C19 conifer woodland. North-east from the triple-arched gateway to the walled garden, the main C17, south-west to north-east axis through the house continues across open parkland for roughly 130m as a sweet chestnut avenue, replanted in the late C20. Its north-eastward extension through the conifer woods beyond the site boundary, shown on OS editions from 1875 until the mid C20, survives in part. A further avenue of pollarded limes, probably of C19 origin (Debois 1992), runs c100m south-eastwards from near the south-east corner of the walled gardens, then turns north-north-east to follow part of the course of the C19 Fir Avenue (CL 1923), the remainder of which is now gone. The longest ride, known as Sir Richard's Ride and shown on the OS map of 1875, runs from a point within the woodland c 850m east of the house for a distance of 2.2km to Hawkers Lodge on the B3016.

The main open parts of the park north and east of the house comprise sports fields and lawns around campus buildings to its immediate north-east and, extending beyond a block of mixed woodland north-eastwards to the site boundary, a further area of playing fields which merges into rough grass partly invaded by heath. The boundary at this point follows a park pale, the line of which is first shown on the OS Surveyor's drawing of 1792; its continuation south-eastwards was probably destroyed during late C20 gravel extraction (Debois 1992). Within the woodland, some 330m north-east of the house, stands a well house which was probably built by the Henley family in the second half of the C17. It is shown on Justis' 1699 survey as the 'conduit house' and as a 'water house' on the 1756-7 plan and was probably constructed to fill Black Pond which, until the late C18, lay to its south-east. The major C17 water feature of the park, the Fish Pond, lies 300m north of the house. Shown on Justis' survey, it is contained by an earth dam along the north-west and north-east sides while the south-west shore is aligned on the C17 triple-arched garden gateway. The pond's central square island is planted with pines and rhododendrons.

Kitchen garden The kitchen garden stands to the immediate north-west of the house, on the slopes down to Dog Kennel Pond. Its rectangular enclosure of red-brick walls (south-east wall listed grade I), which is shown in plan on the Justis survey of 1699, is laid to grass with an informal planting of ornamental and fruit trees and an intermittent belt of shrubbery along the walls.

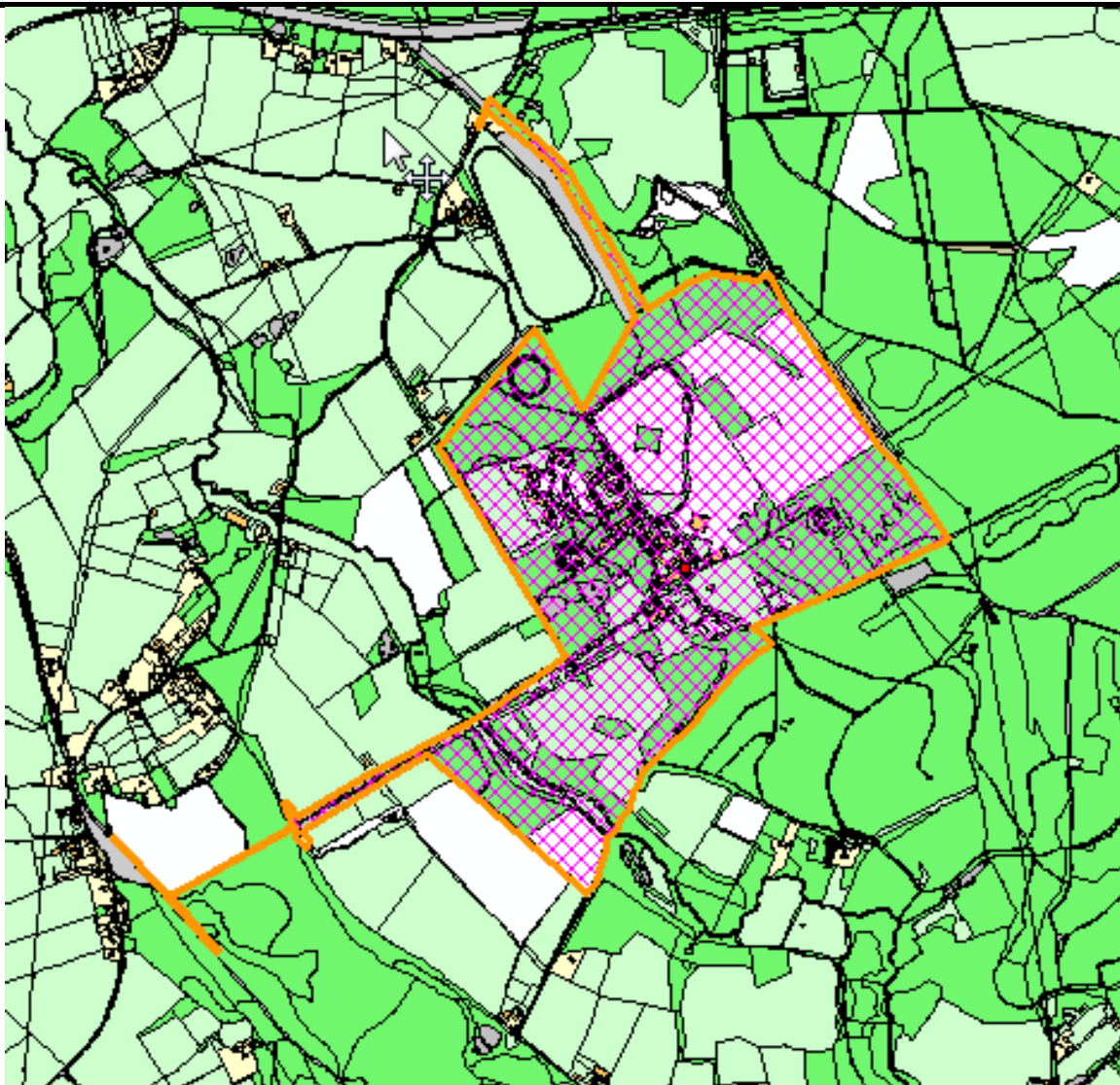


Registered park and garden
Coloured green

Development site

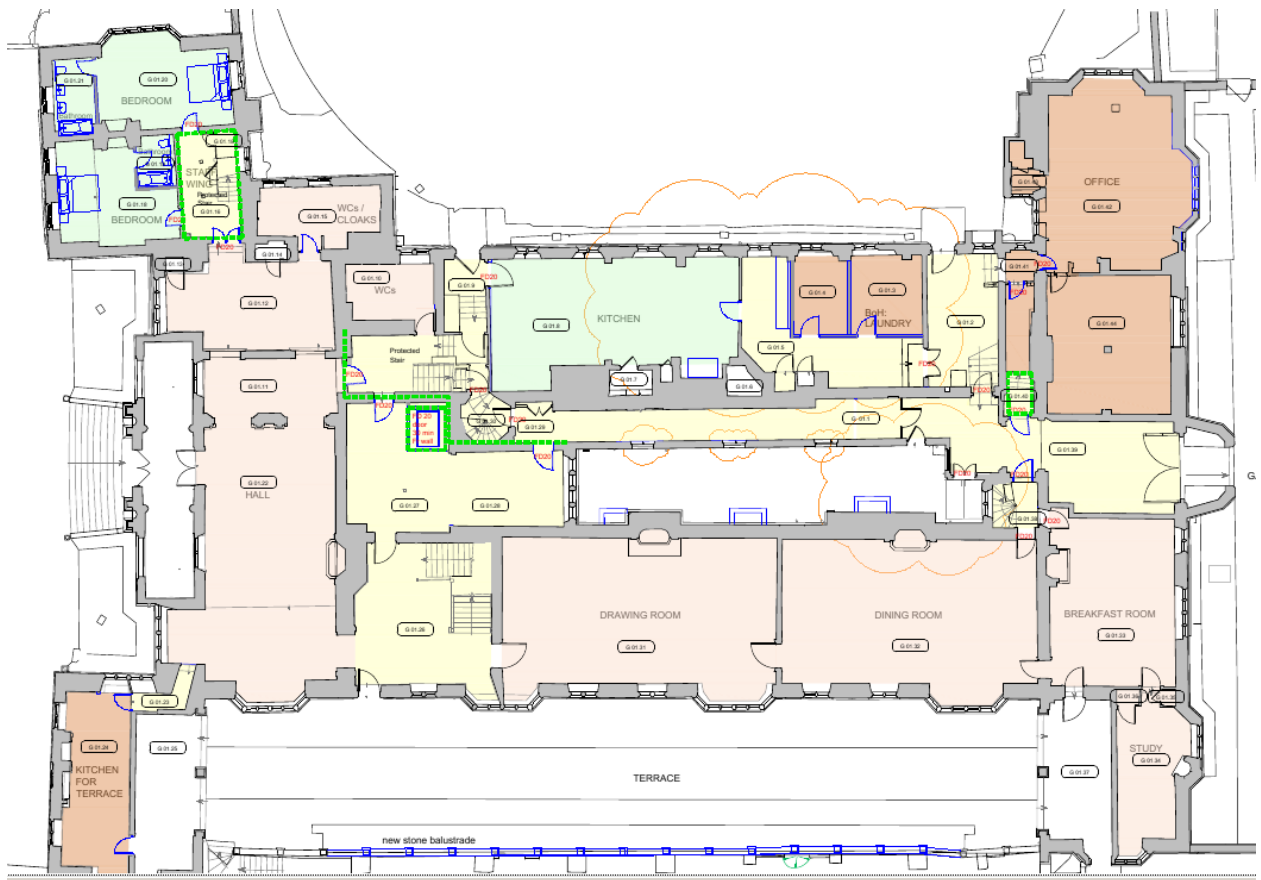
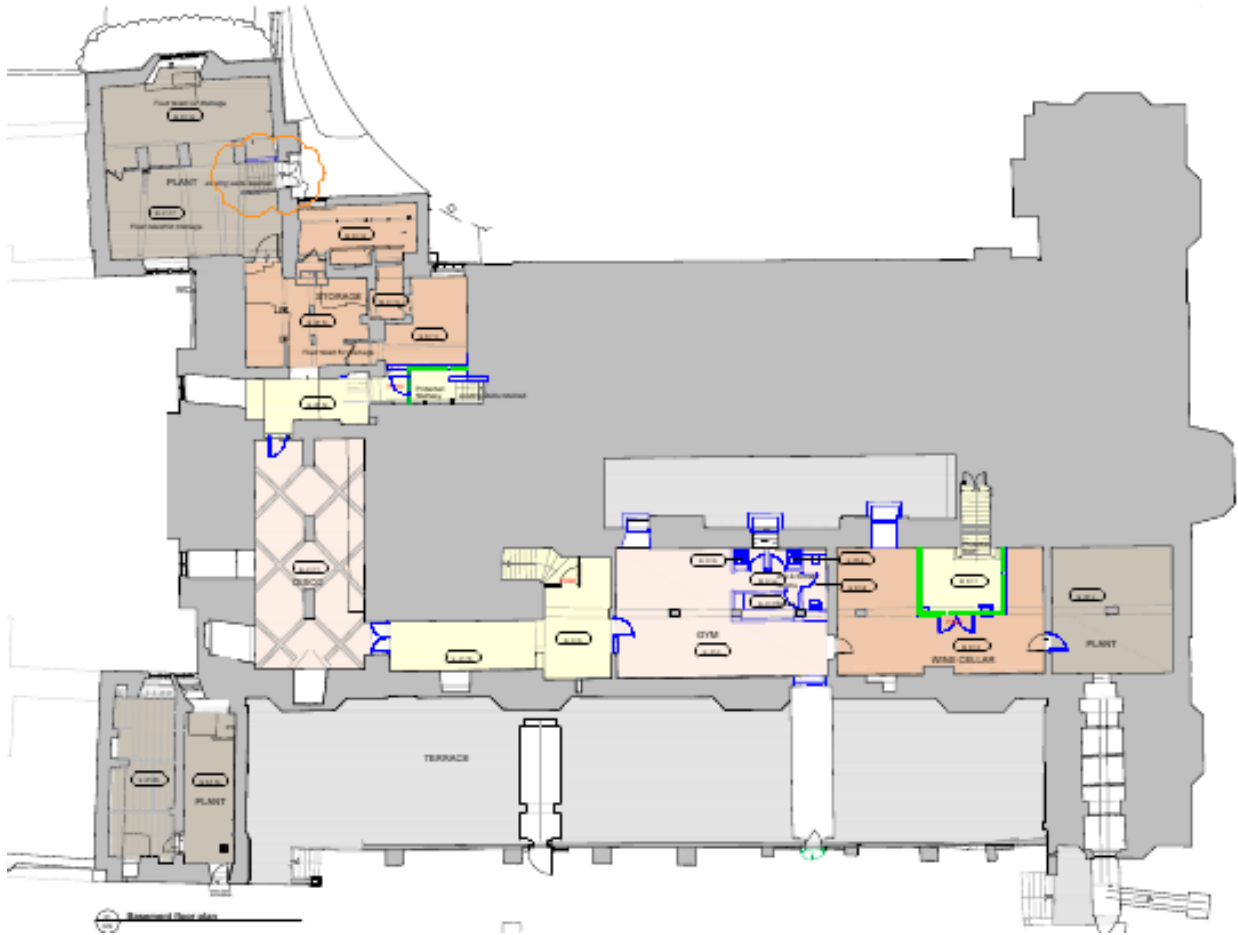
COMMITTEE REPORT
ITEM NUMBER: 101 and 102

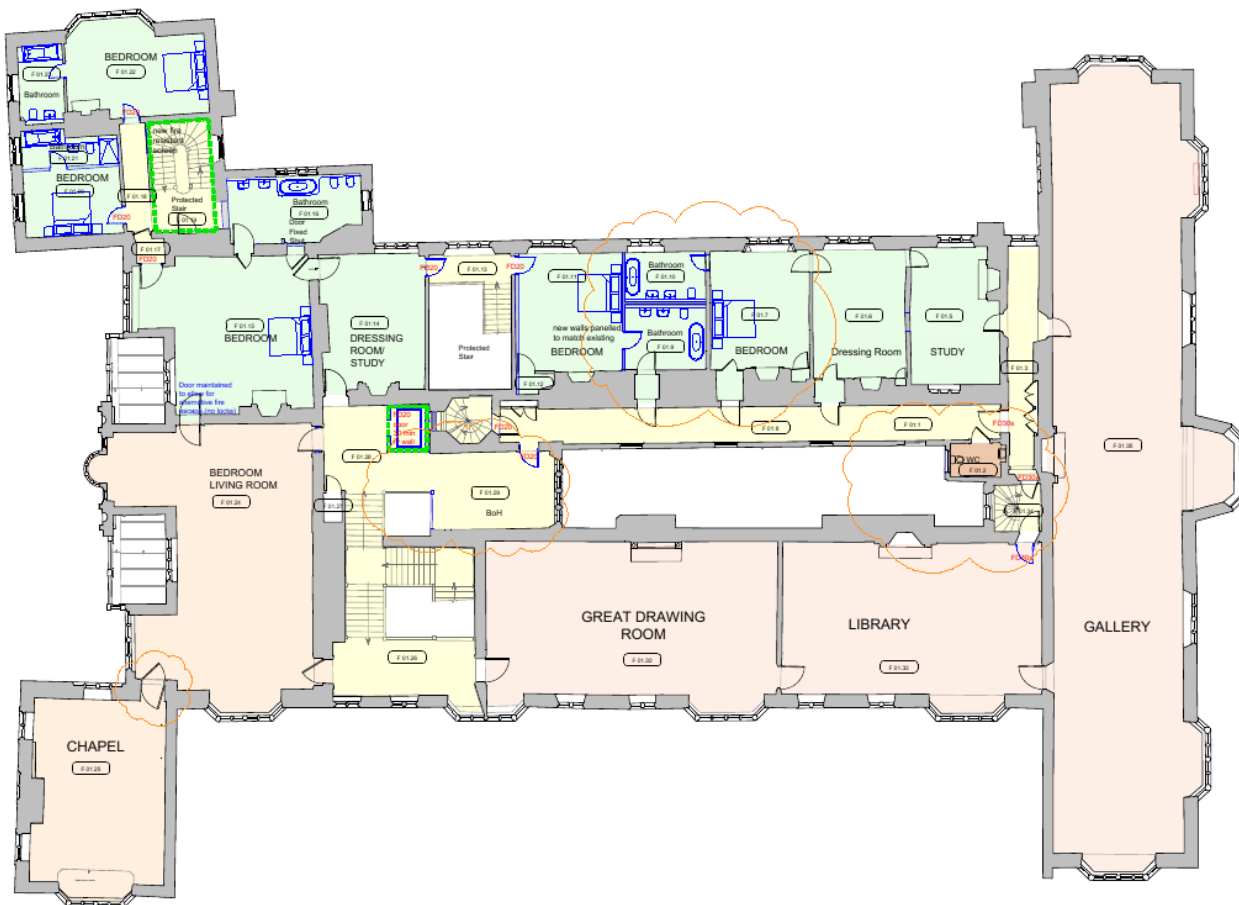
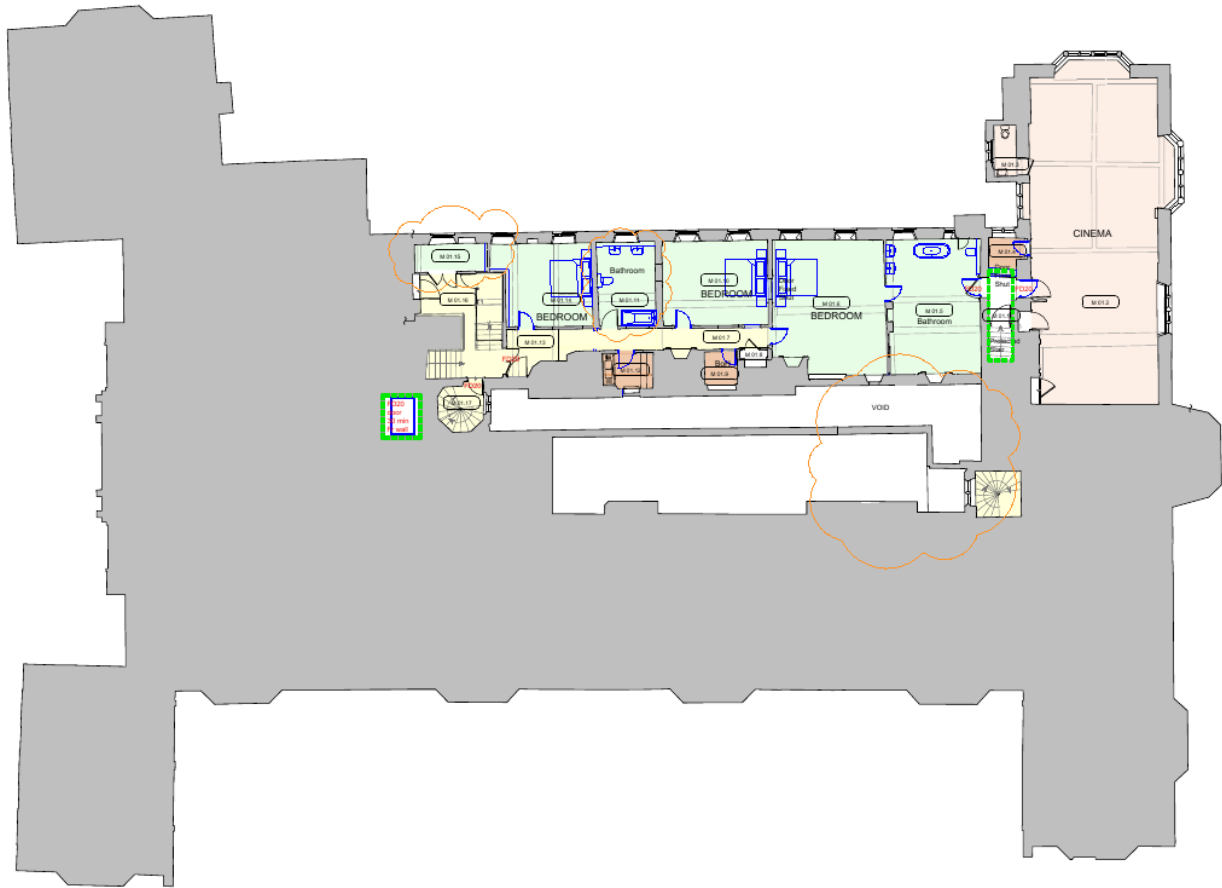
APPLICATION NO.	16/00722/FUL and 16/00723/LBC
LOCATION	Bramshill House Bramshill Park Bramshill Hook RG27 0JW
PROPOSAL	Conversion of Bramshill House, the Stable Block and the existing Nuffield Hall for use as a single dwelling and associated parking. Demolition of curtilage listed buildings and maintenance and restoration works to Bramshill House and Gardens. The provision of a new 13.9ha SANG.
APPLICANT	City & Country Bramshill Ltd
CONSULTATIONS EXPIRY	2 January 2017
APPLICATION EXPIRY	25 August 2016
PLANNING COMMITTEE WARD MEMBER	Cllr Tim Southern
RECOMMENDATION	Recommendation A & B (see below)

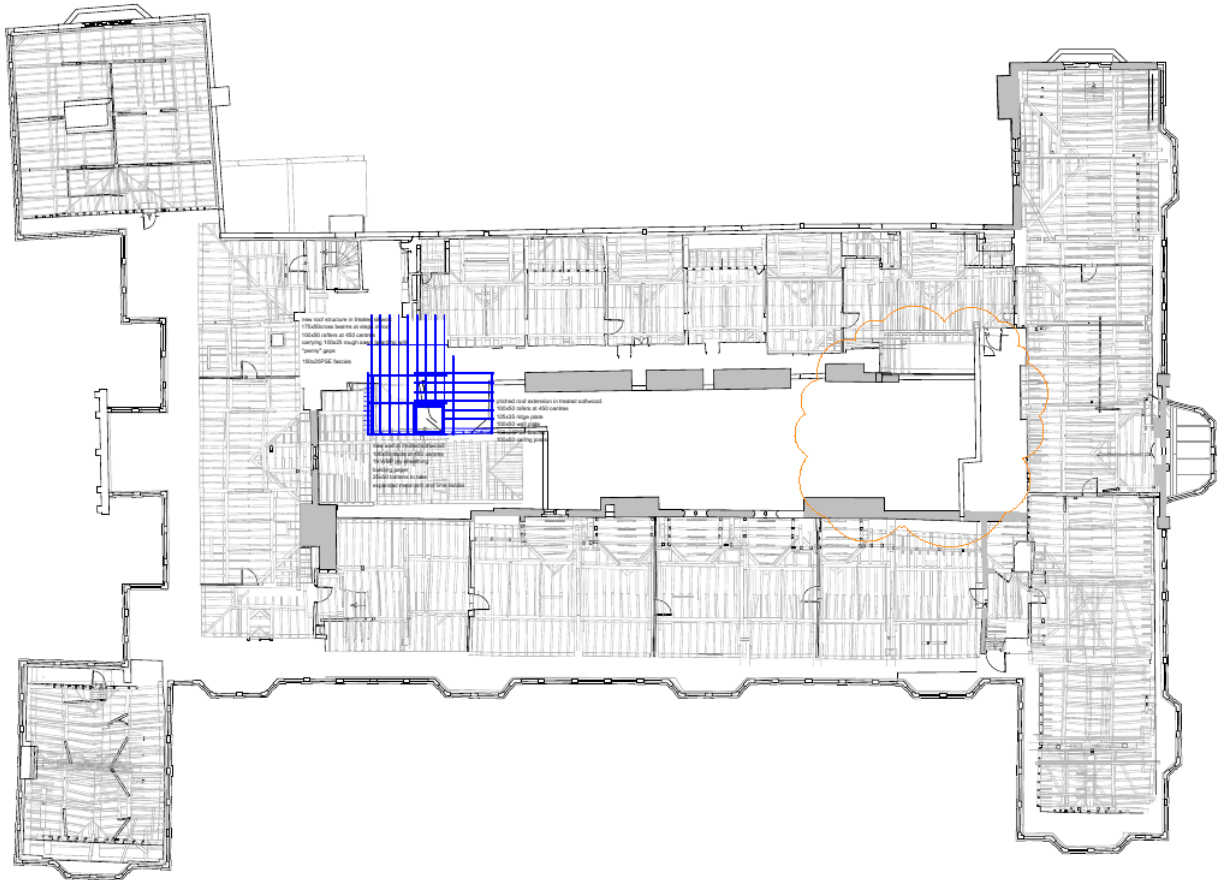
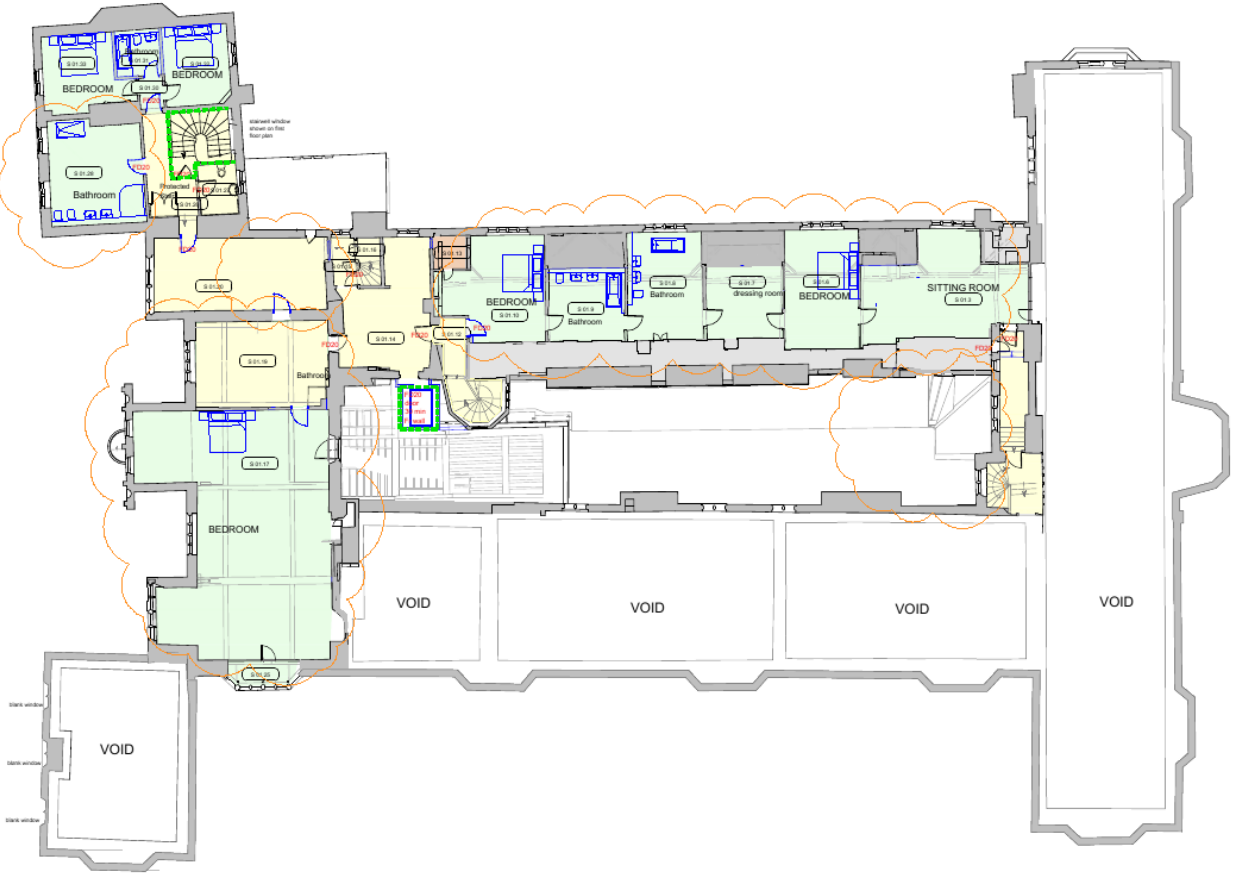


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PROPOSED FLOOR PLANS







1.0 INTRODUCTION

1.1 This report concerns the planning application and listed building consent for the conversion of Bramshill House to one single dwelling. The related listed building consent application is also considered in this report. The background, overall site description, planning history, summary of the related development proposals and relevant planning policy has been set out in the generic report. This report covers the following:

- The proposals
- Consultee responses
- Parish Council representations
- Third party comments
- Planning policy
- Determining issues
- Planning considerations
- The Planning Balance and overall conclusion
- Recommendations

1.2 This proposal, together with the application for office use and the proposal for the SANG in isolation, is brought before the Planning Committee for early consideration because the principle of the proposed use is considered to be policy compliant and acceptable. Details of the conversion works and alterations can be settled by compliance with conditions. The other current applications for new build residential development are still being considered and will be brought to Committee at a later date.

1.3 Bramshill House is within the 400m exclusion zone around the Thames Basin Heaths Special Protection Area (SPA) and this is one of the principal planning considerations with this application.

2.0 THE PROPOSALS

2.1 The applications are for the conversion of the Bramshill House to a single residential dwelling coupled with the conversion of the Stable Block to amenity space and ancillary use and adaptation of Nuffield Hall to garages and stores. Also included is the demolition of later additions to the Stable Block. The applications include the restoration of the walled gardens and management of the landscape. Arrangements for vehicular access are also shown and provision is made for the parking of 10 cars.

2.2 The proposed alterations to Bramshill House to facilitate providing the single dwelling include the following:

- Repair and renovation of the building fabric
- Reinstating windows in the northwest elevation, replacement door to basement, fire escape door at roof level
- Fire insulation
- Electric services upgrade
- Installation of boilers and heating
- Installation of bathrooms

2.3 The accommodation within the main house would comprise

Basement - plant, storage, gym, wine cellar, disco

Ground floor - two staff beds with en-suite bath/shower rooms, hall, terrace kitchen, drawing room, dining room, kitchen, breakfast room, study, laundry and office
 Mezzanine - 3 no. bedrooms, 2 no. bathrooms and a cinema
 First floor - gallery, library, great drawing room, 6 no. bedrooms, 3 no. dressing rooms and 5 no. bathrooms
 Second floor - 11 no. bedrooms, 10 no. bath/ shower rooms
 Third floor not proposed to be converted.

- 2.4 The 20th century additions to the stable block are to be removed and the building converted to ancillary use as an office, gym, changing room and staff welfare room. The Nuffield building would be converted to garaging. The walled gardens would also be retained, refurbished where necessary, to go with the single dwelling.
- 2.5 The proposal also includes for the provision of Suitable Alternative Natural Greenspace (SANG) within the grounds; this forms part of the proposed mitigation for the impact on the SPA. The suitability of the SANGs proposals is dealt with in detail the report for application 16/0129/FUL.
- 2.6 The key documentation relating to this application is:

- Environmental Statement and appendices
- Environmental Statement – Non Technical Summary
- Site Location Plan 7870 P0 002 P-02
- Existing/proposed elevations, sections, floor plans and roof plans - revised
- Landscape Plans – revised
- Arboricultural Impact Assessment - revised Oct 2016
- Bramshill Condition Survey
- Dining Hall and Stable block condition survey Oct 2016
- Bramshill Gardens condition survey Oct 2016
- Bramshill Sundry Buildings and Bridges condition survey Oct 2016
- Structural Survey
- Design & Access Statement - revised Oct 2016
- SANGS Creation and Management Plan - revised Nov 2016
- Heritage Impact Assessment of the proposed SANG - revised Oct 2016
- Energy Statement
- Heritage Impact Assessment
- The Landscape and Gardens of Bramshill
- Planning Statement - revised Oct 2016
- Statement of Community Involvement
- Use Options Report

3.0 CONSULTEE RESPONSES

- 3.1 The table below summarises the consultation responses that have been received and identifies where further information on the revised SANG creation and Management Plan is awaited.

HCC Highways	Awaiting further comments but initially recommended refusal until satisfactory further information has been provided regarding, inter alia, the suitability of both the junctions from Reading Drive South and Plough Lane
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	onto Bramshill Road and poor operational performance at the junction of the B3011 and Bramshill Road.
HCC Rights of Way	No objection subject to Section 106 contributions towards rights of way creation and improvement. See Section 8 of generic report
Environment Agency	<p>No objection subject to conditions. The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site including the River Hart and the lake.</p> <p>Condition</p> <p>No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:</p> <ul style="list-style-type: none"> • Installing mitigation measures in the vicinity of High Bridge, to prevent otters from accessing the road. This should include otter fencing on both banks, both upstream and downstream of the bridge. If necessary, it should also include steps or ramps up the existing ledges beneath the bridge. • Fencing off areas of the river within the Deer Park in order to prevent poaching by deer and encourage regeneration of river bank habitat; • Native scrub planting in the vicinity of the river (for example blackthorn <i>Prunus spinosa</i> or gorse <i>Ulex europaeus</i>) to create resting sites for otter. Planting of dense thickets would also discourage deer browsing; and • Introduction of a coppicing regime or pollarding of large mature trees along the river to prevent collapse of trees that may provide suitable resting and natal sites for otters. This will also allow more light into the river to encourage marginal plants, which will contribute to raising the ecological status of the Water Framework Directive water body, Hart (Elvetham to Hartley Wintney). • The removal of Rhododendron around the edge of the large lake. • Control of the willow scrub along the eastern lake edge. • Details of management responsibilities.
HDC Drainage Engineer	No objection subject to condition. Most of the flood risk issues have been covered by Hampshire County Council and the Environment Agency including reviewing the Flood Risk Assessment in full and the proposed drainage strategy. HDC's remit is therefore to comment on access and egress issues only. The built elements of the site are located in Flood Zone 1.

	<p>Access and egress issues also require addressing but this can be covered by the following condition</p> <p>Development shall not be commenced until an Emergency Flood Plan is agreed in writing by the Local Planning Authority. The owner(s) of the site shall be responsible for maintenance of the approved Emergency Flood Plan for the lifetime of the development. Details within the plan shall include:</p> <ul style="list-style-type: none"> • An assessment of a safe route of access and egress from the entrance of the building to a location wholly outside of the floodplain of both main rivers and ordinary watercourses in accordance with FD2320/TR2. The route must be on publically accessible land with a hazard rating no higher than very low. Maps of any routes identified must be included in the approved Emergency Flood Plan. • If a safe route of access and egress cannot be identified then the plan must set out how the risks to site users from both fluvial and surface water flooding will be managed for the lifetime of the development. <p>The approved plan shall be made available for all site users for the life time of the development.</p>
HCC Lead Flood Authority	No objection
Thames Water	No objection to sewage infrastructure capacity. Water supply is a matter for the South East Water Company
Natural England	<p>Object. This proposal is within the exclusion zone within 400m of the SPA boundary. , where the saved local plan policy CON I European Designations and the Hart Interim Avoidance and Mitigation Strategy and the Delivery Framework indicates that mitigation measures are unlikely to protect the integrity of the SPA, so residential development should not be permitted.</p> <p>Natural England disagrees that the mitigation proposals will be sufficient to avoid a likely significant effect on the SPA. It is Natural England’s view that the planning authority will not be able to ascertain that this proposed development would not adversely affect the integrity of the SPA. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat on which the birds depend and increased disturbance to the bird species for which the SPA is classified, by reason of increased access to the heath including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of regulation 62.</p> <p>Natural England is also of the opinion that the proposal is not in accordance with the development plan, namely policy NRM6 and the saved local plan</p>

	<p>policy CON I European Designations and the Hart Interim Avoidance and Mitigation Strategy.</p> <p>No objection is raised to the revised SANG proposal on its own.</p>
RSPB	<p>Objects as it proposes development within 400m of the European and nationally designated heathland, Thames Basin Heaths Special Protection Area (SPA) and Hazeley Heath and Bramshill Sites of Special Scientific Interest (SSSI).</p> <p>The Combined Ecology Response does not present any further evidence as to the effectiveness of the mitigation measures which are relied upon to justify proposed residential use within the 400m Thames Basin Heaths SPA (TBHSPA) buffer. We would emphasise that the TBHSPA 400m buffer is to address urbanisation effects which include, but are not limited to cat predation. Therefore, consistent with its long-held position on the impacts of housing developments around the TBHSPA, the RSPB maintains its objection to applications proposing residential development within 400m of the TBHSPA and Hazeley Heath and Bramshill Sites of Special Scientific Interest (SSSI). Within 400m of the SPA the impact of net new residential development on the SPA is likely to be such that it is not possible to conclude no adverse effect on the SPA and the Applicant has not provided evidence that justifies a modification in the 400m buffer.</p> <p>The mitigation measures proposed by the Applicant to justify residential development within 400m of the SPA (e.g. cat proof fencing, cat covenants etc.) are not considered to be effective, as we have detailed in our earlier response and at the meeting with the Applicant, this stance has been upheld by Natural England, Planning Inspectors and Secretaries of State in previous decisions.</p> <p>The Applicant fails to produce any evidence as to the effectiveness of a cat covenant but attempts to use the ban on cat ownership provided as part of their King Edward VII property development (to which we objected) to support the use of a cat covenant as mitigation. It should be emphasised that just because a cat covenant has been introduced elsewhere does not mean that this measure is effective. It is understood that the King Edward VII development is still being completed and not all units are occupied yet. There is therefore no possible means by which an assessment of the effectiveness of the cat covenant at their King Edward VII development can have been undertaken. In addition the use the Applicant is making of the Kind Edward VII development further validates the RSPBs concerns regarding the risks of the setting of precedents in relation to the TBHSPA strategy 400m buffer.</p> <p>The Combined Ecology Response states that the Applicant is relying solely on the cat covenant (paragraph I.10) to address cat predation. The Applicant agrees that there is no evidence for the effectiveness of cat proof fencing. However, goes on to state that the fencing could</p>

provide protection in the short term should a resident breach their lease terms whilst appropriate action is undertaken by the management company. This highlights that the Applicant acknowledges that the cat covenant may be breached by residents and therefore does not provide the required certainty in the efficacy of the mitigation for them to be considered in offsetting predicted effects on the TBHSPA. In addition whilst agreeing a cat proof fence cannot be relied upon as effective mitigation the Applicant continues to highlight its role as a barrier should residents keep cats contrary to their tenancy.

The RSPB's concern regarding the assessment of impacts associated with permissive rights of way was focused on existing routes which provide a more direct route between the proposed development and the SPA. We welcome inclusion of multiple measures (pond / hedge) to ensure the existing permissive route between Reading Drive and the TBHSPA to the east are effectively closed.

The RSPB maintains that the assessment failed to consider the likelihood of future residents walking / cycling / driving to Hazeley Heath SSSI / SPA for recreational activities such as dog walking and mountain biking and associated impacts (Paragraph 1.11). However, we welcome the inclusion of the bollards as an essential measure to prevent parking along Manor Drive and contribute to addressing concerns of increased use of Hazeley Heath (SPA). The proposed bollards will require Sec. of State Consent. Whilst we acknowledge it is not within the Applicants control to ensure this consent, we will only be able to withdraw our objection once this has been secured to provide confidence that the mitigation can be delivered. The RSPB have now included the bollards in the ongoing Hazeley Heath consultation which will inform the application to the Secretary of State.

We welcome the clarification by the Applicant (Paragraph 1.21) that the management of the SPA as suitable for the Annex I heathland birds should not be classed as mitigation within the ES, given that it is a duty of the applicant. Habitat management within the SPA as mitigation is not considered to be consistent with the Habitats Regulations. The restoration of heathland in the area of the SPA owned by the Applicant is positive action to improve the quality of SPA habitat, which we support. In respect of the woodland buffer, while we acknowledge the Applicant's reference to the habitat mosaic of the SSSI, we consider that the woodland element is already well represented within the Bramshill SSSI and increasing the quantity and quality of heathland for Annex I birds is more important. The Applicant states that the Landscape and Habitat Management Plan will confirm the management prescriptions for this area and we request the opportunity to contribute to this plan.

In respect of the nightjar surveys the Applicant highlighted that nightjars had been considered within the development proposal design, in terms of retained important habitat and significant reductions in lighting. It is understood that a detailed lighting scheme will be secured via a planning condition and we would welcome consultation on these proposals.

	<p>We appreciate the additional bat survey work that has been undertaken, providing more evidence of Bechstein's bat, and support the proposed radio tracking work to inform the management of the site. We refer to the Hampshire and Isle of Wight Wildlife Trust's response for detailed comments on bats.</p> <p>We continue to urge the refusal of planning applications (16/00722 and 16/00720) proposing residential use of Bramshill House as they risk the integrity of the SPA and its species and risks undermining the Thames Basin Heaths Delivery Framework which provides an effective mechanism for housing delivery whilst protecting the SPA and its underpinning SSSIs within 11 local authorities.</p> <p>The RSPB also <u>maintains its objections</u> to the commercial use proposed for Bramshill House and residential proposed on the site outside of the 400m buffer, due to key outstanding issues, namely</p> <ul style="list-style-type: none"> (i) ensuring the SANG provides a safe space for dogs off leads; (ii) securing the measures to restrict parking along Mansion Drive through Secretary of State consent. We considered that these outstanding issues are capable of being resolved in relation to these proposals.
Hampshire & Isle of Wight Wildlife Trust	<p>The Thames Basin Heaths SPA 400m buffer is in place to address the effects of urbanisation on the European and nationally designated nature conservation sites. The impacts of a net increase in residential development on the SPA is likely to be such that it cannot be concluded that there will be no adverse effects on the nature conservation interests of the designated sites. As such we remain opposed to any application that seeks to increase the net number of dwellings within the 400m buffer.</p> <p>We acknowledge the efforts that the applicant has gone to in order to address the various concerns raised in previous submissions but we are of the opinion that the mitigation measures proposed, such as cat proof fencing and cat covenants, are not considered effective and therefore are insufficient to determine that there will be no adverse effects on the SPA. We are also concerned that any development within the 400m SPA buffer could undermine the long term effectiveness of the strategy and set a dangerous precedent that could lead to erosion of the 400m buffer zone. We refer to the RSPD response for more detailed comments.</p> <p>Further comments are also submitted in relation to bats and Bechstein's bat in particular for which it recommends further survey work is carried out to inform the Landscape and Habitat Management Plan.</p> <p>The Trust are not opposed to the proposed SANG subject to two outstanding concerns raised by the RSPB being resolved.</p>
The National Trust	<p>The Trust's initial comments and objections to the applicant's other proposals are included in Section 12 of the generic report together with the general comments of the Trust's Planning Advisor. No objection in principle and it</p>

	<p>is pleased that the majority of its concerns have been addressed through the revised plans.</p> <p>However it raises the following points:</p> <ul style="list-style-type: none"> - The French doors into the inner court are not a justifiable intervention; the inner court should left as it is. - Removal and insertion of new stairs in the NW wing basement may expose and damage earlier fabric of the building
HDC Ecologist	<p>Comments have been provided in relation to the ecology on the site and the immediate surroundings and how that relates to the overall masterplan. No comment is made relating to the development within the TBH 400m buffer zone.</p>
HDC Countryside Manager	<p>No objection and comments that as the SANGs will not transfer to the local authority or be publically accessible for the wider general public, he would expect Natural England to comment on the suitability of this SANGs as mitigation for the SPA. He therefore recommends that advice is sought from Natural England for the applications that include the SANG provision.</p>
Sport England	<p>No Objection is raised in respect of this specific proposal but there is objection to the unacceptable loss of the rugby field arising from the totality of the proposals.</p>
Historic England	<p>No objection in principle. This application would re-instate single residential use, theoretically as the house was used before 1950. The plans submitted are not those of an actual taker of the mansion, so they can only approximate to what might be the individual requirements of a very rich owner. There could be reservations about the glazing over of the courtyard (especially as the space would be encroached on anyway for circulation), but in essence this use, as illustrated, would be benign. The difficulty in this case would arise from the extent of change to the park to provide the 'cross-subsidy', itself the subject of evolving scrutiny. In view of the close linkage admitted by the applicant, it would be premature to approve this application despite the indications that, as to the mansion, the scheme would be acceptable.</p> <p><i>Note: Revised information has been submitted by the applicant to resolve the issues raised.</i></p>
Hampshire Buildings Preservation Trust	<p>Comment. HBPT does not favour this proposal, because it does not provide the opportunity for public access to the house.</p>
The Gardens Trust	<p>No objection is raised in respect of this specific proposal but there is a strong objection to all proposals to develop housing within the grade II* landscape. Objection set out in full in the generic report</p>
Hampshire Gardens Trust	<p>Comment and Object. There appear to be no detailed proposals for the walled kitchen garden lying to the NNW of the Bramshill House – we believe that the proposals for this piece of this historic site are important.</p>

HDC Conservation Officer	Awaited
HCC - Historic Parks & Gardens	Awaited
HCC Archaeology	No objection. As this proposal appears to deal with internal alterations to Bramshill House that involves no significant ground penetration, I would not wish to raise any archaeological issues in this instance.
HCC Minerals	No Objection. Suggests condition requiring demolition and excavated material be recovered where possible for use in the development.
HCC Education	No comments made
HDC Tree Officer	<p>No objection subject to conditions The application seeks to change the use of Bramshill House and carry out substantial demolition and landscape restoration. The conversion of the House will have little impact upon significant, retained trees. The main arboricultural features close to the application are the lime avenue and the Bramshill Oak. The Tree Protection Plans affecting this area demonstrate that they can be protected throughout the process.</p> <p>Tree removals indicated within this application comprise of a Douglas fir, apple and a maple. Further to this is a small area of understorey comprising mostly of sycamore. This work is to be carried out as part of the landscape restoration and is quite acceptable.</p> <p>It is not clear from the application whether or not the demolition of curtilage listed buildings, maintenance and restoration works affects only the area shown for Application 1, or whether it actually refers to the entire estate. Taking the view that it refers only to that which is within the area defined as “Application 2” on the Masterplan P0 005 Rev P00, this would require the demolition of building ref: B003. Trees adjacent to this will be suitably protected by the retained brick wall.</p> <p>Conditions to cover the following;</p> <ul style="list-style-type: none"> - Tree protection and associated method statements, specific to this application. To include final specification for tree protection, services, drainage, location for contractor parking, unloading, mixing and storage of materials. This will need to be supported by a schedule of works to show how this particular application relates to any others that might be granted permission. - Detailed hard/soft landscape design (e.g. final specification for hard surfacing within RPA's of retained trees).

	<ul style="list-style-type: none"> - Details of any new services or drainage runs including route and method statements, as appropriate. - Detailed scheme of site supervision, as appropriate to application.
HDC Environmental Health	<p>No objection subject to conditions. 1. This Department is generally satisfied with the Air Quality Assessment as produced by RSK dated December 2015, and would therefore raise No objections to the overall conclusions of the assessment.</p> <p>2. It is not clear from the provided information whether there will be any ground works or the extent of any soft landscaping areas incorporated within this element of the proposal, if so, it is recommended that the following condition be incorporated;-</p> <p>Please place a standard Contaminated Land condition on this development. Standard condition to be based upon D.C.L.G Model conditions parts 1 to 4. The assessment is to be made available for approval by this Department prior to development.</p> <p>3. Should any land contaminants or unexpected ground conditions be identified during site development Environmental Health Department should be notified accordingly.</p>
HDC Housing officer	Awaited
HDC Landscape architect	No objection raised to this specific proposal but objection raised to the potential impact on the overall landscape and the resultant dominant urban scene in such a valued location far into the rural countryside.
Southern Gas Networks	No Objection.
Crime Prevention Design Advisor	No comments to make
Hampshire Fire & Rescue	<p>No objection. General comments made in respect of:</p> <ul style="list-style-type: none"> • Building Regulations: Access for Firefighting • Hampshire Act 1983 Section 12 – Access for Fire Service • Fire and Rescue Services Act 2004 • Access for High Reach Appliances • Water Supplies • Sprinklers • Fire fighting and the Environment • Timber Framed Buildings

Table 1: Summary of Consultation responses

4.0 PARISH COUNCIL REPRESENTATIONS

- 4.1 The application site lies within Bramshill Parish. Joint representations on behalf of Bramshill, Heckfield, Hartley Wintney, Mattingly and Eversley Parish Council have been submitted on the planning and listed building consent applications. Four letters have been received two dealing with planning and listed building consent issues and the other two relate to highways and transport. All four letters are at Appendix 2 to the generic report.
- 4.2 The joint Parish representation makes no specific points for or against this application other than to refer to the fact that the proposed dwelling would be within the 400m SPA exclusion zone and that such use is unlikely to be mitigated through provision of the SANG.
- 4.3 There is a separate representation from Hartley Wintney Parish Council set out in paragraph 9.2 of the generic report. That objection has nothing to say about this specific application.
- 4.4 Eversley PC has also objected on the grounds set out in paragraph 9.3 of the generic report. The last point that SANG provision does not fully mitigate as it would prove difficult for residents offsite is dealt with in the report on the SANG proposal – 16/01290/FUL.

5.0 THIRD PARTY COMMENTS

- 5.1 Section 10 of the generic report sets out the details of the representations received to all the development proposals at Bramshill. None of the four letters/ emails of objection make any specific comments about the proposed single dwelling use but raise objections to the cumulative impact arising from traffic and movement and issues about the local road network. No comments are made in relation to the physical works to the house and buildings. One correspondent supports the proposal.

6.0 PLANNING POLICY

- 6.1 The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. Of specific relevance to this proposal are the following sections:

- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

- 6.2 Saved South East Plan policy NRM6 is of primary consideration in the context of this application since the site lies within 5km zone of influence and, in particular, the house is within the 400m exclusion zone. The policy, inter alia, says:

New residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England.

Priority should be given to directing development to those areas where potential adverse effects can be avoided without the need for mitigation measures. Where mitigation measures are required, local planning authorities, as Competent Authorities, should work in partnership to set out clearly and deliver a consistent approach to mitigation, based on the following principles:

- i. a zone of influence set at 5km linear distance from the SPA boundary will be established where measures must be taken to ensure that the integrity of the SPA is protected
- ii. within this zone of influence, there will be a 400m “exclusion zone” where mitigation measures are unlikely to be capable of protecting the integrity of the SPA. In exceptional circumstances, this may vary with the provision of evidence that demonstrates the extent of the area within which it is considered that mitigation measures will be capable of protecting the integrity of the SPA. These small locally determined zones will be set out in local development frameworks (LDFs) and SPA avoidance strategies and agreed with Natural England

6.3 Local planning policy comprises two development plans - the Hart District Local Plan (Replacement) 1996-2006 and the First Alterations to the Hart District Local Plan (Replacement) 2006. The First Alterations introduced five new policies (with an ALT prefix) that superseded seven of the policies in the original Replacement Local Plan. The two Local Plans referred to, have in recent years, been regarded as one Local Plan - Hart District Local Plan Replacement (HDLPR). The relevant saved policies of the HDLPR are:

Number	Detail
GEN 1	General policy for development
GEN 2	General policy for changes of use
GEN 3	Landscape character areas
RUR 2	Development in the open countryside - general
RUR 3	Development in the open countryside - control
RUR 5	Re-use of rural buildings - residential note policy suspended
CON 1	Nature conservation - European designations
CON 2	Nature conservation - National designations
CON 3	Nature conservation - Local designations
CON 4	Replacement and habitats
CON 5	Species protected by law
CON 6	Heathlands
CON 11	Archaeological sites and ancient monuments
CON 12	Historic parks and gardens
T 14	Transport and development
ALT G13	Affordable housing

Table 2: Relevant Hart District Local Plan (Replacement) 1996 – 2006 policies

6.4 Supplementary Planning Guidance and other guidance relevant to this application:

- Parking Provision Interim Guidance (August 2008)
- Interim Avoidance Strategy for the Thames Basin Heaths SPA (November 2010)
- Bramshill Conservation Area Character Appraisal (2012)
- Planning Obligations – Principles and Priorities (updated August 2014)

7.0 DETERMINING ISSUES

- a) Principle of Development
- b) Impact on Heritage Assets
- c) Thames Basin Heaths and Ecology
- d) Highways
- e) Other Considerations

8.0 PLANNING CONSIDERATIONS

Principle of development

- 8.1 Until 1952 Bramshill House was a residential dwelling with extensive outbuildings and grounds. Thereafter it became the centre piece of the Home Office's National Police Training College until it closed in 2015. In simple terms the application proposes a return to the historic use as a single dwelling with outbuildings and garden. The essential difference being that the grounds would be very much smaller than was the case before 1952.
- 8.2 The general policies of the HDLP accept that development will be permitted if it is in keeping with local character, avoids or causes no material loss of amenity, includes provision for the conservation or enhancement of the District's landscape, ecology and historic heritage, has adequate arrangements for access and parking and does not give rise to traffic flows which would cause material detriment to amenity or highway safety (policy GEN 1). Changes in the use of buildings will be permitted provided there is no detriment to the character and setting of the buildings and adjoining buildings and no need for major reconstruction (GEN 2). Development in the Bramshill landscape character area will be permitted if it does not affect the particular character of the landscape (GEN 3).
- 8.3 The return of the mansion to its historic use as a single dwelling would not be in conflict with the aforementioned policies subject to the detailed works being acceptable from a listed building point of view.
- 8.4 National Planning Policy Framework paragraph 55 advises planning authorities to avoid new isolated homes in the countryside unless there are special circumstances such as the optimal viable use of a heritage asset. Although not expressly stated in the Framework, this is aimed at new build housing where no development exists. The fact that the proposal involves the restoration of heritage assets and would enable the buildings to be brought into meaningful use would constitute special circumstances if such a case had to be made. Irrespective of the question of viability of the Bramshill development as a whole, the fact is that Bramshill House exists, it was a dwelling for centuries and it is already present in the landscape.
- 8.5 Policy ALT GEN 13 for the provision of affordable house does not apply to a single dwelling in the countryside. No affordable housing contribution would be required in respect of this application.
- 8.6 In other planning policy terms Bramshill House lies within the open countryside (policy RUR 2) where development will not be permitted unless the planning authority is satisfied that it is specifically provided for by other policies in the local plan, and that it does not have a significant detrimental effect on the character and setting of the countryside by virtue of its siting, size and prominence in the landscape. Policy RUR2 is a dual purpose policy seeking to safeguard the character and setting of the countryside as well as serving as a housing restraint policy. The latter purpose would be affected by Framework and be considered out of date if the Council could not demonstrate a five year housing land supply. The Council maintains that it has an identified five year housing land supply and therefore policy RUR 2 applies. It is noted that following the

Moulsham Lane appeal, the Inspector considered RUR 2 as out of date due to the fact that it is negatively worded; whilst the NPPF does not prevent negatively worded policies it is clear that the amount of weight given to this policy does need considering on a case by case basis and on the planning merits of any particular proposal. In any case, in relation to this application the proposal to reinstate the use as a single dwelling would not conflict with the purpose of policy RUR 2, to protect the character of the open countryside and is also supported by policy GEN 2 which permits the change of use of buildings.

- 8.7 Currently saved policy RUR 5 concerning the re-use of rural buildings in the countryside for residential purposes is currently suspended and carries little weight. However the proposal would fall within both the spirit and intent of that policy. The companion policy RUR 4 in relation to the general policy towards the re-use of rural buildings is silent on residential use (because that is the subject of policy RUR 5) and so there would be no departure or conflict with that policy.
- 8.8 Finally, so far as development in the open countryside is concerned policy RUR 3 is a permissive policy allowing for development provided for by other Local Plan policies provided a number of criteria are satisfied. It is considered that the proposed use as a single dwelling would comply with the criteria by:
- (i) protecting and maintaining the countryside through the creation and enhancement of features of nature conservation and landscape importance;
 - (ii) retaining and re-using in an appropriate manner buildings and structures of exceptional and special historic and architectural quality;
 - (iii) preserving and enhancing the landscape with no adverse effect on the surrounding countryside;
- 8.9 It is considered that the principle of the proposed change of use would not conflict with saved Local Plan policies.

Impact on Heritage assets

- 8.10 Bramshill House was built in the Jacobean era as a large country house. It is grade I listed as are the principal garden walls and garden features. These are heritage assets of exceptional historic interest. The park and gardens are also grade II* listed. A return to the original single dwelling use would be consistent with its history and heritage. Conversion and refurbishment would involve alterations to the building and its fabric to undo the less than sympathetic alterations undertaken in the Home Office's custodianship and make it fit for purpose in the 21st century. The detail of those alterations is still to be agreed in the context of the listed building application.
- 8.11 The immediate registered park and gardens would be restored and maintained in association with the single dwelling and their purpose and intent safeguarded. Those features are an important aspect of the setting of the buildings and should be retained together.
- 8.12 In broad terms, the Framework requires, inter alia, that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Great weight is to be given to an assets' conservation and, in this case, that weight is greater given the highest grade of listing for the house and garden structures. None of the consultees, including Historic England and the Council's Conservation Officer, consider that substantial harm would arise from a single dwelling use. There are some issues yet to be settled about the proposed alterations but there is a consensus that the single dwelling use would be an appropriate use from a heritage perspective.
- 8.13 In planning policy terms the alterations do not materially change the scale of the building and subject to resolving a number of detailed matters raised by consultees the overall approach is

considered appropriate (policy CON 17). In terms of the change of use, this is in keeping with the building (CON 8). This application also includes the retention of the walled gardens and their refurbishment where necessary. The overall approach is considered to accord with policy CON 12.

- 8.14 The changes to the grade II listed Stable building are mainly the removal of non-original extensions and refurbishment to ancillary accommodation. The Nuffield Newsome building is being retained for conversion to garaging with a range of service buildings being demolished with the result that the Stables will stand alone and no longer be linked to the Nuffield Newsome building.
- 8.15 The plans submitted with both the planning and listed building consent applications include a range of works associated with the conversion and restoration of the mansion house and conversion of the Stables and Nuffield Newsome block to ancillary use. Revised plans were submitted to address a number of matters raised by consultees. Thus far the National Trust has no objection in principle, but raises two points. Responses from Historic England, The Council's Conservation Officer and others are awaited. Those comments are in respect of the detail of the alterations as there are no objections to the proposed use as a matter of principle in heritage terms. On the issue of the principle of the use, planning permission can be recommended. Provided the revised plans or any further such plans resolve outstanding objections and comments then listed building consent too could be recommended although that recommendation would be the subject of referral to the Secretary of State as works are proposed to a grade I listed building.

Thames Basin Heaths Special Protection Area and Ecology

- 8.16 There are two issues that arise under this heading. The first concerns the location of the Mansion house within the 400m exclusion zone for the SPA and the second is the proposed SANG. The proposed SANG is considered in detail in the report on application 16/01290/FUL.
- 8.17 National planning policy and advice for ecology and the planning system is notably contained in Circular 06/2005 and more recently in the National Planning Policy Framework (2012) and in National Planning Practice Guidance (2014) with a whole host of legislation, statutory advice and guidance in between times. Circular 06/2005⁵ sets out how development that affects internationally designated nature conservation sites should be considered. This establishes that if priority habitats or species on those sites would be adversely affected by a proposal, and there are no imperative reasons of overriding public interest sufficient to override the harm, then permission must not be granted. The decision maker in such cases is required to carry out an appropriate assessment of the implications of development for the site's conservation objectives. The question to be asked in that assessment is:

“is the proposal likely to have a significant effect on the internationally important interest features of the site, alone or in combination with other plans and projects?”⁶

If the answer is NO then planning permission may be granted. If the answer is YES then the implications need to be assessed and permission may be granted if it can be ascertained that the proposal will not adversely affect the integrity of the site or compliance with conditions or other restrictions such as a planning obligation enable the same conclusion to be reached. Paragraphs 8.27 - 8.31 below and [Appendix I](#) deal with the issue of appropriate assessment.

⁵ Biodiversity and geological conservation – statutory obligations and their impact within the planning system

⁶ Circular 06/2005 Figure 1

- 8.18 The corollary is that permission must not be granted where there is an adverse effect or the adverse effect cannot be avoided except if there are overriding public interests in which case an intended grant of permission must be referred to the Secretary of State.
- 8.19 The Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment. To that end Framework policy for determining applications is that planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
 - *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- 8.20 Dealing with the exclusion zone issue first, SE Plan policy NRM6 requires development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths SPA to demonstrate that adequate measures are put in place to mitigate any potential adverse effect. HDLPR policy CON I does not include the phrase 'significant effect' but relates solely to 'adverse effect'. CON I goes on to state:
- development which would adversely affect the nature conservation value of ... special protection areas ... will not be permitted unless there are no alternative solutions and there are imperative reasons of over-riding public interest, including those of a social or economic nature. In the case of SPA ... which support a "priority" habitat or species, planning permission may only be granted if the development can be justified on the grounds of human health, public safety or beneficial consequences of primary importance to the environment.*
- 8.21 SE Plan policy NRM6 is not a total prohibition of new housing development within the exclusion zone (although that is how it is commonly interpreted). If that had been the intention then perhaps it would have been described as a 'total exclusion zone'. Crucially what policy NRM6 says is that within the 5km zone of influence, there will be a 400m "exclusion zone" where mitigation measures are unlikely to be capable of protecting the integrity of the SPA. In exceptional circumstances, this may vary with the provision of evidence that demonstrates the extent of the area within which it is considered that mitigation measures will be capable of protecting the integrity of the SPA. These small locally determined zones will be set out in local development frameworks (LDFs) and SPA avoidance strategies and agreed with Natural England
- 8.22 Thus policy NRM6 acknowledges that there can be circumstances where development can be permitted within the 400m exclusion zone and in the language of the policy those would have to be exceptional circumstances. To date the potential areas within which an exception might apply have not been identified in plans or strategies. It is considered that where existing heritage assets exist within the 400m exclusion zone then a case for exceptional circumstances could arise bearing in mind that it is unlikely consent would be granted to dismantle a heritage asset and erect it a 100m from its present position. The fact that the heritage assets are themselves of exceptional

historic interest and national and local policy requires that they be retained, conserved and put to viable use is a matter of great significance.

- 8.23 Natural England objects because the house and thus a single dwelling is within the 400m exclusion zone of the SPA boundary. The RSPB object on the same grounds. The former argues that the proposal conflicts with saved SE Plan policy NRM6, HDLPR policy CON I and the Hart Interim Avoidance and Mitigation Strategy and Delivery Framework. However, as noted above, the 400m exclusion zone is not a total exclusion zone and neither is policy CON I a blanket ban on development within the exclusion zone.
- 8.24 HDLPR Policy CON I predates more recent Government policy and advice notably Circular 06/2005. The wording of policy CON I is set out in full below:

Development which would adversely affect the nature conservation value of classified or proposed special protection areas or candidate or designated special areas of conservation (designated under European legislation in recognition of their international importance) will not be permitted unless there are no alternative solutions and there are imperative reasons of over-riding public interest, including those of a social or economic nature. In the case of SPA and SAC which support a "priority" habitat or species, planning permission may only be granted if the development can be justified on the grounds of human health, public safety or beneficial consequences of primary importance to the environment.

- 8.25 Natural England also considers that the applicant's mitigation measures are unlikely to protect the integrity of the SPA and disagrees that the mitigation proposals will be sufficient to avoid a likely significant effect on the SPA from this single dwelling. The view is taken by Natural England that in combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat on which the birds depend and increased disturbance to the bird species for which the SPA is classified, by reason of increased access to the heath including access for general recreation and dog-walking.
- 8.26 The RSPB and the Hampshire and Isle of Wight Wildlife Trust also object to this proposal as the house is within the 400m SPA exclusion zone.
- 8.27 The proposed SANG is a material consideration because it will provide mitigation and enhancement measures that are capable of protecting the integrity of the SPA. The SANG proposal has been amended to take into account comments and objections from consultees. The revised SANG proposal on its own is acceptable to Natural England, subject to a condition. Other consultee responses to the revised SANG proposal are awaited. If the amended SANG proposal resolves those objections then it would be a material consideration for the consideration of the effect of a single dwelling on the SPA. The provision and subsequent management of the SANG will need to be secured through a planning obligation to ensure that the SANG is appropriate both in terms of its provisions and that it is provided in perpetuity.
- 8.28 The applicant's ecological assessments and the proposed mitigation through the proposed SANG are material considerations. So too are the comments and objections of consultees. Before arriving at a planning decision to permit development, the Council, as a Competent Authority must consider the issue of whether an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 is required. There are three stages to the Appropriate Assessment process:

Stage 1: To determine whether a proposal is likely to have a significant effect on a European site. This takes into account the possible or likely impacts in combination with other relevant plans and projects. This assessment adopts the precautionary principle.

Stage 2: Carrying out an Appropriate Assessment to ascertain the effect of the proposal on a site's integrity. Such assessment is undertaken of the implications of the proposal for each European site concerned in view of their conservation objectives. It seeks to ascertain whether the proposal will have an adverse effect on the integrity of any of the European sites concerned, either alone or in combination with other plans or projects.

Stage 3: Identifying mitigation measures and alternative solutions. The aim of this stage of the process is to find ways of avoiding or significantly reducing adverse impacts, so that site integrity is not at risk. If it cannot be ascertained that there will be no adverse effect on site integrity, the proposal should not be approved, unless in exceptional circumstances, it can be justified for imperative reasons of overriding public interest. Even in these circumstances, compensatory measures must be provided that ensure the overall coherence of Natura 2000 is protected (Regulation 66 of the Habitats Regulations)

- 8.29 The approach to Appropriate Assessment in this case is set out in [Appendix I](#). It has been informed by the applicant's proposals, the assessment of impact and effect together with the proposed mitigation and enhancement measures and the objections and responses from consultees. The proposed SANG also forms part of that assessment. The conclusion of the report at [Appendix I](#) is that the proposal, on its own, is unlikely to be significant and therefore an Appropriate Assessment is not necessary. This is also the case when the issue of "in-combination effects" of other approved development in the locality is taken into account.
- 8.30 The "in-combination effects" with the other development at Bramshill House remain to be considered in the context of that proposed development which is not, at this stage, ready to be considered and determined by the Planning Committee. However, it is considered that there is a case for determining the current application in isolation is appropriate because of the planning and heritage imperative to find and agree a beneficial use for these heritage assets of exceptional historic interest. Nevertheless the "in-combination effect" of development option 2 has been considered and it has been concluded that compliance with the adopted Delivery Framework and Interim Avoidance Strategy, including SAMM and SANG provision should ensure that there is no potential for "in-combination effects". This is strengthened further by the provision of considerably more SANG than is required to comply with the above strategies.
- 8.31 Finally in so far as ecology and biodiversity is concerned the overall development concept for the site includes the retention of a further 11.2 ha of land between the proposed SANG and the SPA as a local nature reserve. This area of land has many of the physical attributes of the SPA and adds to applicant's case for mitigating the effect and compensating for the inclusion of one dwelling, in an existing building, within the 400m exclusions zone.
- 8.32 The consideration of the SPA issue turns on what weight should be given to the location of a 'new' dwelling within 400m of the SPA, the comments and objections thereto and the other material considerations notably the exceptional and special architectural and historic qualities of the house and its associated structures. That is a matter for the planning balance. In the event that a resolution to grant planning permission is passed then notice is required to be given and a written explanation provided to Natural England in accordance with Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) explaining why the planning authority is proposing to grant planning permission. No planning permission that might otherwise authorise building work can be granted until 21 days have elapsed.

Highways

- 8.33 The highway implications of a single dwelling use, on its own, are negligible. However, the application has been submitted in conjunction with a combination of residential development applications totalling 258 dwellings and the County Highways Authority has issued a holding

objection pending the receipt of additional information. That information has been submitted and is being reviewed. The County Highways Authority's further comments will be reported at the meeting if available.

- 8.34 Notwithstanding the Highways holding objection, it is considered that a decision on this standalone application can be made in isolation because the traffic implications are negligible and the cumulative impact will, in due course, be considered in the other planning applications.

Local Infrastructure

- 8.35 The proposed use, on its own, has no adverse implications for local infrastructure. The single dwelling use in combination with the housing proposals will be addressed in subsequent reports on those applications.

General amenity

- 8.36 The single dwelling use would not give rise to any adverse consequences for the general amenity of the area or nearby residents.

Accessibility and sustainability

- 8.37 The location is not readily accessible to nearby services and facilities and is regarded as an unsustainable location for development. However the buildings are a very important heritage asset for which a use has to be found so that the unsustainable location is not regarded as an obstacle per se.

Enabling development

- 8.38 The proposed use in itself does not require the consideration of enabling development principles since it is a standalone use from the other housing proposals where the enabling principles come into play.

9.0 THE PLANNING BALANCE AND OVERALL CONCLUSIONS

- 9.1 Section 36(6) of the Planning and Compulsory Purchase Act 2004 requires development to be approved in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan is thus the starting point but other material considerations should also be taken into account. The basic tenet of the Framework that development that accords with the development plan should be approved without delay
- 9.2 It is considered that the use of Bramshill House as a single dwelling accords, in land use planning terms, with the approach and saved policies of the Development Plan. The reversion to the use the mansion house was built for is clearly an appropriate use provided the alterations to facilitate that change back in use are acceptable. In Framework terms permission in this case would accord with the principle of approving development proposals that accord with the development plan. That is a matter of great weight.
- 9.3 The Framework also recognises that permission should not be granted where specific policies indicate development should be restricted such as policies that relate to sites protected under the Birds and Habitats Directive.⁷ Paragraph 118 of the Framework includes the following in respect of determining planning applications:

⁷ National Planning Policy Framework paragraph 14 and footnote 9.

“local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *the following wildlife sites should be given the same protection as European sites:*
 - *potential Special Protection Areas and possible Special Areas of Conservation;*
 - *listed or proposed Ramsar sites; and*
 - *sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites”.*

- 9.4 For the reasons set out in [Appendix I](#) it is considered that there would be no significant harm arising from the single dwellinghouse and that any potential lesser harm would be mitigated by an acceptable SANG proposal and the related creation of an 11.2 ha local nature reserve. There is no evidence or case from Natural England, or others, that the use of Bramshill House as a single dwelling will have an adverse effect; rather there is reliance on an interpretation of development plan policy that no new dwelling should or ought to be permitted within the 400m exclusion zone. That is not what the actual policies say and in any event the policies pre-date the Framework where paragraph 118 (see para 9.3 above) says that proposals resulting in significant harm or the likely effect being adverse should be refused or not normally be permitted.
- 9.5 The appropriate assessment at [Appendix I](#) concludes that the impact of a single dwelling is unlikely to be significant. That is not to say that there might not be harm at all but that it is of a level that would not warrant refusal of permission on principle. The low level of harm that potentially may arise has not been quantified by objectors but should be considered in the context of the provision for the enhancement of ecology and biodiversity and mitigation through 25.6 ha of SANG and local nature reserve. That is considered to outweigh the objections.
- 9.6 Finally, Bramshill House is of exceptional historic interest and a new viable use needs to be found for it consistent with its conservation. That too is a matter of great weight in the consideration of the application. Indeed the Framework advises that the more important the asset the greater the weight should be given.⁸
- 9.7 For the listed building consent application there are some minor issues still to be settled about the detail of the alterations and conversion works and further views from consultees to be received and considered. Those matters can be settled in the context of the listed building application.

⁸ NPPF paragraph 132

9.8 In conclusion, the proposal offers the opportunity to return the mansion to its historic use; a use that it is eminently suited to. The interests of the SPA can be safeguarded and mitigated by the SANG proposal when suitably and finally amended. When all the material considerations are weighed together in the balance the case for permitting a single dwelling use within the 400m SPA exclusion zone is justified.

10.0. RECOMMENDATIONS

A. Application I6/00722/FUL

Subject to:

- (1) acceptable revised plans being received to address the detailed issues regarding the conversion works to the house;**
- (2) the comments of consultees on the revised SANG proposal, and**
- (3) listed building consent being granted;**
- (4) completion of a planning obligation to secure the provision of the SANG**

the Head of Regulatory Service be authorised to grant planning permission subject to the following conditions but not before:

- (5) notice has been given and a written explanation provided to Natural England in accordance with Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended)**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

2. No development shall take place until details and samples of the materials to be used for all external alterations have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the alterations are carried out in appropriate materials to satisfy saved policy GEN1 of the Hart District Local Plan.

3. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
 - Installing mitigation measures in the vicinity of High Bridge, to prevent otters from accessing the road. This should include otter fencing on both banks, both upstream and downstream of the bridge. If necessary, it should also include steps or ramps up the existing ledges beneath the bridge.

- Fencing off areas of the river within the Deer Park in order to prevent poaching by deer and encourage regeneration of river bank habitat;
- Native scrub planting in the vicinity of the river (for example blackthorn *Prunus spinosa* or gorse *Ulex europaeus*) to create resting sites for otter. Planting of dense thickets would also discourage deer browsing; and
- Introduction of a coppicing regime or pollarding of large mature trees along the river to prevent collapse of trees that may provide suitable resting and natal sites for otters. This will also allow more light into the river to encourage marginal plants, which will contribute to raising the ecological status of the Water Framework Directive water body, Hart (Elvetham to Hartley Wintney).
- The removal of *Rhododendron* around the edge of the large lake.
- Control of the willow scrub along the eastern lake edge.
- Details of management responsibilities.

Reason: To ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site including the River Hart.

4. The approved landscaping scheme shall be implemented and carried out within the first planting season following the commencement of development or in accordance with a phased scheme of works submitted to and approved by the local Planning authority. Any trees or plants which, within a period of five years after approved completion, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Council gives its written consent to any variation.

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

5. Development shall not be commenced until an Emergency Flood Plan is agreed in writing by the Local Planning Authority. The owner(s) of the site shall be responsible for maintenance of the approved Emergency Flood Plan for the lifetime of the development. Details within the plan shall include:
 - An assessment of a safe route of access and egress from the entrance of the building to a location wholly outside of the floodplain of both main rivers and ordinary watercourses in accordance with FD2320/TR2. The route must be on publically accessible land with a hazard rating no higher than very low. Maps of any routes identified must be included in the approved Emergency Flood Plan.
 - If a safe route of access and egress cannot be identified then the plan must set out how the risks to site users from both fluvial and surface water flooding will be managed for the lifetime of the development.

The approved plan shall be made available for all site users for the life time of the development.

Reason: In the interests of managing the flood risk associated with the River Hart.

6. No work shall take place until details of the drainage and service runs together with the location for contractor parking, unloading, mixing and storage of materials have been submitted to and approved by the local planning authority.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

7. No work shall take place until details of the means of protection, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, have been submitted to and approved in writing by the Local Planning Authority. The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and for at least five years following occupation of the approved development, unless otherwise agreed by the Local planning authority. Any such vegetation immediately adjoining the site shall be protected on the site in a similar manner for the duration of works on the site.

Any such vegetation removed without the local planning authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during such period shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

8. No development shall commence until appropriate arrangements have been made for Strategic Access Management and Monitoring of the proposed SANG.

Reason: To ensure that the SANG is provided and accords with saved policies GEN1, CON1, CON2 and CON4 of the Hart District Local Plan.

9. All works hereby permitted shall be carried out in accordance with the submitted SANG Creation and Management Plan revised November 2016 unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the Suitable Alternative Natural Greenspace is provided in the interests of the adjacent Thames Basin Heaths Special Protection Area and in accordance with saved policies GEN1, CON1, CON2 and CON4 of the Hart District Local Plan

10. Within three months of work commencing pursuant to this permission details shall be submitted to the planning authority of the provision of a resource or contact point for ongoing interaction with the public on matters relating to the SANG. Those details to include either the use of a website, email address or on-site office for a park manager. Once approved in writing by the planning authority the agreed details shall be implemented and made available no later than completion of the SANG and it being made available for use.

Reason: To ensure the satisfactory provision of the SANG and provide for satisfactory monitoring and maintenance.

11. No work on any phase of the development shall take place until details of the means of protection, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, have been submitted to and approved in writing by the Local Planning Authority for the relevant phase. The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and for at least five years following occupation of the approved development, unless otherwise agreed by the Local Planning Authority. Any such vegetation immediately adjoining the site shall be protected on the site in a similar manner for the duration of works on the site. Any such vegetation removed

without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during such period shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policies GEN1 and CON8 of the Hart District Local Plan.

12. No work on any phase of the development shall take place until details of the position and depth of service and/or drainage runs and their relationship with retained trees and their respective root protection areas has been submitted to and approved by the Local Planning Authority for the relevant phase. Works shall only take place in accordance with the approved details.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policies GEN1 and CON8 of the Hart District Local Plan.

13. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

- Application form
- Environmental Statement and appendices
- Environmental Statement – Non Technical Summary
- Arboricultural Impact Assessment - revised Oct 2016
- Archaeology Evaluation Report and Surveys
- Bramshill Condition Survey
- Bramshill Structural Report
- Dining Hall and Stable block condition survey Oct 2016
- Bramshill Gardens condition survey Oct 2016
- Bramshill Sundry Buildings and Bridges condition survey Oct 2016
- Structural Survey
- Design & Access Statement - revised Oct 2016
- SANGS Creation and Management Plan - revised Nov 2016
- Heritage Impact Assessment of the proposed SANG - revised Oct 2016
- Energy Statement
- Heritage Impact Assessment
- The Landscape and Gardens of Bramshill
- Planning Statement - revised Oct 2016
- Playing Fields and Sporting Facilities Assessment
- Transport Assessment
- Travel Plan
- Statement of Community Involvement
- Use Options Report

and the following plans:

Plan no.	Title	Revision
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7870 P0 001	Existing location plan site boundary	
7870 P0 002 P-02	Site location plan	B
7870 P0 003	Existing site plan showing building identification	
7870 P0 004	Site plan showing demolition	
7870 P0 005	Masterplan with new accommodation	
6232-LD-PLN-GLA-001	Site wide landscape masterplan	C
6232-LD-PLN-001	Planning application location plan	A
6232-LD-PLN-PA2-020	Application 2 Mansion area single residential site plan	B
6232-LD-PLN-PA2-201	Application 2 Mansion area single res landscape proposals key plan	B
6232-LD-PLN-PA1-210	Application 2 Mansion area single res landscape masterplan (aerial)	
6232-LD-PLN-PA2-220	Application 2 Mansion area single res landscape proposals sheet 1	B
6232-LD-PLN-PA2-221	Application 2 Mansion area single res landscape proposals sheet 2	B
6232-LD-PLN-PA2-222	Application 2 Mansion area single res landscape proposals sheet 3	B
6232-LD-PLN-PA2-223	Application 2 Mansion area single res landscape proposals sheet 4	B
6232-LD-PLN-PA2-224	Application 2 Mansion area single res landscape proposals sheet 5	B
6232-LD-PLN-PA2-225	Application 2 Mansion area single res landscape proposals sheet 6	B
6232-LD-PLN-PA2-020	Application 2 Mansion area single residential site plan	B
6232-LD-PLN-PA2-201	Application 2 Mansion area single res landscape proposals key plan	B
6232-LD-PLN-PA1-210	Application 2 Mansion area single res landscape masterplan (aerial)	
6232-LD-PLN-PA2-220	Application 2 Mansion area single res landscape proposals sheet 1	B
6232-LD-PLN-PA2-221	Application 2 Mansion area single res landscape proposals sheet 2	B
6232-LD-PLN-PA2-222	Application 2 Mansion area single res landscape proposals sheet 3	B
6232-LD-PLN-PA2-223	Application 2 Mansion area single res landscape proposals sheet 4	B

6232-LD-PLN-PA2-224	Application 2 Mansion area single res landscape proposals sheet 5	B
6232-LD-PLN-PA2-225	Application 2 Mansion area single res landscape proposals sheet 6	B
7870 SR-M 009	Basement plan existing + demolition	P-04
7870 SR-M 010	Ground floor plan existing + demolition	P-03
7870 SR-M 011	Mezzanine floor plan existing + demolition	P-03
7870 SR-M 012	First floor plan existing + demolition	P-03
7870 SR-M 013	Second floor plan existing + demolition	P-04
7870 SR-M 014	Third floor plan existing + demolition	P-02
7870 SR-M 015	Roof plan existing + demolition	P-02
7870 SR-M 029	Basement floor plan proposed	P-05
7870 SR-M 030	Ground floor plan proposed	P-05
7870 SR-M 031	Mezzanine floor plan proposed	P-05
7870 SR-M 032	First floor plan proposed	P-05
7870 SR-M 033	Second floor plan proposed	P-05
7870 SR-M 034	Third floor plan proposed	P-03
7870 SR-M 035	Roof plan proposed	P-02
7870 SR-M 040	Section A-A existing + demolition	P-02
7870 SR-M 041	Section B-B existing + demolition	P-02
7870 SR-M 042	Section C-C existing + demolition	P-01
7870 SR-M 060	South east south west elevations + demolition	P-03
7870 SR-M 061	West and north elevations + demolition	P-02
7870 SR-M 062	Central Court elevations existing + demolition	P-02
7870 SR-M 065	Section A-A proposed	P-02
7870 SR-M 066	Section B-B proposed	P-01
7870 SR-M 067	Section C-C proposed	P-02
7870 SR-M 075	South East and south west elevations proposed Retitled	P-02
7870 SR-M 076	West and north elevations proposed	P-01
7870 SR-M 077	Central court elevations proposed retitled	P-03
7870 SR-M 088	First floor plan existing floor structure	
7870 SR-M 089	First floor plan existing structure and proposed strategy	
7870 SR-M 090	Second/ Third floor existing floor structure	
7870 SR-M 091	Proposed roof details	
7870 SR-M 092	Proposed new and upgraded walls	

7870 SR-M 093	Third floor plan proposed structural options	
7870 SR-M 109	Basement floor plan fire strategy	
7870 SR-M 110	Ground floor plan as proposed fire strategy	
7870 SR-M 111	Mezzanine floor plan as proposed fire strategy	
7870 SR-M 112	First floor plan as proposed fire strategy	
7870 SR-M 113	Second floor plan as proposed fire strategy	
7870 SR-M 114	Third floor plan as proposed fire strategy	
7870 SR-M 115	Roof plan as proposed fire strategy	
7870 SR-M 129	Basement floor plan as proposed services strategy	
7870 SR-M 130	Ground floor plan as proposed services strategy	
7870 SR-M 131	Mezzanine floor plan as proposed services strategy	
7870 SR-M 132	First floor plan as proposed services strategy	
7870 SR-M 133	Second floor plan as proposed services strategy	
7870 SR-M 134	Third floor plan as proposed services strategy	
7870 SR-M 136	Roof plan as proposed services strategy	
LD-PLN-SANG-001	SANGs Landscaping Specification	E
7870 OU-SB00	Stable block and Nuffield Newsam site plan	P-01
7870 SR-SB000	Stable block and Nuffield Newsam site location plan Option B single residential	P-02
7870 SR-SB000	Stable block and Nuffield Newsam proposed site axonometric Option B single residential	
7870 SR-SB010	Stable block and Nuffield Newsam Existing plans showing demolition Option B	P-01
7870 SR-SB020	Stable block and Nuffield Newsam Existing elevations showing demolition Option B	P-01
7870 SR-SB030	Stable block and Nuffield Newsam proposed ground floor plan Option B	P-01
7870 SR-SB031	Stable block proposed floor plans (correct plan to replace duplicate of SB032)	P-02
7870 SR-SB032	Nuffield Newsam proposed floor plans Option B	P-01
7870 SR-SB040	Stable block and Nuffield Newsam proposed elevations Option B	P-01

Reason: To ensure provision of a satisfactory development.

14. Any other conditions arising from outstanding consultations

B. 16/00723/LBC

Subject to:

- (1) acceptable revised plans being received to address the detailed issues regarding the conversion works to the house;**
- (2) referral to the Secretary of State and provided no objection is received to the grant of consent or the application is called in, then**

the Head of Regulatory Service be authorised to grant listed building consent subject to the following conditions.

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. No development shall take place until details and samples of all external surface materials to be used in the alteration and repair of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with approved details.

Reason: To ensure that the external appearance of the buildings is satisfactory and to satisfy saved policy GEN1 of the Hart District Local Plan.

3. Repeat condition 14 for application 16/00722/FUL
4. Any other conditions arising from consultations

APPENDIX A

Appropriate Assessment of Proposed Development Change of use to single dwelling, Bramshill House, Bramshill

HABITATS REGULATIONS ASSESSMENT

1.0 Introduction

- 1.1 Habitat Regulation Assessment (HRA) of certain development projects affecting internationally recognised sites is required by Regulation 61 of the Habitats Regulations.⁹ This refers to the screening and assessment of the potential effects of a plan or project on one or more European Sites (also called Natura 2000 sites); in this case:
- **SPA sites** which are designated under the Habitat Regulations 2010 which transpose the European Birds Directive 79/409/EEC3 for the protection of wild birds and their habitats, including particularly rare and vulnerable species (Annex I) and migratory species.
- 1.2 Regulation 61(1) requires that before a competent authority (ie the Council) decides to give permission for a project which is 'likely' to have a significant effect on a European site (either alone or in combination with other plans or projects) it must make an 'Appropriate Assessment' of the implications for that site in view of its conservation objectives. If a significant effect is not considered 'likely', an Appropriate Assessment will not be required. HRA is usually undertaken in stages and considers the impacts of the development on the 'qualifying features', for which a European Site has been designated. HRA is based on a rigorous application of the "precautionary principle" and requires proof beyond reasonable scientific doubt that the project will not have an adverse effect (both at the Regulation 61(1) screening stage and at the Regulation 61(5) appropriate assessment stage). Where uncertainty or doubt remains, an adverse impact should be assumed. It should be noted that the aforementioned test is of reasonable scientific doubt, not the absence of any doubt at all.
- 1.3 A report to inform the HRA screening of residential development at the Bramshill site was submitted to the Council in July 2015. The report concluded that a proposed housing development at the Bramshill site was likely to result in significant effects on the SPA. Impacts with the potential to result in significant effects included; removal/destruction of habitats; trampling; fire; air quality/nutrient enrichment; recreational disturbance; and cat/dog predation. The report concluded that these impacts and potential mitigation requirements require assessment in detail at the Appropriate Assessment stage.
- 1.4 Hart District Council advised that they concurred with the conclusion of the report, explaining that:
- 'while, due to the proximity of The Mansion to the SPA, it will not be possible to show at this stage that significant effects can be avoided it may be that the scale of impacts can be reduced as part of the proposals'.*
- 1.5 Bramshill House lies within 400m of the SPA. The application to change the use of Bramshill House to a single dwelling is accompanied by a 'Report to Inform Habitats Regulations

⁹ The Conservation of Habitats and Species Regulations 2010 (SI No. 2010/490)

Screening'.¹⁰ That document is 78 pages long. It report looks at the combination of development and the impact on the SPA. This is in line with case law and the Regulations.

1.6 There are three stages to the Appropriate Assessment process.

Stage 1: Screening: To determine whether a proposal is likely to have a significant effect on a European site. This takes into account the possible or likely impacts in combination with other relevant plans and projects. This assessment adopts the precautionary principle.

One outcome of screening could be that effects are unlikely and a finding of 'no significant effect' could arise. The other outcome would be that effects are judged likely or the information submitted does not prove otherwise and so there would be a move to stage 2.

Stage 2: Carrying out an Appropriate Assessment: To ascertain the effect of the proposal on a site's integrity. Such assessment is undertaken of the implications of the proposal for each European site concerned in view of their conservation objectives. It seeks to ascertain whether the proposal will have an adverse effect on the integrity of any of the European sites concerned, either alone or in combination with other plans or projects.

If it is determined that a development would have an adverse effect on the integrity of a European Site, or it cannot be determined beyond reasonable scientific doubt that no such impact would arise, then permission must be refused unless the tests set out in stage 3 can be passed.

Stage 3: Derogation: Identifying mitigation measures and alternative solutions. The aim of that stage of the process is to find ways of avoiding or significantly reducing adverse impacts, so that site integrity is not at risk.

If it cannot be ascertained that there will be no adverse effect on site integrity, the proposal should not be approved, unless in exceptional circumstances, it can be justified for imperative reasons of overriding public interest. Even in these circumstances, compensatory measures must be provided that ensure the overall coherence of Natura 2000 is protected (Regulation 66 of the Habitats Regulations)

1.7 The Thames Basin Heaths SPA has been assessed in conjunction with numerous major and minor residential development proposals and there is a wealth of information about potential ecological impact and mitigation through SANGS for individual projects and the Council's Interim Avoidance Strategy for the Thames Basin Heaths SPA (November 2010).

1.6 Those elements of the Thames Basin Heaths SPA in the near locality (within 10 kms) are:

Site name	Designation	Area	Shortest distance from application site
Hazeley Heath SSSI	SPA	180.8 ha	1,050m to the west
Bramshill	SPA	673.3 ha	300m to the east

¹⁰ Environmental Statement Appendix 9.9

SSSI			
Castle Bottom to Yateley and Hawley Commons SSSI	SPA	921.4 ha	2.7 kms to south east
Sandhurst to Owismoor Bogs and Heaths SSSI	SPA	85.8 ha	8.3 kms to north east
Bourley and Long Valley SSSI	SPA	823.5 ha	8.9 kms to south east

2.0 Impact and vulnerability issues

2.1 The impact of housing development on European Sites is well documented and a number of studies have been carried out for lowland heathland SPAs. There is large range of potential impact on an SPA including:

Physical Loss

Habitat loss (including off-site)

Physical Damage

Smothering (e.g. dust deposition)

Erosion

Trampling

Fire

Fragmentation / severance / barrier

Hydrology

Flooding / storm water / water flow

Changes in ground water levels

Contamination

Air quality/nutrient enrichment

Water quality/pollution

Soil contamination

Disturbance

Noise

Light pollution

Shading

Biological disturbance - scrub encroachment, introduction of seed and/or invasive species.

Cat predation

Recreational disturbance (including from dogs)

2.2 One major vulnerability study recently undertaken concerned the impact of the proposed Whitehill Bordon Eco-Town in East Hampshire on the Wealden Heaths phase II SPA (by Jonathan Cox Associates). Similar to other such studies, the following pressures on heathlands were identified:

- Recreation - dog walkers
- Recreation - other
- Fires
- Fly-tipping
- Traffic - atmospheric pollution
- Traffic - rat-running
- Garden waste / invasive species
- Dog fouling
- Cat predation
- Disturbance of wildlife
- Path erosion – pedestrian
- Path erosion - off-road vehicles on byways
- Disturbance to livestock

These activities and pressures give rise to vulnerability issues for European Site.

- 2.3 Dogs are almost always brought onto protected sites by their owners for exercise and recreation. Dogs have been recorded preying on and disturbing ground nesting birds and studies have shown Nightjars to have been flushed from their nest by dogs. Studies have also shown birds to be wariier of people with dogs than people alone, with birds flushing (flying away) more readily, more frequently and at greater distances and staying longer off the nest when disturbed.
- 2.4 Other studies have shown dog fouling to cause changes in heathland vegetation with a reduction in heather and increase in grass abundance due to the effects of nutrient enrichment (eutrophication). Dogs also chase and worry livestock, when present. As a consequence, conservation grazing schemes can be affected due to graziers not being prepared to graze sites with access to dog walkers.
- 2.5 It cannot be ruled out that the occupant of the single dwelling use of Bramshill House may keep a dog or dogs and that the dog or dogs would be exercised in the locality and thus on nearby common land that is an SPA. In the absence of mitigation, this could introduce an increase in levels of disturbance and predation on Annex I birds.. The measures proposed to mitigate the effects of dog walking include, fencing to prevent direct access to the SPA, closure of an informal footpath to the north of the SANG and the provision of a SANG which considerably exceeds the amount required. In addition, it is understood that design of the SANG and associated measures, such as parking restrictions and fencing have been developed through close coordination with NE, RSPB and HIWWT. Despite single dwelling in Bramshill House being located within the 400m exclusion zone, in real terms, the distance required for dog walkers to reach the SPA will be considerably more. As a result, the measures proposed, including most notably the proximity of direct access to a high quality SANG, are considered sufficiently robust to ensure that significant effects associated with dog disturbance will be avoided.
- 2.6 Those measures proposed are considered reasonable and proportionate in the case of dogs belonging to one household living within the 400 exclusion zone. For the SPA, the impact from dog fouling associated with a single dwelling is likely to be minimal given that the house will also have a sizable residential curtilage. For this reason it is very unlikely that dog fouling would affect the habitats of Annex I birds or be detrimental to the lowland heathland and acid grassland vegetation of the SPA.

- 2.7 The effects of cat predation have been documented in many studies, notably for the Thames Basin Heaths and Dorset Heathlands SPAs. The conclusions reached are that prey items taken by hunting cats show that small mammals make up the greatest proportion of prey items (49-91%). Birds are next most commonly preyed upon group making up between 5% and 30% of prey items. Amphibians, reptiles and fish make up the third most frequently preyed upon group, with between 0.4% and 9.4% of prey items.
- 2.8 The precise impact of cat predation on species populations is difficult to assess. Studies have shown that for very common and widespread bird species cat predation does not significantly affect populations. However, cat predation was a significant cause of death for rarer species and accounts for some 25% of all recoveries of dead ringed birds in six species. Such levels of predation are not regarded as sustainable to small populations found on localised or in specialist habitats such as the Dartford Warbler or sand lizard.
- 2.9 Cats can range widely from their home. A number of studies have assessed this ranging distance, with male cats found to range more widely than females. The distances they range vary considerably, from 80-400m for Cornish farm cats to 1,107m for male feral cats in Avonmouth Docks. Cats kept by the occupants of the proposed single dwelling could theoretically hunt on Bramshill SSSI as this is within the maximum recorded range of male cats. However, the recent Royal Veterinary College/ BBC 2 Horizon study has shown that cats in a rural village environment in Shamley Green ventured a maximum of just 200m from home and tended to remain largely within the sub-urban environment.
- 2.10 A covenant to prohibit the residents of Bramshill House from keeping cats is proposed. There are various views as to whether such covenants are workable and enforceable. For example the Secretary of State has dismissed appeals in the past and said that little weight can be placed on the long term effectiveness of no-cat or dog covenants in preventing the keeping of these pets within new development.¹¹ On the other hand, other appeals have been allowed where such covenants were considered acceptable. It is considered that a 'no keeping of cats covenant' at Bramshill House would not, on its own, be a suitable means of mitigating potential impact. The measures included in the proposed SANG, which lies between the house and the SPA, should on their own and in combination with such a covenant provide suitable mitigation of any such impact.

3.0 Background to European Designations

- 3.1 The following table summarises those elements of the Thames Basin Heaths SPA within 10kms of Bramshill House and the features of nature conservation importance that need to be considered

Site	SSSI elements	Features of interest
Hazeley Heath SSSI	Wide range of heathland plant communities with wet heath and incipient bog plant communities	No unique features, the site is notified because it comprises a relatively large tract of heathland which is a habitat with distinct national scarcity value

¹¹ For example Land South of Wallisdown Road, Poole, Dorset PINS ref: APP/Q1255/V/10/2138124

Bramshill SSSI	Comprises extensive areas of conifer plantation together with a series of shallow acidic ponds within relic wet heathland and a small unimproved grassland area adjacent	Notified for a series of shallow acid ponds and associated mire, which support a rich assemblage of dragonfly and damselfly, and rotationally felled conifer plantation, which provides habitat for internationally important populations of Nightjar, Woodlark and Dartford Warbler.
Castle Bottom to Yateley & Hawley Commons SSSI	One of the largest remnants of lowland heathland in the Thames Basin.	Notified for its heathland and young conifer plantation which supports an internationally important population of Dartford Warbler and populations of Woodlark and Nightjar. The scrub/heathland interface supports a particularly rich invertebrate fauna including a number of nationally scarce species. It also supports an outstanding Dragonfly assemblage.
Sandhurst to Owismoor Bogs & Heaths SSSI	Area of wet and dry heathland and mixed broadleaved/coniferous woodland, supporting a rich and varied fauna and flora. Together with the nearby Broadmoor Bottom complex this site forms	Includes a shallow, spring-fed valley mire of outstanding importance which supports an extremely interesting flora including round and long-leaved

	the largest and most important area of heathland remaining in east Berkshire and is particularly important for its wet heath community	sundews, white beak sedge, flea sedge, bog asphodel and several other plants which are rare in the county, as well as populations of rare and localised insects.
Bourley and Long Valley SSSI	Diverse mosaic of heathland, woodland, mire, scrub and grassland habitats.	Rich flora and fauna including nationally scarce plants, nationally rare insects and three bird species listed in Annex I - Dartford Warbler, Nightjar & Woodlark.

3.2 In terms of the three Annex I birds of special significance to the SPA the last published data for the SPA (Dartford Warbler 445 pairs (1999); Nightjar 264 pairs(1998/9); Woodlark 149 pairs (1997)) indicates that the SPA supports the second largest concentration of Woodlark in Great Britain, the third largest number of Dartford Warbler, and the fourth largest population of breeding Nightjars.

3.3 The habitat at Bramshill is vulnerable to urban and recreational impacts identified in section 2 above.

3.4 The Dartford warbler is non-migratory and remains in the UK throughout the year. It typically nests in areas of dry heathland with scattered clumps and patches of common gorse. It builds nests low down in dense heather or gorse bushes. Gorse also provides much of the invertebrate food for Dartford warblers. The mix of dry heathland and gorse is ideal breeding habitat.



3.5 The Nightjar is a migratory species visiting Britain in spring to nest and returning to Africa in late summer for the winter. It spends most of the day hidden in areas of dry heathland, bracken and trees on the edges of heathland, emerging at dusk to feed on its insect prey during the hours of darkness. It lays its eggs in a slight depression on bare ground, often within areas of of bracken on the edges of heathland or in woodland clearings. Studies show it can travel up to 7 km from its nest site to feed over habitats with high insect density including deciduous woodland, orchards, village gardens, ponds, streams and water meadows.



- 3.6 Woodlarks on the Hampshire/Surrey border are a largely sedentary species remaining in Britain throughout the year. It is a species of open heaths and, forestry clearings and tree nurseries, similar to habitats of the nightjar. Woodlarks are birds of more open countryside with areas of bare ground or short vegetation being important for Woodlarks to hunt their insect prey. Woodlarks nest on the ground in areas of tussock grassland or heathland vegetation. A mosaic of open short vegetation for foraging with associated low vegetation in which to conceal the nest is the preferred habitat of woodlarks.
- 3.7 All three species are vulnerable to inconsiderate recreational activity and disturbance. Heathland fires can also degrade habitat and kill young birds. Housing development within 5kms of the boundary of the SPA is therefore very carefully evaluated and mitigation in the form of SANGS required.
- 3.11 The protected birds and their habitats are vulnerable to the same urban and recreational impacts identified in section 2 above.

4.0 Proposed development

- 4.1 The proposal is for the use of Bramshill House as a single dwelling with ancillary accommodation in the Stable Block and Nuffield buildings.
- 4.2 Objections to the proposal in respect of the Thames Basin Heaths SPA and the 400m exclusion zone have been received from Natural England, the RSPB and the Hampshire and Isle of Wight Wildlife Trust. These are summarised as being:

Natural England - the proposal is within the exclusion zone within 400m of the SPA boundary, where the saved local plan policy CON 1 European Designations and the Hart Interim Avoidance and Mitigation Strategy and the Delivery Framework indicates that mitigation measures are unlikely to protect the integrity of the SPA, so residential development should not be permitted.

Natural England disagrees that the mitigation proposals will be sufficient to avoid a likely significant effect on the SPA. It is Natural England's view that the planning authority will not be able to ascertain that this proposed development would not adversely affect the integrity of the SPA. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat on which the birds depend and increased disturbance to the bird species for which the SPA is classified, by reason of increased access to the heath including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of regulation 62.

Natural England is also of the opinion that the proposal is not in accordance with the development plan, namely policy NRM6 and the saved local plan policy CON 1 European Designations and the Hart Interim Avoidance and Mitigation Strategy.

RSPB - this proposes development within 400m of the European and nationally designated heathland, Thames Basin Heaths Special Protection Area (SPA) and Hazeley Heath and

Bramshill Sites of Special Scientific Interest (SSSI). Within 400m of the SPA the impact of net new residential development on the SPA is likely to be such that it is not possible to conclude no adverse effect on the SPA.

The mitigation measures proposed by the Applicant to justify residential development within 400m of the SPA (e.g. cat proof fencing, cat covenants etc) are not considered to be effective: this stance has been upheld by Natural England, Planning Inspectorates and Secretaries of State in previous decisions.

Hampshire and Isle of Wight Wildlife Trust - Combination Options 1 and 2 will result in a net increase in residential units within the Inner Exclusion Zone of 25 and 1 respectively, through the conversion of Bramshill House, and therefore we **object** to these two options.

We are pleased to see that the applicant has confirmed that they will make SAMM contributions in accordance with Hart District Council’s Interim Avoidance Strategy (Appendix 9.9 Para. 5.3), for dwellings located within the zone of influence.

4.2 The objectors and the Council’s ecologist have also raised concerns and objections about the proposed SANG and it is understood that those points of concern are being resolved and addressed by amendments to the SANG proposal. There are a couple of points still to be resolved.

4.3 It is for the competent authority (the Council) to determine whether or not there is a ‘likely’ significant effect on a European site (either alone or in combination with other plans or projects).

5.0 Other plans and projects

5.1 It is a Habitats Regulations requirement that plans and projects are considered both alone and where necessary in combination with other plans or projects. This is to take account of potential cumulative or additional effects.

5.2 The applicant’s Report to Inform Habitats Regulations Screening looks at three combinations of development

Applications 1, 4, 5, 6 (and 7)	Restored House (25 units), Museum space and 258 new build dwellings, new cricket pavilion and SANGS of 17.1ha (total 283 dwellings)
Applications 2, 4, 5, 6 (and 7)	Restored House (single dwelling), 258 new build dwellings, new cricket pavilion and SANGS of 17.1ha (total 259 dwellings)
Applications 3, 4, 5, 6 (and 7)	Restored House and use as offices (5,1962m ²), 258 new build dwellings, new cricket pavilion and SANGS of 17.1ha (total 258 dwellings)

5.3 The change of use to a single dwelling falls within the second combination and it is only the second combination that is considered in this assessment. The applicant’s conclusions for the second combination of development are that with appropriate avoidance measures in the proposed SANG; enhancement for ecology and biodiversity across the site as a whole and a ban on cat ownership by households in the mansion there is not ‘likely’ to be a significant effect on the SPA and an Appropriate Assessment is not required.

- 5.4 In support of that view the applicant considers that the response to the large range of potential impacts on an SPA set out in paragraph 2.1 above is NO.
- 5.5 The applicant's report also considers the in combination effects issue in relation to a range of planning permissions for residential development (some 800 new dwellings) within 7kms of the site. The approach taken in the applicant's report is that if likely significant effects of the Bramshill scheme can be avoided or mitigated entirely, they would not be expected to result in in-combination effects with other plans or projects. Only if likely significant effects are predicted, but are by themselves not considered to result in an adverse effect on the integrity of the SPA, would the potential for in-combination effects need to be considered.
- 5.6 The applicant considers that the three combination development options could be delivered without a likely significant effect on the SPA, and therefore there is no potential for in combination effects to occur. The applicant reinforces the argument by reference to the extra capacity of the Bramshill SANG above what is required by the development itself. For example, the Bramshill proposals would require a minimum of 2.25ha of SANGs to accommodate the maximum of 286 dwellings proposed. A total of 17.1ha of SANGs is to be provided resulting in an area of SANG with sufficient capacity to accommodate accessible greenspace for a further 1,850 people or 720 dwellings. Of the 800 new homes referred to in the preceding paragraph many will be associated with other SANG provision and thus, it is submitted that, because the potential impacts associated with the Bramshill scheme will be fully mitigated and a larger SANGs provided than is necessary this effectively avoids likely significant effects either alone or in-combination with other plans and projects.
- 5.7 The second combination of development includes up to 257 dwellings outside the 400m exclusion zone but within the 7m zone of influence. Irrespective of the acceptability of that number of dwellings for planning purposes (and that has still to be considered and decided) compliance with the adopted Delivery Framework and Interim Avoidance Strategy, including SAMM and SANG provision should ensure that there is no potential for in-combination effects. This is strengthened further by the provision of considerably more SANGs than is required to comply with the above strategies. In so far as the SANG provision is concerned that is still subject to final revisions to resolve outstanding points raised by consultees.

6.0 Need for an assessment

- 6.1 Regulation 61 of the Habitats Regulations (2010) requires that any proposed development likely to have a significant effect upon a European site should be subject to an appropriate assessment undertaken by the relevant competent authority. Regulation 61 of the Habitats Regulations (2010) is set out below

61 (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—
(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.
(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.

(4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.

(5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

- 6.2 The applicant's conclusion of the Stage I Screening process was that the Council, acting as competent authority, does not need to undertake an appropriate assessment of the proposed development as the effect of combination of development that includes the use of Bramshill House as a single dwelling as unlikely to be significant. This assessment report has only considered the issue of the single dwelling and not the other development in the combination option.
- 6.3 Although Bramshill House falls within the 400m exclusion zone that is not, in practice or in law a total exclusion zone. The purpose of the 400m exclusion zone is explained in planning policy (NRM6 of the SEPlan) in terms that mitigation measures are unlikely to be capable of protecting the integrity of the SPA. Provided it can be demonstrated that mitigation measures are capable of protecting the integrity of the SPA planning permission could be granted.
- 6.4 It is considered that the applicant's case that there is not 'likely' to be a significant effect on the SPA is realistic when taken in combination with the SANG proposal. The SANG proposal includes securely fencing the SPA from access from Bramshill to prevent access by dogs and their owners. The annex I birds and their habitats should therefore be safeguarded. A side issue, but not a matter that would normally be taken into consideration at this stage of the assessment process is the fact that the proposed use as a single dwelling can be said to be in the interests of safeguarding a heritage asset of national importance and finding a meaningful use for that asset.
- 6.5 The SANG proposal has been amended to address the objections of consultees. Revised comments from consultees have largely resolved objections to the SANG, save for some matters of detail, but Natural England, the RSPB and Hampshire & Isle of Wight Wildlife Trust object to the principle of any residential development within the 400m exclusion zone. On its own the proposed use of Bramshill House as a single dwellinghouse is considered acceptable with no likely significant effects on the SPA, and no adverse effect to its integrity.
- 6.6 Furthermore consideration of development combination 2 and the mitigation of effect through the SANG creation and management plan and the SAMM contribution should ensure that there is no potential for in-combination effects.

7.0 Assessment of effects on integrity

- 7.1 Finally the wording of Regulation 61 requires not only that an assessment is made against the Conservation Objectives of European sites concerned but also that a conclusion of no adverse

effect on the integrity of the site or sites concerned is reached. To that end Natural England's checklist has been used for assessing the likely effect on integrity. The following answers have been reached in relation to the assessment of the case.

Has the appropriate assessment shown:

1. That the area of annex I habitats (or composite features) will not be reduced? Answer Yes
2. That there will be no direct effect on the population of the species for which the site was designated or classified?

Answer Yes

3. That there will be no indirect effects on the populations of species for which the site was designated or classified due to loss or degradation of their habitat (quantity/quality)?

Answer Yes

4. That there will be no changes to the composition of the habitats for which the site was designated (eg reduction in species structure, abundance or diversity that comprises the habitat over time)?

Answer Yes

5. That there will be no interruption or degradation of the physical, chemical or biological processes that support habitats and species for which the site was designated or classified?

Answer Yes

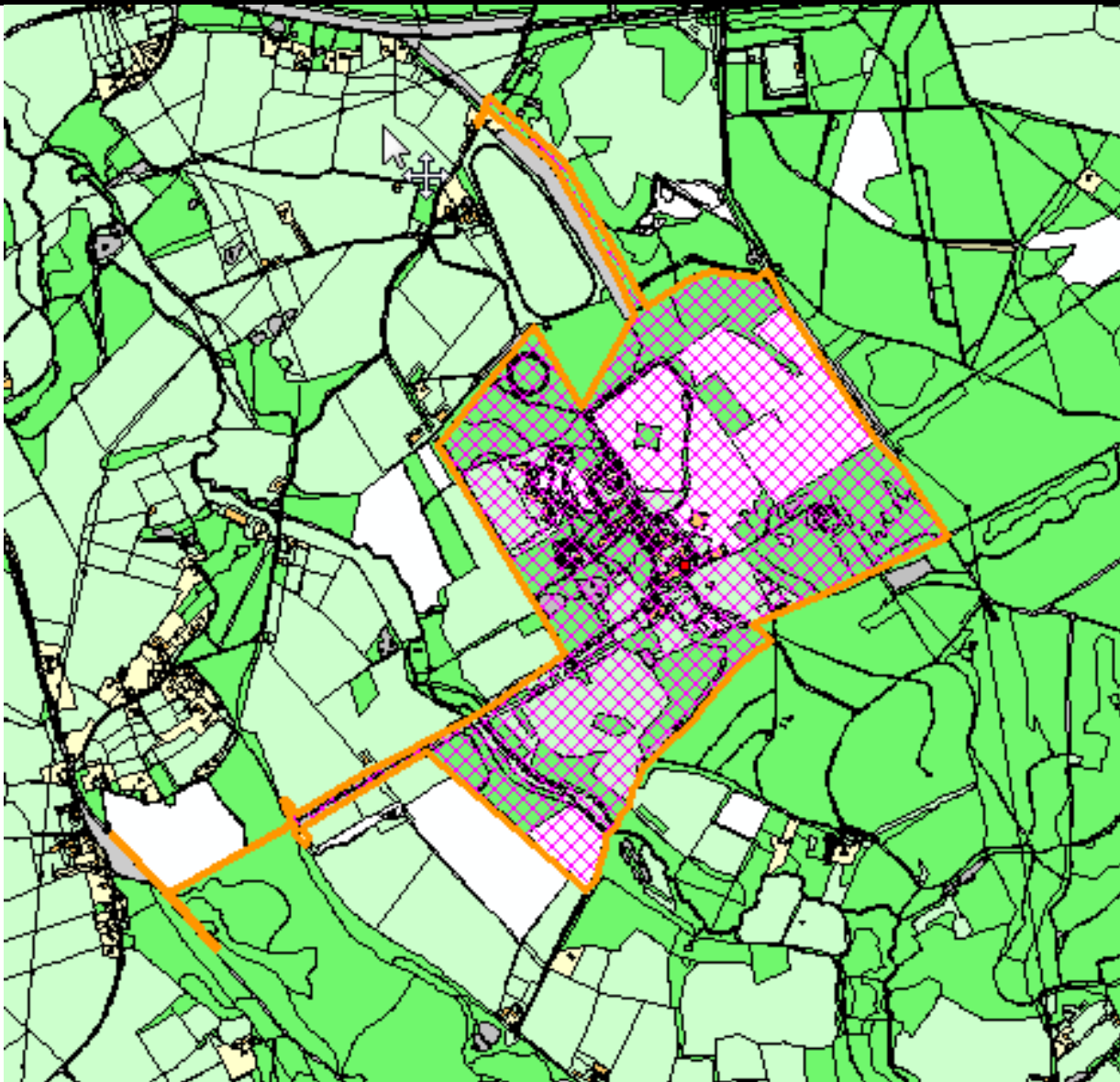
- 7.2 The guidance suggests that if the answer to all of these questions is 'Yes' then it is reasonable to conclude that there is not an adverse effect on integrity. If the answer is 'No' to one or more of the questions then further site-specific factors need to be considered in order to reach a decision. That has not been necessary.

8.0 Conclusion

- 8.1 On its own it is considered that the impact of the single dwelling use on the SPA even though the dwelling would be within 300m of the boundary of the SPA can be regarded as unlikely to be significant and Appropriate Assessment is not necessary. The Council does not need to go on and consider stage 4 of the process and whether there are *Imperative Reasons of Overriding Public Interest (IROPI)* to overrule a significant effect.
- 8.2 This appropriate assessment is in respect of the proposed use of Bramshill House as a single dwelling. The alternative proposal for the house to be converted to multiple residential units and museum space has not been considered; it will be the subject of a separate assessment. In terms of the in combination effect with development option 2 it is considered that compliance with the adopted Delivery Framework and Interim Avoidance Strategy, including SAMM and SANG provision should ensure that there is no potential for in-combination effects. This is strengthened further by the provision of considerably more SANG than is required to comply with the above strategies.

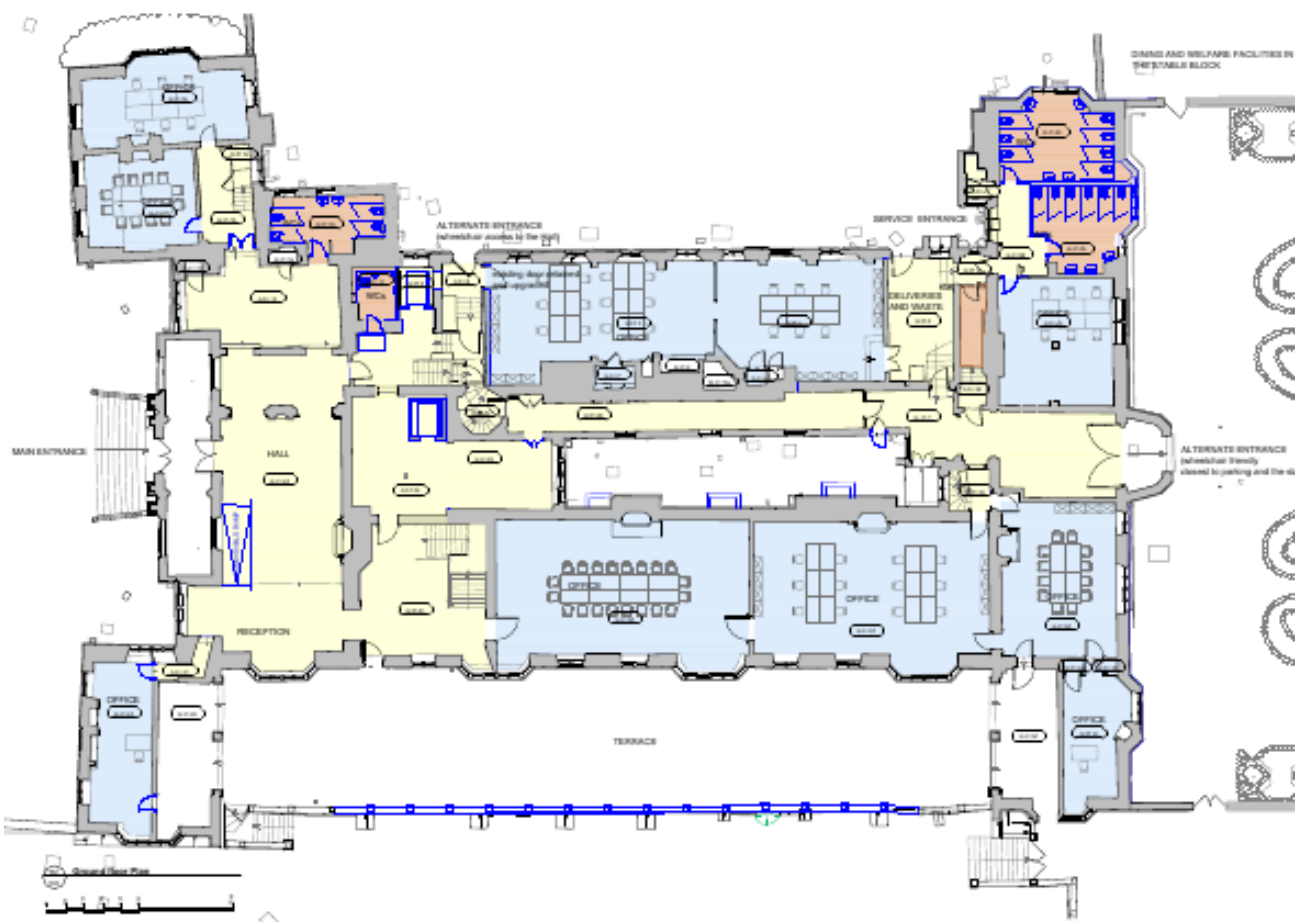
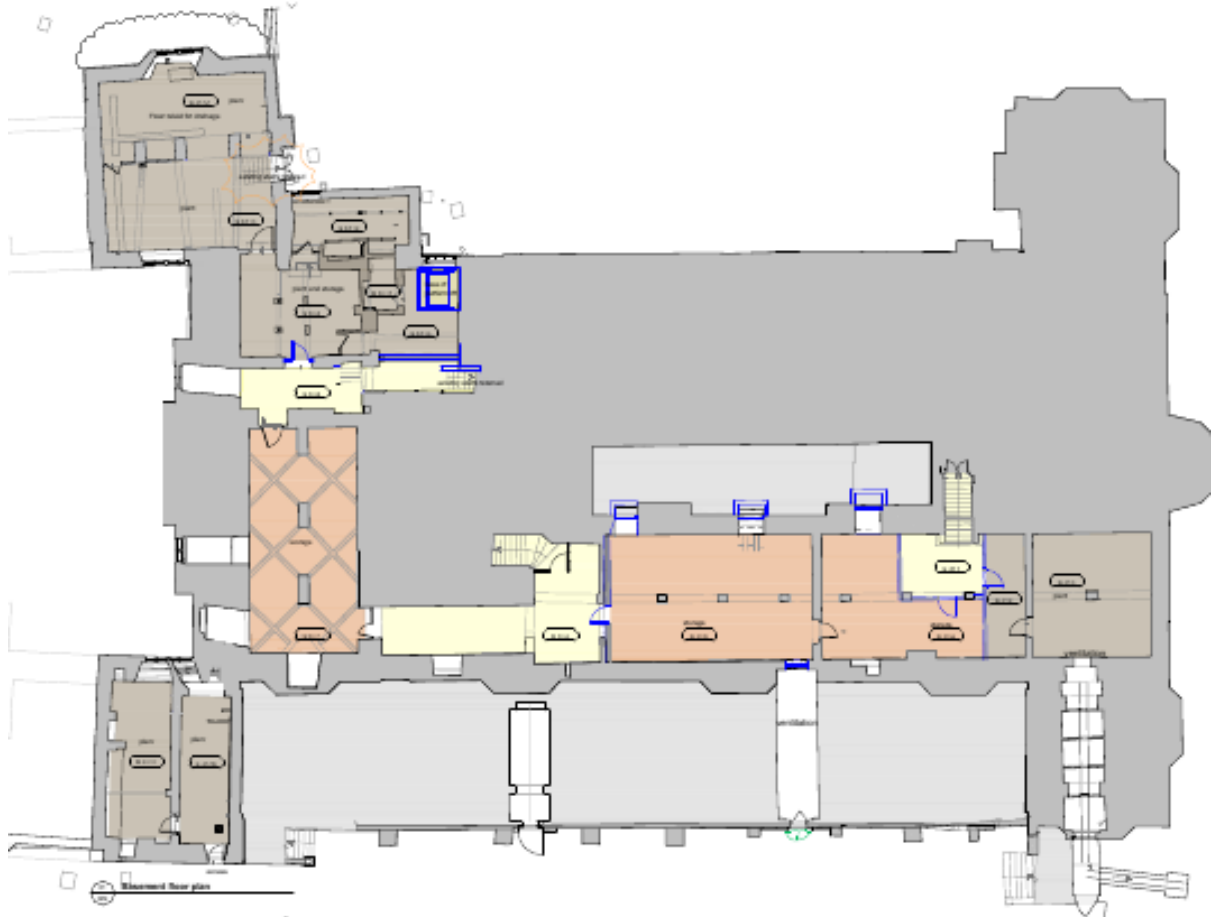
COMMITTEE REPORT
ITEM NUMBER: 103 and 104

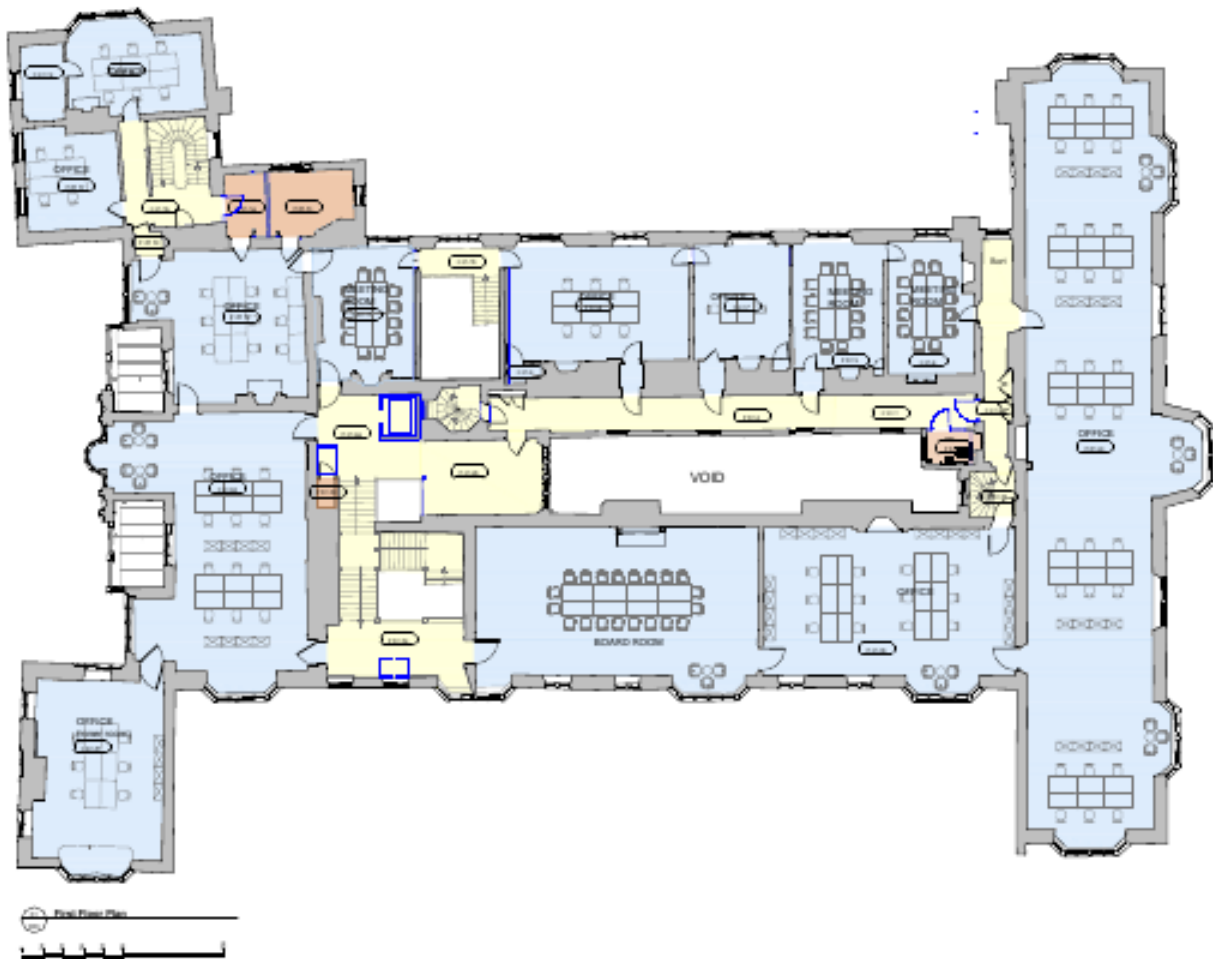
APPLICATION NO.	16/00724/FUL and 16/00725/LBC
LOCATION	Bramshill House Bramshill Park Bramshill Hook RG27 0JW
PROPOSAL	Conversion of Bramshill House, the Stable Block and the existing Nuffield Hall for use as offices, providing 5,196m2 of commercial (B1(a) space and parking for 175 vehicles. Demolition of curtilage listed buildings and maintenance and restoration works to Bramshill House and Gardens.
APPLICANT	City & Country Bramshill Ltd
CONSULTATIONS EXPIRY	12 December 2016
APPLICATION EXPIRY	25 August 2016
PLANNING COMMITTEE WARD MEMBER	Cllr Tim Southern
RECOMMENDATION	Recommendation A & B (see below)

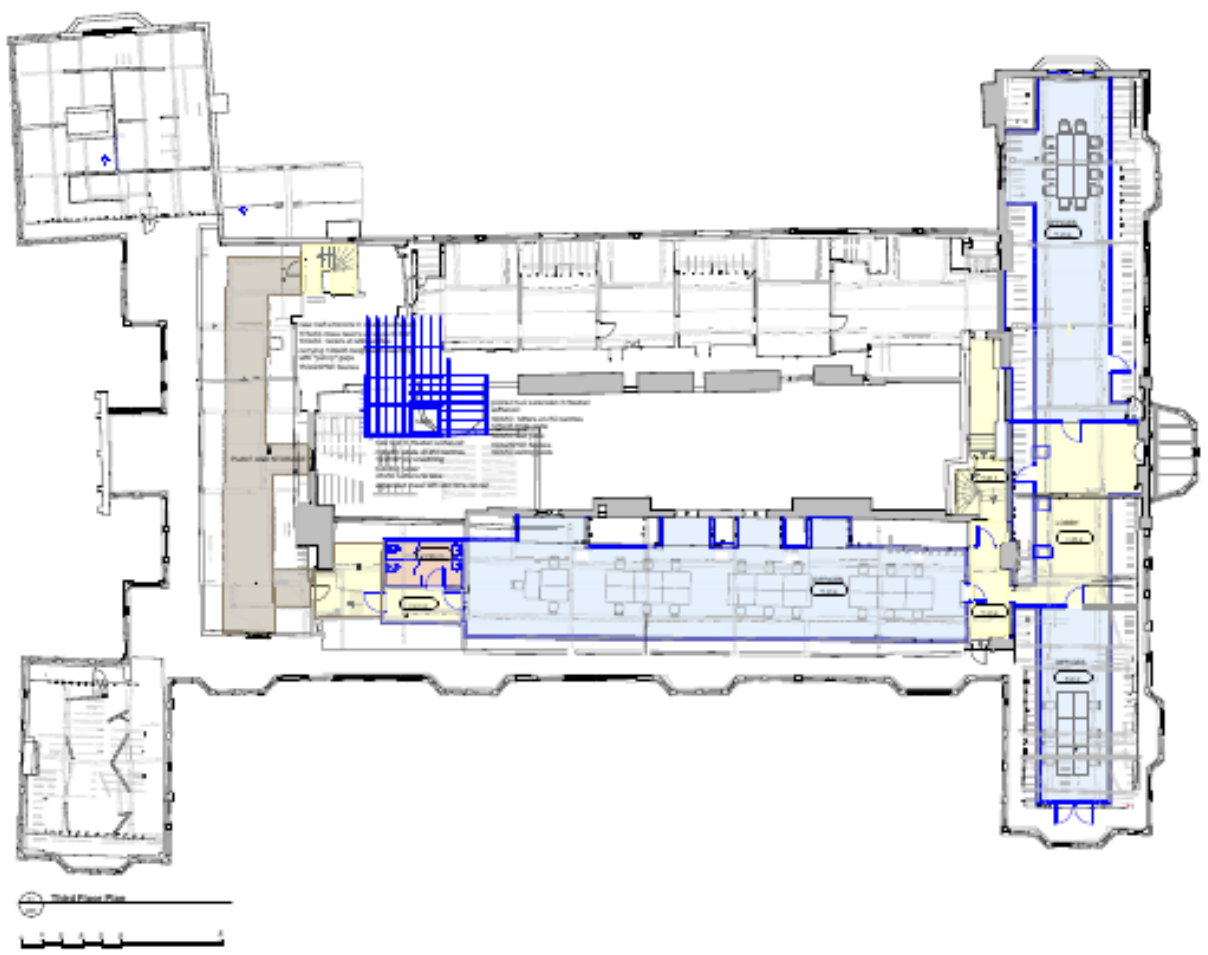
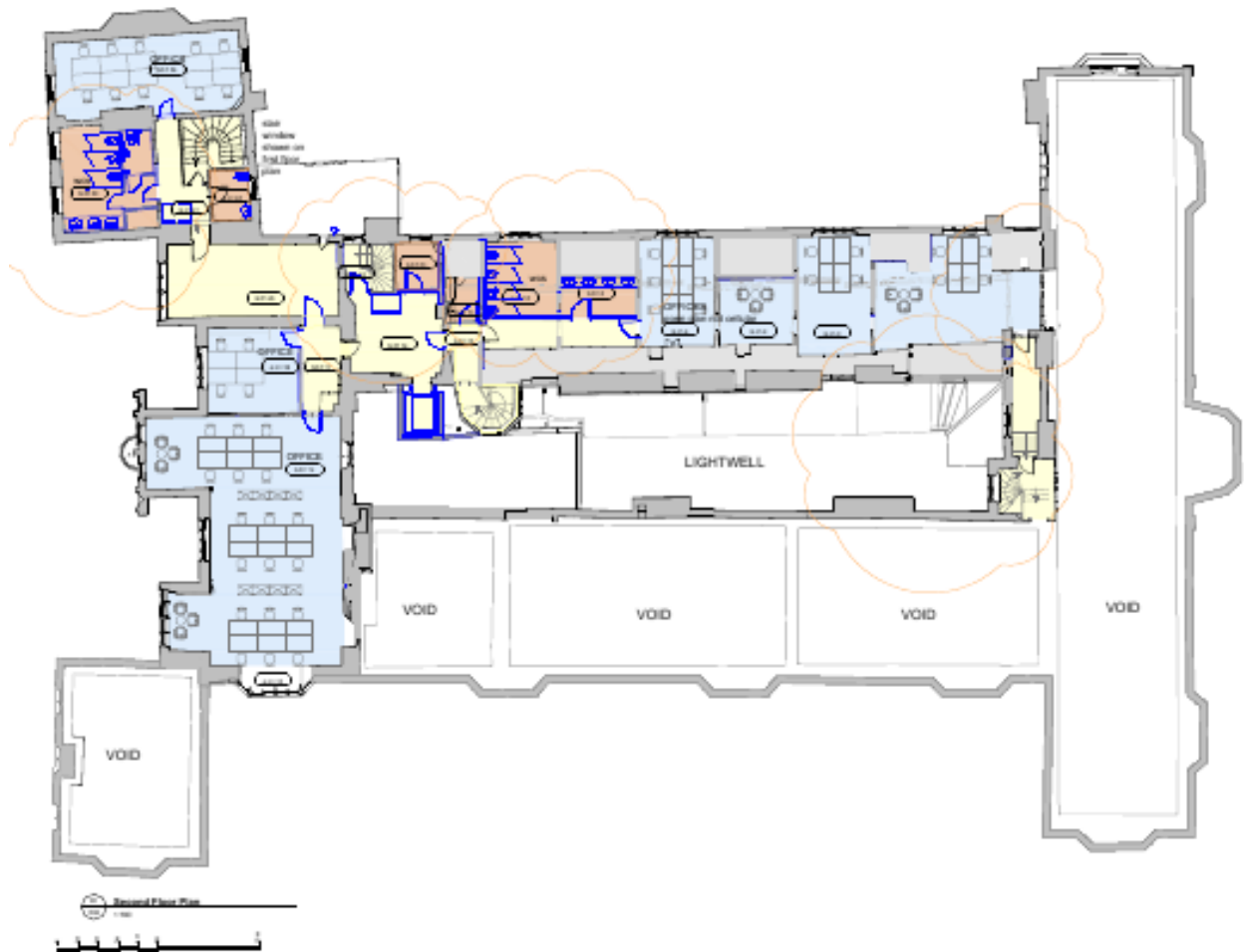


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PROPOSED FLOOR PLANS







1.0 INTRODUCTION

1.1 This report concerns the planning application and listed building consent for the conversion of Bramshill House to office use. The related listed building consent application is also considered in this report. The background, overall site description, planning history, summary of the proposals and relevant planning policy has been set out in the generic report. This report covers the following:

The proposals
Consultee responses
Third party comments
Planning policy
Determining issues
Planning considerations
The Planning Balance and overall conclusion
Recommendations

1.2 This proposal, together with the application for single dwelling use and the proposal for the SANG in isolation, is brought before the Planning Committee for early consideration because the principle of the proposed use is considered to be policy compliant and acceptable. Details of the conversion works and alterations can be settled by compliance with conditions. The other current applications for new build residential development are still being considered and will be brought to Committee at a later date.

1.3 Bramshill House is within the 400m exclusion zone around the Thames Basin Heaths SPA. This does not have any bearing on the consideration of these applications.

2.0 THE PROPOSALS

2.1 The applications propose the conversion of the house to office space (5,196m²) together with the conversion of the Stable Block to dining and welfare facilities and adaptation of the Nuffield Hall to garages and stores. The demolition of later additions to the Stable Block is also proposed. The applications also include the restoration of the walled gardens and management of the landscape. The present arrangements on site for access and parking will be altered and provision made for the parking of 175 cars for the office use - the plans actually show provision for 177 cars. A comprehensive landscape scheme is also proposed.

2.2 The proposed alterations to Bramshill House to facilitate office use include the following:

- Repair and renovation of the building fabric
- Reinstating windows in the northwest elevation, replacement door to basement, fire escape door at roof level
- Fire insulation between floors
- Electric services upgrade
- Installation of boilers and heating
- New circulation core in part of the central lightwell to provide level access to the main floors.
- Installation of two passenger lifts,

2.3 The 20th century additions that link the stable block to the Nuffield building are to be removed except where kept for bin storage and an electric sub-station. There would be parking for 27 cars close by. The existing car park that provides some 150 parking spaces is also retained for use in

association with the proposed use. The walled gardens would also be retained, refurbished where necessary, to go with the single dwelling.

2.4 The submitted plans indicate that the accommodation within the house, stable block and Nuffield building would be:

- Basement plant and storage
- Ground floor: 10 no. offices hall/ reception, circulation wcs
- Mezzanine: 6 no. offices
- First floor: 12 no. offices, boardroom, wcs, kitchen and circulation
- Second floor: 10 no. offices, wcs and circulation
- Third floor: 3 no. offices, wcs, circulation, plant and storage
- Stables: kitchen and staff café
- Nuffield: offices

2.5 The key documentation relating to this application is:

- Environmental Statement and appendices
- Environmental Statement – Non Technical Summary
- Site Location Plan - revised
- Existing/Proposed Elevations, Sections, Floor Plans And Roof Plans (revised)
- Landscape Plans - masterplan revised
- Archaeological Statement
- Bramshill Condition Survey
- Dining Hall and Stable block condition survey Oct 2016
- Bramshill Gardens condition survey Oct 2016
- Bramshill Sundry Buildings and Bridges condition survey Oct 2016
- Structural Survey
- Design & Access Statement revised
- Ecological Appraisals, including species specific surveys
- Energy Statement
- Heritage Impact Assessment
- The Landscape and Gardens of Bramshill
- Transport Assessment - revised
- Planning Statement revised
- Statement of Community Involvement
- Use Options Report
- Financial Viability Analysis – confidential document submitted under separate cover.

3.0 CONSULTEE RESPONSES

3.1 The table below summarises the consultation responses that have been received and identifies where further information on the revised SANG creation and Management Plan is awaited.

HCC Highways	Further comments awaited but originally recommended refusal until satisfactory further information has been provided regarding, inter alia, the
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	<p>suitability of both the junctions from Reading Drive South and Plough Lane onto Bramshill Road and poor operational performance at the junction of the B3011 and Bramshill Road. See section 13 of the generic report for the detailed response.</p> <p>Also comments that only one survey was used to calculate the trip generation for the office element of the site and it does not appear to be comparable to the site's rural characteristics and location. Due to the site's location and distance from local facilities it is unlikely to expect anyone to travel by any means other than the private car and the TRICS output should not include any journeys on foot, public transport or cycle and these trips should be added to the vehicle trip rate.</p>
HCC Rights of Way	No objection. Financial contribution towards rights of way provision and improvements requested. See Section 8 of generic report
Environment Agency	<p>No objection subject to conditions. The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site including the River Hart and the lake.</p> <p>See report on application 16/00722 for wording of condition</p>
HDC Drainage Engineer	No objection - see report on application 16/00722 for wording of condition.
HCC Lead Flood Authority	No objection
Thames Water	No objection to sewerage infrastructure capacity. Water supply is a matter for the South East Water Company.
Natural England	<p>No objection subject to following conditions.</p> <ol style="list-style-type: none"> 1. The car parking for the offices will be maintained with a barrier control and will not be accessible for the public to use when not in use by the offices. - This is to ensure that there is no net increase in recreational disturbance to Thames Basin Heaths arising from public use of the car park. 2. An Environmental Construction Plan will be prepared and put in place during construction works. This should include information about timings of the works, how pollution from dust will be contained and assurances that no materials, or equipment should encroach onto the SPA and SSSI - this will ensure that the construction works will be undertaken in a manner that would not lead to harm of the adjacent SPA and SSSI.

	<p>Other advice</p> <p>We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:</p> <ul style="list-style-type: none"> • local sites (biodiversity and geodiversity) • local landscape character • local or national biodiversity priority habitats and species. <p>Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.</p> <p>Protected Species</p> <p>We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides detailed advice on the protected species most often affected by development.</p> <p>You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.</p> <p>The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.</p>
RSPB	<p>Objects due to concerns of the impacts to the European and nationally designated heathland, Thames Basin Heaths Special Protection Area (SPA) and Hazeley Heath and Bramshill Sites of Special Scientific Interest (SSSI), as a result of increased recreational disturbance. It is proposed that the Mansion Drive is used for access to the site meaning those commuting for work (and potentially the public) would travel through the Hazeley Heath (SSSI) and component of the Thames Basin Heaths SPA. It is anticipated that this would increase use of this quiet part of the SPA which has not been appropriate</p>

	<p>assessed as part of this application nor has potential mitigation been considered.</p> <p>Given that a use for Bramshill House needs to be found that ensures this cultural heritage asset is maintained in the long-term, the proposed conversion of Bramshill House for employment use is seen to be potentially acceptable with the measures need to be included to protect the SPA/SSSIs. The closing of Mansion Drive to non-emergency traffic would be an appropriate mechanism for reducing potential impacts on Hazeley Heath. In addition, it must be ensured that the parking provided as part of this application could not be used by people wanting to access the SPA.</p> <p>Appendix I below contains our detailed comments in relation to the redevelopment of the Bramshill Police College site. We urge the refusal of this planning application as it risks the integrity of the SPA as a result of increased recreational disturbance. However, providing recreational disturbance issues relating to access via Mansion Drive and dependent on further assessment and revisions to the mitigation proposed, our objection could be withdrawn.</p>
<p>The National Trust</p>	<p>The Trust's initial comments and objections to the applicant's other proposals are included in Section 12 of the generic report together with the general comments of the Trust's Planning Advisor. No objection in principle and it is pleased that the majority of its concerns have been addressed through the revised plans.</p> <p>However it raises the following point:</p> <ul style="list-style-type: none"> - The new platform lift in the NW wing has not yet been addressed in the Heritage Impact Assessment and there is limited detail about this proposal. The further historical research about this part of the building should inform that assessment. <p>Overall, the Trust considers that this proposal could be an acceptable use of the building, but there are concerns about granting listed building consent in such a nationally significant building with very little detail included in relation to services, fire safety and heating.</p> <p>The Trust also comments that the relationship between the single dwelling use or the office use and the wider development of the landscape is, to its mind, totally unresolved. It considers that it would be wholly inappropriate to grant any consent without this being clarified. The Trust take the view that granting permission for office use (or as a single dwelling) without considering the implications for development within the setting of the house would be contrary to the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
<p>Hampshire & Isle of Wight Wildlife Trust</p>	<p>Combination Option 3 proposes to covert Bramshill House for employment use – in principle this could be acceptable but we object to the proposals until other concerns raised have been addressed.</p>

HDC Ecologist	No comment on the change of use. For comments about the approach to ecology and biodiversity see 16/00722.
HDC Countryside Manager	No comments made
Sport England	No comment
Historic England	Further comments awaited. Historic England originally commented that this application would retain what is more or less the existing use (which has been as administrative and central services for an institution). As such the alterations suggested are modest and generally acceptable, and access to all parts of the building (though not formally public) would remain possible. Because of this the ES rates this most highly of all the applications, as having a 'major beneficial effect'. As will be seen below, taking the scheme for the mansion together with the effect on the park we could not be so enthusiastic. Moreover, the questions of additional space for catering, and the location of necessary car parking, are inadequately covered in the submitted documents; the stables might therefore need to be part of this scheme, which would alter the 'enabling' element. However, simply as a treatment of the mansion this scheme would be likely to prove acceptable. Because of the linkage of the schemes, any approval of this scheme would be premature: the impact on the landscape is discussed in the general comments in the generic report.
Hampshire Buildings Preservation Trust	Comment. HBPT does not favour this proposal, because it does not provide the opportunity for public access
The Gardens Trust	No specific objection to this proposal but strongly objects to all proposals to develop housing within the grade II* landscape. This is an extremely important and unique Jacobean landscape and is the ONLY example in the UK where the house and its associated landscape remain intact.
Hampshire Gardens Trust	Object and comment. There appear to be no detailed proposals for the walled garden lying to the NNW of the Bramshill House – we believe that the proposals for this piece of this historic site are important.
HDC Conservation Officer	Awaited
HCC - Historic Parks & Gardens	Awaited
HCC Archaeology	No objection. As this proposal appears to deal with internal alterations to Bramshill House that involves no significant ground penetration, I would not wish to raise any archaeological issues in this instance.

HCC Minerals	No Objection and suggest conditions be used requiring demolition materials and excavated material be recovered where possible for use in the development.
HCC Education	No comments
HDC Tree Officer	<p>No objection subject to conditions. The application seeks to change the use of Bramshill House and carry out substantial demolition and landscape restoration. The conversion of the House will have little impact upon significant, retained trees.</p> <p>The main arboricultural features close to the application are the lime avenue and the Bramshill Oak. The Tree Protection Plans affecting this area demonstrate that they can be protected throughout the process.</p> <p>It is not clear from the application whether or not the demolition of curtilage listed buildings, maintenance and restoration works affects only the area shown for Application 1, or whether it actually refers to the whole site within the Red Line. Taking the view that it refers only to that which is within the area defined as “Application 1” on the Masterplan P0 005 Rev P00, this would require the demolition of building ref: B003. Trees adjacent to this will be suitably protected by the retained brick wall.</p> <p>Conditions to cover the following;</p> <ul style="list-style-type: none"> - Tree protection and associated method statements, specific to this application. To include final specification for tree protection, services, drainage, location for contractor parking, unloading, mixing and storage of materials. This will need to be supported by a schedule of works to show how this particular application relates to any others that might be granted permission. - Detailed hard/soft landscape design (e.g. final specification for hard surfacing within RPA’s of retained trees). - Details of any new services or drainage runs including route and method statements, as appropriate. - Detailed scheme of site supervision, as appropriate to application.
HDC Environmental Health	No objection subject to conditions. 1. This department is generally satisfied with the Air Quality Assessment as produced by RSK dated December 2015, and would therefore raise NO objections to the overall conclusions of the assessment. 2. It is not fully clear from the provided information whether there will be any ground works or the extend of any soft

	landscaping areas incorporated within this element of the proposal, if so, it is requested that the following condition be incorporated;- Please place a standard Contaminated Land condition on this development. Standard condition to be based upon D.C.L.G Model conditions parts 1 to 4. The assessment is to be made available for approval by this Department prior to development. 3)Should any land contaminants or unexpected ground conditions be identified during site development Environmental Health Department should be notified accordingly
HDC Landscape architect	No objection raised to this specific proposal but objection raised to the potential impact on the overall landscape and the resultant dominant urban scene in such a valued location fat into the rural countryside.
Southern Gas Networks	No Objection.
Crime Prevention Design Adviser	No comments made
Hampshire Fire & Rescue	No objection. General comments made in respect of: <ul style="list-style-type: none"> • Building Regulations: Access for Firefighting • Hampshire Act 1983 Section 12 – Access for Fire Service • Fire and Rescue Services Act 2004 • Access for High Reach Appliances • Water Supplies • Sprinklers • Fire fighting and the Environment • Timber Framed Buildings

Table 1: Summary of Consultation responses

4.0 PARISH COUNCIL REPRESENTATIONS

- 4.1 The application site lies within Bramshill Parish. Joint representations on behalf of Bramshill, Heckfield, Hartley Wintney, Mattingly and Eversley Parish Council have been submitted on the planning and listed building consent applications. Two letters have been received one dealing with planning and listed building consent issues and the other highways and transport. Both letters are at Appendix 2 to the generic report.
- 4.2 The joint Parish representation makes no specific points for or against this application. Comments are made and objections raised about the unsustainable location and highway implications in general. The objection on highway grounds is in relation to the poor relationship of the site with public transport, over reliance on the private car for travel, failure to consider accident data, no independent safety audit of the access strategy and no evidence or justification for the conclusions reached on junction capacity. As a result the proposals fail to accord with HDLPR policy T14 and Framework paragraph 34.
- 4.3 There is a separate representation from Hartley Wintney Parish Council set out in paragraph 9.2 of the generic report. That objection has nothing to say about this specific application but comments generally about the use of Plough Lane and traffic generation.

4.4 Eversley PC has also objected on the grounds set out in paragraph 9.3 of the generic report. The objections relevant to the office use are:

- Additional traffic – particularly in the light of the Arborfield development
- Road capacity – Bramshill Road and the Tally Ho junction are at capacity which will be exacerbated further by the Arborfield development

5.0 THIRD PARTY COMMENTS

5.1 Section 10 of the generic report sets out the details of the representations received to all the development proposals at Bramshill. The eleven letters/ emails of objection raise objections to the cumulative impact arising from traffic and movement and issues about the local road network. No comments are made in relation to the physical works to the house and buildings.

6.0 PLANNING POLICY

6.1 South East Plan policy NRM6 is not relevant to the proposed office use.

6.2 Local planning policy comprises two development plans - the Hart District Local Plan (Replacement) 1996-2006 and the First Alterations to the Hart District Local Plan (Replacement) 2006. The First Alterations introduced five new policies (with an ALT prefix) that superseded seven of the policies in the original Replacement Local Plan. The two Local Plans referred to, have in recent years, been regarded as one Local Plan - Hart District Local Plan Replacement (HDLPR). The relevant saved policies of the HDLPR are:

Number	Detail
GEN 1	General policy for development
GEN 2	General policy for changes of use
GEN 3	Landscape character areas
RUR 2	Development in the open countryside - general
RUR 3	Development in the open countryside - control
RUR 4	Re-use of rural buildings - general
CON 1	Nature conservation - European designations
CON 2	Nature conservation - National designations
CON 3	Nature conservation - Local designations
CON 4	Replacement and habitats
CON 5	Species protected by law
CON 6	Heathlands
CON 11	Archaeological sites and ancient monuments
CON 12	Historic parks and gardens
T 14	Transport and development

T 15	Development requiring new or improved access
T 16	Improvements made necessary by development

Table 2: Relevant Hart District Local Plan (Replacement) 1996 – 2006 policies

6.3 Supplementary Planning Guidance and other guidance relevant to this application is:

- Parking Provision Interim Guidance (August 2008)
- Bramshill Conservation Area Character Appraisal (2012)
- Community Infrastructure Policy (August 2014)

7.0 DETERMINING ISSUES

7.1 The following are considered to be the determining issues in this case and they are dealt with in detail in the following section of this report.

- a) Principle of development
- b) Impact of Heritage Assets
- c) Thames Basin Heaths and Ecology
- d) Highways
- e) Other considerations

8.0 PLANNING CONSIDERATIONS

Principle of development

- 8.1 Until 1952 Bramshill House was a residential dwelling with extensive outbuildings and grounds. Thereafter it became the centre piece of the Home Office’s National Police Training College until it closed in 2015. The house and immediate outbuildings were used for training purposes within Class C2 of the Use Classes Order and the proposal is to use them as offices within Class B1(a). The proposed use would not require substantial alterations to the premises but the scope of those alterations has not yet been settled in the context of the application for listed building consent.
- 8.2 This rural location would not be preferred for employment development but the site contains a substantial campus of buildings that are now vacant and for which a new use or development opportunities need to be found. Use as a residential training establishment is a lawful use but the applicant considers that there is no demonstrable demand for the continuation of a use within Class C2. That said, there is no evidence of a credible demand for office use either but such use could have minimal impact on the heritage assets since the essential infrastructure to support such use exists and conversion costs are lower and there is no adverse effect on the SPA. No evidence has been provided to support the potential demand for the use of the listed buildings for office use and the Council does not have any evidence to demonstrate that there wouldn’t be a demand. However in this instance this is not a new development but rather the conversion of an existing historic building so it would not be reasonable in this instance to challenge whether there is a credible demand for an office use in this location.
- 8.3 The general policies of the HDLP accept that development will be permitted where it is in keeping with local character, avoids or causes no material loss of amenity, includes provision for the conservation or enhancement of the District’s landscape, ecology and historic heritage, has adequate arrangements for access and parking and does not give rise to traffic flows which would cause material detriment to amenity or highway safety (policy GEN 1). Changes in the use of

buildings will be permitted provided there is no detriment to the character and setting of the buildings and adjoining buildings and no need for major reconstruction (GEN 2). Development in the Bramshill landscape character area will be permitted if it does not affect the particular character of the landscape (GEN 3).

- 8.4 The use of the mansion and outbuilding as offices would not be in conflict with the aforementioned policies subject to the detailed works being acceptable from a listed building point of view.
- 8.5 National Planning Policy Framework section 1, 'Building a strong, competitive economy' outlines Government policy to secure economic growth in order to create jobs and prosperity. Section 4 of the Framework looks to transport policies playing an important role in facilitating sustainable development and reducing the need to travel. Paragraph 34 advises that developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas, where conversion of existing buildings is seen as supporting economic growth.
- 8.6 The Framework does not provide guidance on the approach to be followed in respect of vacant substantial premises such as Bramshill House. It is thus difficult to apply a sustainable location test to the reuse of existing buildings in the countryside unless the use is impractical or undesirable. That existing buildings are in a countryside location away from settlements and public transport where they would not normally have been permitted is not necessarily a reason for refusing planning permission. The proposal involves the restoration of heritage assets of exceptional historic interest and would enable the buildings to be brought into meaningful use.
- 8.7 In planning policy terms Bramshill House lies within the open countryside (policy RUR 2) where development will not be permitted unless the planning authority is satisfied that it is specifically provided for by other policies in the local plan, and that it does not have a significant detrimental effect on the character and setting of the countryside by virtue of its siting, size and prominence in the landscape. It is noted that in the Moulsham Lane appeal, the Inspector considered that in relation to a housing development that policy RUR 2 was out of date due to the way that it is negatively worded. However the NPPF does not prevent the use of negatively worded policies within the plan. It is therefore appropriate to apply RUR 2 on a case by case basis as its overall aims are consistent with the principles of good and sustainable development as set out in the plan as a whole and in the NPPF. In any case, as explored below, there are other local plan policies that would support the reuse of the historic mansion.
- 8.8 Policy RUR 4 concerns the re-use of rural buildings in the countryside for non-residential purposes. Such proposals will be permitted provided the existing building enjoys a lawful use and the conversion will not result in any serious harm to essential features or the character of the building or its immediate surrounds, and that the form, bulk and general design are in keeping with the surrounding countryside. The proposed office use would not conflict with this policy and neither would it conflict with the criteria of policy RUR 3 to be applied in such cases. As a result there would be no conflict with policy RUR 2.
- 8.9 There is a consistent view coming through many of the consultation responses that the proposed office use could be accepted. However there is concern from some quarters that the office use and the single dwelling use should not be considered in isolation from the wider landscape and development issues that have a bearing on the setting of the house. The possibility of an undesirable severance of the house from its grounds is raised. The likelihood of that happening is considered remote as a major element of the enabling development case is how to fund the conservation deficit arising from the need to restore the house and registered park and gardens. Severing the house from the rest of the site would fundamentally undermine the applicant's enabling case and is simply not in their interests. On the other hand granting planning permission for the alternative

uses would provide benchmarks that there are alternative and suitable planning uses for the house and this could aid the future consideration of development options 2 and 3 in their entirety.

- 8.10 Subject to the control and approval of the physical alterations through the detail of the listed building consent and subsequently through the application for planning permission the principle of the use in planning terms is acceptable.

Impact on Heritage assets

- 8.11 Bramshill House was built in the Jacobean era as a large country house. It is grade I listed as are the principal garden walls and garden features and these are of exceptional historic interest. The park and gardens are also grade II* listed. Whilst a return to use as a single dwelling use would be consistent with its history and heritage, the proposed office use would have many similarities with its most recent use in that areas of the mansion served as office facilities that were ancillary to the overall planning use of the wider as a residential institution. Conversion and refurbishment would involve alterations to the building and its fabric to undo the less than sympathetic alterations undertaken in the Home Office's custodianship and make it fit for purpose in the 21st century. The detail of those alterations is still to be agreed in the context of the listed building application; any amendments will need also need to be applied to the application for planning permission.
- 8.12 The immediate registered park and gardens would be restored and maintained in association with the office use and their purpose and intent safeguarded. Those features are an important aspect of the setting of the buildings and should be retained together. Furthermore the integrity of the parkland to the south west of the house should be retained and it and the immediate registered gardens managed with the office use. It has to be recognised that there are areas in the wider landscape to the west of the mansion that would not be restored under these applications and that these areas are the subject of other yet to be determined applications.
- 8.13 In broad terms the Framework requires, inter alia, that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Great weight is to be given to an assets' conservation and, in this case, that weight is greater given the highest grade of listing for the house and garden structures. None of the consultees, including Historic England and the Council's Conservation Officer, consider that substantial harm would arise from the principle of an office use. However, are some issues of detail yet to be settled about the proposed alterations but there is a consensus that an office use would be an appropriate use.
- 8.14 In planning policy terms the alterations and associated demolition of C20th structures do not adversely affect the integrity of the heritage assets; the demolition improves the setting of the listed stable building. Subject to resolving a number of detailed matters raised by consultees the overall approach is considered appropriate (policy CON 17). In terms of the change of use, this is considered to require minor alterations to the buildings that would be in keeping (CON 18). This application also includes the retention of the walled gardens and their refurbishment where necessary. The overall approach is considered to accord with policy CON 12.
- 8.15 The changes to the grade II listed Stable building are mainly the removal on non-original extensions and refurbishment to ancillary catering accommodation. The Nuffield Newsome building is being retained for conversion to office use.
- 8.16 The plans submitted with both the planning and listed building consent applications include a range of works associated with the conversion and use of the mansion house as offices and for the conversion of the Stables and Nuffield Newsome block to associated use. There are a number of matters still to be settled to address the concerns raised by consultees. A round of amended plans has been received and is out to consultation and the response thereto will be reported at the

meeting but there are no objections to the proposed use as a matter of principle in heritage terms. On the issue of the principle of the use, planning permission can be recommended provided the revised plans resolve outstanding objections and comments and lead to listed building consent being granted although that recommendation would be the subject of referral to the Secretary of State as the works are proposed to a grade I listed building

Thames Basin Heaths Special Protection Area and Ecology

- 8.17 The proposed use as offices has no implications for the SPA and the SANG proposal, common to the other development applications, is not part of this application. If employees or visitors were to bring dogs to the offices then they, if the SANG has been created they could use for exercise.
- 8.18 Objection is raised by the RSPB over the use of the main drive for access to the office use. The concern is that office use traffic would increase use of this quiet part of the SPA which has not been appropriately assessed as part of this application nor has potential mitigation been considered. It is suggested that Mansion Drive is closed to all but emergency traffic to reduce potential impacts on Hazeley Heath. In addition, it is suggested that parking provided as part of this application should not be used by people wanting to access the SPA.
- 8.19 The separation of office use traffic from the potential residential development areas is considered appropriate in the interests of establishing a satisfactory amenity for whatever form the latter might take. Tables 2 and 3 on the next page indicate that the level of traffic likely to use Mansion Drive would be less than that using it under the former Policy College use. An increase in vehicular traffic is considered unlikely and the quiet enjoyment of the Hazeley Heath part of the SPA is unlikely to change. The RSPB is supportive of the applicant's proposal to inset timber bollards to prevent parking on the woodland verge of Mansion Drive where it passes through the Hazeley Heath SPA. Management of the office car park would be a matter for the office user who is likely to take a dim view of and implement measures to prevent use by recreational users of the SPA.

Highways

- 8.20 The amount of office accommodation proposed would require parking provision for 173 cars. That number can be accommodated within the existing main car park (150 spaces) and around the Nuffield building (27 spaces). The Mansion Drive would be the main access for the office user. A draft Travel Plan accompanies the application outlining measures that would be adopted to encourage employees to travel in a sustainable manner. The Travel Plan is considered in paragraphs 8.21 & 8.22 below.
- 8.21 The application is accompanied by a Transport Assessment and draft Travel Plan covering the combination of development scenarios. There is no analysis of the highway implications of the office use on its own. The Transport Assessment records a traffic survey undertaken in September 2014 for the morning and evening peak hours and daily flow for the two vehicular accesses. The table is reproduced below

Time	Arrivals	Departures	Total
Reading Drive South			
08:00-09:00	50	4	54
17:00-18:00	6	24	31
Daily	185	173	339
Mansion Drive			

08:00-09:00	56	4	60
17:00-18:00	11	42	59
Daily	224	242	466
Total - Both Accesses			
08:00-09:00	106	8	114
17:00-18:00	17	66	83
Daily	409	415	825

Table 2 Applicant's Traffic Survey Sept 2014 Summary table 7.1

8.22 Using TRICS data for office employment uses (not located in city, town or edge of town centre sites) trip generation rates for the office use have been calculated as follows:

	Office use		
	Arrivals	Departures	Two ways
08:00-09:00	71	11	82
17:00-18:00	5	46	51
Daily total	200	206	406

Table 3 Applicant's Traffic Assessment proposed movements table 7.9

8.23 In broad terms the expected traffic generation from office use would be in the region of half that of the total movements associated with the Police College as at September 2014. Since the office use would use the Mansion Drive access to the B3011 the traffic movements would be of the same order as experienced in September 2014.

8.24 The Highways Authority has issued a holding objection pending the receipt of additional information. That information has been submitted and is being reviewed. The Highways Authority's further comments will be reported at the meeting but it is understood that the change of use to offices could be acceptable to the Highways Authority as a standalone development as the transport implications are not materially different to those associated with the lawful use of the site as a residential institutional use.

8.25 Having regard to the traffic movement data and calculations showing that office use on its own would not generate increased traffic flow and lead to worsening of local traffic conditions it is considered that an office use of the house and outbuildings could be permitted, subject to the final comments of the Highways Authority.

Local Infrastructure

8.26 The proposed office use, on its own, has no adverse implications for local infrastructure. The office use in combination with the housing proposals will be addressed in subsequent reports on those applications.

General amenity

- 8.27 The office use would not give rise to any adverse consequences for the general amenity of the area or nearby residents as the overall effect is considered to be less than or similar than the former police college use.

Accessibility and sustainability

- 8.28 The location is not readily accessible to nearby services and facilities and is regarded as an unsustainable location for development. Office employees and visitors will rely heavily on the private car to get to and from Bramshill House. However the buildings are a very important heritage asset for which a use has to be found so that the unsustainable location would not be an obstacle per se. Nevertheless it is important from the Framework perspective (Section 4 Promoting sustainable transport) and local policy (HDLPR T14) that measures are agreed and implemented to reduce the use of the private car.

- 8.29 The draft Travel Plan proposes the normal measures of appointing a Travel Plan Co-ordinator (funded for five years) for the whole development in whatever form it finally takes. The emphasis is on education and information in Travel Information Packs to make informed choices about

- Walking and cycling maps showing safe routes to local facilities;
- Details of WalkBUDI / BikeBUDI matching services;
- Public transport information showing bus routes, bus stop locations and timetables; train services, stations and timetables
- Car sharing information, including Travel West leaflets;
- Improving Driving Technique and Car Maintenance leaflets;

The draft Travel Plan includes targets for achieving changes in personal modal shifts for the first five years of occupation. The requirements to finalise and agree the contents of a Travel Plan will need to be secured through a planning obligation.

Enabling development

- 8.30 The proposed use in itself does not require the consideration of enabling development principles since it is a standalone use from the housing proposals.

9.0 THE PLANNING BALANCE AND OVERALL CONCLUSIONS

- 9.1 Section 36(6) of the Planning and Compulsory Purchase Act 2004 requires development to be approved in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan is thus the starting point but other material considerations should also be taken into account. The basic tenet of the Framework that development that accords with the development plan should be approved without delay

- 9.2 It is considered that the use of Bramshill House as offices accords with the approach and saved policies of the Development Plan. Office use has some similarities to the organisation of the business elements of the former Police College and is capable of being achieved with a minimum level of intervention and alteration of the heritage asset. In Framework terms permission in this case would accord with the principle of approving development proposals that accord with the development plan. That is a matter of great weight.

- 9.3 Bramshill House and the proposed office use would be within the SPA 400m exclusion zone but the office use would not have any significant implications for the SPA. There is unlikely to be any adverse effect on the SPA, let alone there being any 'likely' significant effect.
- 9.4 Bramshill House is of exceptional historic interest and a new viable use needs to be found for it consistent with its conservation. That is a matter of great weight in the consideration of the application. Whilst the final details of the conversion works have not yet been settled the principle of office use could be granted planning permission; the outstanding details would be settled in the listed building application.
- 9.5 In conclusion, the proposal offers the opportunity to use the mansion for a use that sustains the significance of the heritage asset and puts it to a viable use consistent with its conservation.

10.0. RECOMMENDATION

A. Application I6/00724/FUL

Subject to:

- (1) acceptable revised plans being received to address the detailed issues regarding the conversion works to the house;**
- (2) listed building consent being granted;**
- (3) the completion of a planning obligation to secure a travel plan**

the Head of Regulatory Service be authorised to grant planning permission subject to conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

16. This permission relates to the application site as edged red on the approved application location plan 6232 LD-PLN-001 Rev A. The development hereby permitted shall not be implemented otherwise than in accordance with a comprehensive development scheme for the whole of the Bramshill House site.

Reason: In the interests of the setting of the listed building and the surrounding registered park and garden.

17. No development shall take place until details and samples of the materials to be used for all external alterations have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the alterations are carried out in appropriate materials to satisfy saved policy GEN1 of the Hart District Local Plan.

18. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
- Installing mitigation measures in the vicinity of High Bridge, to prevent otters from accessing the road. This should include otter fencing on both banks, both upstream and downstream of the bridge. If necessary, it should also include steps or ramps up the existing ledges beneath the bridge.
 - Fencing off areas of the river within the Deer Park in order to prevent poaching by deer and encourage regeneration of river bank habitat;
 - Native scrub planting in the vicinity of the river (for example blackthorn *Prunus spinosa* or gorse *Ulex europaeus*) to create resting sites for otter. Planting of dense thickets would also discourage deer browsing; and
 - Introduction of a coppicing regime or pollarding of large mature trees along the river to prevent collapse of trees that may provide suitable resting and natal sites for otters. This will also allow more light into the river to encourage marginal plants, which will contribute to raising the ecological status of the Water Framework Directive water body, Hart (Elvetham to Hartley Wintney).
 - The removal of Rhododendron around the edge of the large lake.
 - Control of the willow scrub along the eastern lake edge.
 - Details of management responsibilities.

Reason: To ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site including the River Hart.

19. The approved landscaping scheme shall be implemented and carried out within the first planting season following the commencement of development or in accordance with a phased scheme of works submitted to and approved by the local Planning authority. Any trees or plants which, within a period of five years after approved completion, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Council gives its written consent to any variation.

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

20. Development shall not be commenced until an Emergency Flood Plan is agreed in writing by the Local Planning Authority. The owner(s) of the site shall be responsible for maintenance of the approved Emergency Flood Plan for the lifetime of the development. Details within the plan shall include:
- An assessment of a safe route of access and egress from the entrance of the building to a location wholly outside of the floodplain of both main rivers and ordinary watercourses in accordance with FD2320/TR2. The route must be on publically accessible land with a hazard rating no higher than very low. Maps of any routes identified must be included in the approved Emergency Flood Plan.
 - If a safe route of access and egress cannot be identified then the plan must set out how the risks to site users from both fluvial and surface water flooding will be managed for the lifetime of the development.

The approved plan shall be made available for all site users for the life time of the development.

Reason: In the interests of managing the flood risk associated with the River Hart.

21. No work shall take place until details of the drainage and service runs together with the location for contractor parking, unloading, mixing and storage of materials have been submitted to and approved by the local planning authority.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GENI of the Hart District Local Plan.

22. No work shall take place until details of the means of protection, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, have been submitted to and approved in writing by the Local Planning Authority. The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and for at least five years following occupation of the approved development, unless otherwise agreed by the Local planning authority. Any such vegetation immediately adjoining the site shall be protected on the site in a similar manner for the duration of works on the site.

Any such vegetation removed without the local planning authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during such period shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GENI of the Hart District Local Plan.

8. The car parking for the offices will be maintained with a barrier control and will not be accessible for the public to use when not in use by the offices.

Reason: To ensure that there is no net increase in recreational disturbance to Thames Basin Heaths arising from public use of the car park.

9. An Environmental Construction Plan will be prepared and put in place during construction works. This should include information about timings of the works, how pollution from dust will be contained and assurances that no materials, or equipment should encroach onto the SPA and SSSI.

Reason: To ensure that that the construction works will be undertaken in a manner that would not lead to harm of the adjacent SPA and SSSI and to satisfy saved policy CONI of the Hart District Local Plan

10. No work on any phase of the development shall take place until details of the means of protection, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, have been submitted to and approved in writing by the Local Planning Authority for the relevant phase. The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and for at least five years following occupation of the approved development, unless otherwise agreed by the Local Planning Authority. Any such vegetation immediately adjoining the site shall be protected on the site in a similar

manner for the duration of works on the site. Any such vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during such period shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policies GEN1 and CON8 of the Hart District Local Plan.

11. No work on any phase of the development shall take place until details of the position and depth of service and/or drainage runs and their relationship with retained trees and their respective root protection areas has been submitted to and approved by the Local Planning Authority for the relevant phase. Works shall only take place in accordance with the approved details.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policies GEN1 and CON8 of the Hart District Local Plan.

12. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

- Application form
- Environmental Statement and appendices
- Environmental Statement – Non Technical Summary
- Arboricultural Impact Assessment - revised Oct 2016
- Archaeology Evaluation Report and Surveys
- Bramshill Condition Survey
- Bramshill Structural Report
- Dining Hall and Stable block condition survey Oct 2016
- Bramshill Gardens condition survey Oct 2016
- Bramshill Sundry Buildings and Bridges condition survey Oct 2016
- Structural Survey
- Design & Access Statement - revised Oct 2016
- Energy Statement
- Flood Risk Assessment
- Heritage Impact Assessment
- The Landscape and Gardens of Bramshill
- Planning Statement - revised Oct 2016
- Playing Fields and Sporting Facilities Assessment
- Transport Assessment
- Travel Plan
- Statement of Community Involvement
- Use Options Report
- Utilities Assessment

and the following plans

Plan no.	Title	Revision
7870 P0 001	Existing location plan site boundary	
7870 P0 002 P-02	Site location plan	B

7870 P0 003	Existing site plan showing building identification	
7870 P0 004	Site plan showing demolition	
7870 P0 005	Masterplan with new accommodation	
6323-LD-PLN-GLA-001	Site wide landscape masterplan	C
6232-LD-PLN-001	Planning application location plan	A
6232-LD-PLN-PA3-030	Application 3 Mansion area office use site plan	B
6232-LD-PLN-PA3-301	Application 3 Mansion area office use landscape proposals key plan	B
6232-LD-PLN-PA1-310	Application 3 Mansion area office use colour landscape masterplan (aerial)	
6232-LD-PLN-PA3-320	Application 3 Mansion area office use landscape proposals sheet 1	B
6232-LD-PLN-PA3-321	Application 3 Mansion area office use landscape proposals sheet 2	B
6232-LD-PLN-PA3-322	Application 3 Mansion area office use landscape proposals sheet 3	B
6232-LD-PLN-PA3-323	Application 3 Mansion area office use landscape proposals sheet 4	B
6232-LD-PLN-PA3-324	Application 3 Mansion area office use landscape proposals sheet 5	B
6232-LD-PLN-PA3-325	Application 3 Mansion area office use landscape proposals sheet 6	B
6232-LD-PLN-PA3-030	Application 3 Mansion area office use site plan	B
6232-LD-PLN-PA3-301	Application 3 Mansion area office use landscape proposals key plan	B
6232-LD-PLN-PA1-310	Application 3 Mansion area office use colour landscape masterplan (aerial)	
6232-LD-PLN-PA3-320	Application 3 Mansion area office use landscape proposals sheet 1	B
6232-LD-PLN-PA3-321	Application 3 Mansion area office use landscape proposals sheet 2	B
6232-LD-PLN-PA3-322	Application 3 Mansion area office use landscape proposals sheet 3	B
6232-LD-PLN-PA3-323	Application 3 Mansion area office use landscape proposals sheet 4	B
6232-LD-PLN-PA3-324	Application 3 Mansion area office use landscape proposals sheet 5	B
6232-LD-PLN-PA3-325	Application 3 Mansion area office use landscape proposals sheet 6	B
7870 OU-M 009	Basement plan existing + demolition	P-05

7870 OU-M 010	Ground floor plan existing + demolition	P-04
7870 OU-M 011	Mezzanine floor plan existing + demolition	P-03
7870 OU-M 012	First floor plan existing + demolition	P-02
7870 OU-M 013	Second floor plan existing + demolition	P-03
7870 OU-M 014	Third floor plan existing + demolition	P-03
7870 OU-M 015	Roof plan existing + demolition	P-03
7870 OU-M 029	Basement floor plan proposed	P-03
7870 OU-M 030	Ground floor plan proposed	P-05
7870 OU-M 031	Mezzanine floor plan proposed	P-04
7870 OU-M 032	First floor plan proposed	P-05
7870 OU-M 033	Second floor plan proposed	P-05
7870 OU-M 034	Third floor plan proposed	P-05
7870 OU-M 035	Roof plan proposed	P-01
7870 OU-M 040	Section A-A existing + demolition	P-02
7870 OU-M 041	Section B-B existing + demolition	P-02
7870 OU-M 042	Section C-C existing + demolition	P-01
7870 OU-M 060	South east south west elevations + demolition omitted plan submitted	P-03
7870 OU-M 061	West and north elevations + demolition	P-02
7870 OU-M 062	Central Court elevations existing + demolition	P-01
7870 OU-M 065	Section A-A proposed	P-02
7870 OU-M 066	Section B-B proposed	P-01
7870 OU-M 067	Section C-C proposed	P-01
7870 OU-M 075	East and south elevations proposed retitled	P-02
7870 OU-M 076	West and north elevations proposed	P-01
7870 OU-M 077	Central court elevations proposed retitled	P-03
7870 OU-M 088	First floor plan existing floor structure	
7870 OU-M 089	First floor plan existing structure and proposed strategy	
7870 OU-M 090	Second/ Third floor existing floor structure	
7870 OU-M 091	Proposed roof details	
7870 OU-M 092	Proposed new and upgraded walls	
7870 OU-M 093	Third floor plan proposed structural options	
7870 OU-M 109	Basement floor plan fire strategy	
7870 OU-M 110	Ground floor plan as proposed fire strategy	
7870 OU-M 111	Mezzanine floor plan as proposed fire strategy	

7870 OU-M 112	First floor plan as proposed fire strategy missing	
7870 OU-M 113	Second floor plan as proposed fire strategy	
7870 OU-M 114	Third floor plan as proposed fire strategy	
7870 OU-M 115	Roof plan as proposed fire strategy	
7870 OU-M 129	Basement floor plan as proposed services strategy	
7870 OU-M 130	Ground floor plan as proposed services strategy	
7870 OU-M 131	Mezzanine floor plan as proposed services strategy	
7870 OU-M 132	First floor plan as proposed services strategy	
7870 OU-M 133	Second floor plan as proposed services strategy	
7870 OU-M 134	Third floor plan as proposed services strategy	
7870 OU-M 136	Roof plan as proposed services strategy	

13. Any other conditions arising from consultations

B. Application I6/00725/LBC

Subject to:

- (1) acceptable revised plans being received to address the detailed issues regarding the conversion works to the building;**
- (2) referral to the Secretary of State and provided no objection is received to the grant of consent or the application is called in, then**

the Head of Regulatory Service be authorised to grant listed building consent subject to conditions.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

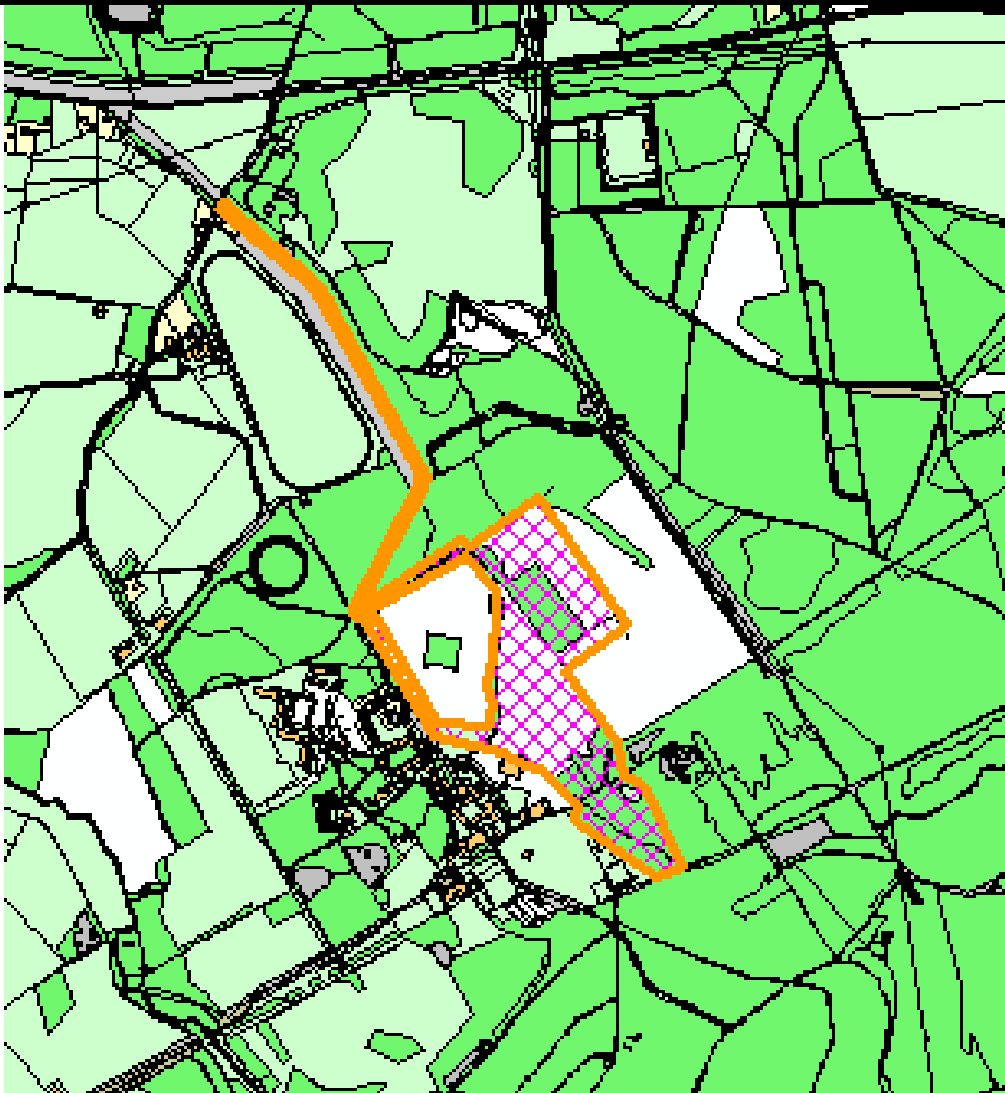
2. No development shall take place until details and samples of all external surface materials to be used in the alteration and repair of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with approved details.

Reason: To ensure that the external appearance of the buildings is satisfactory and to satisfy saved policy GEN1 of the Hart District Local Plan.

3. Repeat condition 11 for application I6/0072/FUL
4. Any other conditions arising from consultations

**COMMITTEE REPORT
ITEM NUMBER: 105**

APPLICATION NO.	16/01290/FUL
LOCATION	Bramshill House Bramshill Park Bramshill Hook Hampshire RG27 0JW
PROPOSAL	Land at Bramshill House - Change of use of land to provide a Suitable Alternative Natural Greenspace (SANG) area and associated works
APPLICANT	City And Country Bramshill Ltd
CONSULTATIONS EXPIRY	2 November 2016
APPLICATION EXPIRY	8 September 2016
PLANNING COMMITTEE WARD MEMBER	Cllr Tim Southern
RECOMMENDATION	Recommendation A & B (see below)



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1.0 INTRODUCTION

- 1.1 This report concerns the planning application to change the use of land to provide a Suitable Alternative Natural Greenspace (SANG) area with associated works. The application has been revised since it was originally submitted. The applicant recognises that the proposed SANG is to mitigate the impact associated with separate proposals for residential development at Bramshill House but submits that this application stands alone and should be considered on its own merits. There is no sound planning reason not to consider the application for the creation of the SANG as a standalone proposal.
- 1.2 The background, overall site description, planning history, summary of the proposals, relevant planning policies and SANG principles has been set out in the generic report. This report covers the following:
- The proposals
 - Consultee responses
 - Parish Council representations
 - Third party comments
 - Planning policy
 - Determining issues
 - Planning considerations
 - The Planning Balance and overall conclusion
 - Recommendation
- 1.3 It is a basic tenet in this part of the southern England that the nature conservation interests of the Thames Basin Heaths Special Protection Area (SPA)¹² should be safeguarded from the undesirable impact resulting from development and most especially residential development. This is enshrined in European and national statutes, regulations and policy. In pursuance of this, impact zones have been drawn around SPAs such that within the Inner Exclusion Zone (measured as being 400m as the Nightjar flies) no new residential development should be permitted and in the 400m - 5km Zone of Influence mitigation measures will be sought to allow residential development to proceed.

2.0 THE PROPOSALS

- 2.1 The key documentation relating to this revised application is:

- Site Location Plan - revised November 2016
- SANG Landscape specification - revised
- Fence details
- Bramshill SANGs Creation and Management Plan - revised Nov 2016
- SANG Heritage Impact Assessment addendum - revised Oct 2016
- SANG Planning Statement - revised Oct 2016
- Arboricultural Impact Assessment - revised Oct 2016
- Environmental Statement and appendices
- Environmental Statement – Non Technical Summary
- Archaeological Statement
- Ecological Appraisals, including species specific surveys
- Combined Ecology response - Oct 2016
- The Landscape and Gardens of Bramshill
- Statement of Community Involvement

¹² Designated in March 2005 under the EC Birds Directive

- 2.2 Bramshill House, the stable block and Nuffield Newsam building lie within the SPA Inner Exclusion Zone; the rest of the Bramshill estate is within the SPA Zone of Influence. The Council's Interim Avoidance Strategy for the Thames Basin Heaths SPA (November 2010) explains how it regulates and facilitates the development of land affected by the SPA and its two zones. Some 10.2 ha of land is within the SPA itself but is not subject to any of the development proposals. In other areas the SPA adjoins the Bramshill site along its east/ north east boundary.
- 2.3 Originally an area of 13.9ha was proposed as the SANG. The revised proposal (Nov. 2016) is for an area of 14.4 ha to be a SANG. Consultee comments of the latest revised SANG Creation and Management Plan are awaited. The SANG has been designed to provide mitigation for the maximum cumulative 283 new residential units in the development proposals for the site. This is greater than would be the minimum required for a development of up to 283 new dwellings. The site for the SANG lies on the eastern flank of the estate close to and, at its southern end, partly adjacent to the SPA. Elsewhere there would be a fenced local nature reserve buffer zone between the SANG and the SPA.
- 2.4 The proposed works to create the SANG¹³ are said to be minimal, comprising the erection of 2.1m high security fencing, wet ditch and thorn scrub along the boundary with the SPA, wattle fencing between the SANG and football pitches, post and stock wire fencing on the boundary with the local nature reserve, new landscaping and the provision of soft surfaced paths. The proposed SANG area possesses attributes suitable for use as greenspace with a variety of woodlands and open areas. The application seeks to formalise land that has been used in the past for informal recreational purposes. There would be no change to the way that it may have been used and the only physical works are to improve access and circulation. Invasive and non-native species would be managed and removed and planting of new indigenous species carried out.
- 2.6 The proposed SANG is predominantly semi-natural broadleaved and coniferous plantation woodlands and includes the north and east surrounds of large lake to the north east of Bramshill House. It lies close to and within easy walking distance of the proposed development areas and the recreational area centred on the cricket ground. The SANG does not include the formal sports areas on the site (cricket and football pitches, tennis courts etc). The submitted revised SANG Creation and Management Plan provides more information as to the establishment and management of the SANG. The applicant explains that the SANG has been designed to provide a recreational resource for the local community at Bramshill House. It will be created, managed and monitored to benefit a range of habitats and species.
- 2.7 The SANG is not intended for use by the wider public, being for Bramshill House residents only. No car park is thus being provided for SANG users - residents will, subject to a residential development being agreed, have parking provision.
- 2.8 Also included in the SANG Creation and Management Plan is a proposal to insert 200 timber bollards in or place used felled tree trunks on the road side verge of Mansion Drive where it passes through the Hazeley Heath part of the SPA. This is to prevent car parking on the woodland verges and reduce visitor pressure on that part of the SPA. This is a measure that has arisen from the applicant's discussions with the RSPB.
- 2.9 The key features of the revised SANG proposal include:
- A mixed environment of woodland, grassland and lake;
 - Woodland thinning and clearance to increase habitat diversity and structure to benefit biodiversity and visitor interest;

¹³ Submitted Bramshill SANGs Creation and Management Plan revised Oct 2016

- Creation of open glades to increase light levels reaching the woodland floor and benefit a range of plant and animal species by creating a range of habitat micro niches;
- Maintenance of different types of woodland;
- Creation of additional acidic grassland after demolition of buildings etc;
- Provision of a 2.3km circular walk with connections to a wider network of footpaths within the Bramshill site;
- Closure of the informal path to the north of the SANG to prohibit access for walkers and dogs to the local nature reserve and beyond to the SPA;
- No direct access to the SPA or habitats/features of high ecological value (e.g. heathland, and badger setts);
- Provision of areas of open grassland where dogs can exercise freely off-lead;
- Removal of Rhododendron along the edge of the lake;
- Willow scrub control along the eastern lake edge to increase diversity and the extent of aquatic marginal vegetation.;
- Commitment to provide a contact for SANG users
- Regular maintenance inspections and attention to defects in the SANG.

2.10 The revised proposed 2.3km circular walk is wholly within the proposed SANG with linking footpaths from the potential development areas. It would comprise sections which are gravel surfaced, resin bonded hoggin and mown grass. The circular trail would largely follow a new route to ensure it is a minimum of 2.3km in length and incorporates a range of habitats and desirable features within the SANG, with habitats including woodlands, grasslands and views across open water. The walk will connect with a range of existing informal ‘dirt’ and mown footpaths, which will remain unsurfaced, to provide a range of route options, varying in length, and character.

2.11 The applicant considers that the revised SANG proposals will meet the Natural England’s ‘must haves’ and will fulfil its purpose in providing suitable alternative natural greenspace which, along with Strategic Access Management Monitoring (SAMM) contributions, will serve to deliver a SANGs scheme which mitigates impacts of recreational impacts on the Thames Basin Heaths SPA in line with the recommendations of the Hart District Council Interim Avoidance Strategy.

2.12 The proposed SANG would be provided within part of the grade II* registered park and garden; specifically within what was part of the deer park. The heritage implications of the proposed SANG thus fall to be considered in this application since there is no separate application regime for registered parks and gardens similar to listed building consent.

3.0 CONSULTEE RESPONSES

3.1 The table below summarises the consultation responses that have been received and identifies where some further responses to the latest revised SANG Creation and Management Plan are awaited.

HCC Highways	No comments
HCC Rights of Way	No objection. Financial contribution towards rights of way provision and improvements across the whole Bramshill site is requested
HDC Highways	Further comments awaited but originally commented No objection subject to the following matters being clarified: a. Nature and width of the roads in which the access points to the circular route are proposed

	<p>b. Pedestrian visibility splays at the access points if vegetation or fences are proposed</p> <p>c. Is there any intention of fencing the internal side of the path which runs around the lake?</p> <p>d. Clarification of maintenance and repair works for footpaths</p> <p>e. Clarification of expected gradients</p> <p>Note: Further comments on the latest revised SANG Creation and Management Plan are awaited.</p>
Environment Agency	<p>No objection subject to conditions. The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site including the lake.</p> <p>Condition</p> <p>No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:</p> <ul style="list-style-type: none"> • The removal of Rhododendron around the edge of the large lake. • Control of the willow scrub along the eastern lake edge. • Details of management responsibilities.
HDC Drainage Engineer	No objection. This particular application will not have any flood risk access and egress issues
HCC Lead Flood Authority	No comment
Thames Water	No comment
Natural England	<p>No objection. Following receipt of further information NE is satisfied that the specific issues raised in previous correspondence relating to this SANG have been resolved. Therefore the individual bespoke proposals for avoidance and mitigation measures offered within the proposal are now considered appropriate provided the following mitigation measures are secured by way of a condition:</p> <ul style="list-style-type: none"> - Provision of a resource or contact for ongoing interaction with the public on matters relating to the SANGs. This will include either via the use of a website, email address or on-site office for a park manager <p>We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications.</p>

RSPB	<p>Welcomes the first changes made to the SANG Creation and Management Plan but maintain objection on two key outstanding issues: It is crucial that SANGS provide a safe area for off the lead dog exercise to ensure it functions as an attractive alternative to the SPA. Therefore, making sure dogs cannot run onto the road from the SANG is essential and an appropriate barrier should be included (south-west edge of SANG/ south east of the lake), this could take the form of low level hedging to minimise visual intrusion.</p> <p>We welcome the inclusion of bollards as an essential measure to prevent parking along Manor Drive and contribute to addressing concerns of increased use of Hazeley Heath (SPA). However, the bollards will require Sec of State consent. Whilst we acknowledge it is not within the applicants control to ensure this consent, we will only be able to withdraw our objection once this has been secured, to provide confidence that the mitigation can be delivered. The RSPB has now included the bollards in the ongoing Hazeley Heath consultation which will inform the application to the Sec of State.</p> <p>Additional comments are made including that:</p> <ul style="list-style-type: none"> • the SANG provision should be for the site residents only and not for the wider public, • there should be a more frequent schedule of maintenance checks, • monitoring of visitors to the SPA is welcomed, • car parking should not be made available for use by the public • funding in perpetuity should be guaranteed and secured. Costs are only provided for the first 10 years <p>The RSPB's final comment is that the revised SANG and associated measures do not provide mitigation to justify residential development proposed within the 400m buffer of the SPA.</p> <p>Note: Further comments on the latest revised SANG Creation and Management Plan are awaited</p>
Hampshire & Isle of Wight Wildlife Trust	<p>Commented on the revised proposal that it is not opposed to the principle of the SANGs proposals and consider that some positive changes have been made to the plan in the light of meetings with the various consultees. We note that there are still some outstanding concerns from the RSPB, namely</p> <ul style="list-style-type: none"> • Provision of a safe place for dogs to exercise off the lead; and • Securing the measures to restrict parking along Mansion Drive. <p>Given the RSPB's locus in this area and to avoid duplication of resources we refer to their response for detailed comments on this application.</p> <p>Note: The Trust's detailed comments about the SANG and the proposed development in general are included in the generic report</p>
HDC Ecologist	<p>Further comments awaited but initially Objected until more information is provided to address the points raised about the other development applications.</p>
HDC Countryside Manager	<p>Further comments on the revised proposal awaited but initially raised No objection and commented that as the SANGs will not transfer to the local authority or be publically accessible for the wider general public, we would expect Natural England to comment on the suitability of this SANG as</p>

	mitigation for the SPA. We therefore recommend that advice is sought from Natural England for these applications.
Historic England	<p>Further comments on the revised SANG proposal awaited. Historic England's Initial comments included in section 9 of the generic report. These are summarised as follows:</p> <p>1. All of the proposed SANG is within the Grade II* registered park (not Grade II as stated by Jones Lang Lasalle, p3). The criteria for the formation of SANGs take no special account of historic character, indeed they are meant to be semi-natural' or 'naturalistic', which begs many questions. The application does not address this issue.</p> <p>2. It has not been explained why the boundary of the SANG and the nature reserve do not coincide on the eastern edge. The fence forming the nature reserve boundary would be visible, and as proposed would cut across a relict avenue in an undesirable way. It would be worth exploring whether it could run alongside the avenue which defines the eastern edge of the SANG, unless this was even less desirable. At all events, the visual impact of this feature ought to be assessed for its effect in a designed landscape.</p>
The National Trust	<p>Further comments on the revised SANG proposal awaited Two letters of objection have been submitted. That from the Regional Director is included in Section 9 of the generic report together with the general comments of the Trust's Planning Advisor.</p> <p>No specific objections have been made in respect of the SANG proposal.</p>
Hampshire Gardens Trust	No objection.
HDC Conservation Officer	<p>Further comments awaited but originally recommended refusal</p> <p>Background</p> <p>The existing use of the planning unit is C2 use not C3 residential use, the proposed C3 development proposals for this site are currently contrary to policy. I consider that a scheme providing accommodation which has a C3 use would only be acceptable if the proposed development brought greater benefits which caused the LPA to set aside policy in favour of an acceptable scheme which secured the future of the heritage assets.</p> <p>In considering the heritage requirements, I believe that such a proposal could only be considered as part of an acceptable holistic proposal to secure the future of the whole site and as such meets the key objective as stated in paragraph 131 of the NPPF which sets out the '<i>desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.</i>'</p> <p>The SANG area being proposed within the planning application is clearly set out in the applicant's planning statement as being required by virtue of the C3 housing being proposed, and, the resulting need to provide such a facility to support such housing due to its proximity to the SPA. To reiterate, the SANG is required to facilitate the change of use of existing accommodation</p>

on this site (which has existing C2 use) or, for the creation of additional housing for the specific purpose of C3 use.

Consideration of the Proposal

The applicants' have set out that this application is to be considered on its own merits and is submitted in advance of securing any C3 use for the site.

In policy terms, the provision of C3 housing on this site, (which forms the basis of the applicant's statement of need in seeking approval for the SANG) is contrary to both national and local plan policies. When considering HDC policy compliance requirements, the C3 housing proposed would be unacceptable as chiefly it would create a settlement which would be located in an unsustainable location.

On this basis, I can only envisage that support for such a C3 use could be secured by putting forward a fully justified case for making an exception to such policies. In this respect, it may be possible to secure the future of the heritage assets by way of agreeing a viable use which is consistent with the conservation of the heritage assets concerned and which manages change to the assets in way that way sustains and, where appropriate, enhances their significance.

I therefore conclude that proposals for the creation of a SANG must be considered as part of a holistic proposal for the site.

In considering the impact of the development proposed and change of use of the land on the RPG and setting of the listed assets, whilst the planning statement suggests that there will be no adverse impact on the heritage assets, the design scheme required to create the SANG facility cannot in its effect be considered as being either neutral or benign in terms of impact on the heritage assets concerned.

The scheme includes the provision of 2.1 metre high security fencing and the creation of areas of ditches, this will all result in physical subdivision of the parkland context. The scheme also proposes various paraphernalia be installed, such as signs and so forth, which in my opinion cannot, by virtue of the changes being presented deliver a scheme whereby the significance of the setting of the heritage assets and wider parkland is either conserved or enhanced. The impact of the proposed fencing and ancillary paraphernalia will introduce alien elements which will introduce visual clutter into this landscape.

At present, this application seeks to provide facilities in advance of and unrelated to any need arising from a future redevelopment scheme which may or may not be approved at the site. The principle of development at the site and the future of the historic assets should be considered before the introduction of provisions for SANG which may or may not be justified.

Considered in isolation from a scheme which is either policy compliant or which can be justified and positively weighted in terms of measurable benefits to the heritage assets renders this proposal to be without justification and at best premature.

HCC -
Historic Parks
& Gardens

No comments received

HCC Archaeology	No objection as little or no ground disturbance is proposed
Sport England	Objected to this application on the grounds that it prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years. That isn't correct. No playing field is lost to the SANG.
HCC Minerals	No specific comments made in respect of this application but general comment made that materials be recovered where possible for use in the development.
HDC Tree Officer	No objection
HDC Environmental Health	No Objection.
HDC Landscape architect	Objects to the landscape implications of the built development proposals but has raised no objection to the SANG proposals
Southern Gas Networks	No comments on this application
Police Architectural advisor	No comments on this application
Hants Fire & Rescue	No adverse comments

Table 1: Summary of Consultation responses

4.0 PARISH COUNCIL REPRESENTATIONS

- 4.1 The application site lies within Bramshill Parish. Joint representations on behalf of Bramshill, Heckfield, Hartley Wintney, Mattingly and Eversley Parish Council have been submitted on the planning and listed building consent applications. Four letters have been received; two deal with planning and listed building consent issues and the other two relate to highways and transport. All four letters are at Appendix 2 to the generic report.
- 4.2 The joint Parish representation refer to the SANG proposal resulting in harm to the grade II* park and garden. The point being made that the SANG is directly linked to development proposal that harm heritage assets and the parkland. It is argued that there is no heritage justification for the SANG and it offers no benefits in the overall balancing exercise. The case fails to address the dichotomy between the requirements of a SANG and the historic character of the historic landscape. Within which it sits. The SANG would result in harm to the parkland as a highly related heritage asset and the landscape would not be 'conserved in a manner appropriate to its significance'.
- 4.3 There is a separate representation from Eversley Parish Council that the SANG provision does not fully integrate as it would prove difficult for residents offsite to use

5.0 THIRD PARTY COMMENTS

5.1 1 letter of objection has been received objecting to all planning and listed building applications but not actually raising any specific objection to the SANG proposal

6.0 PLANNING POLICY

6.1 The National Planning Policy Framework (the Framework) is relevant to the proposal from the starting point of achieving sustainable development, paragraphs 7 - 14, through to Sections 11 and 12 which respectively deal with 'Conserving and enhancing the natural environment' and 'Conserving and enhancing the historic environment'.

6.2 South East Plan (SE Plan) policy NRM6 regarding the Thames Basin Heaths Special Protection Area (SPA) was retained when the Plan itself was revoked. The policy requires that new residential development which is likely to have a significant effect on the ecological integrity of the SPA is required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

6.3 The relevant policies of the Hart District Local Plan (Replacement) 1996 - 2006 (HDLP) to this application are:

Number	Detail
CON 1	Nature conservation - European designations
CON 2	Nature conservation - National designations
CON 4	Replacement and habitats
CON 5	Species protected by law
CON 6	Heathlands
CON 7	Riverine environments
CON 8	Trees, woodland & hedgerows: amenity value
CON 12	Historic parks and gardens

Table 2: Relevant policies of Hart District Local Plan (Replacement) 1996 - 2006

6.4 The following supplementary planning guidance also applies to this application

- Interim Avoidance Strategy for the Thames Basin Heaths SPA (November 2010)
- Planning Obligations – Principles and Priorities (updated August 2014)
- SANG Capacity Monitoring (December 2015)

7.0 DETERMINING ISSUES

7.1 The following are considered to be the determining issues in this case and they are dealt with in detail in the Planning Considerations section of this report.

- a) Principle of Development
- b) Impact on Heritage Assets
- c) Thames Basin Heaths and Ecology

8.0 PLANNING CONSIDERATIONS

- 8.1 The proposed SANG is a common element to five of the six applications for development at Bramshill House but this application is for the SANG as a standalone proposal. As a material change of use of land with associated works, both requiring planning permission, there is no sound planning reason why the SANG could not be considered in isolation. If planning permission were to be granted then that would not commit the Planning Authority to approving development that would require SANG provision to be made but it would establish that a suitable SANG has been identified and been granted planning permission. Delivery of the SANG would then be a matter to be secured through a Section 106 planning obligation.

Principle of development

- 8.2 On its own the provision of a SANG whether in isolation or to provide mitigation of potential harm to an SPA would be acceptable in principle. However the key consideration is the impact on the grade II* listed registered park and garden status of the proposed SANG area. This then needs to be balanced with the ecological considerations.
- 8.3 The environmental dimension of sustainable development in the Framework (para 7) includes contributing to protecting and enhancing the natural and historic environment as well as assisting to improve biodiversity. Section 8 concerns 'promoting healthy communities' and the aim being that planning decisions should aim to achieve high quality public space which encourage the active and continual use of public areas. Access to high quality open spaces and recreation areas is seen as making an important contribution to health and well-being of communities.
- 8.4 Section 11 of the Framework continues the theme of paragraph 7 in respect of the natural environment and biodiversity and requires that planning contributes to minimising impacts on biodiversity and providing net gains thereto (para 109). The SANG proposal, on its own, would be consistent with the policy aims of the Framework. SE Plan policy NRM6 seeks to avoid and mitigate any potential adverse effects on the SPA from residential development.
- 8.5 Provision of a SANG would not, on its own, conflict with that policy. If permission were granted it would establish that appropriate provision can be made in a way that its provision and any future development it might serve would not have a significant effect on the ecological integrity of the SPA; it would serve to demonstrate that adequate measures can be put in place to avoid or mitigate any potential adverse effects of any residential development associated with the SANG.
- 8.6 In development plan terms, policy GEN 1 (v) requires that development includes provision for the conservation or enhancement of the District's ecology. The detailed conservation policies go further, with CON 1 setting out that development that adversely affects European Designations will not be permitted unless there are no alternative solutions. Policy CON 2 in relation to national designations is differently worded to permit development where conditions will prevent damaging impacts on wildlife habitats or other natural features of importance on the site. The SANG, as a standalone development, is considered to accord with those policies.
- 8.7 Policy CON 4 requires that, where development is permitted which would be likely to have a material adverse effect on features of nature conservation interest in a designated area, the adverse effect should be reduced where it is practicable to do so by the provision of adequate replacement habitat on the site or in other appropriate location. The proposed SANG does not cause any loss of habitat but it is proposed to off-set the potential adverse impact on an SPA and thus would accord with the aim of this policy.

- 8.8 The provision of the SANG has no adverse implications for development plan policies CON 5, 6, 7 and 8. Policy CON 12 relating to Historic Parks and Gardens is addressed in the following section of this report.
- 8.9 In location terms the provision of a SANG immediately adjacent to a potential development site would be the ideal arrangement to off-set the consequences that might otherwise arise from future residents using SPA heathland for recreation purposes. It would be a highly sustainable location and offer a convenient, viable alternative to other locations that would usually involve a car journey (this view only relates to the proximity of the SANG in relation to the proposed and as yet undetermined housing applications rather than being a statement that the site is in a sustainable location).
- 8.10 The proposed 14.4ha SANG is of a size that could cater for some 1,800 persons¹⁴ or 600 - 740 dwellings depending upon their size. The sum of the applicant's development proposals is for under 300 new dwellings; it is not proposed by the applicant to open the SANG to the general public or as mitigation for other dwellings other than would be on the Bramshill site. Natural England's original concerns have been addressed in the SANG Creation and Management Plan revised Nov 2016. Its response is without prejudice to the consideration of the applicant's housing development proposals. The RSPB object on two grounds one of which is the issue of dogs being able to roam free and the other is nothing to with the actual provision of the SANG but about the procedure for preventing vehicles parking on the woodland verges at Hazeley Heath. The RSPB are not objecting to the principle of the SANG as long as it is not open to the wider public to use. That is supported by the Hants and Isle of Wight Wildlife Trust but Eversley Parish Council appears to favour use by off-site residents.
- 8.11 The SANG would be owned and managed by a management company that would also manage the communal realm of whatever form the development at Bramshill takes. The SANG would therefore not be a space to which the general public would have access save perhaps if part of the house is open as public rooms and visitors might also wish to walk around the SANG. Relevant to whether there should or should not be public access to the SANG is the fact that it adjoins and is close to the SPA (and within the 400m exclusions zone). Given the proximity of the SANG to the SPA, limiting its use to residents of a future Bramshill House development seems reasonable and appropriate. If the SANG were to become too popular with the general public that could have adverse implications for the security and integrity of the SANG enclosure and the SPA beyond.
- 8.12 Other than the Heritage Asset issue, no objections to the planning principle of there being a SANG at Bramshill have been raised. The provision of a SANG would therefore comply with international, national and local planning policy to mitigate the effects of potential development whatever form that might take within the zone of influence of an SPA. On its own the principle could be supported. If any permission is to be granted for residential development at the site then it would be appropriate for the Section 106 obligation for that development to be tied into the provision of the SANG.

Conclusion: Principle of development:

The principle of a SANG being provided at the Bramshill House site would, subject to resolving Natural England's request for further information/ clarification, be acceptable. This is because it would not by itself result in any increase recreational disturbance to the SPA.

¹⁴ HDC Interim Avoidance Strategy for the Thames Basin Heaths SPA paragraph 4.3.1 - provision of 8 ha per 1,000 population

Furthermore it would be a convenient and sustainable location in which to locate a SANG for any future residents at Bramshill than a SANG elsewhere.

Impact on Heritage Assets

- 8.13 Although the planning principle might be accepted there remains the issue of the SANG being wholly within the grade II* registered park and garden. This comprises formal walled gardens, informal woodland gardens, ponds and the deer park; the latter grazed by white Fallow Deer.
- 8.14 The SANG area does not concern the walled gardens in close proximity to the house or the remaining open deer park to its south west. The SANG site is focussed on areas that were planted as commercial softwood plantations to the east and south east of the main lake and which contain built development - Foxley Hall and the sports centre. Also included are incidental areas around the lake. The SANG itself is not considered to harm the setting of the listed buildings on the site.
- 8.15 The key consideration is the impact on the registered park and garden. The Framework at paragraph 126 requires that planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing a strategy, planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 8.16 The applicants argue that the proposal seeks to formalise land already used for recreational purposes. The submitted that Heritage Impact Assessment for the SANG points out that most of the SANG area is damaging/ intrusive on the historic landscape. The Impact Assessment takes a cursory approach to historic character and lacks any examination of potential impact. It offers no assessment of the potential impact on the heritage asset as a whole and thus does not, for example address the potential to reinstate historic designed parkland landscape. This failure contrasts very strongly with the assessment that much of the proposed SANG area is damaging/ intrusive on the historic landscape.
- 8.17 HDLP policy CON 12 states that development that would adversely affect historic parks and gardens or their settings, will not be permitted. Changes may take place within these historic environments but change needs to be managed to ensure that it is sensitive and avoids harm to the general elements of the historic landscape.
- 8.18 The Heritage Impact Assessment does not answer the key question as to what the effect on the heritage asset is - would there be substantial harm, in which case permission should be refused; or is there less than substantial harm? Historic England are not able to support the proposal and indeed observe that the criteria for the formation of the SANG takes no special account of historic character, and the semi-natural' or 'naturalistic' approach begs many questions not addressed in the application. As submitted the proposal does not accord with the Framework and conflicts with policy CON 12.

- 8.19 In terms of detail, Historic England have reservations about the eastern boundary of the SANG, the alignment and visibility of the fence with the adjacent local nature reserve. Comments on the revised SANG Creation and Management Plan are awaited.
- 8.20 One of the key issues is the dichotomy between the registered park status of the SANG land and what was part of a deer park and what it looks like today - it has lost that deer park look. Within that dichotomy lie the principles enshrined in paragraph 132 of the Framework that:
- “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.*
- 8.21 The Framework places great weight on the heritage asset being conserved but clearly there is no recognisable deer park present on the SANG land to be conserved. Whilst a deer park could be recreated that would have to take into account that the SANG land now appears to function as a buffer to or an outlier of the SPA since it shares many of the SPA’s qualities.
- 8.22 The whole of the proposed SANG is part of a grade II* registered park and garden where planning policy would seek to conserve the heritage asset. However whilst the provenance of the SANG land as part of the historic deer park to Bramshill House is beyond disputed the SANG land does not have the visual attributes or form of a deer park and there is, in plain terms, no deer park on the SANG land to conserve. In essence the heritage asset exists as an identified area on a plan but is not recognisable on the ground.
- 8.23 The issue with this proposal is that the SANG land is part of an historic park but it has no parklike qualities. This is also true of other parts of the registered park that fall within the SPA. Reinstatement of the park land would be a possibility if the ecological implications could be overcome. Those implications include the fact that the SANG land has many of the attributes of the Thames Basin Heaths and it currently forms a valued outlier to the SPA.
- 8.24 The objections based around the impact on the heritage asset of the registered park are important but they need to be weighed in the balance with all material considerations and the Framework as a whole. The further observations of Historic England are awaited as are the further comments of the Council’s Conservation and Landscape officers.

Conclusion: Heritage Assets:

The whole of the proposed SANG is part of a grade II* registered park and garden where planning policy would seek to conserve the heritage asset. However there is no recognisable park land on the SANG land to conserve.

Despite the initial heritage objections it is considered that the ecological enhancement and benefits outweigh the heritage issue and that, subject to the consideration of the further comments of Historic England and the Conservation Officer permission for the SANG can be recommended.

Thames Basin Heaths SPA and Ecology

- 8.25 Natural England, the RSPB and the Hampshire and Isle of Wight Wildlife Trust initially raised a number of points about the SANG proposal and how it would satisfy the mitigation strategy for the Thames Basin Heaths SPA. All pointed to uncertainty as to whether the SANG would be effective and secured in-perpetuity. Those issues and concerns have been largely addressed by detailed discussions with the applicant leading to the submission of revised proposals for the SANG. Natural England is now satisfied with the applicant's revised SANG proposals. The views of the other two ecology consultees are awaited.
- 8.26 The required 2.3km recreational path would run wholly within the SANG with connecting paths to potential development areas. Within and around the SANG footpath would be other less formal pathways and glades and an extensive area where dogs can be exercised off-lead.
- 8.27 The revised SANG Creation and Management Plan explains that the SANG would be laid out and provided by the applicant and would be maintained by them for an initial period. Thereafter it is intended that a management company would be formed and maintenance would be provided through a service charge on the residential units. The Habitat Regulations require that measures to avoid any likely significant effect on an SPA are required to be provided for in perpetuity. The detail of how that would be secured is left to a Section 106 obligation to include a financial contribution to the Council towards the strategic access monitoring and management of ecological values of the Thames Basin Heaths SPA within the vicinity of the site.
- 8.28 Further comments from consultees are awaited. The expectation is that the objections that are currently outstanding will be resolved.
- 8.29 As well as the SPA issue there is also the matter of biodiversity and protected species within the proposed SANG area. Natural England provides standing advice for protected species that planning authorities are asked to take account of when determining planning applications. The following table considers that standing advice in the context of protected species and the information submitted with the application and by consultees.

Protected species	Assessment
Bats	<p>The habitat mosaic across the site provides optimal habitat for foraging, commuting and roosting bats although the main area of existing development is less suitable. Bat surveys were carried out in December 2014 and March - Aug 2015 although it appears that no survey of the Mansion has been done since 2010/11. Fourteen species (7 species in some very low numbers) have been recorded across the whole site with a total of 48 bat roosts identified. The status of roosts varied from day to maternity roosts.</p> <p>The applicant has submitted a comprehensive bat enhancement and mitigation scheme for the site and recognises that additional survey work is required. As the Hants & Isle of Wight Wildlife Trust recognise, this can be secured by condition.</p>
Great Crested Newts (GCN)	<p>The Bramshill site was assessed as providing optimum terrestrial habitat for GCN. The lake however is not suitable. GCN surveys were carried out in 2012 and May - June 2015. GCN were recorded in Dog Kennel, Long & Small ponds but</p>

	<p>no newt species were recorded in White & Ladywell ponds. Medium populations of GCN were recorded in Dog Kennel & Long ponds, whereas Small pond supported a low population. Low numbers of smooth newts and palmate newts were also recorded.</p> <p>The SANG proposal does not affect the ponds with GCN and neither would it affect the terrestrial areas they use.</p>
Badgers	<p>The site in general provides optimum conditions for badgers to establish setts, in particular the banks and root systems within woodland. A detailed Badger survey was carried out May - July 2015.</p> <p>In view of the unfortunate interest this species attracts the findings of the survey are not disclosed in this report. Suffice to there are no issues of concern about this species.</p>
Hazel or Common Dormice	<p>A survey was carried out in March - Sept 2015 and no dormice were found reflecting an initial assessment that In general the woodland was considered sub-optimal as a dormouse habitat due to a lack of structural diversity and lack of a well-developed understorey.</p> <p>Whist no mitigation is required relating to dormice the biodiversity enhancement plan suggest that there would be opportunities to enhance surrounding woodland habitat for a range of woodland species, including dormouse. That woodland does not include the SANG area.</p>
Water Voles	<p>A survey of the River Hart was undertaken in June 2015. No water vole shelters or signs thereof were found despite the river being a suitable habitat for water vole. Deer poaching of the river bank was high and considered to be likely to reduce the suitability of the habitat for supporting this species.</p>
Otters	<p>A survey of the River Hart was undertaken in June 2015. No definitive signs of otter activity found although one possible feeding remains were found.</p> <p>The River Hart to the south of the site provides suitable foraging habitat for otter and a movement corridor for this species to pass through. It also provides suitable resting opportunities including bankside trees, piles of logs and other debris, reed beds and dense scrub. None of these would be affected by the development proposals.</p>
Wild Birds	<p>Winter and Breeding bird surveys were undertaken of the whole site and a wide range of bird species recorded. The SANG site is an ecologically valuable transition between grassland and woodland habitats and the SANG proposal would not undermine the role it serves.</p>
Reptiles	<p>Within the site as a whole there are large areas of suitable habitat (including tussock grassland, ruderal, scrub, heathland and woodland habitats) that provide opportunities for common and widespread reptile species. A reptile survey was carried out in May - August 2015. Slow worms, common lizards, grass snakes and Adders were found across the site including within the SANG area. The survey ranked the populations of Grass</p>

	snake and Slow worm as Good and that of Common lizard and Adder as Low. The SANG proposal will improve the ground and plant conditions and provide enhanced habitats for reptiles.
Protected plants	There are no especially rare plants at Bramshill but the site does contain some significant flora and that provides habitats for protected species. Those are being retained and enhanced in the proposed SANG
White clawed crayfish	This species is not present on the site
Invertebrates	The SANG proposal and management regime would provide opportunities for insects and invertebrates.
Freshwater Fish	There are no freshwater fish to be found on the SANG area.
Natterjack Toads	This species is not present on the site.
Ancient woodland	None of the site is ancient woodland.
Veteran trees	There are some veteran trees on the site principally the Sweet Chestnut trees at the southern end of the SANG. No veteran trees are proposed to be felled.

Table 3: Natural England Standing Advice summary

- 8.30 As far as Natural England's standing advice is concerned no protected species would be adversely affect by the SANG proposal. On the contrary, it is likely that the immediate local environment would be enhanced for diversity except for those species that might be discouraged from using those areas of the SANG where dogs will be encouraged to roam free.
- 8.31 The proposed SANG is part of the grade II* registered park and garden. Specifically it was part of the deer park around Bramshill House. Currently it does not have the appearance of a deer park and in the last 100 years or so nature and man has taken control through regeneration of heathland and plantation woodlands. The area now serves as an outlier to the close by Thames Basin Heaths SPA. The ecological and species reports indicate that it has many of the attributes of the SPA and is frequented by threatened, rare and uncommon bird species.
- 8.32 From the information available it is considered that the ecological value of the proposed SANG outweighs the heritage issue particularly as the SANG would be secured in perpetuity and would be managed for its wildlife interest coupled with other land to form a local nature reserve. Against that benefit must be considered the fact that the SANG is part of a registered park but it does not have the appearance of parkland.

Conclusion: Thames Basin Heaths SPA and Ecology

The SANG proposal does not adversely affect the SPA and it would be a very useful buffer area to the SPA and be managed for its wildlife interest. As a SANG there would be a positive benefit to the SPA by relieving future recreational pressure on the SPA itself from any development agreed at Bramshill.

The SANG proposal is considered acceptable.

Other considerations

- 8.33 There are no issues associated with Highways, Local Infrastructure, general amenity or accessibility and sustainability so far as the SANG is concerned.

9.0 THE PLANNING BALANCE AND OVERALL CONCLUSIONS

- 9.1 Section 36(6) of the Planning and Compulsory Purchase Act 2004 requires development to be approved in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan is thus the starting point but other material considerations should also be taken into account. The basic tenet of the Framework that development that accords with the development plan should be approved without delay
- 9.2 It is considered that the creation of a SANG as a standalone project does not conflict with Development Plan policy. It would also accord with Framework policy to enhance biodiversity in and around developments. This is a matter of great weight. Furthermore, if some form of enabling residential development is permitted at Bramshill, it would serve a purpose in mitigating any potential impact on the adjacent SPA. This is a matter of some weight that would be increased in the event that a suitable residential development scheme is agreed.
- 9.3 The sole remaining consideration relates to the heritage asset of the registered park and garden. The whole of the proposed SANG is part of a grade II* registered park where planning policy would seek to conserve the heritage asset. But is the SANG land in a form and condition that is recognisable as park land and is there a heritage asset to be conserved?
- 9.4 Heritage policy within the Framework (paragraph 132) requires great weight to be given to the significance to the asset's conservation and there is no doubt that a grade II* listing is of particular importance; indeed more than just special. The Framework points out that significance can be harmed or lost through alteration or destruction and any substantial harm or loss requires clear and convincing justification. The problem here, as discussed above, is that the SANG land no longer has the visual qualities of park land and has acquired an ecological value allied to its close location to the close by Thames Basin Heaths SPA.
- 9.5 Controversial as it may be in some quarters, in simple terms the attributes of a deer park have already been lost on the SANG land such that they cannot now be lost a second time; nor can the harm be said to be substantial. There is the option of reinstating the former park but it is highly likely that this would not be possible given the ecological interest in and value of the land. For this reason greater weight is given to the ecological benefit and long term secure use as a SANG than the adherence to the written and map based heritage asset of the registered park on this part of Bramshill House.

10.0 RECOMMENDATION

Subject to:

- (1) the receipt and consideration of the further views and comments of Historic England and other consultees regarding heritage issues and relationship with the registered park and garden,**
- (2) the outstanding points raised by the RSPB and Hampshire & Isle of Wight Wildlife Trust being satisfactorily addressed, and**

(3) the completion of a planning obligation to secure the provision of the SANG

the Head of Regulatory Service be authorised to grant planning permission subject to the following conditions.

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. No development shall commence until appropriate arrangements have been made for Strategic Access Management and Monitoring of the proposed SANG.

Reason: To ensure that the SANG is provided and accords with saved policies GENI, CON1, CON2 and CON4 of the Hart District Local Plan.

3. All works hereby permitted shall be carried out in accordance with the submitted SANG Creation and Management Plan revised November 2016 unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the Suitable Alternative Natural Greenspace is provided in the interests of the adjacent Thames Basin Heaths Special Protection Area and in accordance with saved policies GENI, CON1, CON2 and CON4 of the Hart District Local Plan

4. Within three months of work commencing pursuant to this permission details shall be submitted to the planning authority of the provision of a resource or contact point for ongoing interaction with the public on matters relating to the SANG. Those details to include either the use of a website, email address or on-site office for a park manager. Once approved in writing by the planning authority the agreed details shall be implemented and made available no later than completion of the SANG and it being made available for use.

Reason: To ensure the satisfactory provision of the SANG and provide for satisfactory monitoring and maintenance.

5. No development shall take place until details of the following landscape measures have been submitted to and approved by the planning authority:

- The removal of Rhododendron around the edge of the large lake.
- Control of the willow scrub along the eastern lake edge.
- Details of management responsibilities.

and once approved these measures shall be implemented concurrently with the creation of the SANG

Reason: In the interest of the ecology and environment of the Lake and to accord with policy CON4 of the Hart District Local Plan.

6. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

Application form

Site location plan LD-PLN-SANG-020B

SANGs Landscaping Specification LD-PLN-SANG-001E

Fence details LD-DET-SANG-500A

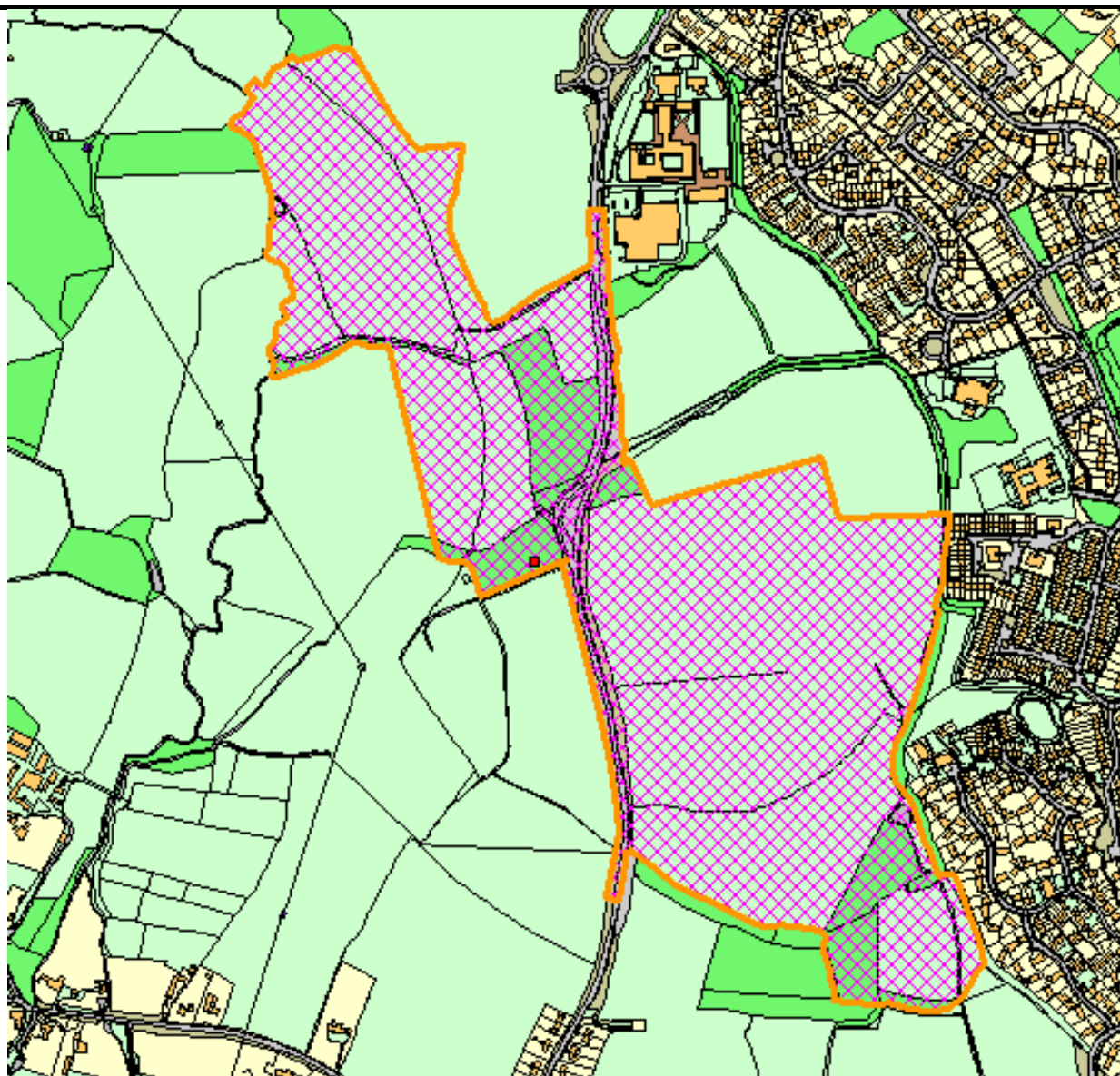
SANG Creation and Management Plan revised November 2016
SANG Planning Statement revised October 2016
Heritage Impact Assessment - SANG Addendum revised October 2016
Design and Access Statement revised October 2016
Arboricultural Impact Assessment revised October 2016
Flood Risk Assessment

Reason: To ensure provision of a satisfactory development.

7. Any other conditions arising from outstanding consultations

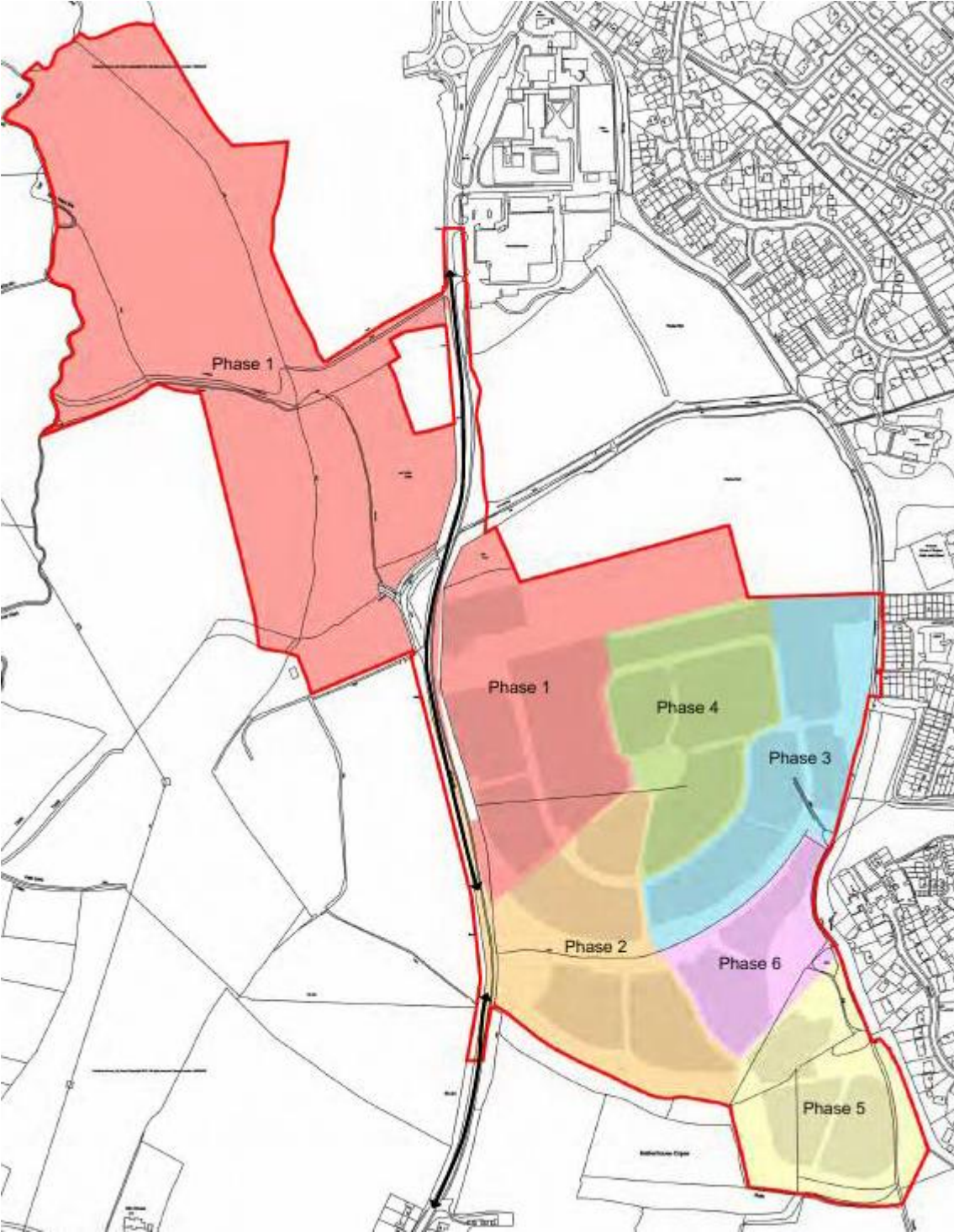
**COMMITTEE REPORT
ITEM NUMBER: 106**

APPLICATION NO.	16/01651/OUT
LOCATION	Land North Of Netherhouse Copse Hitches Lane Fleet Hampshire
PROPOSAL	Outline application for up to 423 residential dwellings and a community facility. Associated vehicular, pedestrian and cycle access, drainage and landscape works, including provision of public open space and sports pitches. Provision of country park/SANG as an extension to Edenbrook Country Park.
APPLICANT	Berkeley Strategic Land Limited
CONSULTATIONS EXPIRY	5 August 2016
APPLICATION EXPIRY	14 October 2016
PLANNING COMMITTEE WARD MEMBER	Cllr Tony Clarke
RECOMMENDATION	Refer to Full Council



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ILLUSTRATIVE PHASING LAYOUT



INDICATIVE SITE LAYOUT



BACKGROUND

The application is the resubmission of essentially an almost identical application that was refused planning permission in July 2015 (ref: 14/01387/MAJOR). The sole reason for refusal was:

“The proposal would constitute inappropriate development in this open countryside location outside of the designated Settlement Boundary of Fleet/Church Crookham within an area designated as a Local Gap between Fleet/Church Crookham and Crookham Village. It would lead to the physical and visual coalescence of these settlements and be harmful to their settings. The proposal is considered to be contrary to ‘saved’ policies CON21, CON23, RUR1, RUR2 and RUR3 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006.”

Policies RUR1, RUR2 and RUR3 deal with ‘development in open countryside’. CON 21 is a ‘Local Gap’ policy and CON23 deals with the amenity value of public rights of way.

The recent appeal decision in respect of the residential development of land at Moulsham Lane (14/02281/MAJOR) is considered to be relevant to the determination of this application as it considered in detail the purpose of Policy CON20 (Strategic Gaps) and the application of Policy RUR2 (Development in the Open Countryside).

With regard to Policy RUR2 the Inspector stated that:

“63. ...through the application of the assessment set out in paragraph 215 of the Framework, this policy may be apportioned, at the very best, only a medium degree of weight. ... It is negatively worded and applies a considerably more restrictive approach to the consideration of development that might otherwise be permitted. Accordingly such a conclusion renders policy RUR2, in my judgement, not up to date, thus invoking paragraph 14 of the Framework. Such a conclusion would be consistent with the judgement of the High Court in this regard.”

“65. ..., the key strategic development management policy RUR2 cannot be considered up to date and on this basis the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged. I draw this conclusion in the full knowledge that the Council is currently able to demonstrate a five year supply of housing land, a position paradoxically that must in part, given the age of the plan, be as a consequence of a recognition of this, and the grant of planning permissions for housing developments outwith the settlement boundaries identified in the plan.”

The National Planning Policy Framework (NPPF) recognises however, that it is appropriate for the development plan to include policies which are clear on “what will or will not be permitted and where” (para 154) and that the Local Plan should “identify land where development would be inappropriate” (para 157). Obviously, this will sometimes be done by negatively worded policies where development is not to be permitted or is inappropriate. There are also several policies in the NPPF which set out a negative approach to harmful development (such as isolated homes in the countryside (para 55) or where there is poor design (para 64) or the loss of open space (para 74) or conflict with a neighbourhood plan (para 198)) and it is considered that the Inspector’s assessment in the Moulsham Lane case over-simplified the stance taken by the NPPF to development in the countryside.

Notwithstanding the Moulsham Lane appeal outcome Members do not have to share the view that Policy RUR2 should necessarily be regarded as out of date when it is applied to housing development in the countryside. It should be recognised that all developments must be considered having regard to the policies in the Framework taken as a whole, including the need to boost significantly the supply of housing. The weight to be applied to Policy RUR2 should therefore be proportionate to the effect of the development in terms of the overall planning balance with the benefits of the scheme, in terms of boosting housing supply and particularly affordable housing provision, in a sustainable location on the edge of the primary settlement within the District weighed against any material harm.

SITE AND SURROUNDINGS

Although the application was submitted in outline with matters of access only to be determined, the application unambiguously separates the site into two elements on either side of Hitches Lane. Housing, comprising up to 423 units of which 40% will be affordable houses, is to be located on 21.55 hectares on the eastern side of Hitches Lane whilst 13.42 hectares on the western side would comprise Suitable Alternative Natural Greenspace (SANG) in the form of an extension to the Edenbrook Country Park giving the total area subject to the application as 34.97 hectares. The site is currently in arable cultivation. The central and northern parts of the site consist of a round knoll which rises to about 80 metres Above Ordnance Datum (AOD), some 10 metres also above the ground level of adjacent land. The southern part of the site is relatively flat.

A mature hedgerow, broken by one or two small gaps, runs along the length of the Hitches Lane frontage. To the west, on the far side of Hitches Lane, there is an extensive area of open countryside. In the north western corner of the site there is a small woodland, known as Long Copse.

The remainder of the site's northern boundary is marked by a low wire fence, which separates the farmland from adjacent educational playing fields. These have been levelled and the ground falls by up to a metre or more at the boundary. A tree-lined path runs from east to west to the middle of the playing fields. Further north, approximately 350 metres from the application site, there is a group of bulky buildings comprising the Hart Leisure Centre and Calthorpe Park secondary school. Opposite the secondary school, on the western side of Hitches Lane is the new Edenbrook development and also immediately to the south planning permission has been granted for an extension of this development along with the now well advanced new Leisure Centre (due to open Spring 2017).

A tree-lined track runs along the eastern edge of the site. Immediately beyond this there are primary schools, and residential developments that form part of the build-up area of Fleet/Church Crookham. The more southerly of these developments is Netherhouse Moor. As part of the Netherhouse Moor development a substantial number of trees were planted in the landscape belt between the development and Grove Farm. These are now very mature.

The southern boundary of the site is marked by a substantial belt of planting, which extends between Hitches Lane and Netherhouse Copse, a prominent landscape feature. The land to the south of the site is in open agricultural use, forming the remaining part of Grove Farm. It contains a group of former farm buildings that are now in employment use as workshops etc.

Crookham Village is approximately 400 metres south of the site across the farm field. The village extends in linear fashion from the Basingstoke Canal at Malthouse Bridge in the east, to Pilcot Road in the west.

Two public footpaths cross the site. Both start in the built up area of Fleet, to the north of Netherhouse Moor. Footpath No.6 runs in a southerly direction across the fields to Crookham Village. Footpath No.7, which is lined by trees, provides a link to Hitches Lane, and continues in a westerly direction beyond that road.

Hitches Lane is classified as a minor road and links Crookham Village with the A323 to the north.

PROPOSAL

This is an outline planning application, with all matters reserved, with the exception of access. In summary it comprises the following elements:

- The provision of up to 423 dwellings, including 169 (40%) affordable housing units, on the eastern section of the site;

- The creation of a Site of Alternative Natural Greenspace (SANG) on the western section of the site as an extension of the Edenbrook Country Park;
- The provision of 1.54 hectares of land on the northern edge of the site for community use and the provision of sports pitches
- Drainage and landscape works;
- On site open space/children's play facilities;
- Land for a community facility;
- Three points of vehicular access from Hitches Lane;
- Pedestrian and cycle access routes; and
- Buffer planting along the southern site boundary.

The application is supported by, where necessary updated, technical reports/appraisals including:

- Planning Statement;
- Design & Access Statement;
- Environmental Statement;
- Transport Assessment, including Draft Travel Plan;
- Flood Risk Assessment & Drainage Strategy Report;
- Air Quality Assessment;
- Noise Assessment Report;
- Utilities Report;
- Statement of Community Involvement;
- Landscape Design Statement;
- Framework Site Waste Management Plan;
- Arboricultural Impact Assessment & Method Statement;
- SANG Management Plan;
- Energy Statement;
- Sustainability Statement; and
- Badger Survey.

CONSULTEES RESPONSES

Crookham Village Parish Council (OBJECTION):

Summary

- Closure of the gap between Fleet urban areas and Crookham Village, especially along Hitches Lane, but also on the wider front.
- Unsustainable site due to lack of adequate transport facilities – no feasible bus route to cater for the whole development and over-reliance on cars with inadequate capacity admitted by the applicant at both ends of Hitches Lane. The narrow transport assessment failed to consider the effect on Crookham Village and the wider highway network and fantasizes about alternative strategic routes.
- Environmental damage to fragile habitats and ancient woodland in the Upper Hart Valley.
- The site layout faces towards Edenbrook and thus fails to address integration of those living on the development with the remainder of the CV parish, which was discussed at length, with possible solutions, during pre-application meetings with the developer.
- Lack of non-sports facilities for the overall Berkeley Homes developments along Hitches Lane, which would be further exacerbated by this dormitory enclave.
- Applicant seeks full approval for what is admitted to be only a preliminary layout of the southern roundabout. Full approval can only be given to firm proposals.

- No commitment is made to the supply of fast broadband to the development.

Dogmersfield Parish Council (OBJECTION):

Summary

- The application relates to one of the urban extension sites that constituted Approach 2 ' strategic green field expansion - within the recent Refined Options for Delivering New Homes consultation. The Parish Council concluded that of the options put forward Approach 2 would be the least damaging to the Parish and consequently ranked it no 1. In ranking this approach as no 1 it was assumed that adequate mitigation will be provided for the increase in traffic through Dogmersfield resulting
- Inadequate mitigation however is proposed and the development will have significant adverse implications for Dogmersfield due mainly to the creeping urbanisation. Of major concern is the impact on local roads and lanes as the existing rat run traffic through Dogmersfield is likely to substantially increase and Dogmersfield will become the principle through route to the A287 for much of this new housing.
- The proposed development will generate a significant increase in traffic movements at local road junctions that are already working at maximum capacity or overwhelmed. The Transport Assessment confirms that peak time traffic movements at the junction between Hitches Lane and Pilcot Hill have increased by 13% since the last assessments made only in 2014.
- The growth of traffic since 2014 confirms that the Hitches Lane/ Pilcot Hill Junction requires mitigation. However, this is limited to a minimum realignment of the curb lines to allow the front two cars in the queue to wait side by side. Such a small change will not eliminate the current congestion at this junction let alone mitigate the predicted increase.
- There is no adequate transport route for southbound traffic between the proposed development and the A287. The Transport Assessment accepts that a further 87 journeys to the A287 will be generated by the new development but dismisses any concerns about the impact by concluding that they will be dispersed amongst the various possible routes to the A287 with no material adverse impact in terms of queues and delays.
- The Parish Council rejects this conclusion which completely understates the true situation. The 87 movements quoted will add to the current traffic flows and that resulting from already committed developments meaning that the volume of traffic travelling to the A287 will be more than doubled. Equally there are only two credible routes between Hitches Lane and the A287 one through a built up area of Crookham Village and the other through the centre of Dogmersfield. The junctions where both these routes join the A287 are both already overloaded at peak times. The true situation is that the doubling of the rat run traffic through Dogmersfield resulting from the proposed development will have severe adverse implications on residents' quality of life and road safety.
- The Parish Council concludes that the proposed traffic mitigation measures are totally inadequate and that consequently planning permission now being sought should be refused for this reason.

Fleet Town Council (OBJECTION):

Support Hart's objections to this application regarding the lack of infrastructure, lack of amenities, negative impact development would have on traffic, and the risk of flooding.

Environment Agency: (NO OBJECTION):

No objection, subject to the inclusion of a condition to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment. No built development should take place within Flood Zones 2 and 3. No objection subject to conditions.

HCC - Archaeology (NO OBJECTION):

No objection subject to conditions.

HCC - Education (NO OBJECTION):

No objection subject to an appropriate financial contribution towards the expansion of primary school places within the school place planning area and Calthorpe Park Secondary School in order to mitigate the impact of the development on educational infrastructure and ensure that sufficient school places are provided to accommodate the additional children expected to be generated by the development.

[OFFICER NOTE - HCC Children's Services have not identified a specific project to demonstrate how any contribution would be used and by when. It is important that it can be demonstrated that there are specific proposals to meet any shortfall in capacity and so avoid any possible "pooling" conflict with the CIL Regulations]

HCC - Highways (NO OBJECTION):

No objection from a highways and transportation perspective, subject to the imposition of appropriate conditions, and subject to the applicant entering into a Section 106 legal agreement to secure an appropriate package of mitigation, including a financial contribution to be used towards highway improvement measures, improvements to sustainable modes of transport, and other measures that provide a direct benefit to the site; delivery of site access works; delivery of Hitches Lane and A323 Fleet Road roundabout works; delivery of A323 Fleet Road/Elvetham Way roundabout works; delivery of the Country Park access works; delivery of the Hitches Lane/Pilcot Road scheme; delivery of Hitches Lane/Country Park roundabout works; delivery of the Right of Way improvement scheme; and the implementation of a Residential Travel Plan, payment of the Travel Plan approval and monitoring fees, and provision of a surety mechanism to ensure implementation of the Travel Plan.

[OFFICER NOTE – HCC Highways will need to identify more specific projects to demonstrate how any contribution would be used and by when. It is important that it is demonstrated that there are specific proposals to mitigate any highway implications associated with this development avoid any possible "pooling" conflict with the CIL Regulations]

HCC - Lead Local Flood Authority:

Indicate they have some concerns in respect of the proposed works to ordinary watercourses as there is very limited information of what works, if any, will be undertaken.

In respect of surface water drainage it is confirmed that the general principles detailed are acceptable, but would require further information to be submitted at the detailed design stage.

HCC- Rights of Way:

Comments received. No objection in principle but comments relate more to Reserved Matters stage.

Natural England (NO OBJECTION):

Confirm that, on the understanding that the applicant strictly complies with the particulars of their SANG Management Plan, Natural England do not object to this application, subject to the imposition of appropriate conditions and the completion of a legal agreement to secure the provision of the SANG land and its on-going management and maintenance in perpetuity and the making of appropriate SAMM contributions.

Thames Water (NO OBJECTION):

Confirm they would expect the developer to demonstrate what measures will be undertaken to minimise

groundwater discharges into the public sewer. With regard to sewerage infrastructure capacity, it is confirmed that Thames Water have no objection to the application.

Ecology (Internal) (NO OBJECTION):

Additional information requested but no objection in principle

Environmental Health (Internal) (NO OBJECTION IN PRINCIPLE):

Satisfied with the scope and methodology of the Air Quality Assessment and Noise Assessment Report. Indicate that should the development be approved a full Construction Management Plan should be finalised and implemented.

Have a possible concern regarding the proposed noise mitigation measures for those properties located within the 40-80 metre strip of land adjacent to Hitches Lane. Should the development be approved, further detailed consideration will need to be given to specify the selected mitigation measures and their effectiveness in relation to any finalised receptor locations. *[OFFICER NOTE - This is a detailed matter for a reserved matters application]*

Request that a standard 'Contaminated Land Condition' is in place for the development.

Highways (Internal) (NO OBJECTION):

Confirm that, due to the size of the proposal Hampshire County Council will analyse the proposal and that matters relating to the internal layout, servicing and parking will be dealt with at the Reserved Matters stage.

Housing (Internal) (NO OBJECTION):

Confirm that the provision of 169 affordable housing properties on the site is acceptable, but that a financial contribution would be required in respect of the additional 0.2% requirement to meet the Council's 40% provision target. *[OFFICER NOTE – the Housing team will need to identify more specific projects to demonstrate how any contribution would be used and by when. It is important that it is demonstrated that there are specific proposals avoid any possible "pooling" conflict with the CIL Regulations]*

Streetcare (Internal):

Comments received, but relate to detailed access issues which would be dealt with at the Reserved Matters stage should planning permission be granted.

NEIGHBOUR COMMENTS

155 representations have been received from 131 households, from Face It and from the Fleet and Church Crookham Society, raising the following issues:

- proposal would destroy the semi-rural character of the area
- would create further congestion in and around the area
- would place additional strain on local services
- unnecessary given the number of brownfield sites available
- flooding concerns
- noise and disturbance
- visual impact of house built up and around the hill will be unacceptable
- insufficient car parking
- impact on Crookham Village Conservation Area

- light pollution
- impact on wildlife
- lack of affordable housing
- pollution concerns
- impact on parking and passenger services at Fleet and Winchfield stations
- sewage/drainage issues
- ecological surveys are not up to date
- loss of gap between Fleet and Crookham Village
- Development should await adoption of Local Plan
- highway safety concerns, particularly for pedestrians and cyclists
- if the proposal goes ahead it should include a supermarket
- overlooking/loss of privacy (New Barn Close)
- loss of ancient woodland, wetland and farmland would have ecological consequences
- overdevelopment/density of development too high.

POLICY.

Hart District Council Local Plan (Replacement) 1996 – 2006

- GEN1 - General Policy for Development
- GEN3 - General Policy for Landscape Character Areas
- GEN4 - General Design Policy
- GEN6 - Policy for Noisy/Un-neighbourly Developments
- GEN7 - Policy for Noise Sensitive Developments
- GEN8 - Pollution
- GEN11 - Areas Affected by Flooding or Poor Drainage
- GEN12 - Design Against Crime
- ALT GEN13 - Affordable Housing
- CON1 - Nature Conservation - European Designations
- CON2 - Nature Conservation - National Designations
- CON3 - Nature Conservation - Local Designations
- CON5 - Species Protected by Law
- CON7 - Riverine Environments
- CON8 - Trees, Woodland & Hedgerows: Amenity Value
- CON11 - Archaeological Sites and Scheduled Monuments
- CON21 - Local Gaps
- CON22 - Setting of Settlements and Recreation
- CON23 - Development Affecting Public Rights of Way
- RUR1 - Definition of Areas Covered by RUR Policies
- RUR2 - Development in Open Countryside - General
- RUR3 - Development in Open Countryside - Control
- T1 - Land Use and Transport
- T2 - Public Transport: General
- T5 - Highway Network
- T9 - Road and Junction Improvements
- T14 - Transport and Development
- T15 - Development Requiring New or Improved Access
- T16 - Improvements Made Necessary by Development

South East Plan 2006 – 2026

- NRM6 - Thames Basin Heaths Special Protection Area

MAIN ISSUES

The Council has already determined that in technical terms the development is acceptable. In this regard there has been no material change in circumstances and the site still remains a strategic allocation option in the emerging Local Plan. This report does not therefore, seek to rehearse in depth all the matters that were previously agreed by the Council.

The main issues are:

- A. The effect of the proposed development on the Local Gap (both physically and visually) and its effect on the character and setting of the countryside,
- B. Whether the proposal makes provision for financial contributions and physical infrastructure to mitigate the effects of the development, so making the development acceptable in planning terms, and
- C. Whether there are any other material considerations, including any benefits the development would bring, and specifically whether the policies of the development plan can or cannot be considered up to date and whether the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) is engaged, thus justify the development being determined other than in accordance with them.

CONSIDERATION

A. The effect of the proposed development on the Local Gap (both physically and visually) and its effect on the character and setting of the countryside

The site lies outside the settlement boundary of Fleet/Church Crookham/Crookham Village as defined in the Local Plan. It is classed as 'open countryside'. Management of development in this context is covered by Policy RUR1. Policies RUR2 and RUR3 explain that development beyond the defined settlement boundaries will not be permitted unless the Council is satisfied, amongst other matters, that it does not have a significant detrimental effect on the character and setting of the countryside. RUR3 adds further detail in respect of development provided for under other policies of the plan. Insofar as the current planning application proposals are beyond the established settlement boundary, and therefore in the 'open countryside', the development is in clear conflict with Policies RUR2 and RUR3, and insofar as these are framed by RUR1 that policy also. It is inevitable, however, that, to meet housing needs (both market and affordable) and also to maintain a rolling 5 year land supply, the Local Plan Settlement boundaries are now out of date and that the majority of development that has been recently allowed has been in breach of Policies RUR1, 2 and 3. These departures have all been approved by Council. Therefore, in principle, the simple fact that the development may breach the terms of Policies RUR1, 2 and 3 is not a significant determining factor in this case.

The site, however, lies wholly within a defined Local Gap. Here development is managed through the application of policy CON21. Gaps separating smaller settlements are very important, but their significance is very much of local value. They are nevertheless important in maintaining the separate identities of smaller settlements, providing their setting and preventing coalescence.

The Moulsham Lane appeal dealt with the approach to assessing development within Strategic Gaps. It established a number of important principles. The first was that the Local Plan gap policies are not landscape designations, but spatial policies to control development beyond settlement boundaries. As a result the relevant test is that notwithstanding development in the identified gaps would breach the policy, it is the **degree to which the applied purpose of the policies are breached which is determinative**; these purposes being to maintain "the separate identities of smaller settlements, providing their setting and preventing coalescence".

This is of relevance to the land north of Netherhouse Copse because the reason for refusal for the previous application (14/01387/MAJOR) related to Policy CON21: Local Gaps and the refusal was framed against the very principle of development within the 'Local Gap'. The objectives of this policy should now be read as whether the separate identity of the settlements in question are retained and coalescence is avoided. In this regard, the current planning application must now consider the degree of conflict with the objectives of Policy CON21, namely the degree to which coalescence of Fleet/Church Crookham and Crookham Village is prevented and their respective identities are maintained and consider the weight which could be apportioned to the scale of the breach of policy.

The Hart Landscape Assessment identifies the land as being Category 3 (the lowest category). Andrew Ratcliffe, the Landscape Manager has tested the sensitivity of the landscape to change - his conclusion is that the benefits of this development out way the potential harm.

Crookham Village and its Conservation Area is the most sensitive area, but Netherhouse Copse and other hedgerows between the village and site provide significant visual mitigation. However, this mitigation needs reinforcing towards the east to be fully effective.

The high ground in the middle of the site is an issue but the illustrative plans suggest this area would make a good central open space, a sound approach in his mind. If height could be sliced off the top of the knoll then that would be good although 2.5 storey houses should be kept away from any high ground.

There is some potential for visibility to the Public Right of Way network west of Hitches Lane although if this development is permitted much of that land would become SANG. The occasional glimpsed view during summer, more so through winter, would not, in his opinion, be insurmountable. If the SANG extended further south then the Council could achieve better control over the intervening hedgerows and reinforce as it sees fit.

Mitigation to Hitches Lane currently exists (hedgerow) but it is 'thin' and needs reinforcing. Done correctly the urban influence to Hitches Lane could, in the Landscape Manager's opinion, be reduced to a minimum. This would mask the urban/suburban character of the site to Hitches Lane and to a large extent preserve the rural characteristic leaving Crookham Village (sense of arrival/departure).

Set against the NPPF presumption in favour of development, the overall assessment is that the proposed development, with appropriate mitigation, would ensure that the objectives of Policy CON21 are maintained. The separate identities of Fleet/Church Crookham and Crookham Village would be maintained. This is given further force through the commitment by the applicant that the land between the development and Crookham Village will be made the subject of restrictive controls set out in a Section 106 Planning Obligation and transferred into public ownership. Such an approach will prevent future residential development on this land and hence retain the openness and separation between Fleet/Church Crookham and Crookham Village. This has to be attributed significant weight in consideration of the degree to which the scheme fulfills the objectives of the policy.

The only other local policy referred to in the decision notice for the refused planning application is CON23 which deals with the amenity value of public rights of way, but the Officers' report for the previous application does not set out any substantive basis for why this justifies the refusal of the application. It is not, on the face of it, a significant factor weighing in the planning balance.

To conclude, the development would result in a technical breach of Policy CON21 insofar as the site lies within a Local Gap. However, both the purpose and the objectives of the policy are maintained. The landscape evidence is that the setting and separate identities of settlements are very substantively retained. There would be therefore no discernible or quantifiable harm. Whilst a breach of policy is a breach of policy, the weight apportioned to it in the particular circumstances of this case has to be limited.

B. Whether the proposal makes provision for financial contributions and physical

infrastructure to mitigate the effects of the development, so making the development acceptable in planning terms

Education

The development will generate a need for additional school places within the area. Capacity for both secondary and primary schools is under pressure. The County Council is seeking to secure a developer contribution towards expansions of local schools. The issue, however, is the "pooling" of contributions within the Fleet/Church Crookham catchments have now exceed the 5 planning permission limitation imposed by the CIL Regulations. Therefore, the County Council needs to do some additional work to specify how exactly it is to deliver the new space capacity and by when. The S106 Planning Obligation will then need to be framed to reflect this.

The development also has a significant potential benefit to a possible Calthorpe Park School expansion because it unlocks land that could allow the school to expand to meet any needs arising from the Hartland Park development and other development that will inevitably occur within the greater Fleet secondary school catchment. This should be given great weight.

Open space and leisure provision

Development of the scale proposed will generate increased demand for leisure opportunities, both within and adjacent to the site and in the local area. In respect of formal leisure facilities this could release funds to supplement the construction of the new Hart Leisure Centre or to allow the construction of a new sports hall for Calthorpe Park School on the site of the former Hart Leisure Centre.

In respect of the site itself (excluding the SANG provision) to mitigate demand for open play space, the development proposes Locally Equipped Areas of Play (LEAP's). This will be secured through a scheme submitted for approval to the Council and funded through an agreed contribution including future maintenance if the play facility is to be offered to the Parish Council. In addition to the LEAP further open space for the casual recreation of future residents is also provided for within the proposed S106 Planning Obligation. Such provision makes the development acceptable in these terms, is proportionate inasmuch as the extent of the provision is agreed and is directly related to the development. Such provision therefore accords with Regulation 122 of the CIL Regulations and may be taken into account. The Council has already accepted that this approach is acceptable

Affordable housing

Policy ALTGEN13 of the LP indicates that the Council will negotiate the proportion of affordable housing on a site by site basis based on an overall guideline target of 40% of dwellings being affordable. The proposed S106 Planning Obligation will make provision for 40% affordable housing, with a mix of tenures which the housing officers have accepted are appropriate for the site. Insofar as the proposals would fulfill the upper threshold of the policy requirement, making the development acceptable in planning terms and making them proportionate, and that it would be directly related to the site, these provisions meet the criteria of Regulation 122 of the CIL Regulations and of paragraph 204 of the NPPF. The Council has already accepted that this approach is acceptable

Highway improvements

A large number of concerns have been raised in relation to highway safety and the location of the development in relation to work destinations and local services. To address these concerns the appellant has drawn up a Transport Assessment and Travel Plan that has been agreed with Hampshire County Council, the Local Highway Authority. Additional traffic generation will inevitably take place as a result of development wherever it takes place within the District but this in itself is not a reason for refusal.

Junctions are not "overloaded" but there will inevitably be some impact in terms of numbers of movements. The immediate impact is addressed by the application but Hampshire County Council will require further local highway improvement to be carried out. This will be secured through the S106 Planning Obligation. The Council has already accepted that this approach is acceptable.

Thames Basin Heaths Special Protection Area (the SPA)

The site lies within 5 kilometres of the SPA. The proposal is to extend the existing Edenbrook County Park/SANG to manage and fully mitigate the effects of the housing development on the SPA. The proposals therefore accord with the Council's adopted Interim Avoidance Strategy and Local Plan Policies CON1 and CON2 as well as Policy NRM6 of the South East Plan. The terms of the S106 agreement would also meet the criteria of Regulation 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, being proportionate and being directly related to the proposals. The fact that the proposed SANG would provide excess capacity should also be given weight. The Council has already accepted that this approach is acceptable

C. Whether there any other material considerations that would justify the development being determined other than in accordance with the policies of the development plan.

To significantly boost the supply of housing paragraph 47 of the NPPF anticipates that local planning authorities will identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of housing against an established requirement. This the Council is able to do albeit that the 2016 SHMA has not yet been independently tested. However, the same paragraph also anticipates that local planning authorities identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. This the Council have also undertaken through a series of iterations of the Strategic Housing Land Availability Assessment (SHLAA) (2010, 2013, 2015 and 2016) and through the wider preparation of the evidence base for the emerging local plan, including a 'New Homes Booklet', that identifies such sites. These identified sites have been subsequently assessed in some detail by the Council's appointed consultants to consider their suitability. The application site has constantly been specifically identified in these iterations as a reasonable candidate for accommodating such future growth, notwithstanding being located within a Local Gap.

The proposed development would deliver a mix of 423 market and affordable homes to meet future housing need within Hart. The Council is currently able to demonstrate a five year supply of housing land, and indeed more going forward in the years 6-10. However, the five year delivery of specific sites is not a minimum, and the ongoing identification of specific developable sites continues. The Committee should attach significant weight to the delivery of in this case up to 423 new homes, 40% of which will be affordable.

The development itself is not providing any more affordable housing than is required to be policy compliant. In ordinary circumstances this would be treated as neutral in the planning balance. However, there has been a very substantial under delivery of affordable housing in the District in preceding years. The Housing Development Options Consultation Paper (Hart Local Plan 2011 – 2032) acknowledges as much. Moreover, the emerging Strategic Housing Market Assessment 2016 (SHMA) does not address in full unmet affordable housing need across the Housing Market Area (HMA). Furthermore, as a percentage of all homes delivered, numbers of affordable units have consistently fallen significantly below the 40% expectation of policy ALTGEN13.

The provision of affordable housing in the longer term is a matter for the local plan. However, this remains some way off examination, let alone formal adoption. Those who have waited for such provision, and witnessed its under-provision, would have to wait longer still. In this context, and remembering again the expectation in paragraph 47 that Councils meet the full objectively assessed need for market **and** affordable housing in the market area, Committee should attach very significant weight to the delivery of up to 170 new affordable homes.

PLANNING BALANCE AND CONCLUSIONS

The proposed development, by virtue of its location outside of the established settlement boundary, conflicts with Policy RUR2. Its location within a Local Gap and the physical diminution that would result, also renders the development in conflict with Policy CON21. However, the development, with mitigation, is considered not to materially affect the primary purposes of Policy CON21, that is the retention of the setting and separate identity of settlements.

Planning applications must, with regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, be determined in accordance with the development plan unless material considerations indicate otherwise. Policy RUR2 has recently been tested and held to be of limited consistency with the NPPF. It is in effect out-of-date. This significantly limits the weight the Committee can apportion to it in this case. Whilst not in full accordance with paragraph 215 of the NPPF the Committee can still afford significant weight to Policy CON21. However, the degree to which the proposal conflicts with that policy is both modest and technical in scope.

The Committee should have regard to the concerns of local people in relation to the matters they raised. On the one hand, one can anticipate that a good number of these, including pressure on local infrastructure, and the enhanced quality of natural habitat, may be overcome by the provisions of conditions that could be attached to the decision and those of the proposed S106 Planning Obligation. For the rest, on the best judgment of the evidence available it cannot be demonstrated as material harm to weigh against the proposal.

Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites to provide five years of housing against their housing requirements. The Council has a five year supply of housing land. But the NPPF makes clear that local planning authorities must also plan for housing supply beyond the five year period and, as set out in paragraph 47, identify a supply of sites for years 6-10 and, where possible, years 11-15. There is also a current imperative to boost the supply of housing nationally, and this has been emphasised by the Secretary of State.

This current planning application will bring forward up to 423 homes, 40% of which will be affordable. In an area of high housing demand this, particularly in relation to the affordable housing, is a substantial social benefit. It is able to do this in a locationally sustainable place without material harm to any matters of acknowledged environmental importance. Where harm may have been seen to arise, including to the SPA, this has been demonstrated to be fully mitigated. In light of the above, notwithstanding the demonstration of a five year supply of housing, the Committee should apportion such provision significant weight. Moreover, there would also be limited other environmental benefits both to ecology, additional capacity in the SANG and flood mitigation to which the Committee should also apportion modest measures of weight.

There would also be economic benefits that would accrue from the development, including the New Homes Bonus and a boost to the local economy during the construction period and from future residents of the development. To these matters too the Committee should apportion a modest degree of weight in favour of the proposal. Accounting for all of the above the proposals do satisfy the three elements, social, economic and environmental, that define sustainable development in paragraph 7 of the NPPF.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF, the appropriate mechanism for considering whether any such presumption applies, states that for decision taking, this means, where relevant policies in the development plan are out-of-date, granting planning permission for development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

There is clearly some harm in respect of the breach of development plan policy in the specific

circumstances of this case. However, the key housing constraint policy is out of date, whilst the related constraint 'Gap' policies does not merit full weight when considered against those of the NPPF. The harm identified is considered not to significantly or demonstrably outweigh the substantial benefits, particularly housing delivery, that this development would bring when assessed against the policies of the NPPF as a whole. The proposals can therefore be considered sustainable development, for which the NPPF presumes in favour. Taken as a whole, this is a material consideration such that determination of this application should be made other than in accordance with the Local Plan. As a departure therefore, the final decision should be referred to Council.

RECOMMENDATION

The application represents a departure from Local Plan Policies RURI-3 (development outside the defined Settlement boundaries and within the countryside) and Policy CON21 (Local Gaps) be referred to Full Council with a recommendation that subject to the completion of a Section 106 Planning Obligation to secure the following:

1. That the development lowers the height of the Knoll to reduce the landscape impact of development within the Local Gap.
2. Affordable Housing provision (40%);
3. The provision of approximately 1.50 hectares of graded land of the northern edge of site to be transferred to the District Council to be used as local public open space, community use, or for the extension of sports pitches at Calthorpe Park School as determined appropriate by the District Council
4. Community Facilities – the Provision of a community building of appropriate size to serve the development, to incorporate changing facilities for the sports pitches and also parking for the users of the Community Building and sports pitches;
5. Transport - on and off-site highways works and a possibly financial contribution towards off-site highways works (this will be require the County Council to identify specific projects and timetables to demonstrate how the specific highway works are to be met and by when – whilst also taking into account the pooling limitations as set out in the CIL Regulations); the provision of a Travel Plan and a financial contribution towards future auditing and monitoring;
6. Education - financial contribution towards primary and secondary provision (this will be require the County Council to identify specific projects and timetables to demonstrate how the specific educational needs of the development are to be met and by when – whilst also taking into account the pooling limitations as set out in the CIL Regulations);
7. Leisure Facilities – a contribution towards the provision of the new Hart Leisure Centre or the securing and maintenance of the site of the existing Hart Leisure Centre including the construction of a new sports hall.
8. Open Space – the provision of public open space, SANG provision as an extension to Edenbrook Country Park, and ecological/landscape buffers including a financial contribution towards SANG maintenance;
9. Local Gap – the transfer of the land between the site and Crookham Village into public ownership with a limitation on building.
10. The maintenance arrangements for all onsite greenspace and play areas included within the development be provided prior to occupation of the surrounding properties.

The Head of Regulatory Services be authorised to GRANT outline planning permission subject to the following conditions:

1. No development shall commence before approval of the details of the appearance of the buildings, landscaping, layout and scale of the proposed development, and the landscaping of the site (hereinafter called the "reserved matters") has been obtained from the Local Planning Authority in writing.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later

than three years from the date of this planning permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

13109/S101, 13109/C01S, 13109/C02S, 13109/C03S, 13109/C04S, 13109/C05S, 13109/C06S, 13109/C07S, 5463.017, 5463.018, 5463.019, 5463.020, 5463.021, 5463.022, 5463.030 and 5463.031.

Reason: To ensure that the development is carried out in accordance with the approved details and to ensure satisfactory development.

3 No development shall take place until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities and the dispersal of water
- vi) measures to control the emission of dust and dirt during construction
- vii) details of the site office/compound
- viii) a construction traffic management plan, to include details of how the site will be accessed and from what point(s), any works required to provide new access or upgrading of existing access routes, construction traffic routes, haul roads, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction
- ix) site waste management
- x) details of the control measures for air quality, biodiversity, waste management and lighting.

Reason: In the interests of neighbouring amenity and on the grounds of highway safety.

4 Any site clearance, construction works or delivery of materials to the site shall not take place outside of 07:30 to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to protect neighbouring residential amenity.

5 No works shall start on land to which reserved matters relate 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 for that part of the site. The development shall be completed and retained in accordance with the details so approved.

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

6 No development shall commence on land to which the reserved matters relate until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for the making up of roads and footways for that part of the site shall be submitted to and approved by the Local Planning Authority in writing before development in any phase commences. The development shall be completed in accordance with the details so approved.

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

7 No dwelling shall be occupied until all proposed vehicular accesses, driveways, parking and turning areas serving that dwelling have been constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The number of car parking spaces for each dwelling shall be in compliance with the Council's parking standards in force at the time of any reserved matters application.

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

8 No dwelling shall be occupied until the approved cycle parking serving that dwelling has been provided on site and shall be retained thereafter for their intended purpose.

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

9 No development on land to which reserved matters relate shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority for that part of the site. The development shall only be carried out in accordance with approved details.

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

10 No development shall take place until details of how it is intended to relocate any spoil or arisings caused by the development of that part of the site, either on or off site, have been submitted to and approved in writing by the Local Planning Authority. The works shall take place in accordance with the approved details.

Reason: In the interests of the amenities of the area where the spoil is to be located and to comply with saved policy GEN I of the Hart Local Plan.

11 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment & Drainage Statement (FRA) June 2016, 5463/FRA&DS Issue 01, produced by Stuart Michael Associates Limited and the following mitigation measures detailed within these documents:

- Reason: 1. No residential development will be located within Flood Zones 2 or 3.
2. There will be no net loss of floodplain storage within the SANG/Country Park.

The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- Reason: 1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage.

12 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report

(referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that any contamination on site is appropriately dealt with.

13 The development hereby approved shall be carried out in accordance with the methodology and mitigation measures detailed in Chapter 9 (Ecology and Nature Conservation) of the submitted Environmental Statement (June 2016).

Reason: To ensure that there are no adverse impacts on protected species and to satisfy saved policy CON5 of the Hart District Local Plan.

14 The Suitable Alternative Natural Greenspace (SANG) which shall serve the development hereby permitted will be made available for public use prior to the first occupation of the residential development hereby permitted and shall be maintained thereafter in accordance with the approved Management Plan.

Reason: To ensure implementation of Thames Basin Heaths Special Protection Area mitigation measures.

15 No work shall take place until details of the means of protection, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, have been submitted to and approved in writing by the Local Planning Authority. The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and retained for at least five years following occupation of the approved development. Any such vegetation immediately adjoining the site shall be protected on the site in a similar manner for the duration of works on the site.

Any such vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during such period shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

16 No development shall take place on land to which reserved matters relate until full details of both hard and soft landscape have been submitted to and approved in writing by the Local Planning Authority for that part of the site.

Hard details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and

artefacts and structures (e.g. furniture, refuse or other storage units, signage, lighting, external services, manholes, etc.).

Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), a schedule of plants, noting species, planting sizes and proposed densities where appropriate.

Details shall further include a proposed timetable for planting and laying out of hard surfaces and roads.

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

17 No works shall take place on land to which reserved matters relate until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority for that part of the site. As set out in paragraph 11.9.2 of Chapter 11 of the Submitted Environmental Statement, the first phase of evaluation should consist of geophysical survey(s), followed by trial trench investigations. The works shall thereafter take place in accordance with the approved details.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets, to mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

18 Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publications and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

INFORMATIVES:

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

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

2 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. You should demonstrate what measures you will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203 577 9483 or by emailing wwqriskmanagement@thameswater.co.uk Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

3 There are public sewers crossing or close to the development site. In order to protect public sewers and to ensure that Thames Water can gain access to these sewers for future repair and maintenance, approval should be sought from Thames water where the erection of a building would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings. You are advised to visit thameswater.co.uk/buildover

4 There must be no surface alterations to any right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from the Countryside Access Officer (Planning). To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980, and the applicant is encouraged to contact Hampshire County Council as soon as possible to discuss any works of this nature.

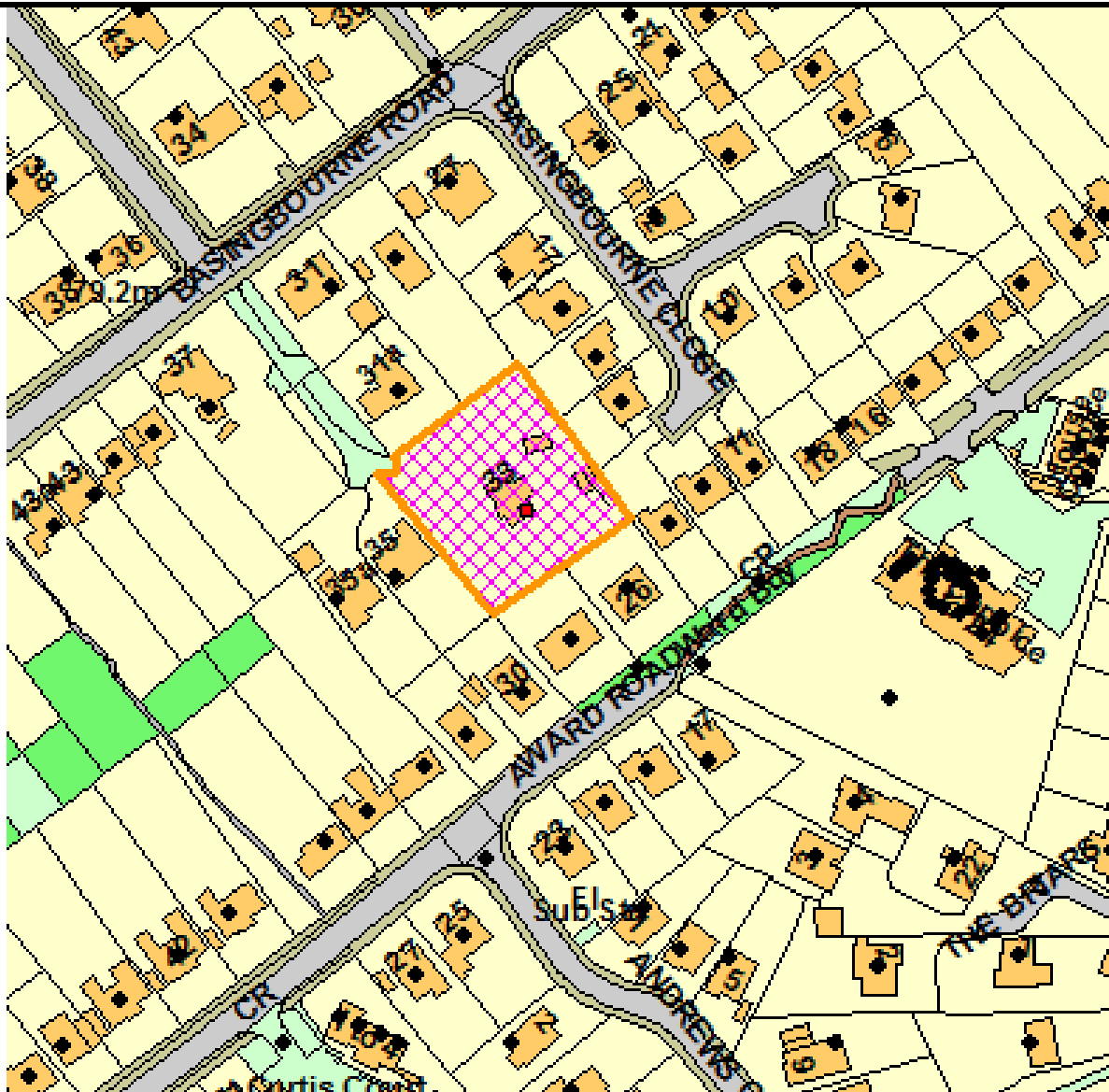
5 Nothing connected with the development or its future use should have any adverse effect on any right of way, which must remain available for public use at all times.

6 No builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near any footpath so as to obstruct, hinder or provide a hazard to walkers.

7 If there is likely to be an effect on any footpath in terms of dust, noise or other obstruction during the period of the works, it is suggested that a Health and Safety Risk Assessment be carried out, and if there is deemed to be a risk to users of any footpath, the applicant should contact Hampshire County Council to discuss the Temporary Closure of the footpath(s) effected for the duration of the works.

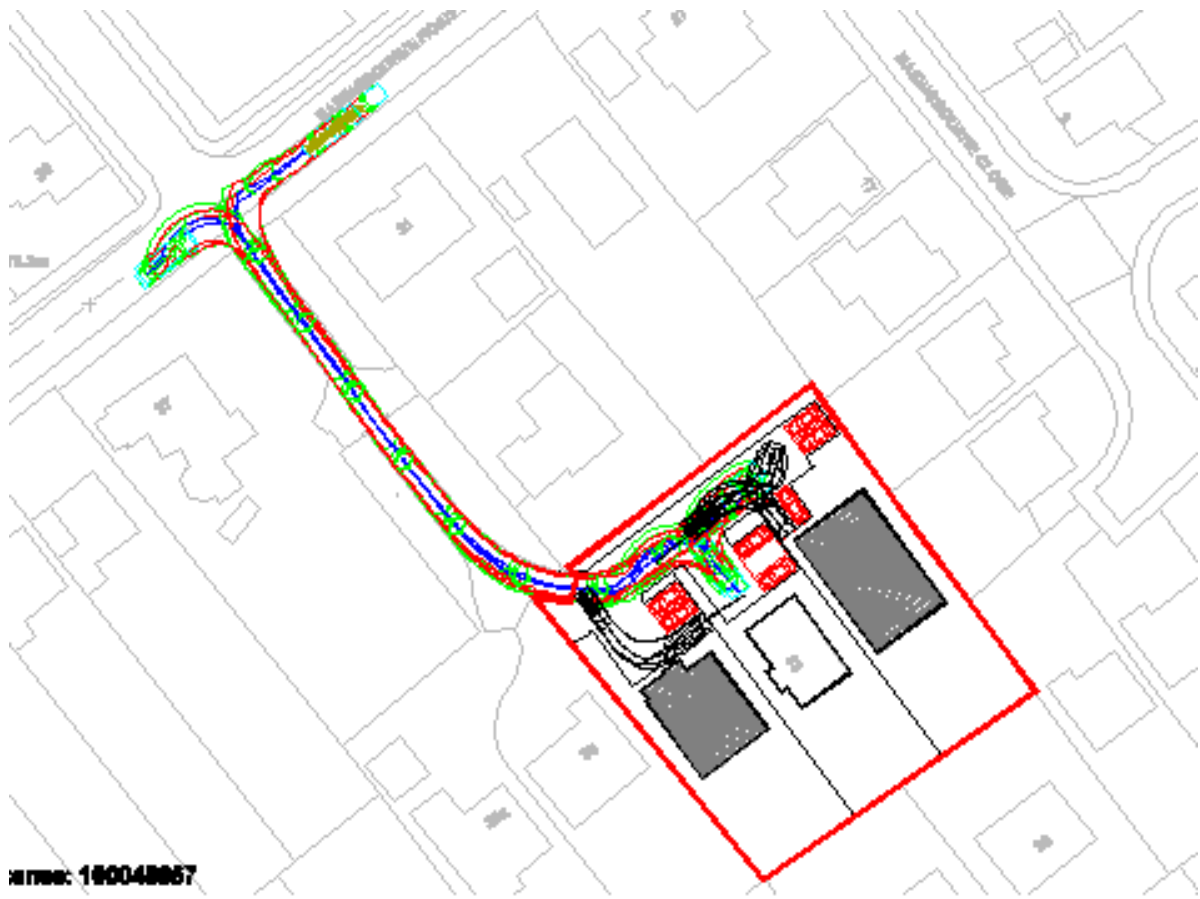
**COMMITTEE REPORT
ITEM NUMBER: 107**

APPLICATION NO.	16/00968/FUL
LOCATION	33 Basingbourne Road Fleet Hampshire GU52 6TG
PROPOSAL	Erection of two three-bedroom dwellings.
APPLICANT	Mr John Keogh
CONSULTATIONS EXPIRY	11 July 2016
APPLICATION EXPIRY	10 June 2016
PLANNING COMMITTEE WARD MEMBER	Cllr James Radley
RECOMMENDATION	Grant



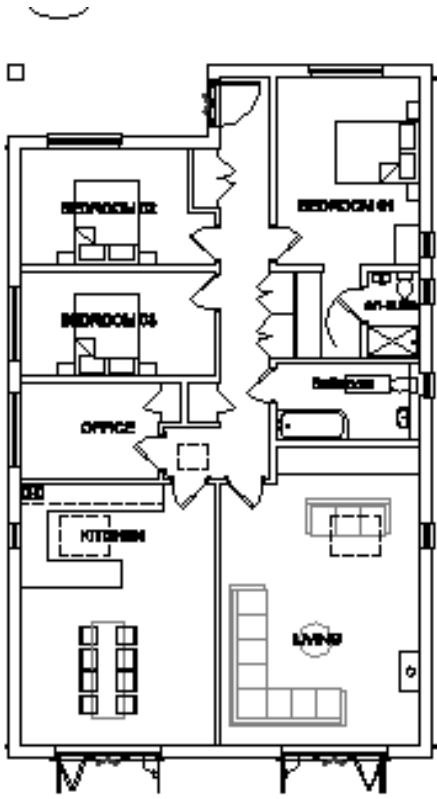
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SITE PLAN

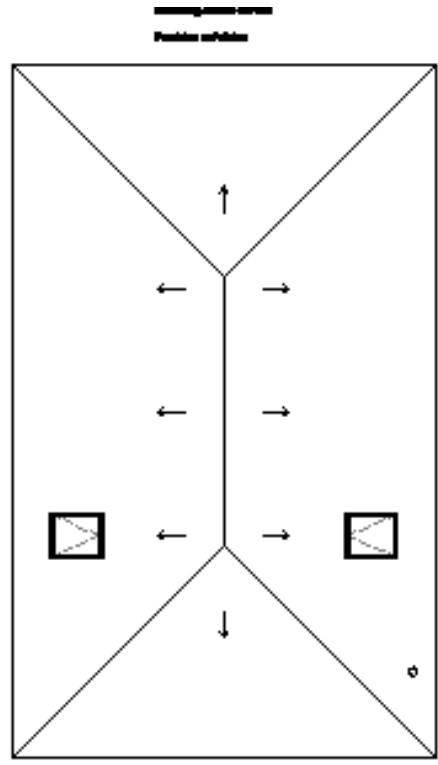


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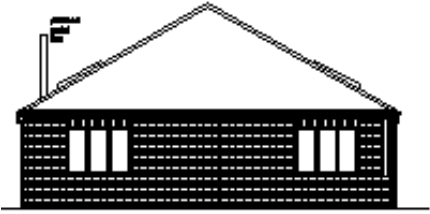
BUNGALOW PLANS AND ELEVATIONS



GROUND FLOOR PLAN

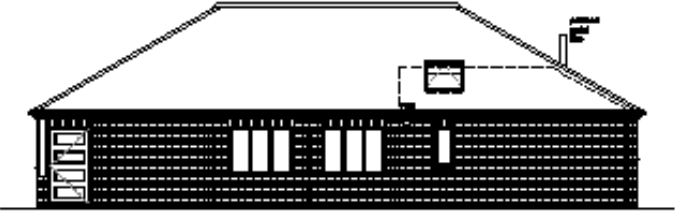


ROOF PLAN

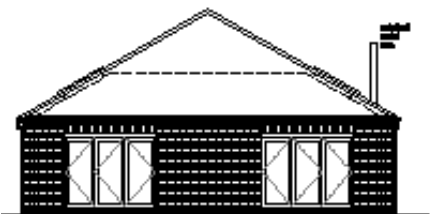


FRONT ELEVATION (EAST)

- Regulating ventilation
- Including ventilation fan
- Windows made of brick
- Windows of different sizes
- Windows made of brick
- Hybrid interior
- Decorative hybrid front
- Decorative hybrid front
- For hybrid interior

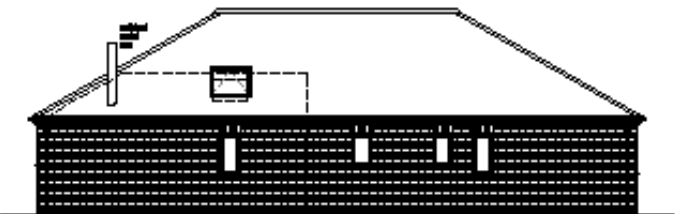


SIDE ELEVATION (WEST)



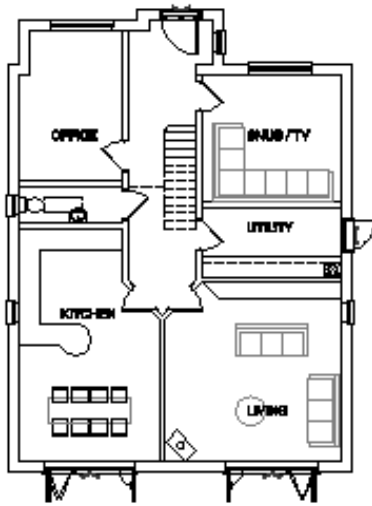
REAR ELEVATION (WEST)

- Regulating ventilation
- Including ventilation fan
- Windows made of brick
- Windows of different sizes
- Windows made of brick
- Hybrid interior
- Decorative hybrid front
- Decorative hybrid front
- For hybrid interior

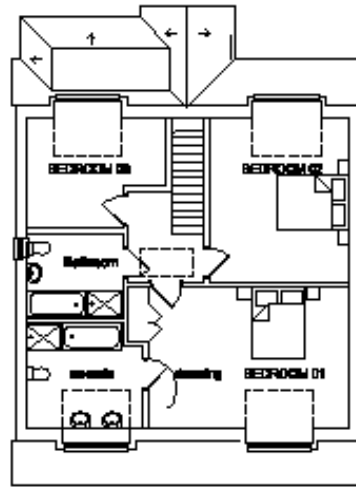


SIDE ELEVATION (EAST)

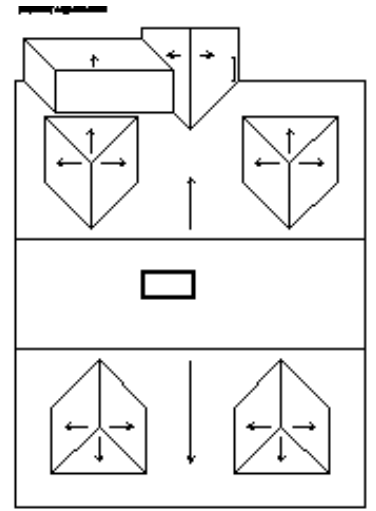
HOUSE PLANS AND ELEVATIONS



GROUND FLOOR PLAN



FIRST FLOOR PLAN

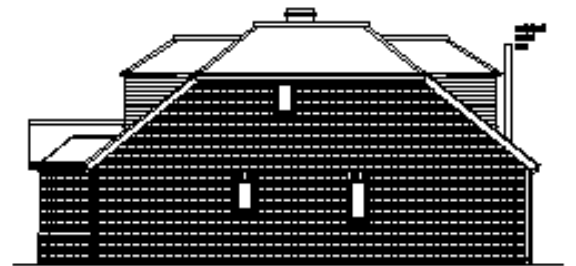


ROOF PLAN

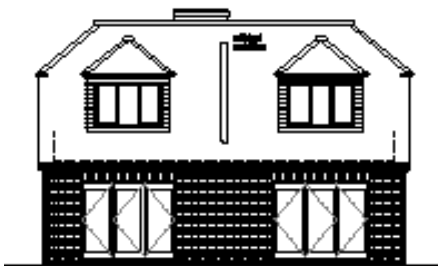


FRONT ELEVATION NORTH

This elevation shows the front of the house. The main entrance is centrally located. The roof is gabled with two dormer windows. The brickwork is a mix of red and white. The house is set on a slight rise.



SIDE ELEVATION WEST



REAR ELEVATION SOUTH

This elevation shows the rear of the house. The large windows are a prominent feature. The roof is gabled with a chimney on the left side. The brickwork is a mix of red and white. The house is set on a slight rise.



SIDE ELEVATION EAST

BACKGROUND

THE SITE

The application site is located within a small enclave of properties located off Basingbourne Road within the settlement boundary of Fleet as defined by the Local Plan.

PROPOSALS

This is a full application for the erection of two three-bedroom detached dwelling within land associated with the property at 33 Basingbourne Road

CONSULTEES RESPONSES

Highways

Access and visibility

- 1) The Applicant has clarified that the access narrows to 2.9m, which is acceptable as a minimum width. Revised swept paths have been provided, which whilst still tight, it is accepted that trips of this nature are rare and access is possible for the existing dwelling and will be so for the proposed.
- 2) An existing passing point has been identified on the plan, which is acceptable.

No highway objection.

Fleet Town Council

OBJECTION

- ' Overdevelopment of site
- ' One drive as access to several properties is impractical and unsafe

Tree Officer (Internal)

Thank you for this consultation.

As it would appear from the submitted photographs that pre-emptive tree felling has taken place on this site, it would appear that this proposal would have no direct implications for amenity trees worthy of retention.

No objection

Ecology Consult (Internal)

Thank you for the opportunity to comment. My comments are as follows:

I have no record of protected species on the site and the proposals will not affect any designated sites of nature conservation value.

The ecology report found no evidence of protected species on the site and no further survey work is recommended. The proposed new dwellings should include bat and swift bricks within the fabric of the buildings to create new nesting/roosting opportunities.

I have no objection to this application on the grounds of biodiversity.

Thames Water Property Services

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer

proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

With regard to sewerage infrastructure, no objections are raised.

Streetcare Officer (Internal)

Hart District Council operates a kerbside waste collection service from the nearest adopted highway. Wheeled bins belonging to the proposed developments would need to be left adjacent to Basingbourne Road from 06.30 and the specified collection day using 240-litre wheeled containers.

There is no intention for a waste collection vehicle to traverse the private driveway to the proposed developments for the purposes of waste collection.

NEIGHBOUR COMMENTS

Following re-notification on the amended plans (due to a highways objection) ten letters of objection have been received. These comments can be summarised as follows:

- * Overlooking
- * Increase in noise
- * Concerns with the construction phase (officer comment: this is not a material planning consideration)
- * Lane is single track with no passing space
- * Bins may have to be lined up on Basingbourne Road for collection
- * Increase in traffic using the lane
- * Loss of light to kitchen/family window on side of neighbouring property
- * Overdevelopment of the site
- * Out of character with the surrounding area
- * Lack of visitor parking

One letter of supports and one neutral letter was received during the original notification stage. These comments can be summarised as follows:

- * Trees are a hazard and need to be removed
- * Bats have been seen in the area

POLICY AND DETERMINING ISSUES

Farnborough Airport Safety Zone

The development lies within 2km of the Thames Basins Heath Special Protection Area (SPA). This is an area that has been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the 'Birds Directive 1979' which provides enhanced protection given by the Site of Special Scientific Interest (SSSI) status all SPAs also hold. New residential development in particular must be strictly controlled within areas up to 5km from SPA's unless appropriate mitigation strategies have been put in place.

A tree preservation order is an order (TPO) is made by the Council in respect of trees or woodlands. The principal effect of a TPO is to prohibit the cutting down, uprooting, topping, lopping, wilful damage, or wilful destruction of trees without the Council's permission. Protection also extends to preventing the cutting of any roots.

Hart District Council Local Plan (Replacement) 1996 – 2006

- GEN1 - General policy for development
- GEN4 - General Design Policy
- CON5 - Nature conserv Species Protected
- CON8 - Trees, Woods & Hedgerows Amenity Value
- CON1 - Nature Conserv European Designations
- T14 - Transport and Development

South East Plan 2006 – 2026

- NRM6 - THAMES BASIN HEATHS SPECIAL PROTECTION A

CONSIDERATIONS

Principle of Development

The site lies within the urban settlement boundary of Fleet. Saved policy URB12 allows residential development provided that it is sympathetic in scale, design, massing, height, layout, siting and density. As such the principle of development is acceptable subject to meeting the relevant criteria.

Design and impact on the character of the area

Saved policy GEN 1 of the Local Plan permits development where, amongst other requirements, the scale, massing, design, height and prominence of the proposal is in keeping with the local character and surrounding properties.

Saved policy GEN 4 of the Local Plan is a general policy relating to the design of developments. It states that development proposals will be permitted where, amongst other requirements, the scale, design, character and appearance sustains or improves the design qualities of its surrounding area.

Saved policy URB 12 of the Local Plan allows new residential development provided, amongst other considerations, the proposal is sympathetic in scale, design, massing, height, layout, siting and density both in itself and in relation to adjoining buildings, and the proposal does not result in material loss of amenity to adjoining residents;

The existing property is a chalet style bungalow set centrally within its plot. The property is one of a small cluster of bungalows set back from the Basingbourne Road accessed off a shared driveway.

The proposal is for the erection of two three-bedroomed dwellings on land associated with 33 Basingbourne Road. The properties will be located at either side of the existing property. The application

site is located within a small enclave of properties however the site is relatively larger than those adjacent (with the exception of that at 37 positioned at the entrance to the enclave). Plot number 1 will be a bungalow style property whilst plot 2 will stand at one and a half storeys, incorporating dormers in the roof. The proposed dwellings will be positioned further forward than the property at 33 however they will not break the building line of those to the west of the site. It is considered that the proposed dwellings will sit comfortably within the site and will not denigrate the established street-scene to a significant degree.

The proposed dwellings will be of a design and position that will sit comfortably within the area and will not give rise to any adverse issues. The plots have been designed in such a way to respect the properties located adjacent to them and as such they will not give rise to any adverse impact.

Overall, therefore, the proposed development is considered to reflect the character of the surrounding area, which comprises a variety of house types of different sizes, and would not be harmful to the appearance of the area due to its scale, massing, prominence, layout or density and as such would be in accordance with relevant development plan policy requirements and would represent a high quality development as required by the NPPF.

Impact on neighbour amenity

Saved policies GEN1 and URBI2 state that proposals will only be permitted where they avoid the material loss of amenity to existing and adjoining residential uses and cause no material loss of amenity to adjoining residential uses through loss of privacy, overlooking or the creation of shared facilities.

In terms of overlooking, to the rear there will be a variety of window openings however the nearest neighbouring properties will be located over 29 metres away. To the front the nearest neighbouring property is again located over 20 metres away. On the side elevations of plot 2 there will be windows however these will facilitate bathrooms and a secondary window within the kitchen which will not give rise to overlooking. With regard to plot 1, there will be windows on the side elevations however as these will be at ground floor level an adequate screening condition can be attached to alleviate any adverse issues. However, in order to fully ensure that amenity is protected a condition can be attached to any consent for the proposed bathroom windows to be constructed in obscure glazing and for no further windows to be installed without prior approval of the Local Planning Authority.

In terms of daylight and sunlight it is considered that due to the position of the dwellings in relation to the neighbouring properties there would be no significant impact in terms of neighbour amenity.

Overall, it is not considered that the proposed development would be likely to adversely affect the residential amenities of the occupiers of neighbouring properties.

Access and Parking

Saved policy GEN1 (vii) permits development which has adequate arrangements on site for access, servicing or the parking of vehicles. Saved policy T14 states that development must have adequate provision for highway safety, access and internal layout and parking.

The Council's Highways Officer raised an objection to the proposal on the grounds that further information was required in relation to the turning facilities within the site. On receipt of further swept path analysis plans the Highways Officer raised no objections to the proposal. There will be adequate car parking for each individual plot including the existing property on site.

Therefore the proposal would comply with saved policies GEN1 and T14.

Impact on Trees

Saved policy CON8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term.

The proposal will have no direct implications for any trees worthy of retention. The Council's Tree Officer was consulted and raised no objections to the proposal.

Impact on ecology

Saved policy CON5 states that planning permission will not be granted for development that would have a significant adverse effect on plant or animal species or their habitats protected by law unless conditions are attached or planning obligations entered into requiring the developer to secure their protection.

The Council's Ecologist was consulted and raised no objection to the proposal on the basis that there are no record of protected species on the site and that the proposals will not affect any designated sites of nature conservation value. The ecology report found no evidence of protected species on the site and no further survey work is therefore recommended. They requested that the proposed new dwellings should include bat and swift bricks within the fabric of the buildings to create new nesting/roosting opportunities which can be secured via a condition.

Therefore the proposal would comply with saved policy CON5.

Impact on Flooding

Thames Water was consulted on the application and raised no objections to the proposal. There will therefore be no adverse issues in regard to surface water drainage.

Impact on the Thames Basin Heaths Special Protection Area (TBH SPA)

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

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

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

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

to the funding of Strategic Access Management and Monitoring (SAMM) the effects of mitigation measures across the SPA.

The Interim Avoidance Strategy sets out the Council's policy for mitigating the impact on the Thames Basin Heaths SPA (TBH SPA) and this included seeking financial contributions towards providing compensatory measures (SANG) to offset that additional pressure. This site is located outside of the 400 metre exclusion zone but within the 5km zone of influence where the proposal would need to secure mitigation. Where the applicant is to secure mitigation through a financial contribution towards the provision of a SANG, ordinarily a S106 would be the most appropriate mechanism, however in April 2015 the pooling of planning obligations was restricted. Specifically Local authorities can no longer pool more than five s106 obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure. In the avoidance of doubt, this includes contributions towards the provision of SANG although a planning obligation can still be used to secure a contribution towards the Strategic Access Management and Monitoring (SAMM) project as this is not considered to involve the provision of infrastructure. An alternative method previously used to secure compensatory measures would be a negatively worded condition, or Grampian Condition. The Planning Practice Guidance (PPG) states however that:

"A negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases... However, in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk."

The PPG sets out a clear, unambiguous indication that in this instance, a Grampian condition is not an appropriate means of dealing with this issue. The proposal is not a complex and strategically important development, and therefore the exceptional circumstances which would justify the imposition of a Grampian condition do not exist. This means that the mitigation required must be either secured as part of the application or have already been secured which enables the Council to conclude that the proposal does not have a negative impact on the SPA.

In this instance, the applicant has secured SANG mitigation with the Council. The applicant has also secured a contribution towards the SAMM project which also forms part of the required SPA mitigation. For these reasons, the Council is able to conclude that the proposal does not have a negative impact on the SPA and consequently the proposal is acceptable and in accordance with policy NRM6 of the South East Plan.

RESPONSE TO THE COMMENTS FROM THE TOWN COUNCIL AND THIRD PARTY REPRESENTATIONS

The above report covers all matters that have been raised from the Town Councils and the third party representations. It is not considered that the development is tantamount to over-development and the site can be accessed safely. The Council's Highways Officer has raised no objections to the proposal.

CONCLUSION

The principle of the development is acceptable under the current saved policies of the local plan. It is considered that the proposed development would be acceptable in design and that there would be no material detrimental impact on the character of the area, neighbour amenity or trees. There would be sufficient parking and access facilities. The proposal therefore complies with the relevant saved plans of the Hart District Local Plan.

RECOMMENDATION - Grant

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Notwithstanding the approved plans the proposed new dwellings should include bat and swift bricks within the fabric of the buildings to create new nesting/roosting opportunities. These should be implemented prior to the occupation of the dwellings.

Reason: In the interest of ecology and protected species.

- 3 The approved parking facilities for vehicles shall not be used for any purpose other than the parking of motorised vehicles and access shall be maintained at all times to allow them to be used as such.

Reason: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking and to satisfy saved policy GEN1 in the Hart District Local Plan.

- 4 No development shall take place until full details of both hard and soft landscape and boundary treatments/screening treatments have been submitted to and approved in writing by the Local Planning Authority.

Hard details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure of unbuilt open areas, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and artefacts and structures (e.g. furniture, refuse or other storage units, signage, lighting, external services, manholes, etc.).

Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants, noting species, planting sizes and proposed densities where appropriate.

Details shall further include a proposed timetable for planting and laying out of hard surfaces and roads.

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

- 5 The first floor rear ensuite window and side bathroom window on the proposed chalet style bungalow hereby approved shall be fitted with obscure glazing and shall thereafter be retained as such.

Reason: In the interests of neighbouring amenity and to accord with the requirements of saved policy GEN1 of the Hart district Local Plan (Replacement) 1996-2006 and First Alterations to the Hart district Local Plan (Replacement) 1996-2006.

- 6 Notwithstanding the provisions of the Town and Country Planning General Development (England) Order 2015 (or any Order revoking or re-enacting this Order with or without

modification) no additional windows or doors shall be constructed on both dwellings hereby permitted.

Reason: In the interest of the privacy of the occupiers of the adjoining properties and to satisfy saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006.

- 7 No development shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with approved details.

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

- 8 The development hereby approved shall be carried out in accordance with the following plan nos. and documents:

Location Plan

Site Plan- 1506-033/05

Proposed Streetscene - 1506-450-P2

Plot 1 Elevations and Floor Plans - 1506-HT01-400.1-P2 and 1506-HT01-200.1-P3

Plot 2 Elevations and Floor Plans - 1506-HT02-400.1-P2 and 1506-HT02-200.1-P3

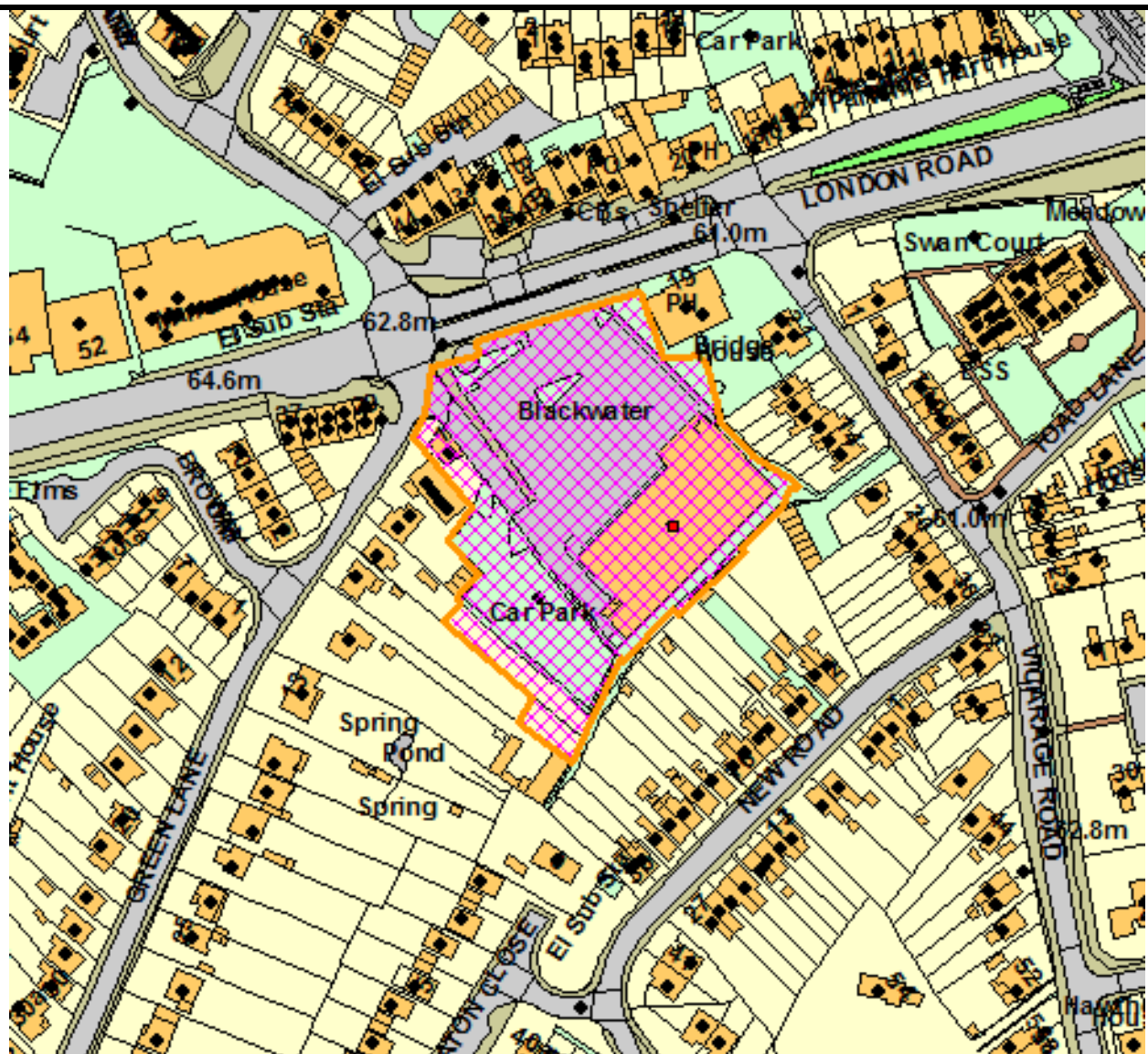
Reason: To ensure that the development is carried out in accordance with the approved plans and particulars.

INFORMATIVES

- I The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: The applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.

COMMITTEE REPORT
ITEM NUMBER: 108

APPLICATION NO.	16/01537/FUL
LOCATION	Lidl 21 London Road Blackwater Camberley Surrey GU17 9AP
PROPOSAL	DEMOLITION AND REDEVELOPMENT OF EXISTING LIDL FOODSTORE, NO. 1 GREEN LANE AND CAR PARK TO PROVIDE A GROSS INTERNAL AREA OF 2,563 SQM AND 104 CAR PARKING SPACES
APPLICANT	CHRIS AMBLER
CONSULTATIONS EXPIRY	30 November 2016
APPLICATION EXPIRY	28 September 2016
PLANNING COMMITTEE WARD MEMBER	Cllr Brian Blewett
RECOMMENDATION	Grant



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BACKGROUND

This application was referred to members as the Council has received more than five neighbour objections.

SITE

The application site consists of a retail unit occupied by Lidl with associated parking and servicing areas. The adjacent public car park, previously owned by the Council, No.1 Green Lane (2 bedroom detached dwelling) and part of the rear gardens of No.7 and No.9 Green Lane also forms part of the application site.

The northern section of the application site lies within Blackwater Town Centre, whilst the existing food store and the southern section of the application site lies just outside of the town centre as defined by the Local Plan. London Road contains a mixture of commercial, leisure and retail uses including an Aldi food store, on the opposite side of London Road. To the rear and side of the site is predominately residential.

The application site has an area of approximately 0.75 ha. There is currently one access point into the car park via Green Lane to the west side of the site, which provides access to/from London Road (A30). The retail unit is located in the south end of the site. The parking area is located to the front of the building. The servicing area is located west of the building.

PROPOSAL

Demolition of the existing Lidl foodstore and No. 1 Green Lane and the redevelopment of the site to provide a new Lidl food store (gross internal area of 2,563 sqm), car park with 114 car parking spaces and access.

The proposed sales area, gross internal area and car parking provision is summarised in the table below:

	Sales Area	GIA	Car Parking	Employment
Existing	990	1,423	79	30
Proposed	1,562	2,563	114	45
Increase	572	1,140	35	15

The repositioned food store would have a single pitched roof, sloping towards the centre of the site. The proposed development would have a ridge height of approximately 5 metres rising to 7.5 metres. The proposed façade would include a glazed frontage along the north west elevation (elevation fronting London Road) and there would be a small amount of glazing on the south west elevation facing on the car park. The entrance to the store would be on the north west and south west corner of the building. The remaining elevations would consist mainly of cladding.

RELEVANT PLANNING HISTORY

00/00749/FUL Erection of a food store - use class A1, with associated car parking and environmental improvements. REFUSED 19.10.2000

02/00943/FUL Erection of a foodstore (Use Class A1) with associated car parking. PERMISSION 17.01.2005

13/00012/FUL Erection of single storey front extension and cladding to fascias and soffits. PERMISSION 05.03.2013

13/00803/FUL Erection of single storey front extension and cladding to fascias and soffits. PERMISSION 20.06.2013

16/01009/AMCON Variation of condition 7 of 02/00943/FUL to read: No machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the buildings hereby approved outside the following times, 07:00 to 22:00 hours Monday to Friday, 07:00- 20:00 hours Saturday and 09:00 to 17:00 on Sundays and Public Holidays. PERMISSION 09.09.2016

16/01833/PRIOR Original Lidl store with associated air conditioning units, No. 1 Green Lane (residential property), outbuildings and the remains of a static home. RPA 11.08.2016

16/02596/ADV Internally illuminated freestanding totem sign. PERMISSION 29.11.2016

16/03149/AMCON Amendment to extend opening hours in order to regularise current opening times. TEMPORARY PERMISSION 09.09.2016

CONSULTEES RESPONSES

BLACKWATER TOWN COUNCIL - OBJECTION

Strong Objection:

Whilst we acknowledge changes introduced since we first examined the proposed redevelopment (August 2016), our fundamental objection remains that this represents a significant overdevelopment of the site therefore our earlier objections stand (see appendix). Even with their increased car parking provision, Lidl appear determined to 'shoe-horn' an out-of-town sized foodstore into a town centre location not designed to accommodate such a vast increase in retail trade. The company have now published an 1168 signature petition in favour of this redevelopment which reveals their customer base spreads across a very wide area, far greater than that served by many local supermarkets therefore we are most concerned at the proposed access arrangements and traffic flows along the already near grid-locked A30 highway.

Access

In our opinion, the traffic volumes likely to be generated by this massive redevelopment demand a much more fundamental change to the junction arrangements with Green Lane and the A30, especially in light of the considerable added hazard of an adjacent supermarket which already creates serious congestion.

Bearing in mind their own goods vehicles arriving and leaving the store site, we question the narrowness of the proposed access road where adjacent to the disabled bays and dedicated parent and child parking.

The proposed plans do not provide sufficient details of the embankment bordering parking spaces 110 to 114. Any embankment here must be carefully considered to ensure that it does not obscure the views for drivers exiting the store onto Green Lane, pedestrians crossing this junction or users of these parking bays.

The proposed "Keep Clear" marking and "HGV Wait for Green Signal" sign will do little to improve the dangerous traffic environment at the exit from the site. A formal Yellow Box needs to be provided across half the width of Green Lane closest to Lidl to make it clear that no vehicles should emerge until either the lights are green or there is room to queue the other side of the Yellow Box.

Pedestrian safety

The proposed pedestrian crossing point is wholly unsatisfactory ' it does not address the serious safety issues of the existing layout and the proposed layout raises further safety concerns. Widening of the road at this junction will present new dangers to pedestrians in having to cross a wider road at this very busy junction with no refuge point, which we believe there should be.

The proposed position of the HGV wait point appears to hold HGVs over the pedestrian crossing point. Slow down road markings are required before the pedestrian crossing point in the road exiting Lidl. Parking bays 114 and 113 are too close to the pedestrian crossing point and the embankment surrounding

these parking bays might mean that cars reversing from these bays would have obscured views of the pedestrian crossing point and cars entering and exiting the site. It is imperative that the junction layout is reconsidered and the safety of pedestrians crossing this junction and the car park are protected.

Parking

In view of the exceptionally wide customer base for which Lidl is renowned, parking is wholly inadequate so a balance must be struck between overall store dimensions and customer parking provision within all space constraints. We are anxious to ensure no diminution in the parking hours currently available for off-site use so parishioners can continue to shop elsewhere after visiting the Lidl store and believe this must be secured via a suitable condition. Not only could insufficient general parking exacerbate our local parking pressure, also if customers arrive to find no space available for them to use, this would represent a serious road hazard as motorists attempt to reverse into the already overloaded A30 if the access to Lidl is blocked. The dangers faced by pedestrians and drivers approaching the existing Lidl car park access point have already been very fully documented but need further detailed study by Highway Engineers. Current proposals go nowhere near addressing these issues properly. Please refer to our earlier submission concerning several other aspects of the proposed car park, particularly drainage although we are pleased to note that this has been studied by the Flood Risk Infrastructure Engineer along with the remainder of the drainage strategy. A number of the rear gardens in Green Lane have natural springs which add greatly to Blackwater's already serious surface water drainage problem.

In addition to the concerns raised about the safety of users of the disabled parking bays, the proposals present significant concerns for the safety of the users of parking bays 110 to 114. The location of these parking bays would require users of these bays to cross the busy entrance and exit road to enter the Lidl store and the proposal provides no protection to these people when accessing the boots of their cars to load shopping. These drivers will also be at significant risk, and pose significant risk to other users exiting the car park, when they are required to reverse into the flow of traffic on the exit road in order to leave the car park.

Highway

Planned highway improvements in Hart district over the next 15 years largely centre upon M3 improvements especially the widening scheme together with signage enhancements (managed by a government agency). A30 corridor enhancements approaching Blackwater enjoy a far lower priority therefore we can ill afford to aggravate the situation by introducing unwanted traffic onto our already overloaded highways. Increased store hours can only add to this pressure and aggravate difficulties pedestrians already experience. We nevertheless acknowledge the issues raised by the Lidl safety auditor and remedies proposed in so far as they have been adopted but trust you will ensure the existing safety rail (east of access point) will be reinstated (problem 3.2).

Appendix A - Blackwater and Hawley Town Council, P&P Meeting 8th August 2016

1. 16/01537/FUL Lidl, 21 London Road, Blackwater - Redevelopment

Objection:

- 1) The size of the proposed new building is enormous and amounts to a significant overdevelopment of the site. The proposed building would be in a position of dominance in the centre of Blackwater and at the size proposed, this building would have a significant negative affect on the street scene.
- 2) The number of parking spaces proposed is insufficient for a retail store of this size. This emphasises the scale of the overdevelopment. It is crucial that the parking provision is adequate for the size of the store in order to avoid exacerbating the detrimental effects of congestion and on street parking in nearby residential roads.
- 3) The junction with Green Lane and the A30 has already been dangerous ever since the existing Lidl store was built some years ago and this problem has not been addressed by this proposal and will be made worse by this development. It would be grossly irresponsible to permit this development without this junction being redesigned to eliminate the built-in dangers which currently exist. For example:
 - a) Drivers leaving Lidl are focussed on getting through the green traffic light and a high proportion of drivers don't even look left into Green Lane to see if anything is coming;

- b) Drivers leaving Lidl often pull across into Green Lane to wait for the red traffic light to change to green. One vehicle doing this is okay, but a second vehicle then blocks access into Green Lane for local residents, leaving such vehicles trapped while they wait for the lights to change and the cars to move. This also blocks other vehicles wanting to get into Lidl, but it can also leave vehicles vulnerable to being hit from behind by westbound traffic on the A30 where the drivers are focussed on getting through the green light.
- c) Pedestrians crossing the junction between Lidl and Green Lane are vulnerable to being hit by traffic due to the narrow pavement at this location.
- 4) If the whole of the Lidl car park was closed during demolition and redevelopment this will cause chaos in Blackwater throughout this period. It could lead to customers shopping in other centres to avoid that chaos which, in turn, could have a devastating effect on other local businesses for quite a number of months. In order to avoid these problems, we would strongly urge that Lidl construct their new car park before closing the existing store and then allow local shoppers to use it during the closure period. This would demonstrate a positive commitment to the Blackwater economy.
- 5) A store of this size will be the dominant player in Blackwater Town Centre, so it is important that customers are allowed to make linked trips while parked here in order that Lidl plays a positive role in the Blackwater economy rather than become isolated from it.
- 6) There must be rigorous arrangements for security of the car park and access route to the eastern side of the store, including appropriate use of security cameras to monitor these areas and control of access outside of the store opening hours. Careful consideration of appropriate lighting in these areas is crucial to ensure maintenance of security whilst minimising potential light pollution to nearby residential properties.
- 7) There needs to be control of the hours that illuminated signs are turned on in order to minimise light pollution, bearing in mind the proximity of these signs to nearby residential properties. Appropriate controls must be enforced.
- 8) There must be effective drainage arrangements in place given that some garden areas are proposed to be covered over. This is crucial in order to avoid potential flooding both in this area and neighbouring areas.

Appendix C - Blackwater and Hawley Town Council, P&P Meeting 8th August 2016

3. 16/01009/AMCON Lidl, 21 London Road, Blackwater - Hours of Operation

Objection:

While the Town Council welcomes the reduced extension of hours now being applied for, this still amounts to a major change which will have a seriously detrimental effect on nearby residents. If this proposal were to go ahead then this would mean that noise from machinery, processes or deliveries would be permissible for a total of 86 hours per week rather than the 55 hours per week currently permitted. This would be a serious imposition on nearby residents and it must be remembered that many people lived in these houses long before Lidl came to town.

In particular, permitting these activities to take place from 0900 to 1700 on Sundays and Public Holidays represents a very significant change. Whilst this is better than 0800 to 1900 on Sundays and Public Holidays proposed previously, the whole principle of allowing these noisy activities on Sundays and Public Holidays ruins the one day when people can expect a reasonably peaceful environment to enjoy family life in their homes and gardens.

Given that Lidl has located itself in a residential area, rather than at an out of town retail development, they should expect sensible controls to protect the amenity of residents living near to the store. There may be some scope for modest changes to existing permitted hours, but the onus here must be on protecting residents from dreadful disturbances and on Lidl to work within those constraints. An appropriate delivery management plan must be agreed and enforced.

HIGHWAYS (INTERNAL) - NO OBJECTIONS

Following the receipt on amended plans, there are no highway objections to the proposal, in accordance with:

- Transport Assessment and its two supplementary notes plus the Road Safety Audit, justifying the below drawings and the achievability of the proposal in terms of highway impact;

- Drawing no. 5035.010 rev.C for access and parking bays 110-114, received on the 29th November;
- Drawing title 'Proposed Site Plan option 11b' dated 28.05.2015 for the internal layout and the number of parking bays (114). The drawing was submitted on the 30th of September.

HIGHWAYS (HAMPSHIRE COUNTY COUNCIL) - NO OBJECTIONS

Given the size of the application, HCC refers authority to the District Council's own Highways engineers.

FLOOD AND WATER MANAGEMENT TEAM (HAMPSHIRE COUNTY COUNCIL) - NO OBJECTIONS

Surface Water Drainage

In principle, the proposed surface water drainage system is acceptable. Clarification has been sought regarding the number of treatment stages and their suitability in relation to the discharge location of surface water.

DRAINAGE (INTERNAL) - NO OBJECTIONS

The additional plans confirm that the proposed building is no closer to the watercourse than the existing building but the proposed loading bay is marginally closer (about 25 cm). This difference is considered so small as to be negligible compared to the existing scenario, therefore the objection is withdrawn on this basis.

From the plan, the loading bay will be less than a meter from the banks of the watercourse and the building less than 1 meter. There is a real risk that during demolition and construction the banks of the watercourse will be damaged. A condition to protect the bank during construction is therefore recommended.

The surface water drainage is discharging into an ordinary watercourse at the back of the site. It is clear from photographs provided that this watercourse is blocked and not flowing. Surface water therefore cannot be discharged into this watercourse without it being cleared. A condition to ensure the maintenance of the watercourse is therefore recommended.

ENVIRONMENTAL HEALTH - NO OBJECTIONS

1. This Department has reviewed the 'Noise impact Assessment' (Ref 6370/BL/PW) as produced by Acoustic Consultants Ltd, dated June 2016. This department is generally satisfied with the scope and findings of the report. It should however be noted that there are some inherent limitations within the reports modelling assumptions. Assumptions include the location of roof mounted plant, and also an estimate as to what final plant/ air handling units/ condensers will be selected.

It is therefore recommended that full details of final plant specifications be provided along with a further assessment of the potential noise impact, and evaluation of the currently submitted noise assessment.

2. Given the degree of uncertainty and in the interests of obtaining the best feasible design scheme it is recommended that any areas of roof mounted plant be surrounded by parapet walling or have appropriate acoustic enclosures or barriers installed.

3. This department maintains concerns regarding the potential for noise from delivery vehicles. The report has concluded that the impact on NSRs is likely to be low, however there remains a significant potential for disturbance from peak noise events (LA Max). In the interests of providing workable safeguards and obtaining the best feasible design scheme, it is recommended that an extended canopy (or physical enclosure) be constructed to extend over the proposed HGV delivery bay. It is also recommended that increased height fencing be placed along the southern boundary of the site where it backs on to residential receptors and vehicular movement is expected. This fencing should be of a close boarded continuous construction, ideally with a density of at least 11kg/m².

4. Detailed consideration should be given to the hours of store operation and deliveries across the site. With regard to delivery noise it is requested that a condition be placed restricting site deliveries to the following hours:-

Mon- Sat 08:00 to 20:00 hrs

Sundays and Bank Hols 10:00 to 16:00hrs

5. It is recommended that a 'Construction Method Statement' be provided detailing all noise, dust and nuisance controls during construction phase. The CMS should be made available to this department for approval.

6. It is requested that a condition be placed on the site limiting hours of construction.

7. Please ensure that a 'Contaminated Land' condition is placed upon this development. Condition to be placed on DCLG Model condition parts 1 to 4. This assessment should be made available for approval by this Department prior to development.

Should any land contaminants or unexpected ground conditions be identified during site development then the Environmental Health Department should be notified according.

Comment made in relation to the NPPF paras 109, 120 and 123

ECOLOGY (INTERNAL) - NO OBJECTIONS

No objections

NATURAL ENGLAND - NO OBJECTIONS

No objections to the development. Recommended conditions to safeguard the nearby SPA/SSSI, including the provision of signs in the car park to deter people from using the car park to visit the Thames Basin Heaths SPA and a maximum permitted duration/stay for the car park.

THAMES WATER - NO OBJECTIONS

No objections regarding the sewage infrastructure capacity. Recommended oil/petrol intercepts to be installed into the car park.

SOUTHERN GAS NETWORKS - NO OBJECTIONS

Information regarding the location of gas pipelines.

BRACKNELL FOREST COUNCIL - NO OBJECTIONS

No objections

FARNBOROUGH AIRPORT - NO OBJECTIONS

No objections.

RAF ODIHAM - NO OBJECTIONS

No objections.

THIRD PARTY COMMENTS

112 comments have been received by neighbouring residents (including 92 objections), identifying the following concerns:

- Highways concerns, including safe pedestrian and cycle access
- Loss of car parking (including during the construction process) and impact on local businesses (loss of trade)
- Use of the car park as a Town Centre car park

- Antisocial behaviour in the car park (at night) and other security issues
- Construction disruption
- Light pollution
- Maintenance of the stream to the rear of the application site
- Maintenance of the fences
- Impact on flooding and drainage
- Need for the additional floorspace
- Impact of the proposed building on the street scene
- Impact on the amenity of neighbouring residential properties including noise
- Concern regarding the opening and delivery hours
- Impact on roosting bats
- Queries regarding specific design aspects, including levels

POLICY AND DETERMINING ISSUES

Areas where there may be a potential for contamination either from past activities of land fill but the extent of which may not be known.

The development lies within 2km of the Thames Basins Heath Special Protection Area (SPA). This is an area that has been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the 'Birds Directive 1979' which provides enhanced protection given by the Site of Special Scientific Interest (SSSI) status all SPAs also hold. New residential development in particular must be strictly controlled within areas up to 5km from SPA's unless appropriate mitigation strategies have been put in place.

The development lies within 400m of the Thames Basins Heath Special Protection Area (SPA). This is an area that has been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the 'Birds Directive 1979' which provides enhanced protection given by the Site of Special Scientific Interest (SSSI) status all SPAs also hold. . In most circumstances no new residential development within 400m of an SPA should be allowed.

Hart District Council Local Plan (Replacement) 1996 – 2006

- | | | |
|-------|---|--|
| GEN1 | - | General policy for development |
| GEN4 | - | General Design Policy |
| URB10 | - | Out of Centre Retailing |
| B2 | - | Redevelopment of Green Lane Public Car |
| T14 | - | Transport and Development |

CONSIDERATIONS

Principle of development

The application site lies within the Blackwater urban settlement boundary. The northern section of the application site and the public car park to the south west lies within Blackwater Town Centre, whilst the

southern section, including the existing food store, lies just outside of the town centre as defined by the Local Plan.

The NPPF promotes the 'town centres first' approach and states that *"Planning policies should be positive (and) promote competitive town centre environments"*. New retail floor space should be located in town centres, and if there is no available sites within the town centre, in edge of centre locations and only if suitable sites are not available should out of centre sites be considered (the 'sequential test').

The NPPF states that *"when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment (the 'impact test') if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."

Local Plan policy URB 10 concerns out-of-centre retailing and states that *"proposals for large scale retail development (over 2,500 sq.m.) outside the defined town centres, district shopping centres and local centres will not be permitted unless there is an identified need for additional shopping provision which cannot be met in the commercial centre, in which case the sequential approach to site selection will be adopted. This means that town centre sites are the first preference for the location of large-scale retail units, followed by edge of centre sites, followed by district or local centres (serving residential areas). Only as a last resort will an out-of-centre site be considered. All sites must additionally satisfy the following criteria:*

- (i) The proposal is capable of serving the area without adversely affecting the character, vitality and viability of nearby centres, either as a result of the individual proposal or of the cumulative impact of several such proposals or developments; and*
- (ii) The proposal would not cause a local shortage of land for business, industrial, distribution or other uses; and*
- (iii) The site is easily accessible by public transport, walking and cycling."*

The existing Lidl store is wholly outside of the town centre boundary, in a site classified as 'edge-of-centre'. The replacement store would straddle the boundary, with approximately 50% of the new store within the centre and 50% on the edge-of-centre. The replacement store would result in an increase in sales floorspace of 57% (572sqm), providing a total sales floorspace of 1,562 sqm. The total gross internal area proposed would be 2,563 sqm (albeit the net increase would be below the NPPF and URB10 threshold), given that approximately 50% of the floorspace would not be located within the centre, NPPF's sequential and impact test and Local Plan policy URB10 would be applicable.

Sequential Test:

The applicants have undertaken a very basic sequential test to determine whether there are any 'in-centre' sites available for the proposed replacement store. The exercise only focused on Blackwater Town Centre and concluded that *"there are no sequentially preferable sites available within the centre to accommodate the proposed development as the physical space required does not exist"*.

The replacement store would be straddle the boundary, with approximately 50% of the new store within the centre and 50% on the edge of the centre. It is important to consider the fallback positions. Either the

existing store would remain or it is feasible that the development could be redesigned so that the quantum of proposed new retail floorspace is provided within the centre and the existing retail floorspace retained in its edge-of-centre position albeit in a slightly different configuration. With regards to the position of the town centre boundary, it should be noted that the former public car park (included in the application site) to the west of the Lidl store is within the town centre boundary and the exclusion of the second biggest retail store in the Centre could be described as contrived. The Council's 'Retail, Leisure and Town Centres Study: Part 2 - Town Centres' ('Town Centres Study') also acknowledges this point and states that *"The town centre boundary should be extended to include the Lidl store to the south of London Road."*

The NPPF states that appropriate edge of centre sites for main town centre uses should be well connected to the town centre where suitable and viable town centre sites are not available. The application site is well connected to the southern side of town centre, albeit a busy main road dissects the centre making it difficult for pedestrians to utilise the entire town centre offer.

Given the position of the existing store outside of the town centre boundary, the resiting of the store partly within the town centre boundary, and the connectivity of the application site outside of town centre boundary to the town centre (albeit on the southern side of London Road), and the findings of the sequential test undertaken by the applicants, the siting of the proposed retail floorspace is considered to meet the requirements of the sequential test.

Impact Test:

Lidl is classified as a 'deep discounter', which in recent years is a model of convenience shopping that has become more popular. The application confirms that Lidl's standard operating model would provide the following mix:

85% convenience (food)

15% comparison (non-food)

The Council's Town Centres Study states that *"by 2032 there is a requirement for between 5,151 and 5,393 sq.m gross of additional Class A floorspace within Blackwater. The majority of this floorspace need relates to convenience goods floorspace."* The Study suggests that this *"level of convenience goods expenditure attracted to Blackwater is surprising given the relatively limited provision of convenience goods stores in the centre, however the household survey results showed a high proportion of trips to the existing Aldi store, which suggests that this store in particular is trading at a level significantly above national average. The requirement for additional convenience goods floorspace in Blackwater is primarily due to the elevated Aldi store turnover. It could potentially be an option to extend the existing Aldi store into the adjacent car park to absorb some of this need."*

Blackwater Town Centre is slightly unusual in that it has two deep discounter food stores. Aldi, located on the northern side of London Road and wholly within the Town Centre, has recently extended the store from a total gross floorspace of 1,362 sqm to 1,728 sqm, with a net retail floorspace of 1,258 sqm (from 1,057 sqm). The extension removed a number of car parking spaces, resulting in a reduction of spaces from 115 to 99 car parking spaces. This extension has removed some requirement for additional floorspace identified in the Town Centres Study but a substantial amount still remains.

With the exception of the Aldi extension (which is now trading), the Council is unaware of any other existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.

The Town Centres Study acknowledges that *"(an) option could be to develop the existing Lidl car park for additional retail space, provided the car parking provision is replaced or retained within any development."* Although it is noted that the Study also acknowledges that a negative characteristic of the town centre is that the two large supermarkets (Aldi and Lidl) dominate the centre, so choice is rather limited.

Blackwater Town Centre is described as generally performing well in respect of its vitality and viability. The centre has a very low vacancy rate, signalling healthy demand for the retail units. The Town Centres

Study acknowledges that *“although Blackwater has a very low vacancy rate, the centre lacks clear definition. The priority for Blackwater should be to strengthen and enhance the retail offer of the centre, and improve the comparison goods offer, which is currently limited. Environmental improvements and measures to enhance pedestrian movement within the centre would increase its attractiveness as a local retail destination and benefit the overall function of the centre.”*

The application proposes an increase to the existing sales area by 572 sqm, from 990 sqm to 1,562 sqm, which is approximately a 57% increase. This increase in sales area would strengthen and enhance the retail offer of the centre. The application’s Planning and Retail Statement confirms that comparison (non-food) goods normally account for around 15% of floorspace in Lidl stores. With the increase in overall sales floorspace, there would therefore be an increase (albeit modest) in comparison floorspace, which will benefit the town centre.

When accessing impact, scale is a key consideration. In terms of the proposal being of an appropriate scale in relation to the size of the centre, the proposed Lidl store would be 304 sqm (25%) larger than the existing Aldi store as extended. Approximately 80 metres to the east of the application site is The Meadows, an out-of-centre retail site, with a large Tesco Extra (net sale floorspace 8,297 sqm) and M&S (foodcourt of a net sale floorspace 977 sqm). Approximately 1.8 km away is a large out-of-centre Sainsburys supermarket (net sale floorspace 6,915 sqm). Given the scale of these out-of-centre retail facilities and their close proximity to Blackwater Town Centre, it is considered that whilst the replacement store would result in Lidl being the largest store in/edge-of Blackwater Town Centre, the proposed increase in floorspace could be considered as a proportionate increase to the town centre. Given however the concerns regarding the quality of the environment of the existing town centre, the provision of such a large amount of floorspace to the south of London Road, separated from the heart of Blackwater Town Centre, to the north of London Road, could be harmful to the vitality and viability of Blackwater Town Centre.

Lidl are proposing to contribute £20,000 towards a number of town centre improvements to mitigate any unacceptable impacts of the development and optimise its potential in accordance with policy. These town centre improvements have been identified as schemes that would increase the town centre’s attractiveness as a local retail destination and benefit the overall function of the centre. Increasing the town centre’s attractiveness could mitigate against some/all of the harm that the proposed replacement store could cause to the town centre.

Given the identified need for additional floorspace in Blackwater documented in the Council’s Town Centres Study and in the absence of any evidence to the contrary, and taking into consideration the S106 contribution, it is considered that the proposed replacement Lidl store would not be disproportionate in scale to Blackwater Town Centre and would not impact on existing, committed and planned public and private investment in the centre or centres in the catchment area of the proposal and would complement and enhance Blackwater Town Centre’s vitality and viability.

Other issues:

Local Plan Policy B2 “Blackwater Town Centre: Redevelopment of Green Lane Car Park” states that proposals for the redevelopment of the public car park at Green Lane for business (B1) use will be permitted, provided that adequate and satisfactory public car parking has been secured elsewhere in Blackwater.

Policy B2 concerns the provision of B1 use. The application scheme proposes car parking on land previously used as the Green Land Car Park. Given the land will remain as car parking, this policy is not considered to be relevant.

The application proposed the demolition of No.1 Green Lane (2 bedroom detached dwelling) to improve the access into the site. A section of the rear gardens of No.7 and No.9 Green Lane also forms part of the application site. Whilst the loss of residential dwellings is undesirable, in this case the

main dwelling at No.1 Green Lane is built hard up to the access road that provides access into the former town centre car park and adjacent Lidl car park. No.1 has a relatively small rear garden, which is enclosed on two sides by the access road and car park. As a result, the amenities enjoyed by the dwelling are relatively compromised. The adjacent buildings to the west, No.3 and No.5/5A Green Lane, are commercial buildings. Beyond these buildings are residential properties including No.7 and No.9 Green Lane. Given the siting of No.1 Green Lane and the relatively poor quality amenity afforded, it is considered that the loss of the residential property would not harm the supply of housing in Blackwater or the District. Given the size of the remaining rear gardens of No.7 and No.9 Green Lane, the change of use to car parking to facilitate an improved carpark for the food store would be acceptable in principle.

{\b Design and Appearance and Impact on the Character of the Area}

Saved policies GEN1 (i), and GEN4 permit development where, amongst other requirements, the design, scale, materials, massing, height, and prominence of the proposal sustain or improve the urban design qualities of area and are sympathetic to surrounding properties.

The proposal would result in the relocation and reorientation of the main food store on site from the south eastern boundary to the north eastern boundary, adjacent to the Mr Bumble Public House. The Public House drops from two storey, adjacent to the crossroads, to single store, adjacent to the boundary with Lidl. To the rear of the Public House is car parking. The replacement store would be approximately 8 metres (at the closest point) from the Public House's single store extension.

The repositioned food store would have a single pitched roof, sloping up towards the centre of the site. The proposed development would have a ridge height of approximately 5 metres adjacent to the Public House rising to 7.5 metres at its highest point.

The food store would be built to the front building line of London Road formed by the Public House to the east and No.20-37 London Road (three storey development) to the west. The end of the building (primary elevation) would address London Road. This proposed façade would include a glazed frontage with landscaping and pedestrian access directly off London Road to the entrance to the store.

The secondary elevation, which faces onto the car park, consist of a small amount of glazing located adjacent to the north wester corner. The remainder of the elevation consists of two types of cladding, with the only relief being two doors and the service yard. The north eastern elevation consist of cladding and high level windows providing light into the store.

The proposed siting and scale of the building would be appropriate in its setting, respecting the adjoining buildings as well as providing a new focus building, which addresses the town centre. The proposed landscaping adjacent to the front entrance would enhance the public realm onto London Road.

The car park would be laid out to provide the maximum amount of car parking spaces, allowing for some planting within the car parking and around the edge to soften the otherwise large expanse of hardstanding. A 2 to 2.4 metre acoustic fence would be provided along the western and southern boundary.

Given the design and layout of the existing store and former car park, the proposal would represent an improvement and would enhance the character of this urban site. Therefore the proposal would comply with saved policies GEN1 and GEN4.

Impact on Residential and Commercial Amenity

Saved policy GEN1 states that proposals for development will be permitted where they:

(ii) avoid any material loss of amenity to existing and adjoining residential, commercial, recreational, agricultural or forestry uses, by virtue of noise, disturbance, noxious fumes, dust, pollution or traffic generation.

(iii) cause no material loss of amenity to adjoining residential uses, through loss of privacy, overlooking or the creation of shared facilities;

Policy GEN6 concerns noisy/un-neighbourly developments and states that “proposals for development which could create, intensify or expand noisy or noxious uses or which would generate volumes or types of traffic unsuited to the local area will only be permitted where:

- (i) The site is not located where the proposal would have a serious adverse effect on the amenities of existing housing and other sensitive uses such as schools, or the recreational amenity of quiet areas of countryside; or
- (ii) The proposal incorporates adequate noise abatement measures to alleviate any material loss in amenity.”

The majority of the site is currently used for retail or car parking, therefore the relationship with the adjoining neighbours is largely established albeit the repositioning of the store will change the characteristics of this relationship.

Repositioning the store to the north eastern boundary has resulted in the built form being moved into the town centre boundary and closer to other commercial uses. The new store will be located slightly further from the boundary and therefore from the properties on Vicarage Road and New Road, although the height of the building would increase to 5 metres. Given the modest increase in the height of the building and the separation distances, approximately 13 metres at the closest point to the main dwellings on Vicarage Road and 36 metres at the closest point to the main dwellings on New Road, there would be no impact in terms of overlooking, overshadowing or overbearance.

The extension of the car park would bring the car park use closer to residential properties on Green Lane and New Road. Rear gardens on Green Lane and New Road are both ample, but at their shortest approximately 20 metres and 24 metres respectively. Given the separation distances, the increase in the amount of car parking would not be harmful to adjacent neighbouring properties in principle.

The Council’s Environment Health Officer has reviewed the application and states that:

- 1. There are some inherent limitations within the reports modelling assumptions including the location of roof mounted plant and also what final plant/air handling units/ condensers will be selected. It is therefore recommended that full details of final plant specifications be provided along with a further assessment of the potential noise impact, and evaluation of the currently submitted noise assessment. Given the degree of uncertainty, it is recommended that any areas of roof mounted plant be surrounded by parapet walling or have appropriate acoustic enclosures or barriers installed.

Officer’s comment: This can be conditioned.

- 2. There is concern regarding the potential for noise from delivery vehicles. The report has concluded that the impact on NSRs is likely to be low, however there remains a significant potential for disturbance from peak noise events (LA Max). In the interests of providing workable safeguards and obtaining the best feasible design scheme, it is recommended that an extended canopy (or physical enclosure) be constructed to extend over the proposed HGV delivery bay. It is also recommended that increased height fencing be placed along the southern boundary of the site where it backs on to residential receptors and vehicular movement is expected. This fencing should be of a close boarded continuous construction, ideally with a density of at least 11kg/m².

Officer’s comment: The applicant has declined to provide an extended canopy to enclose the HGV delivery bay, however as a compromise they have agreed to increase the height of the fencing along the southern boundary to 2.4 metres.

- Detailed consideration should be given to the hours of store operation and deliveries across the site. With regard to delivery noise it is requested that a condition be placed restricting site deliveries to the following hours:-

Monday-Saturday	08:00 to 20:00 hrs
Sundays and Bank Hols	10:00 to 16:00hrs

Officer's comment: Lidl have agreed to this and this can be conditioned. Lidl has requested a change to the opening hours for the existing store:

Monday-Saturday	08:00 to 22:00 hrs
Sundays and Bank Hols	10:00 to 16:00hrs

This extension is considered acceptable and it should be noted that Aldi store is already permitted to trade to 22:00 hours Monday to Saturday.

- It is recommended that a 'Construction Method Statement' be provided detailing all noise, dust and nuisance controls during construction phase.

Officer's comment: This can be conditioned.

- It is requested that a condition be placed on the site limiting hours of construction.

Officer's comment: This can be conditioned.

Given the siting and the separation distance between the neighbouring properties, it is considered that the proposed replacement store and enlarged car park would not result in any unacceptable impact in terms of overlooking, overshadowing, overbearance, noise or disturbance provided that the hours of use (opening hours and delivery hours) and elements of the construction process are controlled via condition. Therefore subject to conditions, the application would comply with saved policy GEN1.

{\b Impact on Access and Transport Infrastructure}

Local Plan policy GEN1 (vii) and T14 permits development which has adequate arrangements on site for access, servicing or the parking of vehicles.

The Council's Highways Officer has fully reviewed the application and after initially raising concerns, the applicants have submitted additional information and have amended the access arrangements to address these concerns. The Highways Officer is now content that whilst the proposed replacement store would increase trip generation, the network would not be so negatively impacted as to warrant refusal. The proposed access has also been subject to a Stage I Road Safety Audit. The changes to the access will improve the existing situation and have the capacity to cope with the proposed increase in vehicular movements.

Given the increase in vehicular movements, it is appropriate to request a Travel Plan to encourage staff and shoppers to visit the store in more sustainable ways. The submitted Travel Plan is considered inadequate as it does not address customers to the store. A Travel Plan focused on customers (to modify their travel patterns in order to decrease the trip rate of the site and as such its impact on the public highway) is therefore required and this can be conditioned.

The impact of the proposed development on the local highway network is considered acceptable, the access arrangements are suitable and subject to the provision of a Travel Plan, the application is considered acceptable in accordance with Local Plan policy T14.

Parking Provision

Saved policy T14 states that development proposals which accord with other policies of this plan will be permitted provided that they make adequate provision for internal layout and parking.

Hart District Council's Parking Provision Guidance states that A1 retail use requires 1 parking space per 14 square metres. The existing total gross floorspace of the food store is 1,423 sqm. In accordance with the current parking guidance, there should be 101 existing parking spaces. There are currently 79 car parking spaces.

The proposal would provide an additional 1,140 sqm, which would result in a total gross floorspace of 2,563 sqm. The proposal increases the on-site parking provision from 79 spaces to 114 spaces, therefore would fall short of the number of spaces as recommended by Hart District Council's Parking Provision Guidance.

Lidl undertook a parking survey which highlighted that the car park is currently being used by a large number of people for purposes other than to shop at Lidl. For example, on the Friday of the study 88 people who used the Lidl parking facilities did not shop within Lidl. This high level of use by non-Lidl shoppers could artificially inflate the parking requirements for the store and, as Lidl have argued, the applicants should only provide parking facilities directly related to their development and that are fairly proportionate.

Lidl have also undertaken customer surveys in order to determine the percentage of people who park on site and shop within the store as well as providing comparisons of the parking provisions/standards of other Lidl stores, to assist in verifying if the proposed number of parking bays would be enough to cater of the proposed increase in floorspace.

The Parking Provision Guidance provides maximum figures not minimum. After detailed assessment of the additional information and given the provision of a travel plan, which will decrease the number of private vehicles to the development, the Council's Highways Officer has no objections to the level of parking provision proposed.

The former Council Car Park (Green Lane Car Park) was sold approximately two years ago to Lidl. The car park had not been in use since about 2000. Surveys undertaken at the time confirmed that there was adequate parking within Blackwater – Lidl car park, Aldi car park, land behind the Town Council and also Blackwater Station Car Park. It was the decision of the Cabinet to sell the car park given that it had been out of use for a large number of years and it was considered Blackwater had adequate parking.

Lidl intend to continue to allow local shoppers the use of the car park subject to certain criteria, which will be confirmed in the Car Park Management Plan (to be conditioned). The car park will therefore operate informally as town centre parking inasmuch that visitors to Lidl will be able to visit other shops or services within the town centre (undertake linked trips). The Car Park Management Plan will confirm the maximum stay without penalty and this will deter the use of the car park by commuters (using the nearby Blackwater railway station) or any other non-town centre uses.

A number of residents and the Town Council have requested that the car park, or part of the car park, be available for use during the construction period. Lidl have confirmed that unfortunately it would not be possible to keep any of the car park open during construction, as it would be logistically difficult to maintain a safe car park for use by the public, and it would present difficulties in retaining space for storage of plant and materials. Keeping part of the site open would also extend the construction period and therefore the disruption experienced by local residents. The site will be hoarded at perimeter throughout the construction works to maintain safety of site operatives and members of the public. A Construction Management Plan will be conditioned.

In this instance the on-site parking provision is considered acceptable in accordance with Local Plan policy T14.

Flood Risk and Drainage

The application site is located within Flood Zone I and therefore at the lowest risk of flooding. The Council's Drainage Officer has reviewed the application and following the receipt of additional information has confirmed no objections to the application subject to the provision of several conditions.

There is a watercourse that runs to the rear of the site and given part of the building will be constructed within 1 metre of this water course, there is a real risk that during demolition and construction, the banks of the watercourse will be damaged. A condition to allow the Council to protect the bank during construction is therefore appropriate.

Given that this watercourse is currently blocked, surface water from the application site could not be discharged into it. The Drainage Officer has recommended that a watercourse maintenance plan be submitted (through a condition) to ensure that the watercourse is flowing freely. This will prevent the risk of flooding by ensuring that any surface water discharged by the site is able to drain away.

A further drainage condition requesting additional information is also recommended. Subject to the drainage conditions, the proposal would not result in an increased risk of flooding on site or to adjacent neighbouring properties.

Contamination

The Council's Environment Health Officer has reviewed the application and stated that a 'Contaminated Land' condition be placed upon any grant of consent. This condition should be based on the DCLG Model condition parts 1 to 4 and any assessment made available for approval prior to commencement of development. In addition, should any land contaminants or unexpected ground conditions be identified during site development then the Environmental Health Department should be notified according.

{\b Contributions/S106}

It has been identified in this report that given the concerns regarding the quality of the environment of the existing town centre, the provision of such a large amount of floorspace to the south of London Road, separated from the heart of Blackwater Town Centre to the north of London Road, could be harmful to the vitality and viability of Blackwater Town Centre.

The Council's Town Centres Study identifies the following shortcoming of Blackwater Town Centre:

- A busy main road dissects the centre, creating an unpleasant shopping environment and making it difficult for pedestrians to utilise the entire retail offer.
- The centre is out of date and drab, with no defining features and a poor public realm.
- Disjointed and not cohesive centre with different component parts.

The Council have identified a number of schemes to help to improvement the Centre:

1. Re-landscaping and tree planting on prominent amenity areas, including the provision of a suitable tree for use as a Christmas tree and lights over the festive season.
2. A community Public Clock
3. Refurbishment of Railings along the A30
4. Welcoming signs into Blackwater along A30 and from railway station
5. Litter Bins to ensure the now deep cleaned amenity areas around the retail shops remain clean and tidy.

The NPPF confirms the relevant policy tests that are necessary to make the development acceptable in planning terms. Any planning obligation should only be sought where they can meet these tests (NPPF, para 204). In light of the identified harm caused by the proposed development, the Council has considered whether a contribution to the town centre improvements listed above would meet the requirements of the NPPF tests. It is considered that a contribution to the improvements is necessary to make the development acceptable in planning terms; directly relate to the development; and fairly and reasonable relate in scale and kind to the development.

Lidl initially queried whether a contribution to these improvements met the requirements of the NPPF tests. After further review, Lidl propose to contribute £20,000 towards these town centre improvements. These improvements have been identified as schemes that would increase the town centre's attractiveness as a local retail destination and benefit the overall function of the centre. Specifically the schemes would enhance the shopping environment by making improvements to the public realm and creating cohesion by creating focal points in the centre. Increasing the town centre's attractiveness could mitigate against some/all of the harm that the proposed replacement store on the southern side of London Road 'dissected' from the heart of the centre could otherwise cause to the town centre.

The Council considers that the S106 contribution proposed by Lidl constitutes a material consideration in the determination of the application. However as the contribution only addresses concerns identified regarding the scale of development and its impact on the town centre, limited weight can be applied to the contribution when undertaking the overall planning balance.

The S106 is currently with the Council's Legal Department to be drafted.

Other issues

Ecology

The Council's Ecology Officer has reviewed the application and has no objections to the scheme

OVERALL PLANNING BALANCE

In terms of conformity with the Local Plan, the site is located partly in-centre and partly out-of-centre within the urban settlement boundary. At the heart of the NPPF is a presumption in favour of sustainable development with specific attention to ensure that applications for town centre uses should be located within town centres. Only if suitable sites are not available, should edge-of-centre or out-of-centre sites be considered. Policies should be positive and should support the viability and vitality of town centre environments. Given this policy background, the application site is assessed based on a balance of the material considerations 'the planning balance'.

On the benefits side, application site is well connected to the southern side of the town centre and approximately 50% of the store would be located within the town centre boundary. Blackwater Town Centre is described as generally performing well in respect of its vitality and viability and the proposed increase in sales area (including comparison floorspace) would in part address an identified need for additional retail floorspace and would strengthen and enhance the retail offer of the centre. The proposal would result in an additional 15 jobs. The proposal development would represent an improvement in the appearance of the application site and would enhance the character of this urban site. There would also be an improvement in terms of the quality of parking.

On the negative side, the site isn't completely located within the town centre and given the concerns regarding the quality of the environment of the existing town centre, the provision of such a large amount of floorspace to the south of London Road, separated from the heart of Blackwater Town Centre to the north of London Road, could be harmful to the vitality and viability of Blackwater Town Centre. The proposal would result in a significant increase in traffic generation, which would have an impact on the surrounding junctions, which are currently under pressure. The proposal doesn't provide for the maximum amount of car parking. There would be an impact on neighbour amenity.

The proposed highways improvements would mitigate any negative impacts with regards to the increased trip generation as a result of the increase retail floorspace. The Car Parking Management Plan and the Travel Plan would mitigate any harm as a result of less provision than the suggested maximum amount of car parking spaces. The proposed opening and delivery hours proposed and the provision of an acoustic fence on the western and southern boundaries, would mitigate any concerns regarding neighbour amenity. The proposed S106 contributions that would increase the town centre's attractiveness could mitigate against some/all of the harm that the proposed replacement store could cause to the town centre.

On balance, although there will be harm, taken cumulatively the positive effects of this proposal would significantly and demonstrably outweigh the negatives of the proposal, when assessed against the aims and objectives of the policies of Local Plan and the NPPF, when considered as a whole. Thus, taken cumulatively, this scheme would accord with the policies and obligations referred to above.

CONCLUSION

It is considered that the loss of the residential property (No.1 Green Lane) is regrettable but given the circumstances would not harm the supply of housing in Blackwater or the District.

The site is partly in-centre and partly edge-of-centre but no feasible sequentially preferable town or better connecting edge-of-centre sites are apparent. Balancing the potential impact of the proposed store against the identified need for additional retail floorspace, the absence of any evidence to the contrary and taking into consideration the S106 contribution, it is considered that the proposed replacement Lidl store would not be disproportionate in scale to Blackwater Town Centre and would not impact on existing, committed and planned public and private investment in the centre or centres in the catchment area of the proposal and would complement and enhance Blackwater Town Centre's vitality and viability.

The site is well served by road and access/parking arrangements are satisfactory in line with saved policies GEN1 and T14. The provision of a Travel Plan is critical to ensuring access by public transport, cycle and foot is adequate.

Given the design and layout of the existing store and former car park, the proposal would represent an improvement and would enhance the character of this urban site. Therefore the proposal would comply with saved policies GEN1 and GEN4.

It is considered that the proposed replacement store and car park would not result in any unacceptable impact in terms of overlooking, overshadowing, overbearance, noise or disturbance provided that the hours of use (opening hours and delivery hours) and elements of the construction process are controlled via condition. Therefore subject to conditions, the application would comply with saved policy GEN1.

Subject to the recommended conditions and the legal agreement to secure necessary development contributions, the proposal is acceptable, taking account of the Development Plan and all other material considerations as described above.

RECOMMENDATION - Grant

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following plan nos. and documents:

5256 - 010001 Location Plan
5256 - 010002 Rev 19 'Proposed Site Plan, Option 11b'
5256 - 010001 Rev 5 'Store Plan' (Ground Floor)
5256 - 010001 Rev 1 'Store Plan' (First Floor)
5256 - 010001 Rev 1 'Store Plan' (Roof)
5256 - 020002 Rev 1 'Proposed Elevations'
AAJ5020 - PR-011 Rev A 'Soft Landscape Proposals'
5035.010 Rev C (Access Plans)
Transport Assessment (and Supplementary Note)
Stage 1 Road Safety Audit
Flood risk Assessment
Noise Impact Assessment
Design and Access Statement
Planning and Retail Statement
Drainage Statement

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

- 3 No development shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with approved details.

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

- 4 No work shall take place until details of the means of protection, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, have been submitted to and approved in writing by the Local Planning Authority. The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and for at least five years following occupation of the approved development, unless otherwise agreed by the Local Planning Authority. Any such vegetation immediately adjoining the site shall be protected on the site in a similar manner for the duration of works on the site.

Any such vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during such period shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Reason: To ensure the continuity of amenity afforded by existing vegetation and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 5 No development shall take place until full details of both hard and soft landscape have been submitted to and approved in writing by the Local Planning Authority.

Hard details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure of unbuilt open areas, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and artefacts and structures (e.g. furniture, refuse or other storage units, signage, lighting, external services, manholes, etc.).

Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants, noting species, planting sizes and proposed densities where appropriate.

Details shall further include a proposed timetable for planting and laying out of hard surfaces and roads.

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

- 6 No development shall take place until full details of the proposed boundary treatments have been submitted to and approval in writing by the Local Planning Authority. The proposed fence (of a minimum height of 2.4m) on the south eastern boundary of the site, adjacent to the stream, and the proposed fence (of a minimum height of 2.4m adjacent to the residential properties fronting Green Lane) on the south western boundary shall have acoustic properties and will be of a close boarded continuous construction, with a density of at least 11kg/m² to suitably mitigate the impact of the proposed service yard and car park on the adjacent neighbouring dwellings.

Such details will include the siting, design, acoustic performance and construction of the acoustic fence/barrier. The development shall be carried out and thereafter maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 No development shall take place until detailed plans confirming finished floor levels and existing and proposed ground levels (including the car park) in relation to a fixed datum, and scaled cross-sections through the application site and adjacent land have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with approved details.

Reason: To ensure that the proposed development is/are satisfactory and to satisfy saved policy GEN1 of the Hart District Local Plan.

- 8 The proposed new foodstore shall not be occupied until a delivery management plan has been submitted to and approval in writing by the Local Planning Authority.

The plan shall include:

- Ensure delivery bay doors, gates and shutters are well maintained to minimise noise when opening and closing.
- Ensure the delivery point and surrounding areas are clear of obstructions so vehicles can manoeuvre easily.
- Keep doors other than the delivery point closed to ensure noise does not escape.
- Where possible, prepare all empty handling units, salvage and returns behind closed doors. (Checking they are in the correct condition and position and at the right height before taking them out will minimise outdoor activity and unnecessary noise.)
- Use rubber matting and buffering on doors where possible to minimise contact between hard surfaces.
- Service any delivery equipment in advance to minimise noise.
- Make sure the delivery point is ready for the vehicle before it arrives gates and doors should be open to avoid the vehicle idling.
- Make sure the driver knows the precise location of the delivery point and is aware of any local access issues.
- Last deliveries shall not be allowed in later than 30 minutes prior to closing.

- Details of instructions to be provided to all drivers (to be confirmed with the drivers prior to any deliveries to site)

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area and to satisfy saved policy GEN1 in the Hart District Local Plan

- 9 The proposed new foodstore shall not be occupied until a car park management plan has been submitted to and approval in writing by the Local Planning Authority.

The plan shall include:

- A maximum stay period
- Signage confirming parking arrangements

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area and to satisfy saved policy GEN1 in the Hart District Local Plan

- 10 The proposed new foodstore shall not be occupied until a revised Travel Plan (which also addresses customers) has been submitted to and approval in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

- 11 No development shall begin until a scheme for protecting the banks of the watercourse during demolition and construction has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

The section of the watercourse adjacent to the site shall be protected from any damage or loading that may result directly from proposed structures or the temporary loading from construction vehicles and the construction process. Details of the scheme shall include the following details:

1. Existing condition survey of the banks of the watercourse before works adjacent to the watercourse begin.
2. A detailed plan setting out the risks to the stability of the banks by the proposed works and construction process and any mitigation measures proposed to minimise these risks.
3. Prior to occupation, a condition survey of the banks of the watercourse post construction must be submitted to the Local Planning Authority demonstrating that the banks of the watercourse are no worse than prior to construction.

Reason: To prevent the banks of the watercourse from failing causing a potential blockage on the watercourse and associated flood risk issues.

- 12 No development shall begin until a watercourse maintenance plan has been submitted to and approved in writing by the local planning authority. The section of the watercourse adjacent to the site shall then be cleared in accordance to the approved plan and evidence that the watercourse is flowing freely provided to the Local Planning Authority prior to the surface water drainage connection into the ditch being installed. The scheme shall subsequently be implemented in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring that any surface water discharged by the site is able to drain away.

- 13 No development shall begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development phase commences.

The scheme shall also include:

- If infiltration is proposed: Infiltration tests in accordance with BRE 365 including groundwater strikes
- Detailed plans of the proposed drainage scheme layout with pipe numbers labelled that correlate with submitted calculations.
- Calculations demonstrating that the proposed drainage system can contain the 1 in 30 storm event without flooding and any onsite flooding is safely contained onsite up to the 1 in 100 plus climate change storm event.
- Calculation demonstrating that proposed runoff rates for the 1 in 1, 1 in 30 and 1 in 100 plus 40% climate change storm event will be no greater than the existing 1 in 1, 1 in 30 and 1 in 100 storm event.
- Details of proposed SUDS devices and any proposed treatment train stages
- SUDS Maintenance plan setting out the maintenance needs, frequency of maintenance and who will be responsible for the maintain on the onsite drainage system.

The scheme shall subsequently be implemented in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring that any surface water discharged by the site is able to drain away.

- 14 No development shall take place until full details of the plant specifications with a further assessment of the potential noise impact referencing the approved noise assessment has been submitted to and approval in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area and to satisfy saved policy GEN1 in the Hart District Local Plan

- 15 No development of the retail store element of the development shall take place until details of any external lighting/floodlighting for the retail store, including details of levels of luminance, have been submitted to, and approved in writing, by the Local Planning Authority. The approved details shall be implemented and operational, before the retail store is opened to the public. All external car park lighting shall be timed to extinguish no later than thirty minute later than the closing time of the store.

Reason: To comply with the National Planning Policy Framework and saved Local Plan policy GEN1.

- 16 No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- Routes for construction traffic
- Method of prevention of mud being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

Reason: In the interests of safe operation of the highway, to protect the amenities of the area and to satisfy saved policy GEN1 of the Hart District Local Plan

- 17 No development or demolition work or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours Monday to Friday. No development or demolition work or deliveries of materials shall take place on Saturdays, Sundays or Public Holidays.

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

- 18 No development shall take place until details of a scheme of investigation and programme of archaeological work has been submitted to and approved, in writing, by the Local Planning Authority. The investigation and archaeological works shall be implemented in accordance with the approved details and the applicant shall give the Local Planning Authority not less than 2 weeks notice in writing prior to the implementation of the agreed works.

Reason: To ensure that the archaeological value of the site is properly investigated and evaluated before work on the development begins and to satisfy saved policy CON11 of the Hart District Local Plan.

- 19 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

I. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that any contamination on site is appropriately dealt with.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), there shall be no provision of Class A1 retail floorspace in excess of the areas defined within the approved building, neither shall there be any subdivision of the sales floor, nor provision of ancillary or subsidiary retail units within that sales floor without the written consent of the Local Planning Authority,

For clarity, the gross internal area (GIA) of the Class A1 food retail store hereby approved shall not exceed 2,563 square metres. The gross retail sales area shall not exceed 1,562 square metres.

Reason: In order to limit the scale of the building in accordance with the terms of the application and to satisfy saved Local Plan policy GEN1.

- 21 Nothing shall be stacked, stored or displayed for sale on the site at any time except within any buildings or storage areas shown on the approved plans.

Reason: To protect the amenities of the area and to maintain adequate landscaping, parking and turning areas for vehicles and to satisfy saved policy GEN1 in the Hart District Local Plan.

- 22 The proposed retail unit shall not open outside of these hours; 08:00 hours to 22:00 hours Monday to Saturday and 11:00 hours to 17:00 hours Sunday and Bank Holidays.

Reason: To protect the amenity of adjoining residential properties and to comply with policy GEN1 of the Hart Local Plan.

- 23 No deliveries or despatches from the premises, including the loading and unloading of goods vehicles shall take place outside the hours of 08.00 to 20.00 Mondays to Saturdays or outside the hours of 10.00 - 16.00 on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and in accordance with saved Local Plan policy GEN1.

- 24 Unless otherwise agreed in writing by the Local Planning Authority, the following restrictions apply to the operations of the proposed service yard:

Tonal reversing alarms shall not be used between the hours of 20.00 and 08.00

All vehicle engines shall be switched off when parked or at an unloading bay and remain off until ready to leave the store.

All trailer refrigeration units shall be switched off prior to the vehicle entering the service yard.

The application site as a whole shall not be used for the overnight parking of vehicles running refrigeration or charging units.

All unloading bays shall be fitted with a docking system that will form an airtight seal whilst unloading or loading is taking place.

There shall be no unloading except at the properly constructed unloading bays.

There shall be no use of compactors, or similar equipment, or fork lift trucks or similar noise producing vehicles, outside of the store opening hours.

There shall be no movement of trolleys, goods pallets, or roll cages in the service yard outside of the store delivery hours.

Reason: In the interests of residential amenity and in accordance with saved Local Plan policy GENI.

- 25 The retail store shall not be opened for trade until the approved highways works has been provided in accordance with the approved site plan 5035.010 Rev C (Access Plans).

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

- 26 No building shall be occupied until vehicle parking spaces serving that building have been constructed, surfaced and, where appropriate, marked out in accordance with details submitted to and approved in writing by the Local Planning Authority, and the spaces shall not thereafter be used for any purpose other than the parking of vehicles and cycles.

The car parking indicated on the approved plans for disabled parking shall be marked out accordingly for that use.

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

- 27 The approved cycle storage facilities shall not be used for any purpose other than the storage of cycles.

Reason: To ensure that the development is provided with adequate cycle storage and to satisfy saved policy GENI in the Hart District Local Plan.

INFORMATIVES

- 1 The watercourse on site is classified as 'ordinary watercourse'. As such, under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority (Hampshire County Council) is required for any proposed works or structures, in the watercourse. Please contact owc@hants.gov.uk for further details. We note that the surface water drainage is discharging into an ordinary watercourse at the back of the site. It is clear from photographs provided that this watercourse is blocked and not flowing. Surface water therefore cannot be discharged into this watercourse without it being cleared. We therefore recommend that the following condition is applied to the application:
- 2 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:

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