

Summary Proof of Evidence

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Hart District Council

16.02.2021

Town and Country Planning Act 1990

Appeal by: Churchill Retirement Living

at: Fleet Police Station, 13 Crookham Road, Fleet, GU51 5QQ

Planning Inspectorate Ref: APP/N1730/W/20/3261194

Local Planning Authority Ref: 19/02659/FUL



Hart District Council
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Harlington Way
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1. Introduction

1.1. This is a summary of the evidence submitted on behalf of Hart District Council (HDC) in support of the Council's case against the appeal made by Churchill Retirement Living (the 'appellant') against non-determination of application 19/02659/FUL for the following proposed development at Fleet Police Station, 13 Crookham Road, Fleet, GU51 5QQ (the 'appeal site'):

“Demolition of existing building and redevelopment of the site to form 31 retirement apartments including communal facilities, retention of existing access, car parking and landscaping.”

1.2. The Council's Planning Committee resolved that they would have refused the application for the following three reasons (in summary) [CD2.3]:

1. The proposed development would not provide an adequate level of affordable housing.
2. The proposed development would not achieve a high-quality design or positively contribute to the overall appearance of the area.
3. The proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the Thames Basin Heaths Special Protection Area.

1.3. The Council's evidence identifies and considers the decision-making framework for the appeal scheme and focuses on the main issues in dispute between the appellant and the Council.

1.4. The Council and Appellant have sought to narrow the points of dispute between them. In relation to RfR1 (affordable housing), agreement has been reached in relation to an off-site financial contribution towards affordable housing. This matter is no longer in dispute and does not form part of the Council's evidence.

1.5. The Appellant has also sought to address RfR3 (effect on the Thames Basin Heaths Special Protection Area). The Council's evidence includes information to assist the Inspector in this regard.

1.6. A proof of evidence in respect of design matters and RfR2 (design) has been prepared by Dr Stefan Kruczkowski.

2. Development Plan

2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and NPPF paragraphs 2 and 47 require that the appeal must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

2.2. The development plan for the appeal site comprises:

1. South East Plan (SEP) Saved Policy NRM6.
2. Hart Local Plan (Strategy & Sites) 2032 (HLP32).
3. Hart Local Plan (Replacement) 1996-2006 Saved Policies (HLP06)
4. Fleet Neighbourhood Plan (FNP, 2019).

2.3. The following development plan policies, as referenced in RfR2, are the most important to the determination of this appeal.

1. HLP32 Policy NBE9 Design.
2. HLP06 Saved Policy GEN1 General Policy for Development.
3. FNP Policy 10 General Design Management Policy

2.4. FNP Policy 10A Design Management Policy relating to character areas is also relevant.

2.5. These are the most important policies as they are the primary design policies in the development plan and design is the main issue of disagreement in this appeal.

2.6. Collectively, the above development plan design policies provide an up to date and robust suite of design policies against which to assess development proposals. They reflect local and national design objectives and, in summary, seek to achieve development that:

1. Achieves a high-quality design.

2. Positively contributes to the overall appearance of the local area.
3. Is in keeping with the local character.
4. Responds to design principles.

3. Material Considerations

- 3.1. The NPPF (paras. 2 and 47) reiterates the statutory position that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2. The most relevant material considerations to the main issue in this appeal (design), are:
 1. National Planning Policy Framework (NPPF, February 2019).
 2. Planning Practice Guidance (PPG).
 3. National Design Guide (NDG, October 2019).
 4. Building for a Healthy Life (BfHL, June 2020).
 5. Hart District Council Urban Characterisation and Density Study (HUCDS, 2010).

4. Design

- 4.1. Reason for refusal 2, as identified in the Committee Report [CD2.1] states:

“The proposed development would not achieve a high-quality design or positively contribute to the overall appearance of the area. As such, the proposal is contrary to Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032, Saved Policy GEN1 of the Hart Local Plan (Replacement) 1996-2006, Policy 10 of the Fleet Neighbourhood Plan and the aims of the National Planning Policy Framework.”
- 4.2. An assessment of the design of the appeal scheme is included within the evidence of Dr Kruczkowski.
- 4.3. In summary, the appeal scheme would not achieve a high-quality design, positively contribute to the overall appearance of the area or be in keeping

with local character. It is therefore in conflict with the development plan, specifically HLP32 Policy NBE9, HLP06 Saved Policy GEN1(i) and FNP Policies 10 and 10A.

- 4.4. Nor would the appeal scheme meet the design objectives of the NPPF or the planning and design guidance.
- 4.5. The Council place significant weight on the appeal scheme's conflict with the design guidance within the NPPF, and the other identified planning and design guidance, as a material consideration to the appeal scheme. The appeal scheme's conflict with this guidance further weighs against it as a material consideration in the planning balance.

5. Effect on the Thames Basin Heaths Special Protection Area

- 5.1. Following submission of the appeal, the appellant has provided the Council with a deed of covenant relating to the acquisition of SANG land from a third party at Queen Elizabeth Barracks, Sandy Lane, Church Crookham (Naishes Wood SANG). A draft Section 106 Agreement (S106) has also been provided that seeks to secure this SANG land as mitigation for the appeal scheme and to provide a financial contribution to the Council for SAMM.
- 5.2. The Council and Appellant are currently negotiating the S106, to include securing the provision of the SANG land, its on-going management and maintenance in perpetuity and the making of appropriate SAMM contributions.
- 5.3. With agreement from Natural England and a signed S106, the Council consider that RfR3 relating to the TBHSPA would be satisfied.

6. Planning Balance and Conclusion

- 6.1. This appeal must be determined in accordance with the development plan unless material considerations indicate otherwise, as required by the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the NPPF (paras. 2 and 47).
- 6.2. There is conflict between the appeal scheme and HLP32 Policy NBE9, HLP32 Saved Policy GEN1 and Fleet Neighbourhood Plan Policies 10 and

10A. I attach full weight to these policies which are up-to-date and consistent with the NPPF.

- 6.3. I attach significant weight to the appeal scheme's conflict with the design objectives of the NPPF and other design and planning guidance.
- 6.4. I do recognise that the appeal scheme would deliver a number of planning benefits.
- 6.5. With due regard to the up-to-date policies for delivery of all types of housing and the Council's robust housing land supply, I attach moderate weight to the provision of 31 age-restricted market housing units that would be provided and associated social benefits.
- 6.6. I also attach moderate weight to the financial contribution towards the provision of off-site affordable housing.
- 6.7. The proposed development would make more efficient use of previously developed land. I attribute limited weight to this as a planning benefit in the planning balance.
- 6.8. At construction stage, temporary jobs would be created and there would be some spending in the local economy. At occupation stage, there would be spending within the local economy. I give these economic benefits limited weight in the planning balance.
- 6.9. Notwithstanding these benefits, there is clear conflict with the development plan as a whole, and HLP32 Policy NBE9, HLP06 Saved Policy GEN(i) and FNP Policies 10 and 10A in particular, as the appeal scheme would not achieve a high-quality design, positively contribute to the overall appearance of the area or be in keeping with local character.
- 6.10. There are no material considerations of sufficient weight to indicate a departure from the development plan should be taken.
- 6.11. In the overall planning balance, I conclude that the adverse impacts of the proposal would outweigh the benefits. I therefore conclude that the appeal should be dismissed.