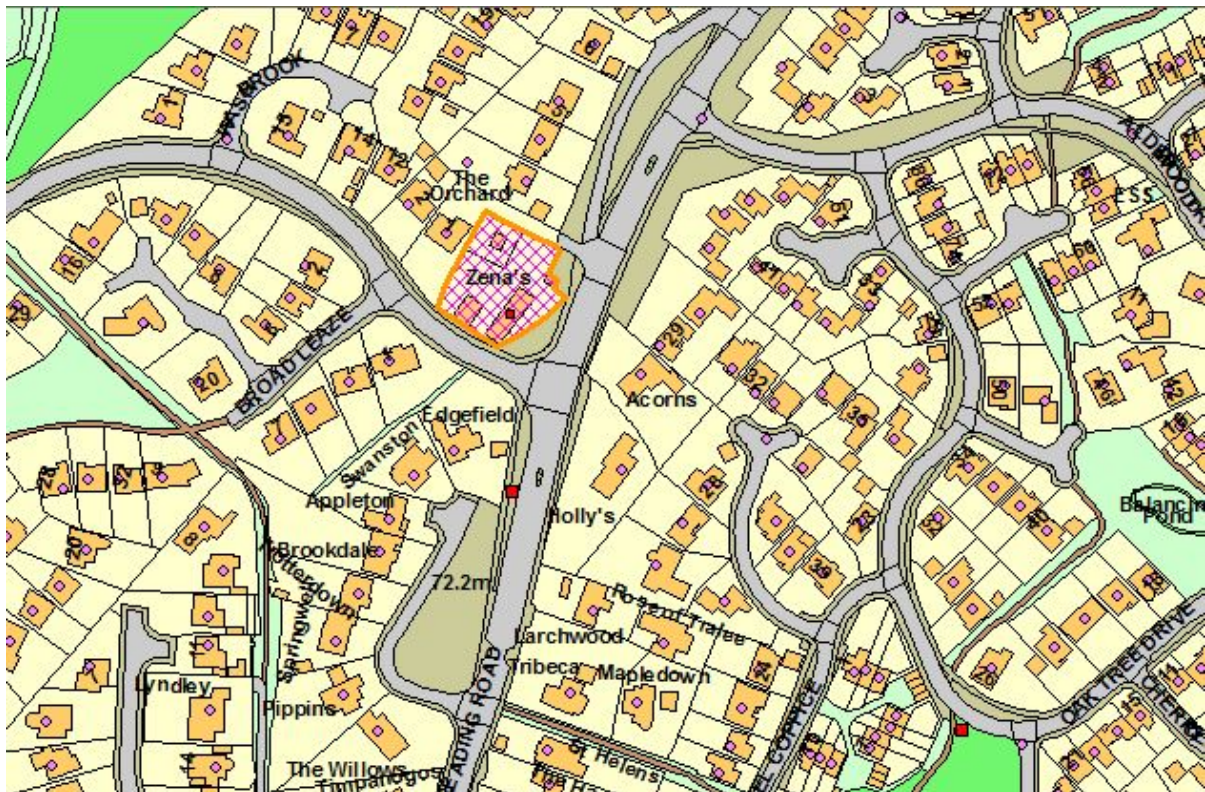


**COMMITTEE REPORT  
ITEM NUMBER:**

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APPLICATION NO.	22/02641/FUL
LOCATION	<b>Zena's Reading Road Hook Hampshire RG27 9ED</b>
PROPOSAL	Erection of a detached four bedroom house, a detached three bedroom house and a detached cycle store following demolition of the two existing buildings; partial demolition of Building 1 and conversion to a garage; provision of amenity space, parking, hard and soft landscaping and associated flood mitigation works
APPLICANT	Mr & Mrs Ebbs
CONSULTATIONS EXPIRY	11 January 2023
APPLICATION EXPIRY	5 January 2023
WARD	Hook
RECOMMENDATION	<b>REFUSE</b>

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## **The Site**

The application site lies on the north side of Reading Road on the junction with Great Sheldon's Coppice within the settlement boundary of Hook.

The site currently consists of unused outbuildings and areas of hardstanding. There is pedestrian and vehicular access to the site from Reading Road and along the frontage is a drainage ditch which is culverted.

## **Proposal**

The proposal seeks planning permission for the demolition of existing buildings on the site and the erection of 1 x 4-bed dwelling, 1 x 3-bed dwelling, together with the conversion of part of an existing building to a double garage and cycle store, along with associated works.

## **PLANNING POLICY AND GUIDANCE**

### Hart Local Plan (Strategy and Sites) 2032 (HLP32):

SD1 Sustainable Development  
SS1 Spatial Strategy and Distribution of Growth  
H6 Internal Space Standards for New Homes  
NBE2 Landscape  
NBE3 Thames Basin Heaths Special Protection Area  
NBE4 Biodiversity  
NBE5 Managing Flood Risk  
NBE9 Design  
INF3 Transport

### Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (HLP06)

GEN1 General Policy for Development

### Hook Neighbourhood Plan 2018 – 2032

HK1: Spatial Policy  
HK4: Protecting and Enhancing the Biodiversity of Hook  
HK8: Control of light and noise pollution  
HK10: Parking  
HK12: Design

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

Saved Policy NRM6: Thames Basin Heaths Special Protection Area

### Other material considerations

National Planning Policy Framework (NPPF 2021)

Planning Practice Guidance (PPG)  
A Settlement Hierarchy for Hart District (SHHD, 2010)  
Hart District Council Parking Technical Advice Note (TAN) (August 2022)

## **PLANNING HISTORY**

22/00765/FUL Erection of a detached four bedroom house, a detached three bedroom house and a detached cycle store following demolition of the two existing buildings; partial demolition of Building 1 and conversion to a garage; provision of amenity space, parking, hard and soft landscaping and associated flood mitigation works. Refused 06/10/2022.

16/02984/FUL - Demolition of existing buildings: erection of 3 no. dwellings & associated works, Refused 23/11/2017.

18/00346/PREAPP - sequential tests. Advice issued 03/09/2018.

19/01134/LDC - Application for a Lawful Development Certificate for the proposed use of the site for storage and distribution (Use Class B8). Refused 01/11/2019.

## **PLANNING ASSESSMENT**

### Background to the Application and Principle of Development

Permission for 3no. dwellings was refused pursuant to reference 16/02984/FUL. The reasons for refusal related to flood risk and the sequential test; biodiversity and impact upon the Thames Basin Heaths Special Protection Area (SPA).

Following refusal of that application, advice was sought by the applicant from the LPA in respect of flood risk as the site is located within Flood Zones 2 and 3 as designated by the Environment Agency. The way in which LPAs must treat applications within areas of highest flood risk is clearly set out in the NPPF 2021 and Planning Practice Guidance. The specific handling for Hart applications is set out in the HLP32.

The applicant was advised by the LPA that the sequential test for flood risk would need to be met in order for the principle of housing development on the site to be acceptable. The applicant was encouraged to explore other, less vulnerable uses for the site. Subsequently, the applicant submitted an LDC for the site for storage and distribution use (19/01134/LDC). That application was refused on the basis that insufficient information had been submitted to confirm that a continuous use of the whole area of land for storage and distribution purposes (use class B8) had occurred for the requisite period of 10 years.

As a result, for the purposes of this application, the site is considered to have a 'nil' use and does not amount to Previously Developed Land (PDL) as there has been no confirmed lawful use since the time it was used for apple orchard, small holding and sale of firewood in the late 1960's.

Nonetheless, the site is located within the settlement policy boundary (SPB) of Hook and in spatial terms, the proposed use of the site for housing in this location is acceptable in principle. HLP32 Policy SS1 (Spatial Strategy and Distribution of Growth) states that development will be focused within defined settlements, on previously developed land in sustainable locations and on allocated sites (subject to other Plan policies).

Following on from the LDC application, a full planning application was submitted in 2022 (22/00765/FUL) for the erection of a detached four bedroom house, a detached three bedroom house and a detached cycle store following demolition of the two existing buildings; partial demolition of Building 1 and conversion to a garage; provision of amenity space, parking, hard and soft landscaping and associated flood mitigation works. In that submission, the applicant argued that there were no sequentially preferable sites in Hook, and that the proposal would result in a betterment of the flood risk for the site and surrounding area.

However, the Council identified other sites in and around the settlement of Hook that could accommodate the same development, which had a lower risk of flooding and were therefore sequentially preferable. The application therefore failed the flooding sequential test, and in line with the guidance of the NPPF and PPG, permission was refused. In addition to flood risk, the application was also found to be unacceptable in terms of ecology (in the absence of a reply from the EA) and impact upon the Thames Basin Heaths SPA.

The current application is a re-submission of the previous application for two dwellings, with the following amendments to seek to overcome the reasons for refusal:

- Retention and conversion of Building 1 to form a garage
- Additional ecological information in relation to the Dorchester Stream
- Additional information regarding Sequential Test (including appeal decisions)
- Additional information regarding custom self-build homes
- Completed S106 agreement to secure SANG at Basset's Mead and SAMM payment

The main issue relevant to this application is flood risk and the application of the sequential test, which is discussed in greater detail in the relevant section of the report below.

#### Design and impact on the character of the area

Paragraph 127 of the NPPF 2021 sets out that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy NBE9 of the HLP32 sets out that all developments should seek to achieve a high level of quality design and positively contribute to the overall appearance of the local area. Development should, amongst other things, promote the distinctive qualities of its surroundings; positively contribute to public spaces, access routes and rights of way; reinforce locally distinctive street patterns, respond to climate change and enhance permeability; respect local landscape character and landscape

features; protect or enhance heritage assets; include well-designed facilities for parking; design external areas so as to reduce crime; take account of servicing requirements, and reduce energy consumption and increase the use of renewable energy where appropriate.

Saved Policy GEN1 of the HLP06 allows new residential development provided that the proposal is sympathetic in scale, design, massing, height, layout, siting and density, both in itself and in relation to adjoining buildings, spaces and views.

The Hook Neighbourhood Plan 2032 encourages all new development to be of high quality design, create a sense of place and identity, be in keeping with its surroundings and support inclusivity and cohesion.

Officers are satisfied that the site is suitable for the scale of the proposal for two dwellings and would provide sufficient amenity space. The arrangement and orientation of the two dwellings would be acceptable and would satisfactorily respond to the corner plot position. The site is capable of accommodating these dwellings comfortably as the resultant plot sizes would be in keeping with the character of the local area. The proposed arrangement and orientation of the houses is acceptable and would not result in a cramped appearance and the proposed plans show that the dwellings are in line with the general building line of Wickham Road and respect those along Reading Road.

The proposed dwellings are contemporary in design and the NPPF advises that that planning permission for buildings which promote high levels of sustainability should not be refused because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. There are no prevailing design characteristics or materials on Reading Road therefore the proposal would fit in well with the mixed character of this street scene. The surrounding street scene consists of dwellings which were built in the 1970`s and 80`s and are similar in design and materials; these dwellings are mostly brick with concrete roof tiles. The proposal would therefore fit in well with the general form and layout of development in the area. The resultant impact on the character of the Reading Road street scene as a result of the proposal would be acceptable.

Overall, it is considered that the design and appearance is acceptable and in compliance with the relevant saved local plan policies and the guidance in the NPPF.

#### Impact on neighbouring amenity

Saved policy GEN1 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.

Given the siting and orientation of the proposed new dwellings, they would not result in material harm to the occupiers of neighbouring properties through significant overlooking, loss of light or loss of privacy.

Plot 1, to the south-west of the site and the larger dwelling, would have first floor

habitable windows which face the property at no.1 The Orchard. However, these rooms are both dual aspect and therefore obscure glazing could prevent overlooking; albeit, it would reduce the visual appearance of the buildings given that they have been designed with large fenestrations serving the principal bedrooms.

Plot 2 would face the side elevation of no.1 The Orchard and as such no loss of privacy would result.

The proposed dwellings would be sited sufficient distance from the boundary to prevent overshadowing or an overbearing impact.

The proposal would therefore accord with Saved Policy GEN1 of the HLP06 and no concerns regarding neighbouring amenity would arise.

#### Amenity for proposed future occupiers

The floorspace of Plot 1 would measure approximately 300sqm, and the floorspace for Plot 2 would measure approximately 190sqm. Both the dwellings would exceed the Government's Technical housing standards - nationally described space standards for the relevant property types - in the case of plot 1, a two storey, 4 bedroom 8-person dwelling (124sqm) and plot 2, a two storey, 3 bedroom 6-person dwelling (102sqm). The proposals would therefore meet the requirements of HLP32 Policy H6.

Both plots would be provided with 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.

#### Flood risk and drainage

The site is located primarily within Flood Zone 3a with some parts of the north of the site in Flood Zone 2. These Zones are designated by the Environment Agency as having medium (Zone 2) and high probability (Zone 3) of flooding. Flood Zone 3 is where there is a 1:100 or higher probability of flooding each year from rivers. Flood Zone 2 is where there is between a 1:100 to 1:1000 chance of flooding each year from rivers.

Policy NBE5 of the HLP32 states that development will be permitted provided:

- a) Over its lifetime it would not increase the risk of flooding elsewhere and will be free from flooding;
- b) SuDS are used in Major developments unless demonstrated to be inappropriate;
- c) Within Causal Areas all development takes opportunities to reduce the causes and impacts of flooding;
- d) If located within an area at risk from any source of flooding, now and in the future, it is supported by a FRA and complies fully with national policy including the sequential and exception tests where necessary;

- e) It would not compromise the integrity and function of a reservoir or canal embankment.

The NPPF 2021 introduced an appendix (Annex 3) which relates to flood risk vulnerability classification. This establishes that there are categories of vulnerability to flood risk ranging from the lowest to highest vulnerability, these are;

- Water-compatible development - including infrastructure for flood control; water or sewage transmission and pumping stations; sand and gravel working; MoD installations; compatible activities in a waterside location and water-based recreation
- Less vulnerable - including shops, financial, professional and other services; restaurants, cafes and takeaways; offices; general industrial units; storage and distribution; other non-residential institutions not covered above under 'more vulnerable'; assembly and leisure; agricultural and forestry buildings; car parks; waste, sewage and water treatment sites not required to be operational during flood events
- More vulnerable - including residential dwellings, hospitals, care homes and other residential institutions; hotels and hostels; drinking establishments and nightclubs; health services, nurseries, schools and other educational establishments; caravan and camping sites
- Highly vulnerable - including basement dwellings, caravan, mobile and park homes that are permanent residences
- Essential infrastructure - including essential transport and utility infrastructure, wind turbines and solar farms

The former uses on the application for agriculture and any ancillary storage would have fallen into the classification of 'less vulnerable' within the Annex 3 definitions contained within the NPPF. The proposed use for the site for residential dwellings would introduce a 'more vulnerable' use when looking at the NPPF Annex 3 classification.

Paragraph 159 of the NPPF 2021 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 162 of the NPPF sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It continues that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

The sequential test is therefore the policy tool used to steer new development, including residential uses which are most vulnerable to flooding, to areas with the lowest risk of flooding from any source. Paragraph 023 of the PPG states that avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood

warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.

The applicant contends that the site should not be subject to the sequential test as it would have been subject to this as part of the Strategic Flood Risk Assessment carried out during the Local Plan process and drawing up of the settlement boundaries.

Paragraph 026 of the PPG states that the Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where:

- The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).
- The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.
- The application is for a development type that is exempt from the test, as specified in footnote 56 of the National Planning Policy Framework.

Footnote 56 to the NPPF clarifies that this includes householder development, small non-residential extensions (with a footprint of less than 250m<sup>2</sup>) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

As the site is located within Flood Zones 2 and 3, has not been allocated in the Local Plan for development, and does not fall within the exemptions of Footnote 56, the sequential and exception tests apply.

In order for the LPA to carry out the sequential test, the applicant must provide details of other 'reasonably available sites', within the LPA's defined search area. Such sites are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.

These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available' as set out within the PPG.

The applicant has provided information regarding sites previously considered in the Sequential Test carried out for application 16/02984/FUL. The sites referred to in the applicant's submission are:

- 13/01562/EXT Land At Kingfisher Dry Cleaners And Hook Barbers Station Road Hook



- 17/01111/FUL Land To The Rear Of Acorn House Elms Road Hook Hampshire RG27 9DU - built out
- 19/02553/FUL Land adjacent to 4 Sheldons Cottages

Permission 13/01562/EXT has now expired and it was accepted in the 2016 application that, as two permissions had since lapsed on the site there was little prospect of it being brought forward for development in the next five years.

Similarly, 17/0111/FUL and 19/02553/FUL have now been built out and the sites cannot be said to be 'reasonably available' as alternatives to the application site. The applicant contends that there are no other sites which meet the criteria of being 'reasonably available' for the purposes of the Sequential Test.

However, Officers are aware of at least two larger sites which would fall within the definition of being 'reasonably available' within the defined search area of Hook Settlement Policy Boundary or its immediate surrounds. The sites which the Council considers would meet the requirements from a sequential flood risk perspective, and which have been identified to the applicant, are:

- Land West Of Brown Croft (formerly Land At High Ridge Farm) (22/01506/FUL) - 65 residential dwellings
- Land at Geffery's House, Hook - pre-application discussion for re-development of the site for up to 59 dwellings

Both of these sites are considered to be 'reasonably available' sites which could accommodate the proposed size and type dwellings. They are both acceptable in principle, being within the settlement boundary albeit only half of the site at Brown Croft is within the settlement, a large portion of the site is within the settlement and could accommodate two self-build dwellings. Both alternative sites are located in areas of lower flood risk classification (Flood Zone 1) which are more suitable to 'more vulnerable' uses including residential dwellings. It is considered that these alternative sites would be reasonably available within the time frame for this application i.e. the next 3 years, and could accommodate the type of development proposed.

The applicant has argued within their submission that as the sites identified above do not have planning permission, they should not be considered 'reasonably available'. However, the guidance contained in the document Flood Risk Assessment: The Sequential Test for Applicants advises applicants to '*check with your local planning authority whether there are any 'windfall sites' in your search area. Windfall sites are sites that aren't allocated in the local plan and don't have planning permission, but that could be available for development.*' This indicates that sites do not need to have a planning permission in place to be capable of being suitable alternative sites which could accommodate the proposed development. The Council has identified other sites within and around the Hook SPB which could accommodate the dwellings proposed and which have a reasonable prospect of being brought forward within the timeframes of this application.

## Other sustainability criteria in relation to the flooding sequential test

Paragraph 163 of the NPPF states that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. This also states that the need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 - as listed earlier in this report the proposal would alter the vulnerability of use on the site from 'less vulnerable' to 'more vulnerable' in line with the Annex 3 classification.

The Council is of the view that the development can be accommodated on sites in areas with a lower risk of flooding and it is therefore not necessary to assess the development against the Exception Test. This is confirmed within the PPG paragraph 031 which states:

"The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified. Table 2 sets out the circumstances when the Exception Test will be required."

In this case, the Sequential Test has shown reasonable available sites in lower risk areas which would be appropriate for the proposal and the LPA does not consider the Exception Test to be applicable. However, brief consideration has been given to 'wider sustainable development objectives' in the assessment of this application in any event for the purposes of completeness.

Paragraph 036 of the PPG sets out examples of wider sustainability benefits to the community which could include (but not be limited to) the re-use of suitable brownfield land as part of a local regeneration scheme; an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure; the provision of multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding National Planning Policy Framework policy requirements for Sustainable Drainage Systems.

None of these scenarios are considered to be demonstrated by this proposal and would not constitute reasoning for applying the Exception Test. The Planning Practice Guidance (PPG) acknowledges in Paragraph 036 that any such identified sustainability benefits need to be balanced against any associated flood risks and informed by the site-specific flood risk assessment. It continues that where wider sustainability benefits are absent, or where they are outweighed by flood risk, the Exception Test has not been satisfied and planning permission should be refused. In this case it is considered that wider sustainability benefits have not been demonstrated to outweigh the flood risk.

The applicant has put forward what they consider to be sustainability benefits for the

development, including a stated reduction in flood risk to neighbouring properties, together with the provision of custom and self build plots and the redevelopment of a derelict site in an otherwise sustainable location within the SPB. With regards to self and custom build plots, Sections 2 and 2A of The Self-Build and Custom Housing Act 2015 place obligations on the Council to give enough suitable development permissions to meet the identified demand. It also places a duty on Hart District Council to maintain a Register of people who are interested in self and custom house building opportunities in the local area. The purpose of the Register is to inform the Council of the level of demand for self and custom house building plots within Hart. To meet this need, Policy H1 of the HLP32 requires 5% of plots on sites of 20 dwellings or more to be for self or custom build homes.

Since 2019, when the register began, the Council has issued permissions for 19 self-build plots. At present, there are 13 people and 3 associations on the Council's self-build register. The Council considers that it can therefore meet the demand for self-build plots in the District, through both allocated and windfall sites. Going forward, the Council can demonstrate in excess of 10.9 years' worth of housing land supply, with a delivery rate of 210% (Housing Land Supply Position Statement April 2022, published August 2022). Therefore, additional windfall sites specifically for custom or self build plots are not required to support the wider housing need within the District. Finally, custom or self-build plots would still bring about a 'more vulnerable' use on a site with a current 'less vulnerable' use which is within an area at the highest risk of flooding, in the same way as any market residential or other residential use of the site would.

The provision of self or custom build housing is not in itself a sustainability benefit to the community. Therefore, even if the exception test were to be applied it is considered that the proposal would fail to meet the requirements to satisfy this test. Officers acknowledge that the site appears visually out of keeping with the locality in its current state. However, there has not been any attempt to establish other, less vulnerable uses on the site, other than residential housing. The site has been in a similar condition for approximately 30 years and a disused appearance of any site is not standalone justification for residential development nor does it justify any departure from flood risk policy and guidance. The appearance of the site would not amount to a sustainability improvement and would not outweigh the fundamental policy conflict.

The betterments set out in the flood risk assessment to local residents are also acknowledged. However, these betterments are only relevant in considering the proposals if they cannot be accommodated on alternative sites with a lesser risk of flooding. Therefore, they cannot be taken into account at this stage and would not outweigh the fundamental conflict with the sequential approach to flood risk.

Finally, it is noted that the proposed dwellings would not provide any other exceptional sustainability benefits such as comprehensive community regeneration of a wider area or financial contribution to a wider piece of flood risk infrastructure. No tangible weight can therefore be attached to the potential 'wider sustainability benefits to the community' from the development in this regard.

Having regard to all of the above considerations, it is considered that the proposal

would be located in an area at risk of flooding, and that there are other sequentially preferable sites available which could deliver the proposed development. The proposal conflicts with Policy NBE5 (d) of the HLP32, paragraphs 159-162 of the NPPF 2021, and the guidance of the PPG 'Flood risk and coastal change' updated 25 August 2022.

### Ecology

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.

The NPPF 2021, at paragraph 180 further states that when determining planning applications, LPAs should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The application is accompanied by a Preliminary Ecological Appraisal (PEA) by Ecological Surveys Ltd, dated April 2021, which was subsequently updated in November 2022 to include amendments to the scheme and further information about the Dorchester Stream, which runs to the front of the site. The PEA indicates that the site has low ecological value, being cleared scrub. The buildings on site offer low potential for roosting by bats and birds. The short section of the culverted Dorchester Stream to the front of the site would unlikely support protected species or their habitats, owing to its proximity to residential properties and the Dorchester Stream.

The Council's Ecology officer has raised no objection to the proposal. Whilst the Environment Agency has not commented on this application, it is noted that their objection on ecological grounds was withdrawn following the decision on 22/00765/FUL, subject to a condition requiring submission of a landscape and environmental management plan to show how the Dorchester Stream would be protected during construction; details of new habitat creation and planting, and details of habitat maintenance within 8m of the stream.

Having regard to the similarities between the two schemes, it is considered that any impact upon the ecological status of the Dorchester Stream, during both the construction and operational stages of the development, could be controlled through the submission of a landscape and environmental management plan, which could be secured through condition on any permission granted.

Therefore, subject to the above condition and compliance with the recommendations of the PEA, it is considered that the biodiversity of the site would be conserved in accordance with Policy NBE4 of the HLP32.

## Highways, access and parking

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.

Saved policy GEN1 (vii) of the HLP06 permits development which has adequate arrangements on site for access, servicing or the parking of vehicles. 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.

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 Hook railway station and as such falls within Zone 2. The TAN requires 3-bedroom properties to provide 3no. car parking spaces and 4 cycle parking spaces, whereas a 4-bedroom property must provide 3.5 car parking spaces and 5 cycle parking spaces.

Plot 1 (4-bedroom) indicates that sufficient space could be laid out to meet this requirement. Plot 2 only shows two parking spaces to be provided to the front of the dwelling. However, it is considered that a third, tandem space could be accommodated within the site to meet the parking requirement. Sufficient space exists within the curtilage for cycle parking, although this is not explicitly annotated on the plan. Details of this could be secured by way of a planning condition, if permission is granted.

The County Highway Authority has raised no objection to the scheme on the basis of highway safety or capacity. On that basis, the proposal would meet the requirements of Policy INF3 of the HLP32, Saved policy GEN1 (vii) of the HLP06 and Policy HK10 of the HNP32.

## Impact on the Thames Basin Heaths Special Protection Area (TBH SPA)

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.

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.

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.

Natural England has advised that it would have no objection subject to appropriate mitigation being secured. The applicant has secured SANG at Bassett's Mead, which is maintained by Hook Parish Council. The Parish Council has confirmed it can allocate capacity to the applicant, and the applicant has completed a legal agreement to ensure the contribution to Hook PC is made. The SAMM payment (£1765.64) has been made separately by the applicant to the Council.

As such the proposal would meet the requirements of the Habitats Regulations and would comply with SEP Saved Policy NRM6 and HLP32 Policies NBE3 and NBE4.

#### Other matters

It is noted that during the course of the application, the applicant has submitted various additional documents and information to the Council in support of the case. The documents include:

- Right to Build Task Force documents – PG2, PG9, PG10 and PG13
- Appeal decisions in relation to self-build plots
- Appeal decision in relation to the flooding sequential test
- Email from the planning agent regarding interpretation of the sequential test
- Addendum to the Planning Statement regarding: commercial use of the site, custom self build, impact upon the SPA, biodiversity, drainage betterment and the sequential test.

Matters relating to the sequential test and custom house building have been addressed in the main body of the report. Whilst the applicant has submitted an appeal decision in relation to permitting dwellings in Flood Zone 3 without the need to apply the sequential test, it is noted that the circumstances in that case were materially different as the appeal site was an allocated site which was sequentially assessed at the plan making stage, in accordance with the PPG guidance.

With regards to the commercial use of the site, the applicant has sought pre-application advice in respect of the conversion of the buildings on site to a commercial use within flexible Use Class E (reference 22/02519/PREAPP). Officers have advised the applicant that a commercial re-use of the site could likely be acceptable and would not be subject to the flooding sequential test; however, commercial uses would not change the flood vulnerability classification of the site – it would remain 'less vulnerable', as per its existing use. Residential uses fall within the 'more vulnerable' classification and as such the two uses are not directly comparable in terms of their flood vulnerability. Moreover, in terms of a fall back position, whilst the applicant has sought pre-application advice, no formal submission has been made and little weight is therefore attached to this consideration.

## Planning balance assessment and conclusion

In terms of planning benefits, the provision of two additional dwellings within a SPB 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).

The proposal would provide custom or self build plots, which is a benefit of the scheme, but not one which attracts significant weight owing to the requirements of Policy H1, which is designed to meet the Council's obligations in this respect. The Council is not reliant on the delivery of windfall sites to meet its overall housing land supply nor to meet its supply of self or custom build houses, with the target delivery of these currently being met.

The development would be of an acceptable design and would result in no unacceptable impacts on existing or future residents however this is negligible in the planning balance and not a benefit of the scheme.

The biodiversity of the site could be conserved in accordance with Policy NBE4, and any likely significant effect on the Thames Basin Heaths SPA would be mitigated through SANG at Basset's Mead and payment of the SAMM contribution. These matters have neutral impacts on the planning balance assessment as they are policy requirements.

The site is located in Flood Zones 2 and 3, which are areas most at risk of flooding. The proposal would therefore fail to accord with the government's advice that development should be steered to areas least at risk from flooding. The Council has identified other reasonably available sites which could accommodate this development. The proposal therefore fails to accord with the sequential flooding test, which is attributed significant weight in the planning balance assessment.

The proposal therefore fails to satisfy the flooding sequential test and is contrary to Policy NBE5(d) of the Hart Local Plan (Strategy and Sites) 2032, Paragraphs 159-162 of the NPPF 2021, and the guidance contained within the PPG 'Flood Risk and Coastal Change'.

It is recommended that planning permission be refused for the following reason:

1. The application proposes residential development which is a 'more vulnerable' use on a site located primarily within Flood Zone 3a and partly within Flood Zone 2 which are areas at higher risk of flooding. There are other reasonably available sites within the search area of Hook with a lower probability of flooding (Flood Zone 1) which could deliver the proposed development. The proposal therefore fails to satisfy the flooding sequential test and is contrary to Policy NBE5(d) of the Hart Local Plan (Strategy and Sites) 2032, Paragraphs

159-162 of the NPPF 2021, and the guidance contained within the PPG 'Flood Risk and Coastal Change'.

## **INFORMATIVE**

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.
  - The applicant was provided with pre-application advice. However, the application did not follow the recommendations of that advice and the proposal is unacceptable for the reasons given above.
  - The applicant was advised of the issues relating to flood risk during the processing of the application however, the submission did not satisfactorily deal with the issues set out in the reason(s) for refusal set out above.