



# **HEAD OF PLACE SERVICES** **REPORT TO THE PLANNING COMMITTEE OF** **14th October 2020**

## **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, The Hart Local Plan (Strategy and Sites) 2032, the Saved policies Hart District Council Local Plan Replacement and First Alterations 1996 – 2006, Policy NRM6 South East Plan, Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park Minerals and Waste Local Plan 2013, Dogmersfield Neighbourhood Plan, Odiham and North Warnborough Neighbourhood Plan, Rotherwick Neighbourhood Plan, Winchfield Neighbourhood Plan, Fleet Neighbourhood Plan, Hartley Wintney Neighbourhood Plan.

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
- 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,

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.

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](http://www.hart.gov.uk)

72 Christchurch Drive Blackwater Camberley GU17 0HH

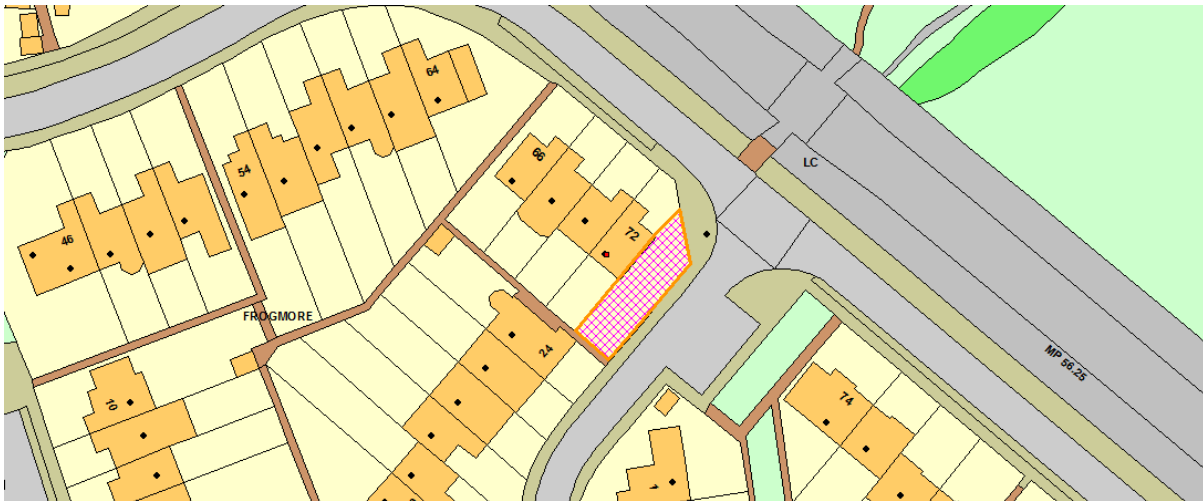
Erection of a two storey side extension to form separate dwelling within curtilage. Proposed dropped kerb

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# COMMITTEE REPORT

## ITEM NUMBER: 101

|                      |  |
|----------------------|--|
| APPLICATION NO.      | 20/01602/FUL   |
| LOCATION             | <b>72 Christchurch Drive Blackwater<br/>Camberley GU17 0HH</b>   |
| PROPOSAL             | Erection of a two storey side extension to form separate dwelling within curtilage.<br>Proposed dropped kerb |
| APPLICANT            | Mr Christopher Hammersley  |
| CONSULTATIONS EXPIRY | 15 September 2020  |
| APPLICATION EXPIRY   | 23 September 2020  |
| WARD                 | Blackwater And Hawley  |
| RECOMMENDATION       | <b>Refuse</b>  |



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## BACKGROUND

This application is brought before the Planning Committee in accordance with Part 1e of the Council's Scheme of Delegation for Planning Applications as the applicant's agent is a District Councillor.

## THE SITE

The application site consists of part of the rear/side garden serving 72 Christchurch Drive, Blackwater. The site is partly enclosed by a brick wall to the rear and timber fence to the side and front. It contains a number of garden structures. 72 Christchurch Drive (including the subject site) occupies a corner plot at the junction of Christchurch Drive and Binsted Drive. The site also includes a section of pavement on Binsted Drive.

72 Christchurch Drive is a semi-detached residential property with an integrated single garage and driveway fronting Christchurch Drive. It is of brick and tile construction and typical of properties in the locality. A pedestrian access runs to the rear of the property and its neighbours, accessed from Binsted Drive.

The site is within a residential area. To the south across Binsted Drive is a small parking area and to the north east, across Christchurch Drive, is a railway line and 'Shepherd Meadows' open space around the Blackwater River. The site lies approximately 750m from Blackwater Station and Blackwater Town Centre.

## PROPOSAL

Full planning permission is sought for an extension to 72 Christchurch Drive to form a new three-bedroom semi-detached residential dwelling. The proposed new dwelling would be on the left-hand side of 72 Christchurch Drive (as viewed from Christchurch Drive), with its flank elevation to Binsted Drive. The dwelling would measure 8.8m in depth and 5.5m in width, with an eave's height of 5.2m and ridge height of 8m. The heights and depth would match that of the adjacent property.

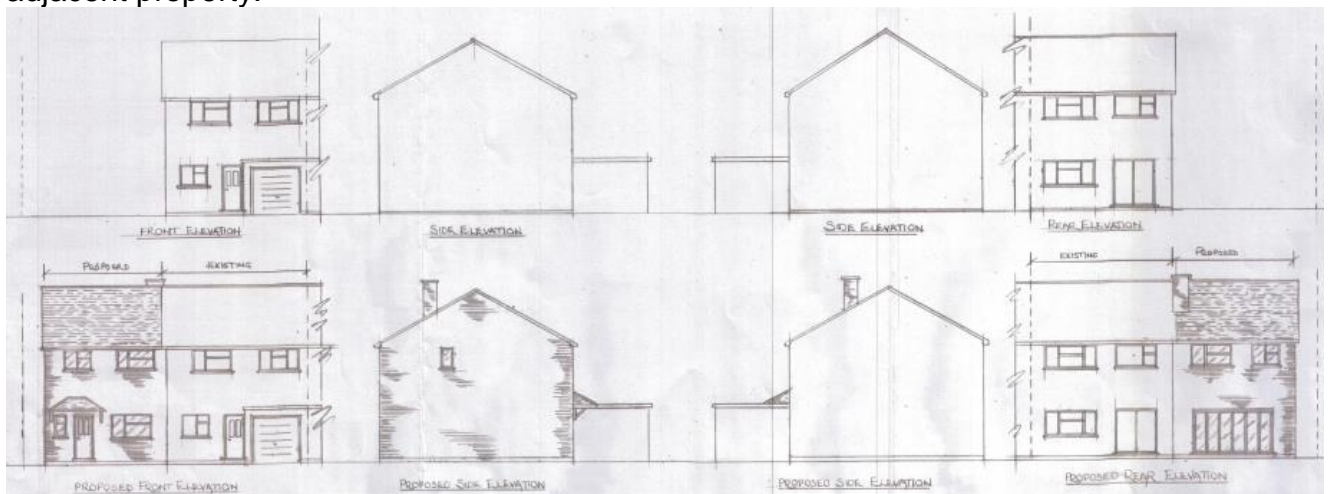
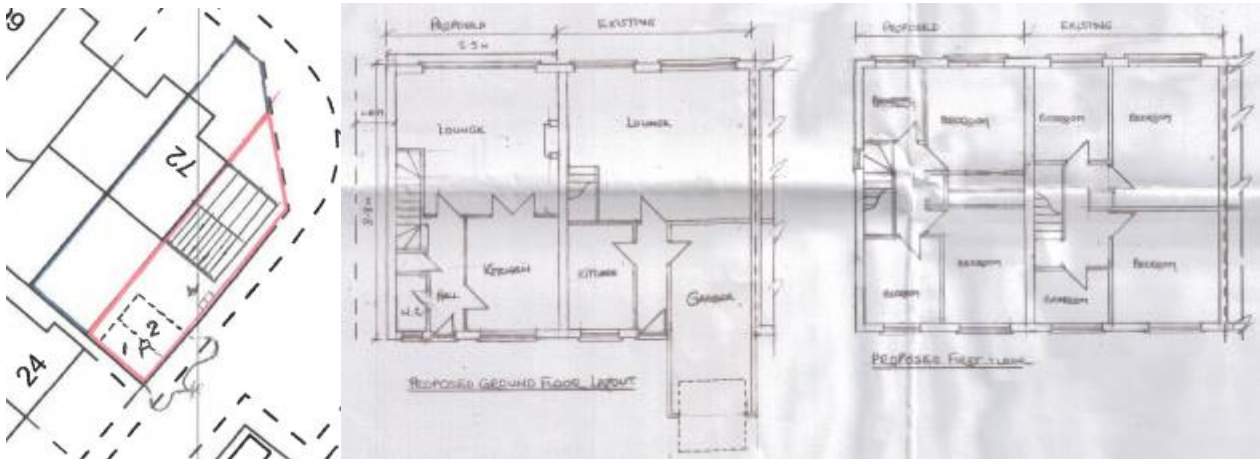


Figure 1: Existing and Proposed Elevations

Materials would match those of neighbouring properties, consisting of facing bricks and interlocking grey roof tiles. The proposal would include the front door and four windows to the front of the property facing Christchurch Drive and a French window at ground floor and two bedroom windows at first floor to the rear. There would be a single first floor landing window on the flank elevation to Binsted Drive.



The proposed dwelling would be served by a rear garden enclosed by a treated feather board fence and the existing rear wall. Two parking spaces are proposed to the rear of the property, accessed from Binsted Drive and an area for two wheeled bins would be provided. The application site incorporates a section of Binsted Drive adjacent to the proposed parking spaces where a dropped kerb is proposed to facilitate vehicular access.



Figures 2: Proposed Site Plan and 3: Proposed Floor Plans

The proposed development would have the effect of making the existing dwelling at 72 Christchurch Drive a terrace property and reducing the garden area to it. The single garage and drive to 72 Christchurch Drive would be retained.

## SUMMARY OF CONSULTATION RESPONSES

### Consultee Comments

#### Yateley Town Council

No objection.

#### Local Highway Authority

No objection. Conditions requiring the proposed parking to be provided and retained and for the vehicle crossover to be provided recommended. The requirement for a separate agreement from the Local Highway Authority for the vehicle crossover is also noted.

#### Joint Client Waste Team

No objection. Containers must be left adjacent to the nearest adopted highway for collection on the specified waste collection day.

### Neighbour Comments

One neighbour comment has been received. This neither supports nor objects but requests the construction hours and practices are controlled.

#### Hampshire Swifts

Recommend the use of 'swift bricks' in the development.

## **PLANNING HISTORY**

There is limited recent planning history relevant to this proposal. The available planning history indicates that the existing property benefits from a late 1960's permission.

Application 18/01992/FUL for the same form of development now proposed was withdrawn on 03.01.2019.

## **PLANNING POLICY AND GUIDANCE**

The development plan for the site and relevant development plan policies are as follows:

Saved Policies from the South East Plan:

- NRM6 Thames Basin Heaths Special Protection Area

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
- NBE3 Thames Basin Heaths Special Protection Area
- NBE9 Design
- NBE11 Pollution
- INF3 Transport

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

- GEN1 General Policy for Development

The following guidance has also informed the LPAs assessment:

- National Planning Policy Framework (NPPF, 2019)
- Planning Practice Guidance (PPG)
- Hart District Council Parking Provision Interim Guidance (PPIG, 2008)

The HLP32 identifies the site to fall within the Blackwater and Hawley Settlement Boundary. The site is not within a conservation area and there are no protected trees on site.

The site is within the Thames Basin Heaths Special Protection Area 5km Zone of Influence.

Shepard Meadows to the north east forms part of the Blackwater Valley Site of Special Scientific Interest and a Riverine Environment.

## **PLANNING ASSESSMENT**

The main planning consideration for the application assessed in this report are:

- Principle of development
- Design
- Residential amenity
- Highway safety and parking
- Impact on the Thames Basin Heaths Special Protection Area
- Planning balance

### **Principle of Development**

The application site is with the Blackwater & Hawley Settlement Boundary and approximately

750m from Blackwater Town Centre and Station. The overriding character of the area is residential.

HLP32 Policy SS1 seeks to direct and focus growth within settlements. Section 5 of the NPPF references the Government's objective of significantly boosting the supply of homes.

The principle of an additional dwelling on this site is therefore acceptable.

## **Design**

The design and character of the proposed dwelling would be sympathetic to the neighbouring properties (and 72 Christchurch Drive in particular) and the street scene, by virtue of the matching eave and ridge heights, its depth and facing materials. The general positioning and horizontal rhythms of the proposed fenestration would also reflect the neighbouring dwellings in the street scene.

Whilst the width of the proposed dwelling would be narrower than its immediate neighbours (5.5m compared with approximately 6.3m), this is not uncommon in the surrounding area and would not be out of character.

The proposal would extend the built form closer to Binsted Drive. However, the wider corner pavement is retained and such a relationship is not uncommon in the locality, for example, at the nearby junction of Christchurch Drive and Fyfield Close. The siting of the proposed dwelling is therefore acceptable in this instance.

The inclusion of a parking area to the rear of the proposed dwelling would reduce its usable rear garden. However, an area of approximately 30sqm would be provided and this is sufficient to serve the proposed dwelling.

The floorspace of the proposed dwelling would measure 96.8sqm, above the 93sqm requirement for a three-bedroom, five person, two storey dwelling in the Government's Technical housing standards - nationally described space standard.

The proposal would be in keeping with the character of the area by reflecting and incorporating design features of its surroundings.

For the above reasons, the application meets the requirements of HLP32 Policies H6 and NBE9, HLP06 Saved Policy GEN1(i) and the objectives of Section 12: Achieving well-designed places of the NPPF.

## **Residential Amenity**

There would be a separation of approximately 20m and 24m between the proposed dwelling and the nearest properties to the south (1 Binsted Drive) and south east (74 Christchurch Drive) respectively and these would be 'flank to flank' relationships. The siting of the proposed dwelling and first floor flank window should not therefore result in any material loss of amenity to these neighbours.

The proposed dwelling will effectively extend the existing terrace at 66-72 Christchurch Drive by a further dwelling. Due to the consistency of the proposed building line and fenestration positioning and size, the proposed dwelling would replicate these existing relationships that are common to this urban environment. It would not therefore result in the any material loss of

amenity to these neighbours.

The rear façade of the proposed dwelling would be located approximately 11m from the corner of 24 Binsted Drive, which is positioned at a perpendicular angle. There would be no direct window to window relationships between these properties. Two parking spaces are proposed at the rear of the subject property at its nearest point to 24 Binsted Drive, adjacent to the existing driveway serving 24 Binsted Drive. Whilst there would be some overlooking of the rear external area serving the proposed new dwelling from the front of 24 Binsted Drive, this would predominantly be over the parking area and would not lead to a material loss of amenity.

There is potential for temporary adverse impacts on neighbours during the construction period. Such impacts could be adequately addressed through planning conditions requiring a construction management plan and restricting construction hours.

The siting and design of the proposed dwelling would be such that there would be no material loss of amenity to adjoining neighbours and conditions can be imposed to minimise any temporary construction impacts. Subject to these, the proposal meets the requirements of HLP32 Policy NBE11, HLP06 Saved Policy GEN1(iii) and the NPPF (para. 127f).

## **Highway Safety and Parking**

The proposal would not result in traffic generation which would have an impact upon the wider highway network and the Local Highway Authority (Hampshire County Council) has no objection to the development subject to conditions relating the provision and retention of parking and provision of the vehicle crossover.

The PPIG identifies the site as located in Zone 2 where 3.25 spaces are sought for three-bedroom dwellings. Three spaces would be retained for the existing three-bedroom dwelling at 72 Christchurch Drive but only two would be provided for the proposed dwelling, which would also have three bedrooms. The proposed parking would be within 15m of the property entrance and the spaces would measure 2.4m x 4.8m, as sought in the PPIG.

There would therefore be a shortfall of parking against the Council's prevailing standards. However, the site is in a relatively sustainable urban location. There are bus stops approximately 200m from the site on Rosemary Lane (bus route to Blackwater Town Centre) and convenience retail provision catering for day to day needs approximately 500m from the site at Bell Lane. The site is approximately 750m from Blackwater Town Centre and Station. There is also a parking area on Binsted Road adjacent to the site and on-street parking in the locality which should not be relied upon but would provide opportunities for visitor parking.

Given the above site circumstances, the shortfall against the Council's vehicular parking standards is acceptable in this instance. This is subject to a planning condition requiring the proposed parking to be provided prior to occupation of the development and retained thereafter.

No dedicated cycle parking is identified but there would be space for cycle storage within external areas. Details of cycle parking for the single dwelling proposed could be secured by condition in this instance. This should provide for two spaces in accordance with the PPIG.

No objection has been received from the Joint Waste Client Team in relation to proposed refuse storage and collection.

Whilst there is some divergence from the interim Adopted Parking Guidance in terms of number of spaces, and this is a material planning consideration, this is considered acceptable in this

instance for the reasons set out above.

Subject to the planning conditions identified above, the proposal development meets the requirements of HLP32 Policies NBE9 and INF3, HLP06 Policy GEN1 and the NPPF (Section 9) in relation to highway safety and parking.

## **Impact on the Thames Basin Heaths Special Protection Area**

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.

South East Plan Policy NRM6 and HLP32 Policy NBE3 require adequate measures to avoid or mitigate any potential adverse effects on the SPA.

The Habitats Regulations 2017 requires 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.

Previously, the approach taken was to consider the development proposals along with any mitigation or avoidance measures when undertaking the Screening Opinion as to whether an Appropriate Assessment (AA) is required. This followed the approach applied by the English Courts in the Dilley Lane decision. However, in the European Court ruling (People Over Wind & Sweetman), the circumstances when mitigation measures can be considered when carrying out screening to establish if an AA is required has changed. It is now clear that where the mitigation or avoidance are not an integral part of the development and have only been provided as a form of mitigation or avoidance then these should not be taken into account during the screening process.

There is much evidence and continued monitoring around the provision of SANGs and the suitability/success of these in relation to the protection of the TBHSPA. Following the Sweetman judgement, Natural England has not advised that it considers that the evidence base behind the mitigation and avoidance strategy (SANG and SAMM) is not sufficiently robust so that it meets the requirements of an Appropriate Assessment. In this instance, the applicant has neither secured access to any SANG (Council or privately owned), proposed any SANG development as part of the scheme nor sought to provide any other mitigation. Given the lack of SANG in the proposal and the fact the applicant has not secured any SANG from either the Council or a third party, the Council is unable to conclude that the proposal would not have a significant effect on the SPA. The second element of mitigation required is a financial contribution towards the Strategic Access Management and Monitoring Project (SAMM) and while this could be secured by way of a legal agreement no such agreement has been completed.

The applicant's agent was advised during the application's consideration of the requirements in relation to the impacts on the TBHSPA.

The applicant has not demonstrated or provided information and/or evidence to enable the Council to undertake an AA that would demonstrate that without the SANG mitigation and a contribution towards SAMM the proposal would not have a significant effect on the SPA. There is no evidence of grounds of overriding public interest and the application fails the test of 'no alternative solutions' (Regulation 64).

In the absence of any appropriate mitigation, it is concluded that the scheme would fail to meet the requirements of the Habitats Regulations and that this development would, either on its own

or in combination with other plans or projects, have a detrimental impact on the nature conservation status of the TBHSPA. Consequently, the application is unacceptable and contrary to South East Plan Saved Policy NRM6 and HLP32 Policy NBE3 in this regard and should be refused on this ground alone.

## **Other Matters**

In response to the neighbour comment received, planning conditions requiring a construction management plan and restricting construction hours are recommended to reduce impacts at the construction stage in the event that the application was recommended for approval.

The nature and scale of the proposal is such that there are no anticipated impacts on the nearby SSSI or Riverine Environment. A short Bat Assessment has been submitted by the applicant. The applicant has also stated that the proposed new dwelling can be constructed without 'breaking into' the roof of the existing property at 72 Christchurch Drive. No objection has been received from the Council's Biodiversity Officer who commented on the previous application at the site and confirmed that there is no record of protected species.

The comments from Hampshire Swifts are noted. In this instance, the provision of swift bricks is supported in general terms but are not necessary to make the development acceptable in planning terms. An informative recommending their use is therefore recommended in the event that the application was recommended for approval.

The application site is in Flood Zone 1 (the lowest flood risk area) and no flood risk concerns have been identified.

## **PLANNING BALANCE**

The provision of an additional dwelling would make a very modest contribution to the Council's housing land supply and this would support the NPPF objective of significantly boosting the supply of homes (para. 59). This is a planning and public benefit that is given very limited weight at this time. This is because the Council can demonstrate a very robust 10.4-year housing land supply (HDC Five Year Housing Land Supply Position Statement, April 2020) and a 241% housing delivery rate (Government Housing Delivery Test: 2019 measurement, published 13.02.2020). The associated economic benefits at construction and occupation stages would also be minimal.

Notwithstanding the benefits identified above, the proposed development is in clear conflict with the development plan due to the likely significant effect on the ecological integrity of the THBSPA.

There are no material considerations of sufficient weight to indicate a departure from the development plan should be taken in this instance.

## **CONCLUSION**

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Planning and Compulsory Purchase Act 2004 38(6) and NPPF paras. 2 and 47).

The application has been assessed against the development plan and relevant material

considerations. Whilst the provision of one additional dwelling would make a very modest contribution to the Council's housing land supply, the application is in clear conflict with the development plan due to the likely significant effect on the ecological integrity of the THBSPA. For this reason, the application is recommended for refusal.

## **RECOMMENDATION:**

**REFUSE** planning permission for the following reason:

- 1 The site is located within 5km of the Heath Brow and Bourley and Long Valley Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of any evidence that the test of no alternatives under Regulation 62 of The Conservation of Habitats and Species Regulations 2017 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the TBHSPA. As such, the proposed development is contrary to Saved Policy NRM6 of the South East Plan and Policy NBE3 of the Hart Local Plan (Strategy and Sites) 2032.

## **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. The applicant was advised of the issues relating to Thames Basins Heaths Special Protection Areas during the processing of the application but declined to address these concerns. Consequently the proposal is unacceptable for the reasons given above.