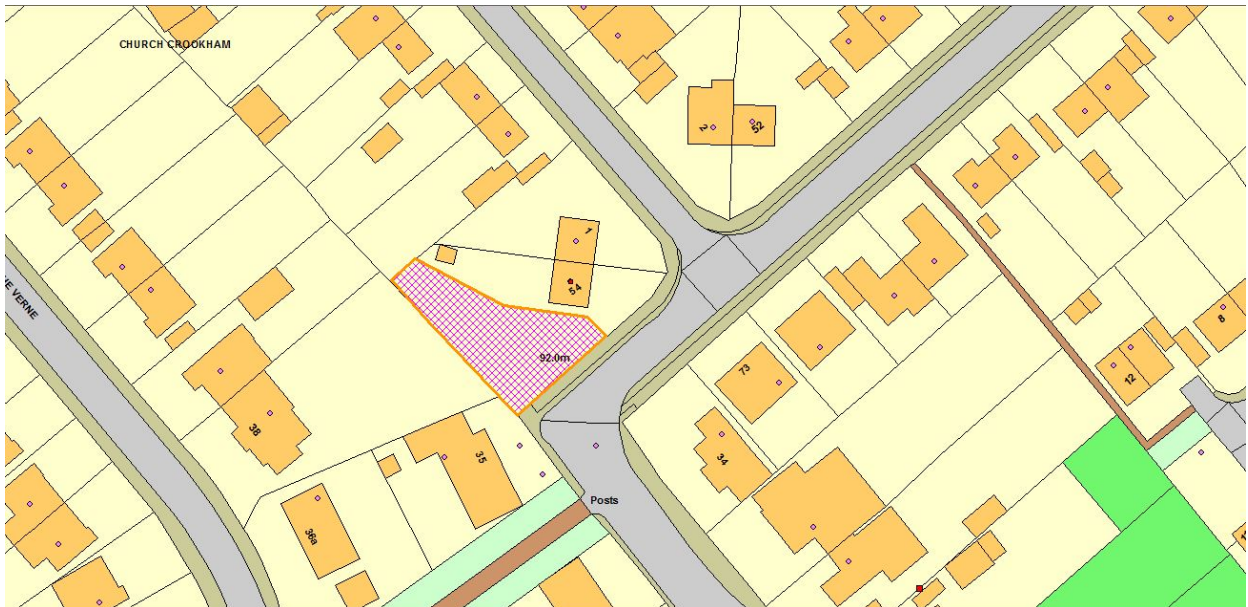


**COMMITTEE REPORT
ITEM NUMBER:**

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.