The Planning Inspectorate

Appeal Decision

Hearing held on 26 February 2019
Site visit made on 26 February 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 April 2019

Appeal Ref: APP/N1730/W/18/3203638
Land at Southwood, Thackham's Lane, Hartley Wintney RG27 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Forest Care Ltd against the decision of Hart District Council.
- The application Ref 17/01816/FUL, dated 24 July 2017, was refused by notice dated 15 December 2017.
- The development proposed is the erection of a 60 bed care home (Use Class C2) and ancillary parking, hard and soft landscaping and closure of existing residential access and the creation of a new shared access from Thackham's Lane.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 60 bed care home (Use Class C2) and ancillary parking, hard and soft landscaping and closure of existing residential access and the creation of a new shared access from Thackham's Lane, at Land at Southwood, Thackham's Lane, Hartley Wintney RG27 8JG in accordance with the terms of the application, Ref 17/01816/FUL, dated 24 July 2017, subject to the 15 conditions set out in the schedule at the end of the decision.

Procedural Matter

2. In addition to the site visit on the day of the hearing, I visited the surrounding area for familiarisation purposes on 15 January 2019 during daylight hours and on 25 February 2019 during night-time hours.

Main Issues

3. The main issues are:

   (a) the effect of the development on the character and appearance of the area, including the effect of internal lighting;

   (b) the need for the development;

   (c) the effect of the development on the Thames Basin Heaths Special Protection Area (SPA); and

   (d) the overall planning balance.

Reasons

Character and appearance

4. The appeal site is situated to the west of Hartley Wintney on the north side of Thackham's Lane, a rural road that runs between the A30 and West Green Common. The site and surrounding area are beyond the settlement boundary for Hartley Wintney and within the countryside as defined by the Hart Local Plan (Replacement) 1996-2006 (HLP). Policy RUR2 of the HLP does not permit development in the open countryside outside the defined settlement boundaries unless it is specifically provided for by other HLP policies and 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.

5. The area surrounding the site from West Green Road to the north and West Green House to the west, and to the A30 to the south and east, is characterised by scattered buildings interspersed by fields, trees and hedgerows. Building sizes vary, but properties such as Southwood are relatively large. Moreover, several buildings form clusters at locations such as Wintney Court and Grange Farm, with a mix of residential and agricultural structures. There is general uniformity in terms of architectural style and detail, with pitched roof buildings and traditional materials such as red brick, clay tiles and timber cladding.

6. Many existing buildings are located close to the road, but others such as Fouracre House and Wintney Court are set further back. As one travels in a circuit along Thackham's Lane, West Green Road and Grange Lane, buildings are visible either adjacent to the road or set further back, within a green and rural setting. At night, it is possible to see properties illuminated both internally or externally, although the area remains largely dark with no street lighting. Despite the narrowness of Thackham's Lane and the lack of lighting and pavements, it is evident that it is used by walkers, cyclists and horse riders.

7. As such, the character and appearance of the area is defined by an attractive rural landscape enjoyed by a variety of users. Occupants of individual properties evidently benefit from views across this landscape. Although not formally valued or designated, the area provides a positive setting to Hartley Wintney and forms an integral part of the Hazeley/West Green Character Area (as set out in the Hart District Landscape Assessment 1997).

8. The site forms a large part of the grounds of Southwood. Apart from a tennis court and access drive, there is little hard surfacing within the site with lawns and a large area of rough grass. Mature trees and vegetation line the site's northern, eastern and southern boundaries. Other than this boundary vegetation, the site is unremarkable as garden and amenity space to Southwood. A paddock in separate ownership lies between the site and the road and has mature planting along the roadside although gaps do exist.

9. Public views of the site from most directions are restricted by trees and hedgerows and by the distances involved from places like West Green Road, Grange Lane and the public footpaths around Wintney Court. The clearest views are from Thackham's Lane to the south through gaps in planting, particularly during winter months. However, even those views in winter are limited due to the filtering of boundary vegetation along the site's south side, the set back from the road, and the relatively short gaps in planting along the

roadside. For car drivers, the site is barely noticeable, while for other road users it is not prominent. Views of the site from nearby properties such as Thackham's Barn are filtered by boundary vegetation.

10. Therefore, while the site contributes to the character and appearance of the area as part of the rural landscape, it does not play a significant role due to the general lack of visibility and the unremarkable appearance of the site itself. It does not form part of any typical views to or from Hartley Wintney or West Green, or a green finger important to either settlement's structure and amenity. As such, it contributes little to the character or setting of these settlements.

11. The proposed development would involve a building larger than most in the surrounding area in terms of footprint, floorspace, bulk and massing. However, it would be no more than 2 storeys tall and of a design compatible with nearby buildings. The size of the building would be broken up by variations in the treatment of elevations and roof spaces and it would be set back considerably from Thackham's Lane.

12. The proposed reinforcing of existing planting along the site's southern boundary would help to limit visual impact from Thackham's Lane regardless of the mode of transport. Similar reinforcement of planting on the eastern boundary would limit visual impact for properties to the south-east at Thackham's Barn and Thackham's Court. A line of tall lime trees along the proposed driveway would provide screening from Southwood to the west and limit views from the new access onto Thackham's Lane. Any longer distance views from public and private viewpoints would also be restricted by vegetation, topography and buildings.

13. The development would reflect the existing dispersed pattern of development clusters in the countryside. The paddock between the building and Thackham's Lane would limit the reduction in the gap between Southwood and Thackham's Barn. The building would not be screened altogether, especially in winter, but it would not appear overly large, prominent or out of keeping due to its design, siting and landscaping. The loss of the undeveloped garden and amenity land would have little impact on the character and appearance of the area given its limited value.

14. At the appeal stage, the Council expressed concerns about the effect of additional vehicle movements on the character and appearance of the area. The development would be accessed by various service vehicles as well as cars for staff and visitors. However, the appellant's October 2017 Transport Statement concludes that the development would only generate one trip every 4-6 minutes during the day. This is not a significant figure and it has not been challenged by either the Council or the local highway authority. Based on my site visit observations, Thackham's Lane has a reasonable flow of traffic already. Thus, the additional traffic would not have a significant effect on the character and appearance of the area.

15. The development would require external lighting for the access, car parking areas and the building itself. However, such lighting would not need to be extensive and could be located and designed to reduce the amount of light spillage and glare to the surrounding area. The timing of its use could also be controlled. While external lighting would be used for longer in winter months with visiting hours until late evening, the likelihood of such lighting being on

throughout the night is low. There may be occasional emergency night visits given the intended occupants, but there is little evidence to indicate that this would be a regular occurrence. Moreover, both the Council's decision notice and the statement of common ground acknowledge that the impact of external lighting could be controlled by planning condition. There would be lighting generated by additional vehicle movements, but as noted above, the quantity would not be significant.

16. It would be difficult to enforce a condition relating to internal lighting. The building has a large number of windows that could result in considerable illumination. This would be most noticeable at night, but could also occur during the day depending on the weather. The south elevation would be the most publicly visible elevation, while the east and west elevations would face towards adjoining properties.

17. However, many of windows on these elevations would serve bedrooms, where it is reasonable to assume that curtains would be closed at night to reduce light spillage and that occupants would be asleep. Corridors would be largely internal and so their lighting would not be visible from outside. Communal spaces like lounges could remain illuminated for longer, although curtains would help again and light sensors could ensure that rooms are in darkness when not in use. None of the windows or doors are particularly large, which would reduce the extent of any illumination. The existing and proposed vegetation screening would also help to limit the visual impact from the road and adjoining properties, even in winter. Internal lighting during duller daylight conditions would not be particularly obvious compared to night-time hours. Seen in the context of existing properties that are illuminated at night, the level of external and internal lighting generated by the development would not be excessive and could be controlled by condition and good practice.

18. Finally, the boundary for Hartley Wintney Conservation Area extends as far as the north-eastern boundary of the site, while Thackham's Cottage including Thackham's Barn are listed Grade II. The site forms part of the surroundings in which these heritage assets are experienced but does not provide expansive views across the countryside due to intervening vegetation. As noted above, the development would be in keeping with the clusters of built form in the surrounding area, would be of a suitable design, and would be well-screened along its boundaries. Its illumination at day or night would not be excessive. Therefore, it would preserve the character and appearance of the conservation area and preserve the setting of the listed buildings.

19. Thus, having regard to the overall landscape and visual impact of the development, it would not have an unacceptable effect on the character and appearance of the area. I note concerns of interested parties regarding the visual impact of similar recently built development in the district, but I have assessed this development on its own merits from the evidence before me.

20. In policy terms, the development would conflict with HLP Policy RUR2 in terms of its location in the open countryside not provided for in other plan policies. However, it would not conflict with the second part of Policy RUR2 as it would not have a significant detrimental effect on the character and setting of the countryside. In addition, it would not conflict with HLP Policy CON22 which seeks to avoid development which would adversely affect the character or setting of a settlement or lead to the loss of important areas of open land

around settlements. Moreover, there would be no conflict with HLP Policy GEN1 which, amongst other things, seeks development in keeping with local character by virtue of scale, design, massing, height, prominence, materials, layout, landscaping, siting and density, which avoids material loss of amenity by virtue of pollution, and avoids the installation of lighting which is visually damaging to the character of the area.

21. The development would also accord with paragraph 127 of the National Planning Policy Framework (NPPF) as it would be well designed and sympathetic to local character, including the surrounding built environment and landscape setting. It would maintain the character of the countryside as sought by NPPF paragraph 170(b) and would limit the impact of light pollution as required by NPPF paragraph 180(c).

The need for the development

22. It is common ground between the main parties that the development would meet an identified need for elderly care accommodation in the district. The HLP does not make specific provision for such accommodation. However, the evidence base for the emerging Hart District Local Plan Strategy and Sites 2016-2032 (the emerging LP) demonstrates a district-wide need for C2 care accommodation over the plan period. It is common ground that there is a minimum requirement of 38 bedspaces per annum for residential care and 24 bedspaces per annum for nursing care between 2018 and 2032. Evidence from Hampshire County Council's Market Position Statement 2018 for Residential and Nursing Care identifies a significant growth in the county's elderly population and a greater shortage of supply for residential and nursing provision in the north of the county including Hart.

23. Policy H4 of the emerging LP as currently drafted allows for specialist and support accommodation for older people on sites in the countryside provided that there is demonstrated need for the development and there are no available or viable alternatives within settlement boundaries and the site is well related to the existing settlement with access to appropriate services and facilities either on or off site.

24. The policy has been subject to a hearing session at the examination of the emerging LP. The Inspector's letter regarding this and many other policies has yet to be received by the Council. As such, it is not known what his views will be on Policy H4 and any main modifications. Thus, I concur that only limited weight can be given to Policy H4 and other emerging policies. Nevertheless, there was agreement at the hearing between the main parties that significant weight should be given to the identified need for elderly care accommodation across the district.

25. There was some disagreement at the hearing as to whether there was a need for the development within Hartley Wintney. The emerging Neighbourhood Plan acknowledges the need to provide housing for elderly people in the local area, but does not specify numbers or seek to allocate sites. The evidence provided shortly before and at the start of the hearing shows an overall projected increase in people over the age of 65 within Hartley Wintney. While many of these people are likely to remain in their own homes with or without support, it is conceivable that some will require specialist accommodation. The main parties have used different methodologies to estimate the need, with the Council identifying a smaller demand within the settlement than the appellant.

26. Regardless of the exact need within Hartley Wintney, there is a district-wide need for care accommodation. It is common ground between the main parties that there are no available sites within Hartley Wintney and the evidence does not demonstrate that sufficient sites are coming forward across the district to adequately address the identified need. It may be the case that there a number of existing and consented care accommodation developments within a few miles' radius of Hartley Wintney. It is also not guaranteed that the development would be occupied by existing Hartley Wintney residents. However, based on the district-wide need, these factors are insufficient on their own to rule out development in this location.

27. Therefore, I conclude that there is an identified need for the development and a shortfall in the provision of relevant sites. As a consequence, I afford significant weight to the development in terms of meeting an identified need and helping to address the shortfall.

Thames Basin Heaths SPA

28. Since the application was originally determined by the Council, there has been a judgment[1] in the Court of Justice of the European Union that requires the decision maker, when considering the effect that a proposal might have on a European Site, to consider avoidance and reduction measures through an Appropriate Assessment (AA) rather than at the screening stage.

29. The appellant has provided a report by Adonis Ecology Ltd which sets out the qualifying features and conservation objectives for the Thames Basin Heaths SPA. The site is approximately 1100m from the SPA, which consists of heathland, scrub and woodland. The SPA supports important breeding populations of a number of bird species including the European nightjar *Caprimulgus europaeus*, the Woodlark *Lullula arborea*, and the Dartford warbler *Sylvia undata*. Potential adverse effects on the SPA include noise, direct or functionally-linked land take, cat predation, water use and quality, air quality, and visitor pressure. The report and the appellant argue that restrictions on the use and occupancy of the development are integral features that would allow for any likely significant effects to be screened out without the need for an AA.

30. However, such features can only be secured via planning conditions and/or obligations. Notwithstanding the description of development, the absence of such conditions and/or obligations would result in a general C2 use that could be used for a range of uses within that use class. This could result in a variety of effects on the SPA such as visitor pressure for recreation which alone or in combination with other development could result in significant effects. Moreover, Natural England originally objected to the development on the basis that it did not provide necessary avoidance and mitigation measures. Their objection was subsequently withdrawn having received further information on the measures to be secured.

31. Therefore, the features to be provided with the development are not integral as they can only be secured by condition and/or obligation. As a consequence, the development could result in potential significant effects on the SPA either alone or in combination with other development. As such, it is necessary for me to carry out an AA as part of my decision.

[1] People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

32. As part of my assessment, I must consider whether any potential effects could be addressed through specific measures. The Council and appellant have agreed specific conditions that seek to avoid or reduce the effects. These comprise restricting the use of the development to a nursing care home, restricting the occupation of the development to people of a defined limited mobility and who require full time nursing, prohibiting any overnight staff or visitor accommodation and self-contained visitor accommodation, and limiting car parking to staff and visitors only. The parties have also agreed to a planning obligation prohibiting owners from keeping cats and/or dogs and seeking to prevent staff and visitors from bringing cats and/or dogs onto the site. Natural England has been consulted as part of the AA. Their response maintains their position in terms of the necessity of the above measures.

33. The measures would reduce greatly the likelihood of recreational activities or cat predation taking place on the SPA. As a consequence, subject to these measures being secured, I am satisfied that the proposal would not result in a significant effect on the SPA. It would also mean that it would not be necessary for the development to contribute towards the provision of Suitable Alternative Natural Greenspace and/or Strategic Access Management and Monitoring mitigation measures. Therefore, the development would accord with Policy NRM6 of The South East Plan 2009 which requires that adequate measures are put in place to avoid or mitigate any potential adverse effects on the SPA.

Other matters

34. Interested parties have raised concerns regarding the effect of the development on traffic movements and highway safety along Thackham's Lane bearing in mind the variety of users. Thackham's Lane is used to access a number of properties, including National Trust gardens at West Green House, and provides a link between Hartley Wintney and Mattingley. Although it is an attractive rural road, it is narrow with a number of bends and roadside vegetation reducing visibility along it. There are no pavements or street lights, and the national speed limit applies. As such, these conditions do not make Thackham's Lane a particularly safe experience for non-motorised users.

35. The development would provide sufficient visitor parking to meet the requirements of the local highway authority. The relatively limited amount of staff parking would be compensated for by the provision of a minibus service that would be secured and retained by means of a planning obligation. A travel plan to address travel behaviours would also be provided via an obligation. Such measures, both of which are supported by the local highway authority, would likely restrict the number of staff or visitors using Thackham's Lane by non-motorised forms of transport. It would also reduce pressure for parking on the access into the site or on the road itself.

36. Survey work undertaken continuously for a seven-day period in March 2015 indicates that the 85th percentile traffic speeds along this section of Thackham's Lane are much less than the national speed limit. Based on the nature of the road in terms of its width and bends, these findings seem reasonable. Adequate visibility splays that reflect these speeds can be provided from a new access point onto the road. As noted above, the development would only generate one trip every 4-6 minutes during the day, which is not a significant figure. This would not have a significant effect in terms of highway safety for different users of Thackham's Lane. The traffic generated would include larger

delivery and service vehicles, but these would be infrequent and able to access the site satisfactorily.

37. The survey work underpinning the appellant's transport statement evidently pre-dates subsequent planning decisions along Thackham's Lane, most notably the Council's grant of planning permission for a hotel development at Wintney Court. However, I am satisfied based on the evidence before me that the development, either individually or cumulatively, would not have an unacceptable effect on highway safety.

38. Interested parties have also raised concerns with regard to the effect of the development on living conditions. In terms of noise, light and air pollution generated by traffic movements, the number of additional vehicles would be small compared to the existing use of the road and so would not result in significant effects. The potential for damage to properties from traffic collisions or vibrations would be similarly small. Occupiers of properties adjoining the site to the south-east including Thackham's Barn would experience some change in views across the site with the new building. However, the scale of the building, the distances involved and the existing and proposed boundary vegetation would avoid undue negative effects in terms of outlook. Likewise, the distances and screening would limit any adverse effects in terms of privacy. For similar reasons, there would be limited adverse effects on the living conditions of occupiers of Southwood in terms of outlook and privacy.

39. Due to intended occupants of the development, the accessibility of services and facilities is not a significant consideration. Nevertheless, the development is not far from the centre of Hartley Wintney which contains a good range of services and facilities. I also have insufficient evidence that electricity and drainage services to the site are inadequate. In terms of wildlife effects, no significant impacts have been demonstrated and it would be possible to secure ecological enhancements via a planning condition.

Planning obligations

40. A number of planning obligations have been submitted within a Section 106 agreement (S106) that was signed and executed before the hearing. The S106 consists of a series of counterpart obligations which are identical in all respects, but each counterpart is signed by a different party. Each counterpart has been correctly executed by each relevant party as a deed and I have been provided with certified copies by the Council's Legal Services Manager. Thus, the counterparts are valid and taken together constitute the overall S106.

41. I have considered the S106 against the tests contained in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and NPPF paragraph 56. The 3 tests in CIL Regulation 122 and NPPF paragraph 56 are that obligations are necessary, directly related to the development, and fairly and reasonably related in scale and kind.

42. The S106 contains obligations in clauses 12 and 14 that broadly repeat conditions agreed by the main parties. These relate to occupation restrictions and parking matters respectively. NPPF paragraph 54 states that obligations should only be used where it is not possible to address unacceptable impacts through a condition. I concur with the main parties at the hearing that the obligations in clauses 12 and 14 are not necessary as they can be dealt with by conditions. Thus, I have not taken these obligations into account.

43. The obligations in clause 13 relate to restrictions on cats and dogs for future occupants of the development and staff and visitors (with the exception of assistance dogs). These obligations are necessary to avoid significant effects on the SPA. I find that they meet the 3 tests and so I can take them into account. The obligations in clauses 15 and 16 relate to the provision of a travel plan and minibus respectively. These obligations are necessary to secure appropriate travel arrangements, including a travel plan coordinator, in the interests of highway and pedestrian safety along Thackham's Lane. I find that these obligations meet the 3 tests and so I can take into account.

44. Concluding on this matter, with the exception of clauses 12 and 14, I am satisfied that all of the obligation requirements and restrictions within the S106 are related to the requirements of development plan policies and necessary to make the development acceptable in planning terms. Moreover, they are directly related to the development and fairly and reasonably related in scale and kind. Therefore, I consider that they meet the tests in the CIL Regulations and the NPPF.

Planning balance

45. There is disagreement between the main parties as to whether the policies most important for determining this appeal are out of date, which would then trigger NPPF paragraph 11(d). This has focussed chiefly on the consistency of relevant HLP policies with the NPPF having regard to NPPF paragraph 213, bearing in mind that the relative age of the HLP does not automatically mean its policies are out of date.

46. HLP Policies GEN1 and CON22 are broadly consistent with the design and landscape sections of the NPPF. In terms of HLP Policy RUR2, the second half of the policy which seeks to avoid negative effects on the countryside is broadly consistent with the NPPF. The first half limits development outside of settlement boundaries unless specific policies in the HLP allow it. While this is more restrictive that the NPPF perhaps allows, the use of settlement boundaries is not prohibited by the NPPF. Therefore, I do not consider that HLP Policies GEN1, CON22 or RUR2 are out of date for the purposes of this appeal based on their consistency with the NPPF. As such, I have not applied the 'tilted balance' in NPPF paragraph 11(d)(ii) and I find that reasonable weight can be attached to these three policies.

47. Nevertheless, it is still necessary for me to weigh any adverse effects and conflicts that would arise from the development against any benefits it would bring. The development would conflict with the first part of HLP Policy RUR2 in terms of its location within the open countryside beyond the settlement boundaries, given it is not specifically provided for by other policies in the HLP. However, there would be no unacceptable effect on the character and appearance of the area and no conflict with the second part of HLP Policy RUR2 or conflict with HLP Policies CON22 and GEN1. Therefore, I only afford moderate weight to the conflict with HLP Policy RUR2. I have found no other adverse effects or conflicts that cannot be adequately addressed through planning conditions and obligations, including SPA and highway safety effects.

48. In contrast, the development would meet an identified need for specialist accommodation which the Council and appellant have agreed is significant. Given this need and the shortfall of sites, I afford significant weight to the benefits of the development in providing specialist accommodation. The

development would also provide employment opportunities through the construction and operational phases to which I attach reasonable weight. While applications for planning permission should be determined in accordance with the development plan, these social and economic benefits are sufficient to outweigh the conflict with HLP Policy RUR2. As a consequence, this indicates that permission should be granted in this instance.

Conditions

49. Condition 1 sets out the standard time limit condition, while it is necessary to set out the approved plans and documents in Condition 2 for clarity and compliance. The list of documents excludes those documents such as the Design and Access Statement, the Planning Statement and the Care Home Needs Assessment which only contain supporting material rather than technical information relevant to the development itself.

50. Given the amount of development and its proximity to housing and Thackham's Lane, Condition 3 is necessary in the interests of highway safety and the living conditions of occupiers of neighbouring properties. It is a pre-commencement condition as it would not be possible to commence the development without having agreed the methods of construction including vehicle access and the storage of materials and equipment. Condition 4 is necessary to minimise the risk of ground and surface water and foul flooding to the site. It is a pre-commencement condition as the works relating to drainage and sewage need to take place at the start of the development.

51. Conditions 5, 6, 7 and 8 are necessary to secure the precise use and occupancy of the development in order to protect the nature conservation value of the SPA. Condition 9 is necessary in the interests of highway safety and would likely involve an agreement with the local highway authority for the vehicular access. The wording of this condition has been altered from the parties' agreed version to ensure that the Council retains control over its implementation. Conditions 10 and 11 are also necessary in the interests of highway safety. The easterly visibility splay measurement in Condition 10 reflects the technical drawing in the Transport Statement as noted at the hearing.

52. Condition 12 is necessary in the interests of nature conservation and to deliver biodiversity enhancements within the site. Condition 13 is necessary to ensure that the external appearance of the buildings has a satisfactory effect on the character and appearance of the area. Conditions 14 and 15 are necessary to provide appropriate landscaping and external lighting in the interests of character and appearance and the living conditions of neighbouring occupiers. I have not imposed a travel plan condition as it was agreed at the hearing that this is best dealt with by means of a planning obligation.

Conclusion

53. For the above reasons, and having had regard to all other matters raised, the appeal is allowed.

Tom Gilbert-Wooldridge

INSPECTOR

SCHEDULE OF CONDITIONS (15)

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:

Plans:

16.033.100 (Location Plan), 16.033.104 (Proposed Site Plan), 16.033.105 (Proposed Ground Floor Plan), 16.033.106 (Proposed First Floor Plan), 16.033.200 (Proposed Elevations Sheet 1 of 3), 16.033.201 (Proposed Elevations Sheet 2 of 3), 16.033.202 (Proposed Elevations Sheet 3 of 3), 16.033.300 (Sub Station Plans & Elevations), 16.033.301 (Bin Store Plans & Elevations), LMSL/22/CC-SHW/1 (Landscape Masterplan), LMSL/22/CC-SHW/2 (Planted Landscape), COVE20561-01A (Tree Reference Plan), COVE20561-03B (Tree Protection Plan) and 140420-01 (Proposed Access Arrangement).

Documents:

Flood Risk Assessment Rev E, Arboricultural Impact Assessment & Method Statement, Tree Report, Ecological Appraisal, Great Crested Newt Assessment, Transport Statement Rev 9, Phase 1 Land Contamination Assessment and BREEAM Pre-Assessment.

3) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities and the dispersal of waste water;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- Details of the site office/compound.

Once approved the Statement shall be adhered to throughout the construction period of the development.

4) Prior to the commencement of development, a scheme to prevent foul sewer flooding from groundwater ingress into the foul drainage system, shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed in accordance with the Department of Communities and Local Government - Flood Resilient Construction: Improving the performance of New Buildings. The scheme shall subsequently be implemented in accordance with the approved details prior to any other development on the site. No discharge of foul or

surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been fully completed.

The scheme shall also include:

- An identification of areas of the proposed foul network which are prone to groundwater ingress during a very wet winter;
- Provision of measures to minimise groundwater ingress into the foul network;
- Provision of measures to prevent internal foul flooding;
- Finished floor levels of buildings shall be set no lower than 150mm above existing ground levels;
- Where buildings are located in an area where groundwater flooding is potentially possible, measures shall be provided to prevent internal groundwater flooding; and
- Landscaping measures to direct floodwaters away from buildings.

5) The development hereby approved shall be used as a nursing care home development for elderly people requiring nursing care (including those with dementia) only (without any on-site staff residential accommodation) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

6) The development shall only be occupied by persons who require full-time nursing care and who have limited mobility which has a substantial and long term adverse effect as defined by the Disability and Discrimination Act 1995 to the extent that the medical condition of such person prevents walking distances beyond 400 metres and such medical condition shall first be verified by the Care Home Operator by means of a referral from a medical General Practitioner (GP) prior to the occupation in the Nursing Home by any potential occupant/resident.

7) The development hereby approved shall not contain any overnight staff or visitor accommodation and no self-contained resident accommodation.

8) The car parking facilities provided as part of the development shall be restricted exclusively to staff and visitors of the care home. Clearly visible signage shall be provided at the entrance to the parking area, stating "private parking – staff and visitors only" prior to the first use of the development and shall be thereafter maintained in in a visible and legible condition.

9) The development hereby approved shall not be first occupied until (a) details of the proposed vehicular access have been submitted to and approved in writing by the local planning authority and (b) the approved details have been implemented on site.

10) Vegetation, structures or other development located within the visibility splays at the access to the site (52 metres by 2.4 metres to the west and 37 metres x 2.4 metres to the east) shall not exceed 1 metre in height. The sightlines shall be implemented prior to first use of the development and shall thereafter be retained and maintained in that condition.

11) Any gates installed at the access of the site shall open away from the highway and be set back a minimum distance of 12 metres from the edge of the carriageway of the adjoining public highway.

12) No development above ground floor slab level shall commence until a Landscape and Ecological Management Plan detailing ecological enhancements to be provided on the site has been submitted to and approved in writing by the local planning authority. Once approved, the development shall be carried out in accordance with the approved details prior to first occupation of the development.

13) No development above ground floor slab level shall commence until a materials schedule, including product brochures or physical samples as appropriate, for the external materials to be used for the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

14) The landscaping works detailed on approved drawings LMSL/22/CC-SHW/1 and LMSL/22/CC-SHW/2 shall be carried out during the first planting and seeding seasons following the first occupation of the care home building, or following the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

15) The development hereby approved shall not be first occupied until an external lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be specifically designed with the use of low level, hooded and directional fittings to minimise light intrusion beyond the development site boundary and within the intrinsically dark landscape. The scheme shall include:

- A technical report (or strategy) in accordance with guidance from the Institution of Lighting Professionals- GN01:2011 (Guidance Notes for the Reduction of Obtrusive Light), prepared by a suitably qualified lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance lumen output and specifically explaining what design attributes have been chosen to minimise light levels and light spill;
- A plan illustrating illuminance levels across the development site and at the boundary of the site; and
- Details of the proposed hours of operation (unless explicitly agreed in writing, all external lighting luminaries shall be turned off during daylight hours or when not actively required).

Once approved, the lighting scheme shall be installed, operated and thereafter retained in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

James Corbet Burcher	Counsel
David Murray-Cox	Turley
Joanna Ede	Turley
Andrew Lowe	Turley
Frank Fogarty	Forest Care Ltd
Philomena Richards	Forest Care Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Peter J Lee DipGeog BA (Hons) MRTPI	Hart District Council
Stephanie Baker MSc BSc	Hart District Council
Andrew Ratcliffe	Hart District Council

INTERESTED PARTIES:

Chris Bromage	Local resident
G Chen	Local resident
Peter Chen	Local resident
Martyn Frost	Local resident
Mary Jenkins	Local resident
Francis Kirkpatrick	Local resident
Miranda Kirkpatrick	Local resident
Terence Lyons	Local resident
J Malan	Local resident
Ian Welch	Local resident
Patricia Welch	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Population Forecasts for Hartley Wintney (February 2019), submitted by the appellant.
2. Hart Local Plan Strategy and Sites 2016-2032 Proposed Submission Version (February 2018), submitted by the local planning authority.
3. A3 version of appendix of figures and photographs to appellant's Landscape Statement (already provided electronically), submitted by the appellant.
4. Certified copies of the Section 106 agreement (produced as 4 counterpart versions), submitted by the appellant.

DOCUMENTS SUBMITTED AND ACCEPTED AFTER THE HEARING

1. Letter from appellant dated 7 March 2019, regarding the examination of the emerging Local Plan and including the examining Inspector's letter of 26 February 2019, submitted by the appellant.
2. Letter from Hart District Council responding to appellant's letter of 7 March 2019 and including a report to Cabinet on 14 March 2019 regarding the emerging Local Plan, submitted by the local planning authority.
3. Statement on behalf of Natural England dated 22 March 2019 in connection with the SPA, submitted by Natural England.