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NOTICE OF MEETING

Meeting:	Planning Committee
Date and Time:	Wednesday 19 October 2022 7.00 pm
Place:	Council Chamber
Enquiries to:	Committee Services committeeservices@hart.gov.uk
Members:	Quarterman (Chairman), Blewett, Cockarill, Forster, Kennett, Makepeace-Browne, Oliver, Radley, Southern, Worlock and Wildsmith

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website.

Please download all papers through the Modern.Gov app before the meeting.

- **At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- **The Chairman will announce that this meeting will be recorded and that anyone remaining at the meeting has provided their consent to any such recording.**

1 MINUTES OF PREVIOUS MEETING (Pages 3 - 9)

The Minutes of the meeting held on 21 September 2022 to be confirmed and signed as a correct record.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence from Members*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

4 CHAIRMAN'S ANNOUNCEMENTS

5 UPDATE ON FARNHAM LODGE JUDICIAL REVIEW JUDGMENT

A verbal update from the Executive Director – Place on Farnham Lodge Judicial Review judgment.

6 UPDATE FROM PLANNING ENFORCEMENT SUB-COMMITTEE

A verbal update from the Planning Enforcement Sub-Committee following a meeting scheduled for Monday 17 October. The meeting is to review Planning Enforcement investigations in relation to development at Hawley Park Farm, Hawley Road, Blackwater, Camberley.

7 DEVELOPMENT APPLICATIONS (Pages 10 - 15)

To consider the planning reports from the Executive Director - Place, and to accept updates via the Addendum.

8 22-00734-FUL - 54 RYELAW ROAD, CHURCH CROOKHAM, FLEET, HAMPSHIRE, GU52 6HY (Pages 16 - 33)

Date of Publication: Tuesday, 11 October 2022

PLANNING COMMITTEE

Date and Time: Wednesday 21 September 2022 at 7.00 pm

Place: Council Chamber

Present:

Cockarill, Forster, Makepeace-Browne, Oliver, Southern, Worlock, Wildsmith, Dorn and Axam

In attendance:

Officers:

Mark Jaggard, Executive Director - Place
Ann Greaves, Shared Legal Services Manager
Kathryn Pearson, Principal Planner
Peter Lee, Planning Team Leader
Aimee Harris, Senior Planner
Julia Taylor, Planner
Jenny Murton, Committee & Members Services Officer

24 MINUTES OF PREVIOUS MEETING

The minutes of the meeting on 20th July 2022 were confirmed and signed as a correct record.

25 APOLOGIES FOR ABSENCE

Apologies had been received from Councillors Blewett, Kennett, Quarterman and Radley.

Councillor Dorn was a substitute for Councillor Kennett and Councillor Axam was a substitute for Councillor Radley.

26 DECLARATIONS OF INTEREST

Councillor Southern declared he knew the applicant for application 22/01343/HOU but it was a non-pecuniary interest.

27 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had two announcements:

1. Parish and Town Council engagement evenings held by the Development Management Team in June and August had been well attended. Future engagement evenings like these will follow in the Autumn. The Chairman asked the Committee to contact their local parishes to encourage them to participate.

The Development Management & Building Control Manager to determine which parishes had not participated in these engagement events and to reach out to them specifically.

2. The Chairman also highlighted that Built Environment Review tour still need to be arranged. The Executive Director – Place to look at this for Spring 2023.

Members stated they would prefer a minimum 3-5 months' notice for these visits if possible as it was not a lack of interest but a lack of diary availability hindering the scheduling.

28 UPDATE ON CHANTRYLAND, EVERSLEY, HAMPSHIRE

The Executive Director – Place provided an update on a site at Chantryland Eversley, which was considered by Planning Committee in May 2021. The Council was a defendant to litigation brought by the developer. In 2021, Planning Committee gave authority to the Head of Place to participate in mediation with the developer prior to the matter being heard at trial.

The outcome of the mediation was that both parties agreed to appoint an independent viability expert to determine the maximum financial contribution to affordable housing which the planning permission is capable of sustaining.

The Council has now received the determination of the independent viability expert. The expert concluded that maximum financial contribution to affordable housing was £0 (nil).

The Executive Director – Place confirmed that the site would not be required under current planning policy to make any Affordable Housing contributions due to changes in policy since it was determined. It was confirmed that the proposal involved fewer than 10 dwellings.

29 UPDATE ON A PLANNING ENFORCEMENT SUB-COMMITTEE MEETING

The Executive Director - Place requested a Planning Enforcement Sub-Committee meeting be arranged regarding ongoing matters at Hawley Park Farm. A Members' site visit before this meeting was also recommended.

Committee Services to arrange a date for this meeting at the earliest convenience.

30 DEVELOPMENT APPLICATIONS

31 21/02933/HOU - 35A BASINGBOURNE ROAD, FLEET, GU52 6TG

The Planning Team Leader summarised the application as follows:

Erection of a single storey rear extension to dwelling (part of which is completed under permitted development rights), together with alterations to the front elevation and replacement of double garage with ancillary residential accommodation.

At 19:26 Councillor Forster declared a non-pecuniary interest, as a resident was known to him.

There had been 12 letters of objection received from four separate households, and a bat survey had been requested by the Council.

Revised plans have been received after the agenda for this meeting had been published. Officers had not accepted amendments pending the outcome of the Planning Committee's consideration.

Members considered the application and asked the following questions:

- Had a bat survey been requested and if so, had one been carried out.
- How the plans and drawings presented at the meeting and in the Agenda pack differed from what had been built on site and how this may also differ from revised plans that the Planning department received from the applicant but did not accept and did not distribute to Members.
- Fire safety implications which would be considered by Building Control.
- The option to defer the application and bring it to a future Planning Committee Meeting with accurate revised plans and a bat survey included.
- The current enforcement issues relating to the outbuilding.
- Members needed to consider if they considered the likelihood of the presence of bats and if so, a bat survey would need to be forthcoming and could not be subject to condition in line with case law.

The Executive Director – Place confirmed that the planning team had requested a bat survey to be undertaken.

Members debated:

- Could a Phase 1 bat survey be undertaken immediately.
- Depending on the findings of the survey work, there could be a need for a Phase 2 bat survey in the survey period.
- The distance from the proposed development to boundary.
- The moral obligation of homelessness which could result from refusal.
- That further clarity is needed on the submitted drawings and what is built under planning permission, must reflect approved plans.
- Adding a condition to ensure materials are used that will be in keeping with the local area due to ambiguity on glazed link element.
- The need for Building Control to manage safety elements.
- The comments from the Ecology Officer and how they appeared inconsistent in the report to one Member, which was clarified by the Chairman when the full quotation was read that the comments were not inconsistent.

- The number of occupants is not a planning issue.
- The Committee considered a duty to ensure the best decision is made for the applicants and neighbours.

The Executive Director - Place suggested there was just sufficient time to do a phase one bat survey that could be incorporated into the final decision.

All Members voted unanimously against the original recommendation to refuse. Members undertook a recorded vote for a revised motion, which was unanimous and a resolution to delegate authority to the Executive Director – Place was carried subject to conditions.

DECISION – GRANT, delegate authority to Executive Director - Place to grant planning permission subject to receipt of acceptable amended plans and receipt of an appropriate bat survey from a suitably qualified ecologist within six months. If not, to refuse permission on the basis of no bat survey.

Subject to the receipt of acceptable amended plans and an appropriate bat survey from a suitably qualified ecologist, to vary the enforcement notice to extend the time period for compliance with the requirements of the Enforcement Notice.

Notes:

A site visit was carried out on Tuesday 20th September, as set out in the Addendum paper, and was attended by Councillors Axam, Makepeace-Browne and Southern.

Speaking Against the Application: Mr Owen Davies

Speaking For the Application: Mrs Sonia Laurent

32 22/01343/HOU - WOODLAND VILLA, CRICKET GREEN LANE, HARTLEY WINTNEY, HOOK HAMPSHIRE, RG27 8PH

Councillor Dorn left the meeting at 20:45.

The Planner summarised the application as follows:

Demolition of existing conservatory and garage and erection of a two-storey side extension and single storey home office/store.

Members considered the application and discussed:

- If an apple tree featured in the plans, whether it was a protected tree.
- Clarification was sought on a specific apex window of the property.
- Members considered the effect of the development on neighbouring properties.

Members undertook a recorded vote on the recommendation, which was unanimous, and Grant was carried.

DECISION – GRANT, subject to conditions.

Notes:

A site visit was carried out on Tuesday 20th September, as set out in the Addendum paper, and was attended by Councillors Axam, Makepeace-Brown and Southern.

*Mr Malcolm Shimmin, spoke against the application
Mr Frank Dowling, OBO Applicant, spoke for the application.*

33 22/00778/FUL - LAND ADJACENT TO DAMALES FARM, BOROUGH COURT ROAD, HARTLEY WINTNEY, HOOK, HAMPSHIRE

The Principal Planner summarised the application as follows:

Change of use from agricultural land to a dog walking site with associated parking.

Members considered the application and questioned:

- If the application is a departure from the adopted Local Plan and Planning Policy, and what the consequences would be if it were.
- The type and quality of the soil on the site in Best and Most Versatile Land classification and the monocrop growing.
- Future grass planting that would likely be carried out.
- The number of car owners that would need to travel to the site and the environmental impacts of this.
- What SANGs in the Hart District are currently used for.
- Whitewater Meadows, Bassetts Mead and Holt Park SANGs and how dogs could escape from these as they are unfenced.

Members debated:

- Why the report mentioned the need for lights and toilets that would potentially have to come back to Committee as part of an additional planning application.
- The potential impact on Damales House.
- How popular dog walking fields are and could become in the future.
- Concern was raised again over the number of drivers who may wish to travel to the site.
- If conditions could be issued relating to the reinstatement of the land so that the field doesn't become a brownfield site.
- The low impact this scheme would generally have on the environment.
- How this scheme compares to a similar scheme at Wellington Country Park.

The Executive Director – Place asked for clarification on how this site would differ from other potential countryside sites that may come forward in the future and how Members would approach this.

Members voted unanimously against the original recommendation to refuse.

The Executive Director – Place asked if Members were minded to approve the scheme with the reasons for approval given this was contrary to the Officer recommendation.

Members confirmed that on balance:

- The scheme would have a very low impact;
- There would be no lighting;
- There would be no built form on site;
- There would be a maximum of four car parking spaces;
- Its scale; and
- It would only effect a very small percentage of the agricultural unit which would still be a viable agricultural business.

Members undertook a recorded vote for a revised motion, which was unanimous, and Grant was carried subject to conditions.

DECISION – GRANT, delegate authority to the Executive Director – Place to Grant planning permission subject to consultation with the Chairman of this meeting (Councillor Oliver) and the Planning Committee Ward Councillor on the content of the conditions.

Notes:

A site visit was carried out on Tuesday 20th September, as set out in the Addendum paper, and was attended by Councillors Axam, Makepeace-Browne and Southern.

Mr David Mitchell, spoke for the application.

34 22/01389/AMCON - 7 BROOME CLOSE, YATELEY, HAMPSHIRE, GU46 7SY

Councillor Southern declared an interest in this application as he regularly plays golf with the next-door neighbour.

The Senior Planner summarised the application as follows:

The Variation of Condition 2 attached to Planning Permission 19/02756/HOU dated 22/10/2020 to allow a relocation of the bin room, door to front elevation, doors to rear elevation, duplex windows to side and rear elevations, reconfiguration of windows and changes to the internal layout.

The Senior Planner confirmed that the application was brought before the Committee as the agent was an elected Member.

Members considered the application, undertook a recorded vote and Grant was carried:

For - Axam, Cockarill, Forster, Makepeace-Browne, Oliver, Wildsmith and Worlock

Against - None

Abstention - Southern

DECISION – GRANT

Notes:

No site visit took place and there were no speakers.

The meeting closed at 9.46 pm



EXECUTIVE DIRECTOR - PLACE
REPORT TO THE PLANNING COMMITTEE OF
2022-23

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 that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.

The development plan is the starting point for decision making. Proposals that accord with the

development plan will be approved without delay. Development that conflicts with the development 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 the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- 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
- Specific policies in the development plan indicate that development should be restricted.

Unsatisfactory applications will however, be refused without discussion where:

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

6. PLANNING POLICY

The relevant development plans are:

- Hart Local Plan (Strategy and Sites) 2032, adopted April 2020
- Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (updated 1st May 2020)
- Policy NRM6 (Thames Basin Heaths Special Protection Area) of the South East Plan (adopted May 2009)
- Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park Minerals and Waste Local Plan 2013
- ‘Made’ Neighbourhood Plans for the following Parishes: Crondall; Crookham Village; Dogmersfield; Fleet; Hartley Wintney; Hook; Odiham and North Warnborough; Rotherwick; Winchfield.

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.

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. Where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

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. 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.

Matters that should not be taken into account are:

- loss of property value
- land and boundary disputes
- the impact of construction work
- need for development (save in certain defined circumstances)
- ownership of land or rights of way
- change to previous scheme
- 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.
- loss of view
- matters covered by leases or covenants
- property maintenance issues
- the identity or personal characteristics of the applicant
- moral objections to development like public houses or betting shops
- competition between firms,

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.

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:

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- 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. In such cases the Council will use a condition rather than seeking to deal with the matter by means of a planning obligation.

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. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

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. Reasons for refusal must be:

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

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.

11. 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.

12. 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.

13. 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,
- The Equality Act 2010.

14. 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.

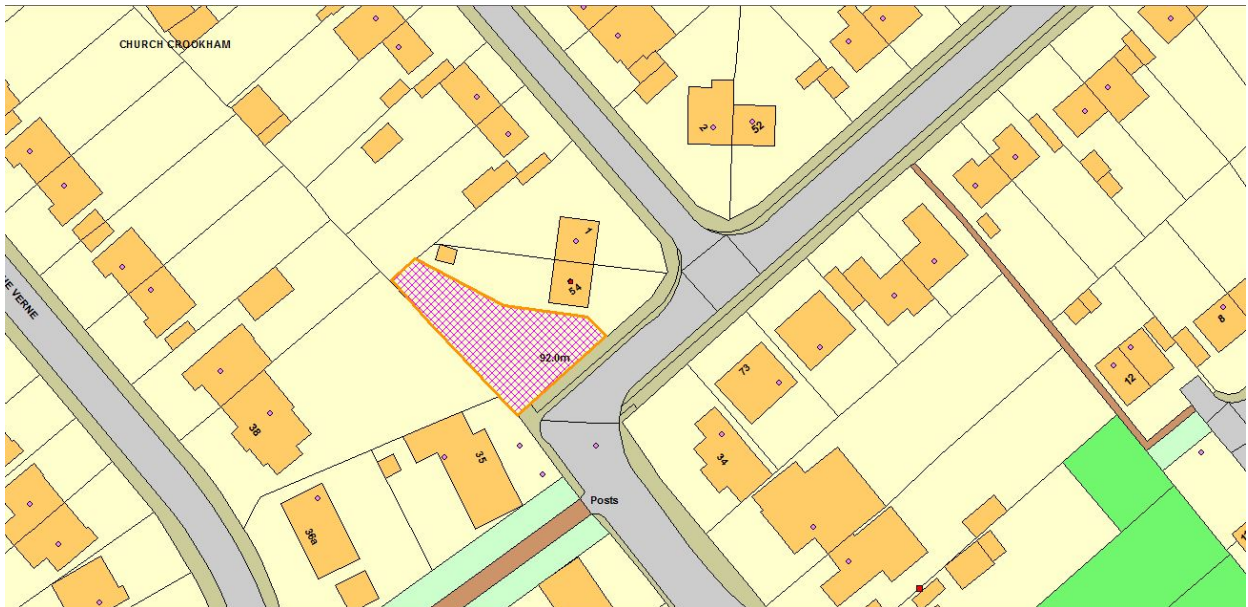
15. LATE REPRESENTATIONS

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. Copies of individual representations will not be circulated to Members.

16. INSPECTION OF DRAWINGS

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

COMMITTEE REPORT ITEM NUMBER:	
APPLICATION NO.	22/00734/FUL
LOCATION	54 Ryelaw Road Church Crookham Fleet Hampshire GU52 6HY
PROPOSAL	Erection of a detached 5 bedroom dwelling
APPLICANT	Mr Tyler Ayres
CONSULTATIONS	15 September 2022
EXPIRY	
APPLICATION EXPIRY	12 July 2022
WARD	Church Crookham East
RECOMMENDATION	Grant



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BACKGROUND

- 1) The application has been referred to Planning Committee at the request of the Ward Councillor, Councillor Axam and the referral was agreed by the Planning Committee Chairman, in line with the Council's Constitution.

DESCRIPTION OF THE SITE

- 2) The application site is located to the south-west of Ryelaw Road, at the junction with Bowenhurst Road. The site was formerly part of the garden land of no.54, but has recently been cleared and a fence erected to delineate the application site from the host dwelling.
- 3) The site sits in a residential area, amongst dwellings of varying scale and character. No.54 is a semi-detached two-storey dwelling, which sits in a corner position leading from Bowenhurst Road to the south which joins Ryelaw Road before leading into Champion Way to the north. The application site is similar in appearance to other pairs of properties along Ryelaw Road and Champion Way. There are also examples of chalet-style properties, and bungalows along Bowenhurst Road, including No.35 which sits to the north of the application site, resulting in a mixed street scene.

PROPOSAL

- 4) The proposal is for the erection of a detached five-bedroom two-storey dwelling with associated parking and amenity space. The front elevation would be oriented to face Bowenhurst Road and there would be 4 no. car parking spaces provided to the side of the dwelling, adjacent to no.54.
- 5) The maximum dimensions of the dwelling would be 10 metres by 8.8 metres with a ridge height of 9 metres. It would be set back from the site frontage by 5 metres. The proposed dwelling would be constructed of brick, plain roof tiles and UPVC or aluminium doors and windows.

RELEVANT PLANNING HISTORY

- 6) 21/02430/LDC Application for a Lawful Development Certificate for a Proposed two storey and single storey rear extension. Granted 04/11/2021 (application relates to No.54 Ryelaw Road) Granted 04.11.2021.

RELEVANT PLANNING POLICY

Hart Local Plan (Strategy & Sites) 2032

SD1 Sustainable Development
SS1 Spatial Strategy and Distribution of Growth
H1 Housing Mix
H2 Affordable Housing
H6 Internal Space Standards for New Homes
NBE3 Thames Basin Heaths Special Protection Area
NBE4 Biodiversity
NBE5 Managing Flood Risk
NBE7 Sustainable Water Use
NBE9 Design
INF3 Transport

Hart District Local Plan (Replacement) 1996-2006 'saved' policies

GEN1 General Policy for development

The Fleet Neighbourhood Plan 2018 – 2032

10 General Design Management policy
10A Design Management Policy related to Character Areas
15 Residential Gardens
19 Residential Parking

The South East Plan - Regional Spatial Strategy for the South East 2009

Saved Policy NRM6: Thames Basin Heaths Special Protection Area

Relevant guidance

National Planning Policy Framework (NPPF) 2021
Planning Practice Guidance (PPG)
Hart Urban Characterisation and Density Study (HUCDS, 2010)
Hart Parking Technical Advice Note (TAN) (August 2022)

CONSIDERATIONS

Principle of Development

- 7) The application site is situated within the settlement boundary of Fleet where there is a presumption in favour of sustainable development provided that proposals are in compliance with other relevant development plan policies

and that no unacceptable harm to residential amenity, the environment, highway safety or any other material planning considerations arise.

- 8) Therefore, in principle, the proposal is considered acceptable in this location and amenity considerations are set out below.

Design and impact on the character of the area

- 9) Policy NBE9 of the Hart Local Plan 2032 (HLP32) requires all developments to achieve a high-quality design and positively contribute to the overall appearance of the local area, including promoting, reflecting, and incorporating distinctive qualities of surroundings in terms of the proposed scale, density, mass and height of development and choice of building materials. This includes the layout of new buildings reinforcing any locally distinctive street patterns.
- 10) Saved Policy GEN1 of the Hart Local Plan 2006 (HLP06) permits development where, amongst other requirements, the scale, design materials and massing, height and prominence of the proposal is in character with the local area.
- 11) Policy 10 of the FNP32 requires, amongst other things, for developments to be well integrated with the neighbouring area in terms of scale, density, massing, separation, layout, materials and access. The proposed dwelling would meet this requirement. Policy 10 also requires high quality design, heights of new dwellings to demonstrate well articulated roofscapes and demonstration of how heights would not be overbearing or dominant in the streetscene. It also requires strong building lines to be respected.
- 12) Policy 10A of FNP32 relates to Character Areas and the application site sits within the Dinorben Character Area (Character Area F) and the proposal is considered to respect the characteristics and land use set out for the character area.
- 13) It is acknowledged that the proposed dwelling, being detached, would be different in form and style to the immediately adjacent dwellings. However, there are other examples of detached two-storey dwellings in the wider locality and further down Ryelaw Road. It is considered that the form of dwelling proposed, in itself, would not be harmful or discordant in this location. The site is in a well-established residential area with a diverse street scene and the design of the proposal in this location would not be visually harmful.

- 14) Although the proposed dwelling would infill an existing gap in the frontage of Ryelaw Road, it would sit roughly in line with No.54, and as such would not appear unduly prominent or imposing within the street scene. The proposed dwelling would be set back from the road frontage, so as not to project forward of the established main elevation building line of no.35 and would respect the adjacent bungalow given its modest appearance.
- 15) Parking would be provided to the side of the proposed property, fronting onto Ryelaw Road. Whilst parked vehicles would be visible from the highway, it is considered that this would not be an alien feature in the streetscene for external frontage parking. This layout would replicate nearby examples, including the recently re-surfaced driveway at no.54 and frontage of no.35.
- 16) Whilst the proposal would generate a visual change from the existing situation, it would not result in material visual harm, given the suburban location of the site within an established housing estate.
- 17) Overall, the proposal would be visually acceptable and would accord with Policy NBE9 of the HLP32, Saved Policy GEN1 of the HLP06 and Policies 10 and 10A of the FNP18.

Neighbouring Amenity

- 18) Saved policy GEN1 of the HLP06 states 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.
- 19) With regards to no.54 Ryelaw Road, it is noted that there would be approximately 1.5m from the shared boundary at the closest point, and that this distance would increase towards the front of the site. The proposed dwelling would project approximately 2m beyond the rear elevation of no.54. Whilst there may be some overshadowing of no.54's garden towards the middle to late afternoon as a result of the position of the proposed dwelling, given the juxtaposition of the two dwellings and no.54's angle away from the boundary, it is considered that the loss of daylight to the rear of this property would not be so significant as to warrant refusal on this basis. Sufficient separation distance would be retained to the side to prevent loss of light to the windows at no.54. No overlooking of the primary rear amenity space would occur, owing to the setback of the proposed dwelling.
- 20) With regards to no.35 Bowenhurst Road, the front elevation of the proposed dwelling would be sited roughly in line with the side elevation of the attached garage at that property. As such, material loss of light to the front facing

windows of no.35 would not occur. Given the angle of the two dwellings, at roughly 90-degrees to one another, and the position of the front facing windows at no.35, there would be no materially harmful overlooking and it would not be materially overbearing to the occupants of no.35.

- 21) Finally, with regards to no. 38 The Verne, the proposed dwelling would be located along the rear-most boundary of that property. No.38 sits approximately 27m from its rear most boundary. As such, it is considered that at this distance, there would not be a materially harmful loss of light or overbearing impact to the occupiers of either the dwelling or garden of no.38. No side facing windows are proposed, and a condition precluding future fenestration on the side elevation would ensure that the privacy of the occupiers of no.38 is maintained.
- 22) Therefore, it is considered that there would be no material overbearing impact, loss of light or loss of privacy to adjoining dwellings and the proposal would comply with saved Policy GEN1.

Amenity for proposed future occupiers

- 23) The floorspace of the proposed dwelling would be over 200sqm, and this would meet the Government's Technical housing standards - nationally described space standards for a two storey, 5 bedroom 8-person occupancy dwellings (minimum of 128 square metres) as required by HLP32 Policy H6. The proposal would include a private garden area to the rear and would provide a good standard of amenity for future occupants in this respect to align with the aims of the HLP32 and the NPPF 2021.

Highway Safety, Access and Parking

- 24) Policy INF3 of the HLP32 sets out that development should promote the use of sustainable transport modes. HLP32 Policy NBE9 states that development should provide sufficient well-designed facilities or areas for parking (including bicycle storage) taking account of the need for good access for all.
- 25) Saved policy GEN1 (vii) of the HLP06 permits development which has adequate arrangements on site for access, servicing or the parking of vehicles.
- 26) The Council adopted a Parking Technical Advice Note on 5th August 2022, which replaced its former Interim Parking Standards (2008). Whilst the TAN is not a Supplementary Planning Document (SPD), it is a material consideration and in the absence of any other guidance, adopted or otherwise, forms the basis for the Council's assessment as to the acceptability of parking provision

for development within the district. The TAN provides a more up-to-date picture of car ownership patterns in Hart than the 2008 Standards, drawing on census data from 2011 which indicates that only 8% of residents in Hart have no car, which is significantly lower than the national average of 19% of people having no car.

- 27) The TAN sets out a zonal approach to parking. Zone 1 areas are those in close proximity to railway stations in Hart, with Zone 2 covering the rest of the district. The application site is not within 800m of Fleet station and as such falls within Zone 2. For residential uses in Zone 2, it is recommended that for a 5-bedroom dwelling, 3 allocated and 1 unallocated (visitor) parking spaces are provided. The submitted plans show that 4 car parking spaces would be provided to the side of the dwelling. The tandem spaces would meet the recommended length (11m), and all other spaces would meet the minimum dimensions (2.5m by 5m) as set out in the TAN.
- 28) A cycle store is proposed, measuring 1.8m by 2.4m. The TAN advises that for a 5-bedroom dwelling, 6 cycle storage spaces should be provided. Together with other opportunities for storage within the curtilage, it is considered that sufficient cycle parking spaces could be achieved on site. A bin storage area is proposed adjacent to the parking, and bins could be presented on Ryelaw Road for collection.
- 29) The parking and access arrangements are acceptable and comply with Saved Policy GEN1 of the HLP06, Policies NBE9 and INF3 of the HLP32 and Policy 19 of the FNP32.

Flood Risk and Drainage

- 30) Paragraph 167 of the NPPF 2021 states: 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere...' Policy NBE5 of the HLP32 states: 'Development will be permitted provided: a) Over its lifetime it would not increase the risk of flooding elsewhere and will be safe from flooding...' Policy 10 of the FNP32 states that developments shall create a safe environment for all uses and not increase off-site flood risk.
- 31) The site is located in Flood Zone 1 which is an area of lowest flood risk as directed by the Environment Agency. There is no objection to the scheme in terms of fluvial flooding.
- 32) With regards to surface water drainage, the Council's Drainage Officer raises no objection to the proposal, subject to confirmation of infiltration rates to confirm soakaways are viable. This can be adequately secured by way of a

planning condition and this has been recommended at the end of this report.

Ecology and Trees

- 33) Policy NBE4 of the HLP32 states that all developments should protect and enhance biodiversity. The Local Planning Authority has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity, which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.
- 34) Policy 15 of the FNP32 states that development will be supported provided that it does not result in the loss of, or significant harm to ecological or landscape value of private residential gardens amongst other things. The proposal is considered to comply with this policy requirement.
- 35) The NPPF 2021 states that trees make an important contribution to character and quality of urban environments therefore planning decisions should ensure existing trees are retained wherever possible (paragraph 131) and that planning decisions should recognise the wider benefits from trees (paragraph 174). The NPPF also states that planning decisions should minimise impacts on biodiversity (paragraph 174).
- 36) The application was accompanied by a Preliminary Ecological Appraisal dated February 2022 and carried out by a qualified ecologist. The appraisal notes that, until recently, the site comprised improved grassland and hardstanding, but that it has recently been used to store building materials, devoid of vegetation. The ecologist noted no evidence of protected species or their habitats on site.
- 37) Nonetheless, representations from local residents reference the presence of badger setts on site. Following receipt of further information from the applicant's agent, which confirms no evidence of badgers, or their setts was found on site by the ecologist, the Council's ecologist is satisfied that the proposal would not result in harm to protected species on site, namely badgers, subject to precautionary working methods. These can be controlled by way of condition and this has been recommended at the end of this report.
- 38) The application was also submitted together with an arboricultural report, which concludes that only one tree (T1, a small sycamore located within the grounds of No. 38 The Verne, towards the front of the site) would be impacted by the proposal. This tree was noted to be of minimal environmental benefit. The Council's Tree Officer has reviewed the submitted information and, subject to compliance with the recommendations of the tree report (hand

excavations within 2m of the Root Protection Area of T1 under arboricultural supervision), has raised no objection to the proposal in terms of its impact on trees.

- 39) Subject to conditions, the proposal raises no concerns in respect of ecology or trees and accords with Policies NBE2, NBE4 and NBE9 of the HLP32.

Thames Basin Heaths Special Protection Area

- 40) The Thames Basin Heaths Special Protection Area (TBHSPA) is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species. 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.
- 41) The application site is within the 400m-5km 'zone of influence' of the TBHSPA and proposes additional residential development that would, either on its own or in combination with other plans or projects, have a detrimental on the nature conservation status of the TBHSPA.
- 42) Saved South East Plan Policy NRM6 and HLP Policies NBE3 and NBE4 require adequate measures to avoid or mitigate any potential adverse effects on the SPA. The Habitats Regulations 2017 require Local Planning Authorities (as the Competent Authority) to consider the potential impact that a development may have on a European Protected Site. In this case the TBHSPA.
- 43) Natural England has advised that it would have no objection subject to appropriate mitigation. The Applicant has indicated that they intend to access Council-owned SANG for their mitigation, and it has been confirmed by the Council's SANG Officer that capacity exists to accommodate the necessary mitigation for this site. A SANG payment of £25,230.09, together with a SAMM payment of £882.82 is required to secure the mitigation, which the applicant has confirmed they are willing to pay. The applicant has confirmed their willingness to enter into a land transaction to secure the SANG and SAMM payments, within 1 week of any positive Committee resolution resolving to grant planning permission which is Recommendation A at the end of the report. Without securing this, the development would not demonstrate adequate mitigation and Recommendation B is for refusal in this scenario.
- 44) Subject to securing SANG and SAMM it is concluded that the proposed development would meet the requirements of the Habitats Regulations and that this development would not, either on its own or in combination with other plans or projects, have a detrimental impact on the nature conservation status

of the TBHSPA. Subject to securing mitigation in line with Recommendation A, the application would comply with Saved Policy NRM6 of the South East Plan 2006 and Policies NBE3 and NBE4 of the HLP32.

Climate change and Equality

- 45) Hart District Council declared a Climate Emergency in April 2021 and is committed to reducing carbon emissions. HLP32 Policy NBE9 requires developments to be resilient and aims to reduce energy requirements through carbon reduction and incorporation of energy generating technologies, where appropriate. By virtue of the scale of the development, the proposal would not be anticipated to have a significant impact on carbon emissions. However, an informative has been added so that the applicant is encouraged to explore all opportunities to minimise the impact of the development on climate change.
- 46) The Equality Act 2010 legally protects people from discrimination in society. Section 149 of the Equality Act means that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy and delivering services. Due regard is given to the aims of the Equality Duty when considering applications and reaching planning decisions in particular the aims of eliminating unlawful discrimination, advancing equality of opportunity, and fostering good relations between those who share a protected characteristic and those who do not share it. The proposal raises no concerns in respect of equality issues.

Planning Balance

- 47) In terms of planning benefits, the provision of an additional dwelling would make a modest contribution to the Council's housing land supply, and this would support the NPPF objective of significantly boosting the supply of homes (paragraph 60). This social benefit is given limited weight due to the modest scale of development proposed and given the context whereby the Council can demonstrate a robust 10.9-year housing land supply position (HDC Five Year Housing Land Supply from 1 April 2022, published August 2022).
- 48) There would be some modest economic benefits during the construction and occupation phase through temporary employment in the construction industry and spending in the local economy from workers and residents. These benefits are given limited weight given the modest size of the proposed development.
- 49) The proposal would be acceptable in terms of its visual impacts, parking, residential amenity and impact on trees and biodiversity. Subject to the

payment of the SANG and SAMM tariffs for mitigation, the proposal would not have a likely significant effect on the TBHSPA.

50) Overall, the proposal would result in an acceptable form of development which would comply with the development plan.

RECOMMENDATION

Recommendation A:

That subject to the receipt of SANG and SAMM payments within 7 calendar days of the date of the Planning Committee meeting, planning permission be **GRANTED** subject to the following conditions and informatives:

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 numbers and documents:

Location Plan 1:1250
1022/08 Rev A Dated August 2022
1022/11 Dated August 2022

Preliminary Ecological Assessment by Dr Jonty Denton dated February 2022
Tree Report by SMW Tree Consultancy dated February 2022

Reason: To ensure that the development is carried out in accordance with the approved plans and particulars in the interests of proper planning and for the avoidance of doubt.

3. No development above ground floor slab level shall commence until an external materials schedule including product brochures, online product links, or physical samples as appropriate, details and samples of all external materials for the buildings, means of enclosure and hard surfacing on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032, Policy GEN1 of the Hart District Local Plan 1996-2006 (Saved Policies), Policy 10 of the Fleet Neighbourhood Plan 2032 and the aims of the NPPF 2021.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted 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 in the south-western or north-eastern elevations of the dwelling 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 Local Plan 2006.

5. 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 in the southwest or northeast elevations of the dwelling hereby permitted.

Reason: In the interests of the privacy of the occupiers of the adjoining properties and to satisfy saved policy GEN1 of the Hart Local Plan 2006.

6. No development shall begin until a 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. Once approved, the scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

The scheme shall include (but not be limited to):

- 1) Where infiltration is proposed, full infiltration tests in accordance with BRE 365 including groundwater strikes;
- 2) Detailed drawings of the proposed drainage system including details as to where surface water is being discharged to;
- 3) Calculations confirming that the proposed drainage system has been sized to contain the 1 in 30 storm event without flooding and any flooding in the 1 in 100 plus climate change storm event will be safely contained on site;
- 4) Calculations showing the existing runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 storm events and calculations for the proposed runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 plus climate change storm events. To be acceptable proposed runoff rates and discharge volumes must be no higher than existing;
- 5) Provision of a Maintenance plan setting out what maintenance will be needed on the drainage system and who will maintain this system going forward.

Reason: To prevent on-site and off-site flood risk increasing from the proposed development in accordance with Policy NBE5 of the Hart Local Plan (Strategy and Sites) 2032, Policy 10 of the Fleet Neighbourhood Plan 2018-2032 and the aims of the NPPF 2021.

7. The development shall be carried out in strict accordance with the provisions of the Development Tree Report by SMW Tree Consultancy dated February 2022

and the accompanying Tree Protection Plan dated February 2022 (reference SMW/54 Ryelaw Rd/TPP/002).

Reason: In the interests of protecting the existing trees on site to enable their retention in accordance with Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032, Policy 10 of the Fleet Neighbourhood Plan 2018-2032 and the aims of the NPPF 2021.

8. The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Assessment by Dr Jonty Denton dated February 2022.

Reason: In the interests of protecting and enhancing the biodiversity value of the site in accordance with Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2032 and the aims of the NPPF 2021.

9. Prior to the first occupation of the dwelling hereby approved, the car parking and bicycle parking spaces as shown on the approved plan 1022/08 Rev A Dated August 2022 shall be laid out and made available for parking. The parking spaces shall thereafter be retained and maintained for parking purposes only and kept free of obstruction.

Reason: In the interests of highway safety and amenity and to accord with Saved Policy GEN1 of the Hart Local Plan 2006, Policies NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) 2032 and the aims of the NPPF 2021.

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) Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.

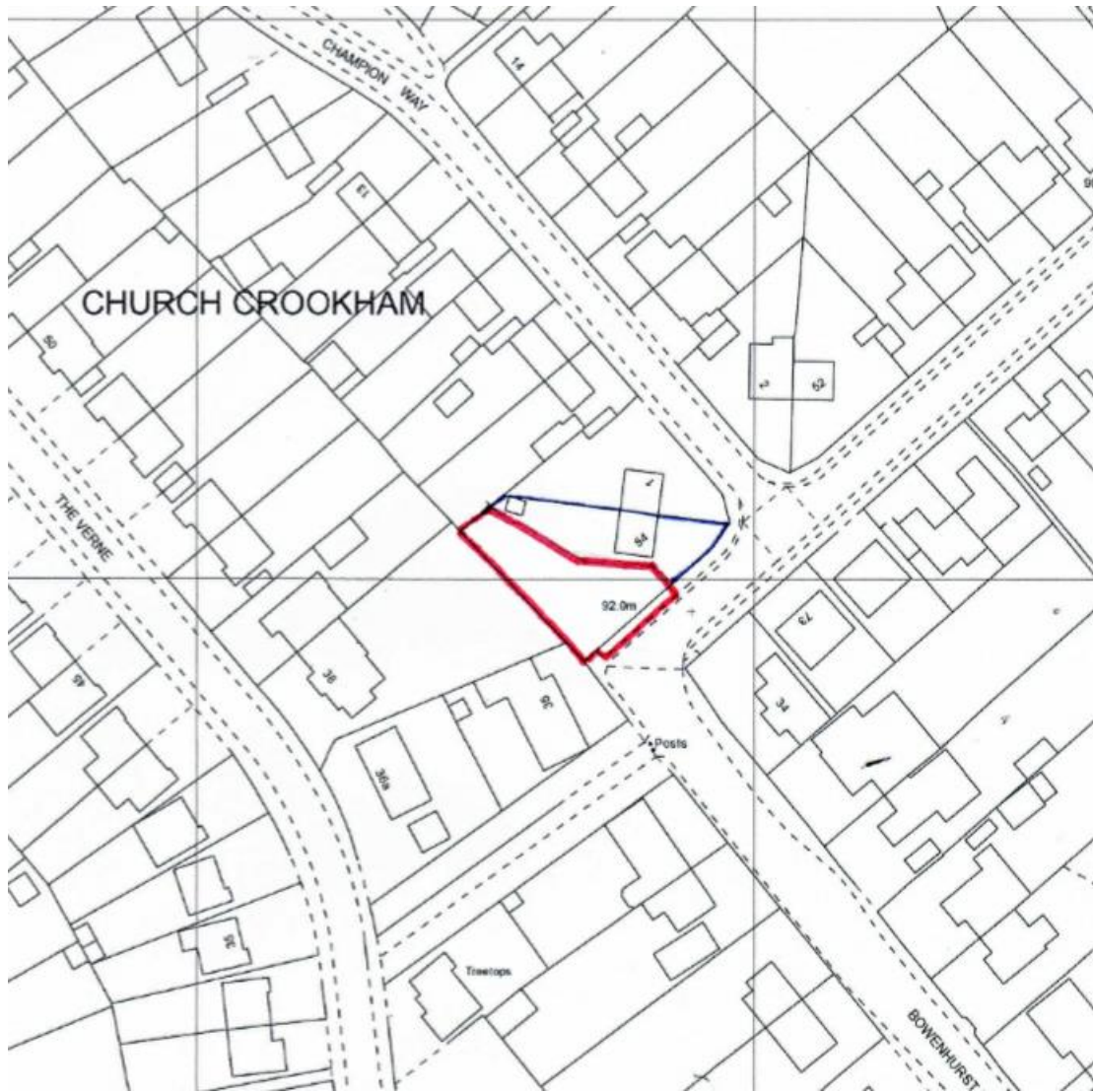
Recommendation B:

In the event that the requirements of Recommendation A are not met, permission be **REFUSED** for the following reason:

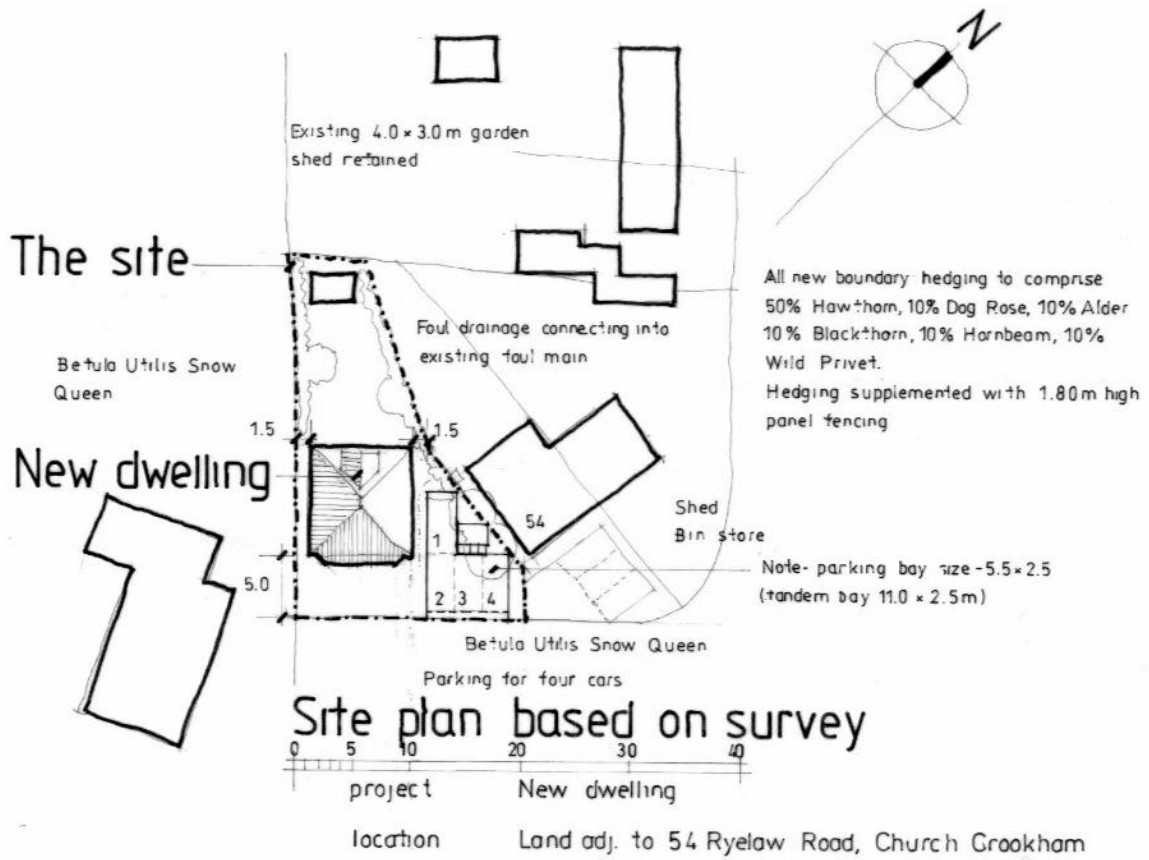
1. The application fails to secure mitigation in order to mitigate the recreational pressures arising from the development on the Thames Basin Heath Special

Protection Area. In the absence of such mitigation, the application does not meet the requirements of the Habitats Regulations and it has not been demonstrated that the development would not have a likely significant effect on the TBHSPA. The application is therefore contrary to SEP Saved Policy NRM6, HLP32 Policies NBE3 and NBE4 and FNP 2018 Policy 17.

Location Plan



Block Plan



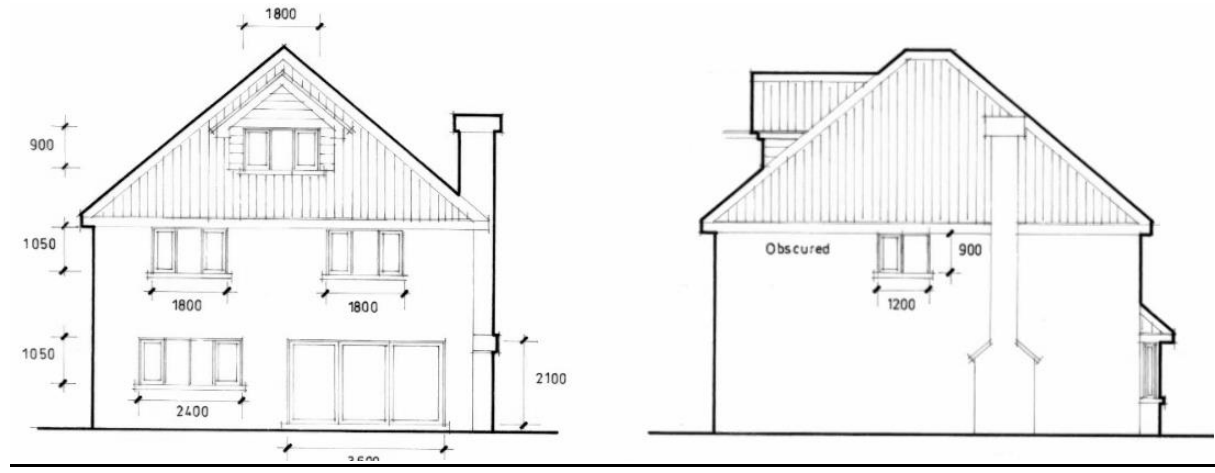
Street scene elevation



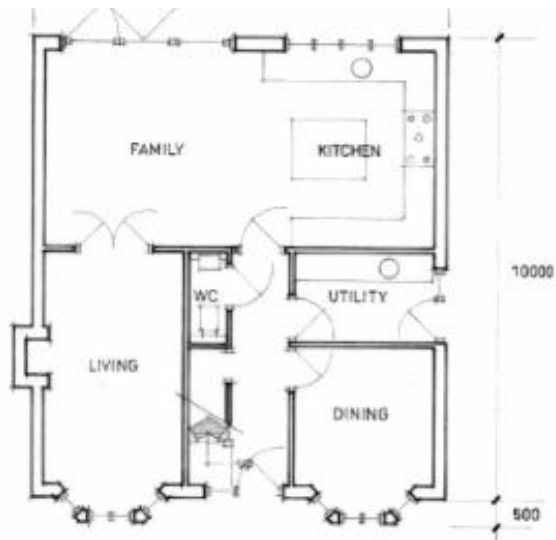
Front (south-east) and side (north-east, facing No.54) elevations



Rear (north-west) and side (south-west, facing No.35) elevations



Floor Plans (ground, first)



Second Floor Plan and Roof Plan

