

# Public Document Pack



## RUSHMOOR BOROUGH COUNCIL

### DEVELOPMENT MANAGEMENT COMMITTEE

*at the Council Offices, Farnborough on  
Wednesday, 11th October, 2023 at 7.00 pm*

To:

#### **VOTING MEMBERS**

Cllr S.J. Masterson (Chairman)  
Cllr Marina Munro (Vice-Chairman)

Cllr Jib Belbase  
Cllr P.J. Cullum  
Cllr A.H. Gani

Cllr C.P. Grattan  
Cllr Michael Hope  
Cllr Halleh Koohestani

Cllr Sophie Porter  
Cllr D. Sarki  
Cllr Calum Stewart

#### **NON-VOTING MEMBERS**

Cllr G.B. Lyon (ex-officio)

#### **STANDING DEPUTIES**

Cllr Mrs. D.B. Bedford  
Cllr Christine Guinness  
Cllr S. Trussler  
Cllr G. Williams

Enquiries regarding this agenda should be referred to Adele Taylor,  
Democratic Services, 01252 398831 [adele.taylor@rushmoor.gov.uk](mailto:adele.taylor@rushmoor.gov.uk)

# A G E N D A

## 1. DECLARATIONS OF INTEREST –

All Members who have or believe that they have any interest under the Rushmoor Borough Council Councillors' Code of Conduct, adopted in April 2021, in any matter to be considered at the meeting are required to disclose that interest at the start of the meeting (preferably) or as soon as possible thereafter and to take the necessary steps in light of their interest as to any participation in the agenda item.

## 2. MINUTES – (Pages 1 - 4)

To confirm the Minutes of the meeting held on 13th September, 2023 (copy attached).

## 3. PLANNING APPLICATIONS – (Pages 5 - 62)

To consider the Executive Head of Property and Growth's Report No. PG2335 on planning applications recently submitted to the Council (copy attached).

Sections A & B of the report set out the items to be considered at future meetings and petitions received:

Item	Reference Number	Address	Recommendation
1	21/00271/FULPP	Block 3 Queensmead, Farnborough	For information
2	22/00340/REMPP	Blandford House and Malta Barracks Development Site, Shoe Lane, Aldershot	For information
3	23/00597/FULPP	Land at No. 127 Orchard Rise, La Fosse House, No. 129 Ship Lane, and Farnborough Hill School, No. 312 Farnborough Road, Farnborough	For Information

Section C of the report sets out planning applications for determination at this meeting:

Item	Pages	Reference Number	Address	Recommendation
4	11-35	23/00519/FULPP	Coltwood Business Centre, No. 3 Pickford Street, Aldershot	Grant Subject to S106 agreement

5      37-50      23/00668/FULPP      No. 69      Grant  
Marrowbrook  
Lane,  
Farnborough

Section D of the report sets out planning applications which have been determined under the Council's scheme of delegation for information.

4.      **ALDERSHOT BUS STATION - APPLICATION NO. 22/00029/FULPP –** (Pages 63 - 66)

To consider Executive Head of Property and Growth's Report No. PG2337

5.      **ESSO PIPELINE PROJECT –**

To receive a verbal update on the position regarding the approval of requirements pursuant to the Development Consent Order.

6.      **APPEALS PROGRESS REPORT –** (Pages 67 - 68)

To consider the Executive Head of Property and Growth's Report No. PG2336 (copy attached) on the progress of recent planning appeals.

**MEETING REPRESENTATION**

Members of the public may ask to speak at the meeting, on the planning applications that are on the agenda to be determined, by writing to the Committee Administrator at the Council Offices, Farnborough by 5.00 pm on the day prior to the meeting, in accordance with the Council's adopted procedure which can be found on the Council's website at

<http://www.rushmoor.gov.uk/speakingatdevelopmentmanagement>

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# DEVELOPMENT MANAGEMENT COMMITTEE

Meeting held on Wednesday, 13th September, 2023 at the Concorde Room, Council Offices, Farnborough at 7.00 pm.

## Voting Members

Cllr S.J. Masterson (Chairman)  
Cllr Marina Munro (Vice-Chairman)

Cllr Jib Belbase  
Cllr P.J. Cullum  
Cllr A.H. Gani  
Cllr C.P. Grattan  
Cllr Michael Hope  
Cllr Halleh Koohestani  
Cllr Sophie Porter  
Cllr D. Sarki  
Cllr Calum Stewart

## Non-Voting Member

Cllr G.B. Lyon (Planning and Economy Portfolio Holder) (ex officio)

## 22. DECLARATIONS OF INTEREST

There were no declarations of interest for this meeting.

## 23. MINUTES

The Minutes of the Meeting held on 16th August, 2023 were approved and signed as a correct record of proceedings.

## 24. REPRESENTATIONS BY THE PUBLIC

In accordance with the guidelines for public participation at meetings, and in particular major planning applications, the following representations were made to the Committee and were duly considered before a decision was reached:

Application No.	Address	Representation	In support of or against the application
23/00580/FULPP	Land at Pool Road, Aldershot	Mr Bill Flood, Non-Executive Director, Rushmoor Homes Limited.	In Support

25. **PETITION**

**RESOLVED:** That the petition received in respect of the following application be noted, as set out in the Executive Head of Property and Growth's Report No. PG2331:

<b>Application No.</b>	<b>Address</b>
23/00580/FUL	Land at Pool Road, Aldershot

26. **PLANNING APPLICATIONS**

**RESOLVED:** That

(ii) consideration be deferred to a future meeting for the following application:

23/00597/FULPP	Land at No. 127 Orchard Rise, La Fosse House, No. 129 Ship Lane and Farnborough Hill School, No. 312 Farnborough Road, Farnborough
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(iii) the following application be determined by the Executive Head of Property and Growth, in consultation with the Chairman:

\* 23/00580/FUL Land at Pool Road, Aldershot

(iii) the applications dealt with by the Executive Head of Property and Growth, where necessary in consultation with the Chairman, in accordance with the Council's Scheme of Delegation, more particularly specified in Section "D" of the Executive Head of Property and Growth's Report No. PG2331, be noted

(iii) the current position with regard to the following applications be noted pending consideration at a future meeting:

21/00271/FULPP Block 3, Queensmead, Farnborough

\*\* 22/00340/REMPP Land at Blandford House and Malta Barracks  
Development Site, Shoe Lane, Aldershot

23/00519/FULPP Coltwood Business Centre, No. 3 Pickford Street,  
Aldershot

\* The Executive Head of Property and Growth's Report No. PG2331 in respect of these applications was amended at the meeting.

\*\* It was agreed that site visits would be arranged to these sites

27. **PLANNING APPLICATION 23/00580/FUL - LAND AT POOL ROAD, ALDERSHOT**

The Committee considered the Executive Head of Property and Growth's Report No. PG2331 (as amended at the meeting) and taking account of an additional condition

recommended by the Committee, relating to site working hours, regarding the erection of three 2 bedroom houses with associated landscaping and car parking at the land at Pool Road, Aldershot.

**RESOLVED:** That

subject to:

- (i) no new and material comments be received from consultees
- (ii) no objections be received from the Highways Authority
- (iii) completion of a satisfactory Section 106 Planning Obligation to secure;
  - SANG and SAMM SPA financial contributions, and
  - a Public Open Space contribution
- (iv) the Executive Head of Property and Growth, in consultation with the Chairman be authorised to add, delete or vary conditions as necessary prior to the issue of planning permission

the Executive Head of Property and Growth, in consultation with the Chairman be authorised to GRANT planning permission by 11<sup>th</sup> October, 2023 (or such other timescale as may be agreed).

However, if by 11 October, 2023 (or such other timescale as may be agreed), a satisfactorily completed Section 106 Agreement had not been received, or other requirements, as set out above, had not been satisfied, the Executive Head of Property and Growth, in consultation with the Chairman be authorised to REFUSE planning permission, as set out in the report.

## 28. ENFORCEMENT AND POSSIBLE UNAUTHORISED DEVELOPMENT

<b>Enforcement Reference No.</b>	<b>Description of Breach</b>
23/00395/FULPP	Installation of a gate and bin store at No. 1 Normandy Drive, Wellesley, Aldershot. It was noted that no further action would be taken.

**RESOLVED:** That the Executive Head of Property and Growth's Report No. P2332 be noted.

## 29. APPEALS PROGRESS REPORT

The Committee received the Executive Head of Property and Growth's Report No. PG2333 concerning the following appeal decisions:

<b>Application / Enforcement Case No.</b>	<b>Description</b>	<b>Decision</b>
23/00591/FULPP	A new appeal had been lodged	New

against the refusal of an extension appeal to  
comprising of a first floor side be  
extension, first floor rear extension, determined  
two storey side extension and roof  
extension to provide loft  
accommodation at No. 32 Alexandra  
Road, Farnborough.

21/00073/ADVPP Against refusal of advertisement New  
consent for the display of internally appeal to  
illuminated advertising billboards on be  
the eastern side elevation at the determined  
Empire Banqueting Hall, High Street,  
Aldershot.

**RESOLVED:** That the Executive Head of Property and Growth's Report No. PG2333  
be noted.

The meeting closed at 8.07 pm.

CLLR S.J. MASTERSON (CHAIRMAN)

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**Development Management  
Committee  
11th October 2023**

**Executive Head of Property  
and Growth  
Report No. PG2335**

## **Planning Applications**

### **1. Introduction**

- 1.1 This report considers recent planning applications submitted to the Council, as the Local Planning Authority, for determination.

### **2. Sections In The Report**

- 2.1 The report is divided into a number of sections:

#### **Section A – FUTURE Items for Committee**

Applications that have either been submitted some time ago but are still not ready for consideration or are recently received applications that have been received too early to be considered by Committee. The background papers for all the applications are the application details contained in the Part 1 Planning Register.

#### **Section B – For the NOTING of any Petitions**

#### **Section C – Items for DETERMINATION**

These applications are on the Agenda for a decision to be made. Each item contains a full description of the proposed development, details of the consultations undertaken and a summary of the responses received, an assessment of the proposal against current policy, a commentary and concludes with a recommendation. A short presentation with slides will be made to Committee.

#### **Section D – Applications ALREADY DETERMINED under the Council's adopted scheme of Delegation**

This lists planning applications that have already been determined by the Head of Economy, Planning and Strategic Housing, and where necessary with the Chairman, under the Scheme of Delegation that was approved by the Development Management Committee on 17 November 2004. These applications are not for decision and are FOR INFORMATION only.

- 2.2 All information, advice and recommendations contained in this report are understood to be correct at the time of publication. Any change in circumstances will be verbally updated at the Committee meeting. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting, a separate sheet will be circulated at

the meeting to assist Members in following the modifications proposed. This sheet will be available to members of the public.

### **3. Planning Policy**

- 3.1 Section 38(6) of the Town and Country Planning Act 1990 (as amended) requires regard to be had to the provisions of the development plan in the determination of planning applications. The development plan for Rushmoor comprises the Rushmoor Local Plan (February 2019), the Hampshire Minerals and Waste Plan (October 2013) and saved Policy NRM6 of the South East Plan.
- 3.2 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. Where a development does not accord with the development plan and it is proposed to recommend that planning permission be granted, the application will be advertised as a departure and this will be highlighted in the Committee report.

### **4. Human Rights**

- 4.1 The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.

### **5. Public Speaking**

- 5.1 The Committee has agreed a scheme for the public to speak on cases due to be determined at the meeting (Planning Services report PLN0327 refers). Members of the public wishing to speak must have contacted the Meeting Coordinator in Democratic Services by 5pm on the Tuesday immediately preceding the Committee meeting. It is **not** possible to arrange to speak to the Committee at the Committee meeting itself.

### **6. Late Representations**

- 6.1 The Council has adopted the following procedures with respect to the receipt of late representations on planning applications (Planning report PLN 0113 refers):
  - a) All properly made representations received **before** the expiry of the final closing date for comment will be summarised in the Committee report. Where such representations are received after the agenda has been published, the receipt of such representations will be reported orally and the contents summarised on the amendment sheet that is circulated at the Committee meeting. Where the

final closing date for comment falls **after** the date of the Committee meeting, this will be highlighted in the report and the recommendation caveated accordingly.

- b) Representations from both applicants and others made **after** the expiry of the final closing date for comment and received **after** the report has been published will not be accepted unless they raise a new material consideration which has not been taken into account in the preparation of the report or draws attention to an error in the report.
- c) Representations that are sent to Members should not be accepted or allowed to influence Members in the determination of any planning application unless those representations have first been submitted to the Council in the proper manner (but see (b) above).
- d) Copies of individual representations will not be circulated to members but where the requisite number of copies are provided, copies of individual representation will be placed in Members' pigeonholes.
- e) All letters of representation will be made readily available in the Committee room an hour before the Committee meeting.

## 7. Financial Implications

- 7.1 There are no direct financial implications arising from this report. However, in the event of an appeal, further resources will be put towards defending the Council's decision. Rarely, and in certain circumstances, decisions on planning applications may result in the Council facing an application for costs arising from a planning appeal. Officers will aim to alert Members where this may be likely and provide appropriate advice in such circumstances.

Tim Mills  
Executive Head of Property & Growth

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### *Background Papers*

- *The individual planning application file (reference no. quoted in each case) Rushmoor Local Plan (Adopted Feb 2019)*
- *Current government advice and guidance contained in circulars, ministerial statements and the National Planning Practice Guidance (NPPG).*
- *Any other document specifically referred to in the report.*
- *Regional Spatial Strategy for the South East, policy NRM6: Thames Basin Heaths Special Protection Area.*
- *The National Planning Policy Framework.*
- *Hampshire Minerals and Waste Plan (2013).*

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**Section A**

**Future items for Committee**

Section A items are for INFORMATION purposes only. It comprises applications that have either been submitted some time ago but are still not yet ready for consideration or are recently received applications that are not ready to be considered by the Committee. The background papers for all the applications are the application details contained in the Part 1 Planning Register.

Item	Reference	Description and address
1	21/00271/FULPP	<p>Erection of an extension to Kingsmead Shopping Centre; commercial, business and service uses on the ground floor (3,088sqm), 104 apartments over nine floors, private amenity space, 53 car parking spaces, up to 222 bicycle parking spaces, a bridge link and alterations to existing block 2 car park and the meads, a new entrance to The Meads shopping centre.</p> <p><b>Block 3 Queensmead Farnborough</b></p> <p>This application is subject to a request for an extension of time to consider further amendments.</p>
2	22/00340/REMPP	<p>PART APPROVAL OF RESERVED MATTERS: for the erection of 71 dwellings (Phase 4), including access from Shoe Lane and Forge Lane, internal access roads, public open space, parking, lighting and associated infrastructure, following demolition of existing buildings and hardstanding, pursuant to Condition 3 (1-24) of Hybrid Outline Planning Permission 17/00914/OUTPP dated 15th May 2020.</p> <p><b>Blandford House And Malta Barracks Development Site Shoe Lane Aldershot</b></p> <p>Assessment of this application continues and has not yet reached the stage for Committee consideration.</p>

3	23/00597/FULPP	<p>Demolition of the existing care home and dwelling, repairs and works to the kitchen garden wall and the erection of 30 residential units, associated access works, drainage works, tree works, car parking, hard &amp; soft landscaping.</p> <p><b>Land at No. 127 Orchard Rise, La Fosse House, No. 129 Ship Lane, and Farnborough Hill School</b></p> <p>This item was deferred at the Planning Committee of the 16<sup>th</sup> September 2023 for the following reasons;</p> <ol style="list-style-type: none"> <li>1. Speak letters sent out to respondents by the Uniform system erroneously did not include the committee date.</li> <li>2. Late receipt of the consultation response from Hampshire County Council Highways on 11/09/2023.</li> <li>3. A significant additional quantity of consultee and representators comments have been received since publication of the agenda.</li> </ol>
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**Section B**

**Petitions**

Item	Reference	Description and address
		There are no petitions to report

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer	Katie Ingram
Application No.	23/00519/FULPP
Date Valid	7th July 2023
Expiry date of consultations	12th October 2023
Proposal	Erection of four storey rear extension following demolition of single storey element of building, and erection of additional storey (4th storey) on remaining building, and various external alterations to front and side elevations comprising additional windows, to facilitate change of use of mixed-use commercial building with 8no. flats, to a residential building containing 15no. flats (9 x 1-bed and 6 x2-bed x 1 x 3 bed) with associated parking and refuse storage
Address	<b>3 Pickford Street Aldershot Hampshire</b>
Ward	Wellington
Applicant	Mr Jan and Amid MANDOZAI & YUSSOUF
Agent	Mr Chanto Foo
Recommendation	<b>Grant</b> subject to S.106 agreement

### Site Description and Proposed Development

No. 3 Pickford Street is on the eastern side of Pickford Street at the junction with Sebastopol Road and has a secondary southern elevation to Sebastopol Road and the application site has an area of 340sqm. It is occupied by a part three-storey, part single-storey building in red facing brick, with office space and a warehouse on the ground floor and 8no. flats on the first, second and third floors. The warehouse is housed in a single storey part of the building against the eastern site boundary, with a dual pitched roof with the gable ends fronting Sebastopol Road and a rear end on Artillery Road, and has a loading bay reached by a dropped kerb on Sebastopol Road. The three storey part of the building fronts Pickford Street and contains the upper level flats. The buildings are built out to the site boundaries other than an area of hardstanding that accommodates 3 parking spaces and refuse storage for the flats and No. 5 Pickford Street, to the north of the warehouse building, that is reached from Artillery Road.

No. 5 Pickford Street is attached to the north side of No. 3, and is a two-storey, 3-bedroom dwelling house with the gable end fronting Pickford Street and has a small enclosed rear

yard. No. 5 Pickford Street has a northern side boundary to Artillery Road.

The site is 50m outside the Aldershot Town Centre as designated by Policy SP1 of the Local Plan. 35m south west on Pickford Street, are the rear elevations of the Aldershot Delivery Office and Former Masonic Hall at 48 Station Road, both Grade II Listed buildings.

North of the application site on Artillery Road are the rear of flats at 127 to 129 High Street. Adjoining the eastern site boundary is a light industrial building and private surface car park known as Stableford House. On the south side of Sebastopol Road is Walpole House, a five-storey residential flat building with a flat roof. Opposite the site on the western side of Pickford Street is Emarc House, a three and a half storey modern flat building with a hipped roof, and the rear car parking area of Alexander House.



#### *Relevant Planning history –*

In 2006 planning application 06/00011/FUL for demolition of 3-5 Pickford Street and erection of a new building comprising 15 flats and associated parking, was approved. This lapsed without being implemented.

In 2013, planning application 13/00965/COU for change of use of first and second floors of 3 Pickford Street from office to residential to provide 6no. 1-bedroom and 2no. 2-bedroom flats with associated refuse and cycle storage areas, was approved and implemented, with 2 parking spaces to serve the flats and 1 for the warehouse. This was implemented.

#### *Proposed development –*

The application is seeking planning permission to add a fourth storey to No. 3 Pickford Street, in the form of a mansard roof level, and to demolish the warehouse element of the building and erect a four storey rear extension, to facilitate a change of use of No. 3 Pickford Street to result in a building that would accommodate 15 residential flats, comprising 9no. 1-bed units, and 6no. 2 bed units, and associated parking and refuse storage. Parking for 10no. spaces would be at an enclosed ground level reached by a secure gate on Sebastopol Road (using the existing, but widened dropped kerb) with the 3no. existing spaces reached from Artillery Road retained to serve the development. Details are as follows:



- Demolition of warehouse building and erection of a four-storey rear extension, including a mansard roof level, against the eastern elevation of the building, with a footprint approximate to the warehouse building i.e. 7m wide x 21m deep along eastern boundary at ground floor level, but that would be stepped back from the Sebastopol Road frontage at first, second and third floors by 6m.
- Erection of a mansard roof on No. 3 Pickford Street 21m x 13m wide with an eaves height of 8.1m (as existing), and a ridge height of 11.6m, with installation of windows on Pickford Street and Sebastopol Road, and roofing materials of slate grey tiles
- Installation of additional windows and widening of existing windows on the Pickford Street and Sebastopol Road elevations

A front entrance lobby, cycle and refuse storage and one studio flat, and would also be on the ground floor, reached from Pickford Street.

The application is accompanied by a Preliminary Bat Survey, vehicle tracking diagrams, and plans showing relationship of Pickford Street elevation to Emarc House, opposite.

### **Consultee Responses**

RBC Regeneration Team	No comments received
Ecologist Officer	No objection – bats are not a constraint to development
Contract Management	Refuse area is sufficient to accommodate required bins for both No 32 and No 5 Pickford Street
Environmental Health	No objection subject to submission of a comprehensive Construction and Demolition Management Plan to prevent adverse impacts by of noise and dust emissions onto neighbours and limit hours of construction
Farnborough Airport	No objection
HCC Highways Development Planning	No objection subject to submission of a Construction Management Plan and informative regarding works taking place on a public highway
Thames Water	No objection subject to a condition that waste water and foul water arrangements are determined with TW prior to occupation.
Parks Development Officer	Provides advice on POS projects to which a POS financial contribution is required to be secured with a S106 Planning Obligation
South East Water	No comments received; it is assumed there is no objection
Hampshire Fire & Rescue Service	Provides comments and advice concerning fire safety and standards in respect of the proposals

## **Neighbours notified**

In addition to posting a site notice and press advertisement, individual letters of notification were sent to 114 adjoining and nearby properties.

## **Neighbour comments**

One representation has been received as follows:

Flat 4 133 High Street

If these plans are fully correct then looks very acceptable. However I must mention this area, Pickford Street, Artillery Road, and this part of the High Street is very bad for parking. In the last couple of years parking has got to the point you never know if you going to get a space (and that's paying for it). I just wanted to mention this, as inadequate parking for this new development will put a big strain on an already overcrowded area.

## **Policy and determining issues**

The site is located within the settlement boundary of Aldershot and is 35m from a nationally Listed Heritage Asset. Therefore, Policies SS1 (Presumption in favour of sustainable development, SS2 (Spatial Strategy), IN2 (Transport), IN3 (Telecommunications), HE1 (Heritage), DE1 (Design in the Built Environment), DE2 (Internal Residential Space Standards), DE3 (Private Amenity Space Standards), DE4 (Sustainable Water Use), DE6 (Open Space, Sport and Recreation), LN1 (Housing Mix), LN2 (Affordable Housing), NE1 (Thames Basin Heaths Special Protection Area), NE4 (Biodiversity) and NE8 (Sustainable Drainage Systems) of the Rushmoor Local Plan (2014-2032) are relevant in the assessment of the application. Also of relevance are Rushmoor Car and Cycle Parking Standards Supplementary Planning Document (SPD) (2017), Affordable Housing SPD (2019), and Financial contributions for open space – Interim advice note. Policy in the National Planning Policy Framework (last updated on 5 September 2023) is also of relevance.

The main issues in the determination of this application are considered to be:

1. Principle of development
2. Impact on the character and appearance of the site and surrounding area, and the Heritage Asset
3. Impact on neighbouring amenity
4. Living environment for future occupants
5. Parking and highways considerations
6. Affordable Housing
7. Impact on Wildlife & Biodiversity
8. Provision of Public Open Space

## **Commentary**

### **1. Principle of the proposed development**

There is no policy objection to the loss of the commercial use as the site is not in any protected commercial area designated by the Local Plan.

The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. In this respect, there are three dimensions to sustainable development: economic, social and environmental. These roles are defined as:-

- *"contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements including the provision of infrastructure;*
- *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

The NPPF also advises that these roles should not be taken in isolation because they are mutually dependent, and the planning system should play an active role in guiding development to sustainable locations. Furthermore, it also advises that housing applications should be considered in the context of the presumption in favour of sustainable development to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

The proposed development is seeking to make more efficient use of previously-developed land, which, within reason, continues to be a clear objective of both Government planning guidance and current adopted local planning policy.

The proposal is therefore considered to be acceptable in principle subject to all usual development control issues being satisfactorily resolved.

## **2. Impact on appearance and character of the site and surrounding area, and impact on nearby Listed Building**

No 3 Pickford Street has external materials of mixed stock red facing brick in English Bond with square UPVC sash windows. There is some attractive detailing, such as an arched doorway recess with soldier coursing, which will be retained. Emarc House opposite the site is a more modern facing brick building with a slate tiled roof and front dormer windows. Walpole House to the south is a five-storey flat roofed red facing brick building with some stone banding at ground floor.

External materials of the extension would be facing brick and the mansard roof level would be slate grey roof tiles and roof materials, and white Upvc windows. The existing eaves height of 3 Pickford Street would not change with the addition of the fourth storey mansard roof, and the roof height of 11.6m would not be very different in height from the existing hipped roof nor out of keeping with the heights of nearby buildings in this part of Aldershot

Town Centre, such as Walpole House and Emarc House, and Printing House Court to the south east, which vary from three to five storeys. It is noted that there are other flat buildings with mansard roofs nearby, for example, 52 Victoria Road (planning permission 16/00878/FULPP refers) and 35 Station Road, that have an acceptable visual impact on the surrounding area. The new window openings would be appropriately aligned with existing windows, and lintel details would match existing. The rear extension is in the same footprint as the warehouse, and the step back of the rear extension from the Sebastopol Road frontage from first to fourth level of 6m would reduce overall bulk and would add visual interest to the Sebastopol Road frontage. The ground floor car park would be enclosed by facing brick walls and served by similar windows to the rest of the building to ensure positive visual impact. The plans state that the first-floor terrace on Sebastopol Road will be a 'green roof' and further details of this have been sought, and Members will be updated at the Committee.

The application site is 35m from the rear elevation of the Former Masonic Hall and Old Post Office Building at 48 Station Road. These elevations have are blank with no detailing or windows, and the impact on the setting of the items is considered to be acceptable.

Subject to use of appropriate external materials it is considered that the proposed development would have an acceptable impact on appearance and character of the site and surrounding area and the nearby Heritage assets. The application would comply with Policies DE1 and HE1 of the Rushmoor Local Plan.

### **3. Impact on neighbouring amenity**

The separation distance of No. 3 Pickford Street to Emarc House is 10.5m, to the rear elevation of 127-129 High Street is 12.5m, and to southern elevation of Walpole House is 9.5m.

There is already a degree of interlocking to Walpole House and Emarc House from the existing flats, and it is not considered that the additional windows to serve the flats (2 new windows, and 2 widened windows on Pickford Street elevation and 7 new windows on the Sebastopol Road elevation) would result in material harm to amenity of the occupants of the neighbouring dwellings. These separation distances between residential flat buildings in the vicinity is not uncommon, and is not considered to result in undue impact on neighbouring amenity.

The north elevation of 3 Pickford Street on Artillery Road would have windows at first, second and third floor level that would be 12.5m to 13m from the rear elevation of the flats at 127 to 129 High Street. Whilst this will result in a degree of interlocking, the impact is considered to be acceptable.

It is considered that the proposed development would have an acceptable impact on neighbouring amenity and comply with Policy DE1 of the Rushmoor Local Plan.

### **4. The living environment created**

Floor by floor, the layout of the dwellings at No. 3 Pickford Street would be as follows:

Ground floor – 1 studio dwelling (1-bed) and parking for the development

First floor – 5 flats (3 x 1-bed and 2 x 2-bed)

Second floor – 5 flats (3 x 1-bed and 2 x 2-bed)

Third floor – 4 flats (2 x 1-bed and 2 x 2-bed)

The new flats all meet the minimum floor space standards, including bedroom sizes and storage space requirements, required by Policy DE2 (Internal Residential Space Standards) of the Rushmoor Local Plan. The habitable rooms of all the flats are considered to get an acceptable level of natural daylight. It is noted that the proposed development replaces dwellings that do not currently comply with the required minimum internal floor standards, given they were approved before the introduction of the Nationally Described Space Standards.

None of the flats provide outdoor private amenity space in the form of balconies, due to issues of privacy, and all the flats are provided with an internal additional floor area of 5sqm above the base line amount required from Policy DE2. As such the proposal complies with Policy DE3 (Residential Amenity Space Standards) of the Rushmoor Local Plan.

It is acknowledged that the studio unit on the ground floor for a single person has an immediate relationship with the street, however, it has an aspect on Pickford Street and Sebastopol Road, and there is a similarly configured flat at Walpole House so on balance, the living environment created for Unit 1 is considered to be acceptable. The kitchen windows of Flats 2 and 7 on the eastern elevation will be obscure glazed and fixed shut to prevent interlocking into the bedroom windows of Flats 4 and 9 as these windows have very immediate relationships to each other.

Refuse storage for the flats is at ground level of No. 3 Pickford Street and No. 5 Pickford Street. The Contracts Management Team has reviewed the layout and confirmed that the refuse storage rooms are sufficient to accommodate the number of bins required for the proposed flats, and No. 5 Pickford Street.

It is considered that the application would provide an acceptable living environment for future occupants of the proposed development.

## **5. Parking and highways considerations**

The Rushmoor Car and Cycle Parking Standards require 1 space for a 1-bedroom property and 2-spaces for a 2/3-bedroom property, in this location. The Parking Standards SPD states that where development proposes an increase in floor area, parking spaces need only be provided to serve the extra demand, and not to make up for any deficiencies in existing provision (Principle 2).

Planning application 13/00965/COU approved 6no. 1-bedroom and 2no. 2-bedroom flats with 2no. off road parking spaces allocated to the flats, and 1no. space to the warehouse, because there was an existing under provision of parking spaces for the offices.

As the current application proposes 9no. 1-bed flats and 6no. 2-bed flats, it is considered parking should be provided for an additional 3no. 1-bed units, and 4no. 2-bed units. This amounts to a requirement of a further 11no. spaces on the site. A further 10 spaces are provided in a secure ground level parking area and 1no. space used for the existing warehouse is reallocated to the residential use. As such it is considered the application complies with the residential parking standards of the adopted SPD.

The Rushmoor Car and Cycle Parking Standards requires visitor parking spaces for residential development that for this development amounts to 2no. visitor spaces. Given the

site's location close to Aldershot train station and town centre, in this instance, it is considered that the impact on highway safety arising from the non-provision of visitor spaces would be acceptable.

Tracking diagrams are provided for the parking area, and the parking plans and tracking diagrams also show the network of structural beams and columns on ground level that are required to support the flats above. These demonstrate that the parking spaces can be reached and the parking area can be exited in a forward gear. An appropriately worded condition will ensure that the columns are implemented in terms of their dimensions and positions as shown on the plans so they will not be able to obstruct any manoeuvring area of spaces.

The County Highway Authority has reviewed the application and raises no objection, subject to submission of a Construction Transport Management Plan prior to commencement of development and an informative.

Cycle parking for 21 bikes is provided in a ground floor secure room with double height racks that complies with the Parking Standards SPD of 1 bike for a 1-bedroom dwelling and 2no. cycle spaces for a 2-bedroom dwelling..

It is considered that the proposal is acceptable in highway terms, and complies with Policy LN2 of the Rushmoor Local Plan and the Rushmoor Car and Cycle Parking Standards SPD and will have an acceptable impact on highway safety.

## **6. Affordable Housing**

Policy LN2 requires a minimum of 30% of homes to be provided as affordable homes on sites of 11 or more dwellings, subject to site viability. Although there are 8 flats existing, given the wholesale reconfiguration of the building required to accommodate the new flats, it is agreed that Policy LN2 applies to this scheme.

The Local Plan states that proposals which do not meet the affordable housing policy requirements "*will only be acceptable where the viability case is supported by the independent review and accepted by the Council*" (para. 20.21). The Council's 'Affordable Housing' SPD (adopted September 2019) supports Policy LN2 and provides further detail in this regard.

The applicants submitted a Financial Viability Report dated November 2022 to the Council that concluded that the development would not be commercially viable and therefore unable to provide any elements of affordable housing. This report was assessed independently on behalf of the Council by BPS Chartered Surveyors of Dorking in December 2022, who concluded as follows:-

*"the Financial Viability Assessment prepared on behalf of the Applicant concludes that the proposed scheme generates a residual land value of £226,783 which is approximately £1.45m below their benchmark land value of £1.675m. On this basis the scheme cannot provide any affordable housing contribution...we have undertaken sensitivity analysis to test the impact of changes to costs and values. We include our sensitivity analysis in Appendix Two. We conclude that even with a reduction in construction costs of 10% and a simultaneous rise in GDV of 10%, the deficit would not be eroded. We recommend that the scheme should be subject to a late-stage review of viability in order that the viability can be assessed over the lifetime of the development".*

It is considered the analysis is still current. The S106 Obligation is being worded to include late-stage viability clauses for the developer to carry out as recommended. The application therefore does not conflict with Policy LN2.

## **7. Impact on Wildlife and Biodiversity**

### Protect Species

A preliminary bat ecological survey has been carried out for the site. The survey did not find any evidence for the presence of active bat roosts in the building, and bats are therefore not a constraint to development.

### Biodiversity Net Gain

The National Planning Policy Framework (NPPF) makes it clear at paragraph 174 that “Planning policies and decisions should contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

Paragraph 175 of the National Planning Policy Framework requires that ‘*opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity*’. The Council’s Ecology Officer has stated that the applicant should be encouraged to incorporate bat roosting opportunities as integral design features within the built development and a condition is added to this effect.

### Thames Basin Heaths Special Protection Area

The European Court of Justice judgement in ‘People Over Wind, Peter Sweetman v Coillte Teoranta C-323/12’ in April 2018 established the legal principle that a full appropriate assessment (AA) must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA, and that this process cannot take into account any proposed measures to mitigate any likely impact at the assessment stage. This process, culminating in the Council’s Appropriate Assessment of the proposals, is overall described as Habitats Regulation Assessment (HRA).

Undertaking the HRA process is the responsibility of the decision maker (in this case, Rushmoor Borough Council) as the ‘Competent Authority’ for the purposes of the Habitats Regulations. The following paragraphs comprise the Council’s HRA in this case:-

### **HRA Screening Assessment under Regulation 63(1)(a) of the Habitats Regulations :**

The Thames Basin Heaths SPA is designated under the E.C Birds Directive for its lowland heathland bird populations. The site supports important breeding bird populations, especially Nightjar *Caprimulgus europaeus* and Woodlark *Lullula arborea*, both of which nest on the ground, often at the woodland/heathland edge; and Dartford Warbler *Sylvia undata*, which often nests in gorse *Ulex* sp. Scattered trees and scrub are used for roosting.

Heathland is prone to nitrogen deposition due to increases in Nitrogen Oxide. Calculations undertaken for the Rushmoor Borough Council Local Plan found that there will be no incombination impacts on the habitats as a result of development in the Local Plan, including

an allowance for 'windfall' housing developments. However within the screening process it will need to be ascertained whether development outside the Local Plan within 200m of the SPA will increase vehicle movements to above 1000 extra trips/day or exceed the Minimum Critical Load by over 1% either alone or in-combination with the Local Plan.

The bird populations and nests are very prone to recreational disturbance, with birds vacating the nests if disturbed by members of the public. This leaves the young unprotected and increases the risk of predation. Dogs not only disturb the adults, but can directly predate the young.

Visitor surveys have shown that the visitor catchment area for the Thames Basin Heath SPA is 5km, with any proposals for residential development within this catchment contributing to recreational pressure on the SPA. The research also evidenced that residential development within 400m of the SPA would cause impacts alone due to cat predation of adult and young birds.

The retained South East Plan Policy NRM6 and adopted New Rushmoor Local Plan (2014-2032) Policy NE1 (Thames Basin Heaths Special Protection Area) and Thames Basin Heaths Avoidance & Mitigation Strategy (2019)], state that residential development within 400m of the SPA should be refused and development within 5km of the SPA should provide Strategic Alternative Natural Greenspace (SANG) of 8ha/1000 additional population and contributions to Strategic Access Management and Monitoring Measures (SAMM) dependant on the number of bedrooms.

It is considered that there is sufficient information available with the planning application provided by the applicants with which the Council can undertake the HRA process. In this case the proposed development involves the creation of 7 net new residential units within the Aldershot urban area. As such, the proposed development is located within the 5km zone of influence of the SPA but outside the 400-metre exclusion zone. The proposed development is neither connected to, nor necessary to the management of, the Thames Basin Heaths SPA. Furthermore, the proposed development would not result in a net increase in traffic movements in excess of 1000 vehicular movements per day in proximity to the SPA.

All new housing development within 5 km of any part of the Thames Basin Heaths SPA, of which the current proposals would make a contribution, is considered to contribute towards an impact on the integrity and nature conservation interests of the SPA. This is as a result of increased recreation disturbance in combination with other housing development in the vicinity of the Thames Basin Heaths SPA. Current and emerging future Development Plan documents for the area set out the scale and distribution of new housebuilding in the area up to 2032. A significant quantity of new housing development also results from 'windfall' sites, i.e. sites that are not identified and allocated within Development Plans. There are, therefore, clearly other plans or projects for new residential development that would, together with the proposals the subject of the current planning application, have an 'in-combination' effect on the SPA. On this basis it is clear that the proposals would be likely to lead to a significant effect on European site (i.e. the Thames Basin Heaths SPA) integrity.

**Appropriate Assessment under Regulation 63(1) of the Habitats Regulations:** If there are any potential significant impacts upon the Thames Basin Heaths SPA, the applicant must suggest avoidance and/or mitigation measures to allow an Appropriate Assessment to be made. The Applicant must also provide details that demonstrate any long-term management, maintenance and funding of any such solution.



The project the subject of the current planning application being assessed would result in a net increase of dwellings within 5 km of a boundary of part of the Thames Basin Heaths SPA. In line with Natural England guidance and adopted New Rushmoor Local Plan Policy NE1 and Thames Basin Heaths Avoidance & Mitigation Strategy (2019), a permanent significant effect on the SPA due to an increase in recreational disturbance as a result of the proposed new development is likely. As such, in order to be lawfully permitted, the proposed development will need to secure a package of avoidance and mitigation measures.

Rushmoor Borough Council formally adopted the latest version of the Thames Basin Heaths SPA Avoidance & Mitigation Strategy (AMS) in 2023. The AMS provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in combination effects of increased recreational pressure on the Thames Basin Heaths SPA arising from new residential development. This Strategy is a partnership approach to addressing the issue that has been endorsed by Natural England.

The AMS comprises two elements. Firstly the maintenance of Suitable Alternative Natural Greenspace (SANG) in order to divert additional recreational pressure away from the SPA; and, secondly, the maintenance of a range of Strategic Access Management and Monitoring Measures (SAMMs) to avoid displacing visitors from one part of the SPA to another and to minimize the impact of visitors on the SPA. Natural England raises no objection to proposals for new residential development in the form of Standing Advice provided that the mitigation and avoidance measures are in accordance with the AMS.

In order to meet the requirements of Policy NE1 and the AMS applicants must:-

(a) secure an allocation of SPA mitigation capacity from either the Council's SANGS schemes, or from another source acceptable to Natural England and to the Council; and

(b) secure the appropriate SANG and/or SAMM in perpetuity by making the requisite financial contribution(s) by entering into a satisfactory s106 Planning Obligation that requires the payment of the contribution(s) upon the first implementation of the proposed development.

These requirements must be met to the satisfaction of Natural England and Rushmoor Borough Council (the Competent Authority) before the point of decision of the planning application.

In this case the applicants have acquired SANGS capacity from the Hart District Council Bramshot Farm SANGS scheme sufficient for the 8 net new dwelling units proposed, costing the applicants £54,236.96 paid to Hart DC. Furthermore, the applicants are seeking to complete a s106 Planning Obligation with Rushmoor BC to secure a financial contribution of £4,486.31 towards the SAMM element of the SPA mitigation to be paid upon the implementation of the proposed development.

Conclusions of Appropriate Assessment : Subject to satisfactory completion of a s106 Planning Obligation with Rushmoor, the Council would be satisfied that the applicants have satisfactorily mitigated for the impact of their proposed development on the Thames Basin Heaths SPA in perpetuity in compliance with the requirements of New Rushmoor Local Plan Policy NE1 and the AMS. Accordingly, it is considered that planning permission can be granted for the proposed development on SPA grounds.

## 8. Public Open Space

The Rushmoor Local Plan seeks to ensure that adequate public open space (POS) provision is made to cater for future residents in connection with new residential developments. Policy DE6 allows provision to be made on the site or a contribution to be made towards upgrading POS facilities nearby.

In this instance the Parks Development Officer has identified a POS project at Municipal Gardens or Manor Park requiring £17,205.75 towards landscaping and general infrastructure improvements including sports facilities and playground improvements, to be secured by way of a S106 Planning Obligation, which the applicant is in the process of completing. Subject to the completion of this Obligation the proposal is considered to be acceptable within the terms of Local Plan Policy DE6.

### Conclusions –

It is considered that the proposals are considered acceptable in principle and in highways terms; would have no material and harmful visual impact on the character and appearance of the area or nearby heritage asset; would have an acceptable impact on neighbours; would provide an acceptable living environment; subject to conditions would provide satisfactory surface water drainage and address ecology & biodiversity issues and requirements; and, subject to s106 Planning Obligations, would have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area and appropriately address the Council's adopted Local Plan Policy DE6 concerning Public Open Space. The proposal are therefore considered to be acceptable having regard to Policies SS1, SS2, DE1, DE2, DE3, DE6, DE11, IN1, IN2, NE1, NE2, NE4, and NE8 of the Rushmoor Local Plan (2014-2032).

### Full Recommendation

It is recommended that **SUBJECT** to completion of a satisfactory S.106 Planning Obligation by 1 November 2023, or any further date the subject of an Extension of Time for the determination of the application as may be agreed, to secure the SPA (SAMMs) and Public Open Space financial contributions as set out in the report:

The Executive Head of Property and Growth, in consultation with the Chairman be authorised to **GRANT** Planning Permission subject to the imposition of the following conditions and informatives: -

However, if by 1 November 2023, (or such other timescale as may be agreed) a satisfactory s106 Agreement has not been received, the Executive Head of Property and Growth, in consultation with the Chairman, be authorised to **REFUSE** planning permission on the grounds that the proposals do not provide the means and/or financial contribution to mitigate the effect of the development on the Thames Basin Heaths Special Protection Area in accordance with the Rushmoor Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy and adopted Rushmoor Local Plan Policy NE1; and does not make appropriate provision for Public Open Space in accordance with the requirements of adopted Rushmoor Local Plan Policy DE6.

## Conditions & Informatives

- 1 The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to reflect the objectives of the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy as amended August 2019 and to accord with the resolution of Rushmoor's Cabinet on 17 June 2014 in respect of Planning Report no PLN1420.

- 2 The permission hereby granted shall be carried out in accordance with the following approved drawings. Drawing numbers: 1-11 Location and Site Plan (scale 1:1250 and 1:500), 2-11 Existing and proposed west elevations (to Pickford Street), 3-11 Existing and proposed north elevations (to Artillery Road), 4-11 Existing and Proposed south elevations (to Sebastopol Road), 5-11 Existing ground floor plan, 6-11 Existing first floor plan, 7-11 Existing second floor plan, 8-11 Proposed ground floor plan and parking layout, 9-11 Proposed first floor plan, 10-11 Proposed second floor plan, 11-11 Proposed third floor plan, 14-11 Proposed roof plan, 17-11 Rev A Tracking diagrams, 13-11 A Tracking diagrams, 12-11 Rev A Tracking diagrams

Reason - To ensure the development is implemented in accordance with the permission granted

- 3 Construction of the following elements of the development hereby approved shall not start until a schedule and/or samples of the materials to be used in them have been submitted to, and approved in writing by, the Local Planning Authority. Those elements of the development shall be in keeping with the existing building and carried out using the materials so approved and thereafter retained. In the case of brickwork, external materials shall match the existing bond and pointing:

External walls  
Roofing materials  
Window frames.  
Rainwater Goods  
Ground surfacing materials

Reason - To ensure satisfactory external appearance.\*

- 4 Construction or demolition work of any sort within the area covered by the application shall only take place between the hours of 0800-1800 on Monday to Fridays and 0800-1300 on Saturdays. No work at all shall take place on Sundays and Bank or Statutory Holidays.

Reason - To protect the amenities of neighbouring residential properties and to prevent adverse impact on traffic and parking conditions in the vicinity.

- 5 Prior to the commencement of development, a Construction Management Plan to be adopted for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The details required in this respect shall include:
- (a) the provision to be made for the parking and turning on site of operatives and construction vehicles during construction and fitting out works;
  - (b) the arrangements to be made for the delivery of all building and other materials to the site;
  - (c) the provision to be made for any storage of building and other materials on site;
  - (d) measures to prevent mud from being deposited on the highway;
  - (e) the programme for construction; and
  - (f) the protective hoarding/enclosure of the site.
- Such measures as may subsequently be approved shall be retained at all times as specified until all construction and fitting out works have been completed.

Reason – In the interests and highway safety and neighbouring amenity

- 6 Prior to the commencement of development hereby approved, a plan indicating how and where biodiversity enhancement measures are to be incorporated into the new development shall be submitted to and approved in writing by the Local Planning Authority. Possible measures could include integral swift/bird bricks and bat tiles.

Reason - To assist in biodiversity net gain in accordance with the National Planning Policy Framework and Policy NE4 of the Rushmoor Local Plan (2014-2032).

- 7 The development hereby permitted shall not be occupied until the parking spaces shown on the approved plans have been constructed, surfaced and made available to occupiers of, and visitors to, the development and allocated as shown on a plan to be submitted to and agreed by the Local Planning Authority. Thereafter these parking facilities shall be kept available at all times for their intended purposes as shown on the approved plans. Furthermore, the parking spaces shall not be used at any time for the parking/storage of boats, caravans or trailers.

Reason - To ensure the provision and availability of adequate off-street parking.\*

- 8 The supporting columns on the parking level hereby approved shall be provided on the site in the dimensions and in the positions as shown on the proposed ground floor plan 1594 8/11 hereby approved and thereafter retained.

Reason - To ensure the provision and availability of adequate off-street parking.

- 10 Notwithstanding the details shown on the submitted plans, the kitchen window on the eastern elevation serving flats 2 and 7 of development hereby approved shall be fitted with obscure glass and fixed closed with the exception of:
- High level windows with a cill height not less than 1.7m above the internal floor level of the room.
  - Opening top light windows forming the upper part of a larger window where the horizontal division is no less than 1.7m above the internal floor level of the room, and where the section below the division is obscurely glazed and fixed closed.

Reason - To prevent overlooking and loss of privacy to neighbouring residential properties.

- 11 Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or use in the development of the application site.

Reason - To protect the amenities of neighbouring residential properties and to prevent adverse impact on traffic and parking conditions in the vicinity.

- 12 Prior to first occupation of the flats hereby permitted, details for a broadband telecommunications provision to the flats shall be submitted to and approved in writing by the Local Planning Authority. The new flats hereby permitted shall not be occupied until the approved scheme has been installed and made operational.

Reason - In the interest of visual amenity of the area\*

- 13 No development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority that demonstrates that either:-
- a) Foul water Capacity exists off site to serve the development, or
  - b) A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
  - c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).\*

- 14 No development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority that demonstrate that either:-
- a) Surface water drainage capacity exists off site to serve the development or
  - b) A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
  - c) All surface water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning)\*.

- 15 In the event that unforeseen ground conditions or materials which suggest potential or actual contamination are revealed at any time during implementation of the approved

development it must be reported, in writing, immediately to the Local Planning Authority. A competent person must undertake a risk assessment and assess the level and extent of the problem and, where necessary, prepare a report identifying remedial action which shall be submitted to and approved in writing by the Local Planning Authority before the measures are implemented.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and is subject to approval in writing by the Local Planning Authority.

Reason - To ensure that the site is safe for the development permitted and in the interests of amenity and pollution prevention

- 16 Prior to occupation of any part of the development hereby approved, the refuse and recycling bins storage area as shown on the plans hereby approved shall be provided and retained thereafter at all times.

Reason - In the interests of visual amenity and highway safety

- 17 Prior to the occupation of any part of the development hereby approved, on-plot cycle storage as shown on the plans hereby approved shall be provided and retained thereafter.

Reason - In the interests of visual amenity and highway safety.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015, (or any Order revoking and re-enacting that Order), no additional windows, doors or openings of any kind shall be inserted in any of the elevation of the development hereby permitted without the prior permission of the Local Planning Authority

Reason - To protect the amenities of neighbouring residential properties.

- 19 All residential units hereby permitted shall be designed to meet the water efficiency standard of 110 litres/person/day to be confirmed by the submission to the Local Planning Authority of a post-construction BREEAM certificate.

Reason - To manage water consumption efficiently consistent with the requirements of Policy DE4 of the adopted Rushmoor Local Plan (2014-2032) and the advice in NPPF Paragraph 154

20. No development shall begin until a detailed surface water drainage scheme for the site has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:-
- a) Detailed drainage plans to include type, layout, and dimensions of drainage features including references to link to the drainage calculations;
  - b) Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change; and
  - c) Maintenance schedules detailing the maintenance requirements of all drainage elements within the site.

Reason - To comply with the requirements of Local Plan Policy NE8.

### **Informatives**

- 1 **INFORMATIVE** – The Local Planning Authority’s commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.

Before undertaking any work which affects a public highway you must obtain specific written approval from the Director of Universal Services at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping and alteration of existing access(es) or other works on or to the public highway. For further information, please contact [roads@hants.gov.uk](mailto:roads@hants.gov.uk)

- 2 The Council has granted permission because it is considered that the proposals are considered acceptable in principle and in highways terms; would have no material and harmful visual impact on the character and appearance of the area or nearby heritage asset; would have an acceptable impact on neighbours; would provide an acceptable living environment; subject to conditions would provide satisfactory surface water drainage and address ecology & biodiversity issues and requirements; and, subject to s106 Planning Obligations, would have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area and appropriately address the Council’s adopted Local Plan Policy DE6 concerning Public Open Space. The proposal are therefore considered to be acceptable having regard to Policies SS1, SS2, DE1, DE2, DE3, DE6, DE11, IN1, IN2, NE1, NE2, NE4, and NE8 of the Rushmoor Local Plan (2014-2032).

It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.

- 3 This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 4 Your attention is specifically drawn to the conditions marked \*. These condition(s) require either the submission and approval of details, information, drawings etc. by the Local Planning Authority **BEFORE WORKS START ON SITE, BEFORE SPECIFIC ELEMENTS OF THE PROPOSAL ARE CARRIED OUT** or, require works to be carried

out BEFORE COMMENCEMENT OF USE OR FIRST OCCUPATION OF ANY BUILDING. Development started, carried out or occupied without first meeting the requirements of these conditions is effectively development carried out WITHOUT PLANNING PERMISSION. The Council will consider the expediency of taking enforcement action against any such development and may refer to any such breach of planning control when responding to local searches. Submissions seeking to discharge conditions or requests for confirmation that conditions have been complied with must be accompanied by the appropriate fee.

- 5 The applicant is recommended to achieve maximum energy efficiency and reduction of Carbon Dioxide emissions by: a) ensuring the design and materials to be used in the construction of the building are consistent with these aims; and b) using renewable energy sources for the production of electricity and heat using efficient and technologically advanced equipment.
- 6 INFORMATIVE - No materials produced as a result of site preparation, clearance, or development should be burnt on site. Please contact the Head of Operational Services for advice.
- 7 INFORMATIVE - The applicant is advised that there may be a need to comply with the requirements of the Party Wall (etc.) Act 1996 before starting works on site. The Party Wall (etc.) Act is not enforced or administered by the Council but further information can be found on the Planning Portal website <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance> and you are able to download The Party Wall Act 1996 explanatory booklet.
- 8 INFORMATIVE - The Applicant is advised that the Council holds National Skills Academy for Construction status and works in partnership with the construction industry to maximise employment and skills opportunities from developments locally. Our Economic Development team offers support in preparing and implementing Employment and Skills Plans, along with others, including Job Centre Plus, and in facilitating links with local job seekers, schools, colleges and job centres. For more information, please contact the Council's Skills & Employment Officer, Nicky Phillips on 07748689434 or [nicky.phillips@rushmoor.gov.uk](mailto:nicky.phillips@rushmoor.gov.uk)
- 9 INFORMATIVE - The applicant is advised that there may be a need to comply with the requirements of the Party Wall (etc.) Act 1996 before starting works on site. The Party Wall (etc.) Act is not enforced or administered by the Council but further information can be found on the Planning Portal website <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance> and you are able to download The Party Wall Act 1996 explanatory booklet.
- 10 INFORMATIVE - The applicant is advised that during the demolition and construction phases of the development measures should be employed to contain and minimise dust emissions, to prevent their escape from the development site onto adjoining properties. For further information, please contact the Head of Operational Services.
- 11 INFORMATIVE - It is a legal requirement to notify Thames Water of any proposed connection to a public sewer. In many parts of its sewerage area, Thames Water provides separate public sewers for foul water and surface water. Within these areas a dwelling should have separate connections: a) to the public foul sewer to carry




waste from toilets, sinks and washing machines, etc, and b) to public surface water sewer for rainwater from roofs and surface drains. Mis-connections can have serious effects: i) If a foul sewage outlet is connected to a public surface water sewer this may result in pollution of a watercourse. ii) If a surface water outlet is connected to a public foul sewer, when a separate surface water system or soakaway exists, this may cause overloading of the public foul sewer at times of heavy rain. This can lead to sewer flooding of properties within the locality. In both instances it is an offence to make the wrong connection. Thames Water can help identify the location of the nearest appropriate public sewer and can be contacted on 0800 316 9800.

- 12 INFORMATIVE - It is an offence to kill, injure or disturb an individual bat; damage, destroy or obstruct access to a breeding site or resting place of that individual. Destruction of a bat roost is therefore an offence, regardless of whether a bat is present at the time of roost removal. The grant of planning permission does not supersede the requirements of the legislation below and any unauthorised works could constitute an offence. If bats or signs of bats are encountered at any point during development then all works must stop immediately and you should contact Natural England in order to avoid breach of legislation 'The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended)'.
- 13 INFORMATIVE - In order to avoid risk arising from overbuilding of the gas network, the applicant is advised to check their proposals against the information at <https://www.linesearchbeforeudig.co.uk> and contact the Plant Protection Team at Scotland Gas Networks Plc [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk) Tel: 0800 912 1722
- 14 INFORMATIVE - The applicant is requested to bring the conditions attached to this permission to the attention of all contractors working or delivering to the site, in particular any relating to the permitted hours of construction and demolition; and where practicable to have these conditions on display at the site entrance(s) for the duration of the works.
- 15 INFORMATIVE - This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) If your legal obligations include payment of financial contributions, you must contact the Council (at [plan@rushmoor.gov.uk](mailto:plan@rushmoor.gov.uk)) at least 20 days prior to implementing the planning permission, stating your intended date of commencement of development and requesting an invoice for the payment such funds to which you have committed. The payment of all contributions as required by the S106 obligation must be received prior to the commencement of development.



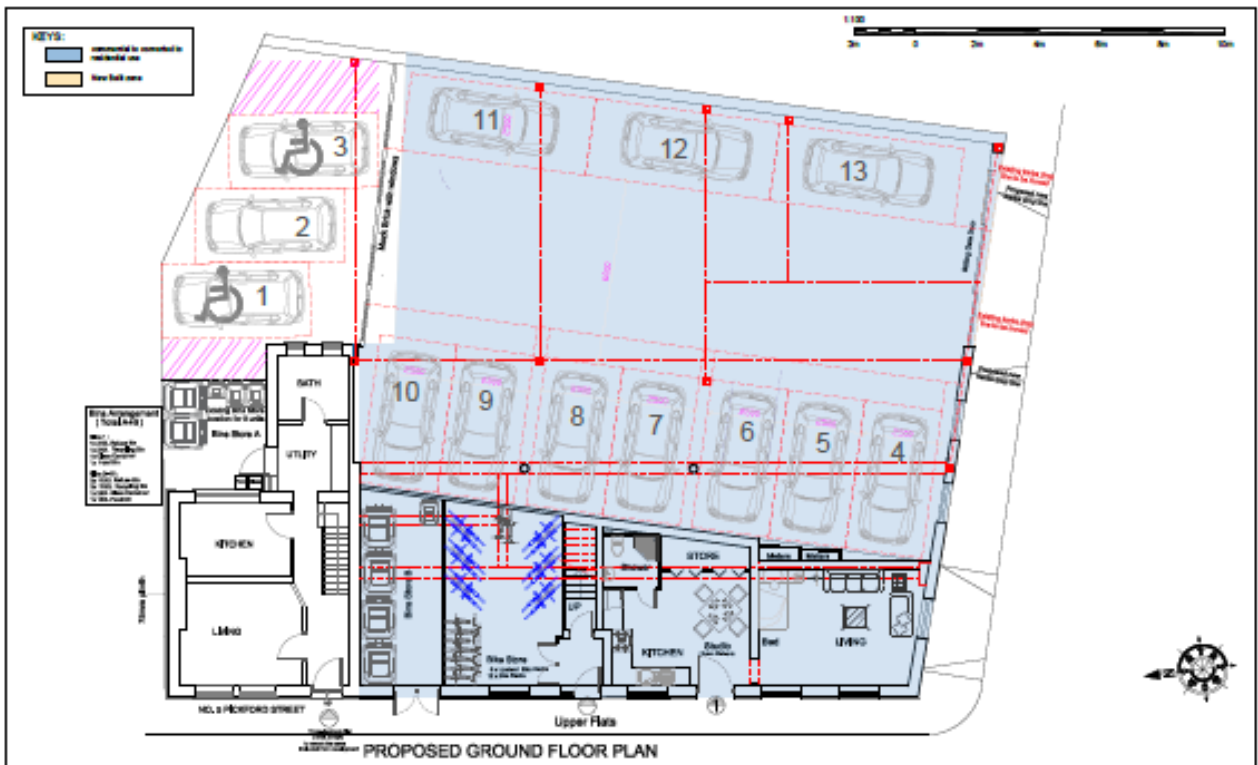
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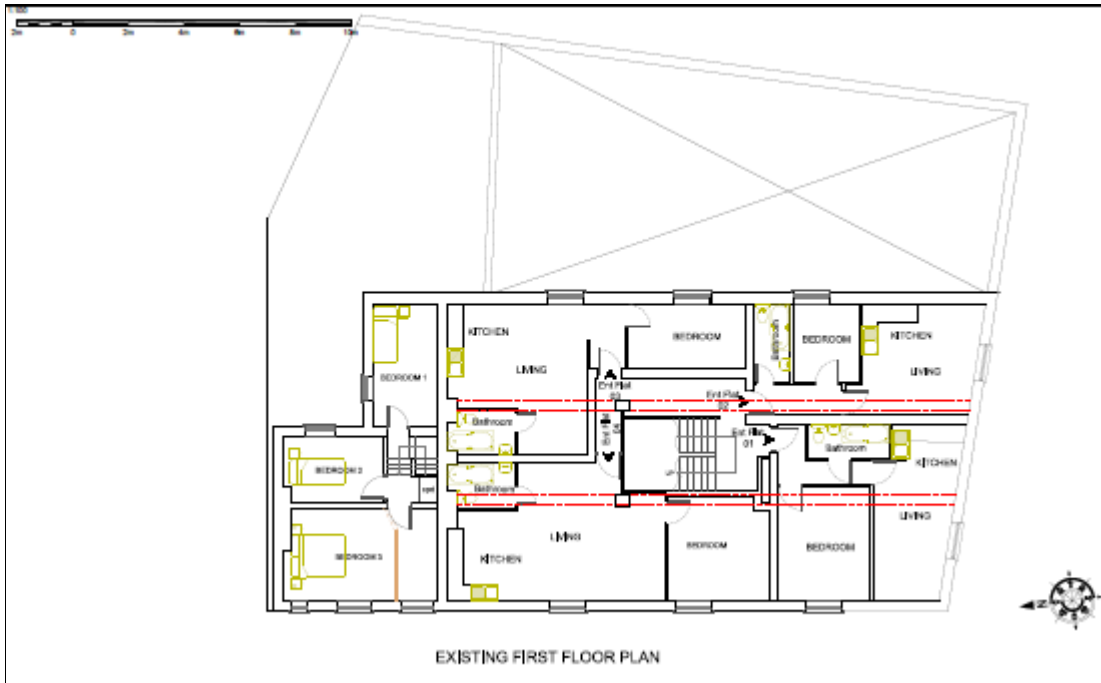
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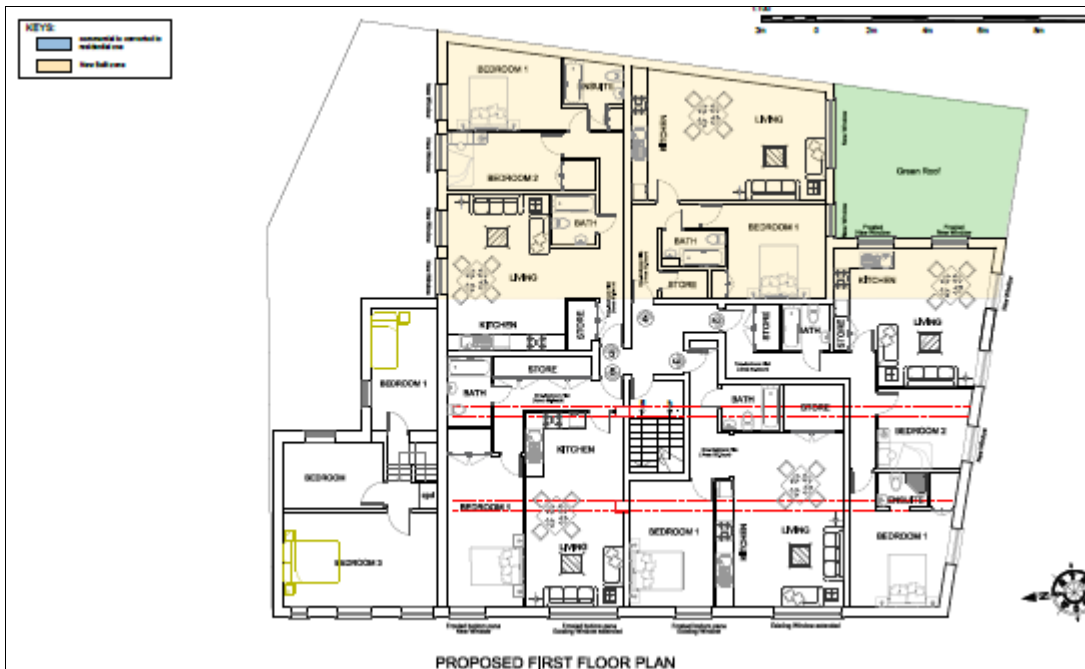


				<b>Project:</b> DEMOLITION OF EXISTING BUILDING AND THE CONSTRUCTION OF FOUR STREET RESIDENTIAL BUILDING AND CONVERSION OF EXISTING BUILDING AT 33 HENFORD STREET, ALDERSHOT, HAMPSHIRE, GU11 1TY.	
ALL DIMENSIONS TO BE CHECKED ON SITE ONLY TO BE SCALED FOR PLANNING AND BUILDING REGULATIONS		<b>Scale:</b> A2 @ 1:100		<b>Date:</b> 24/05/2023	
<b>Client:</b> Mr.		<b>Job number:</b> 1394		<b>Drawing number:</b> S-11	
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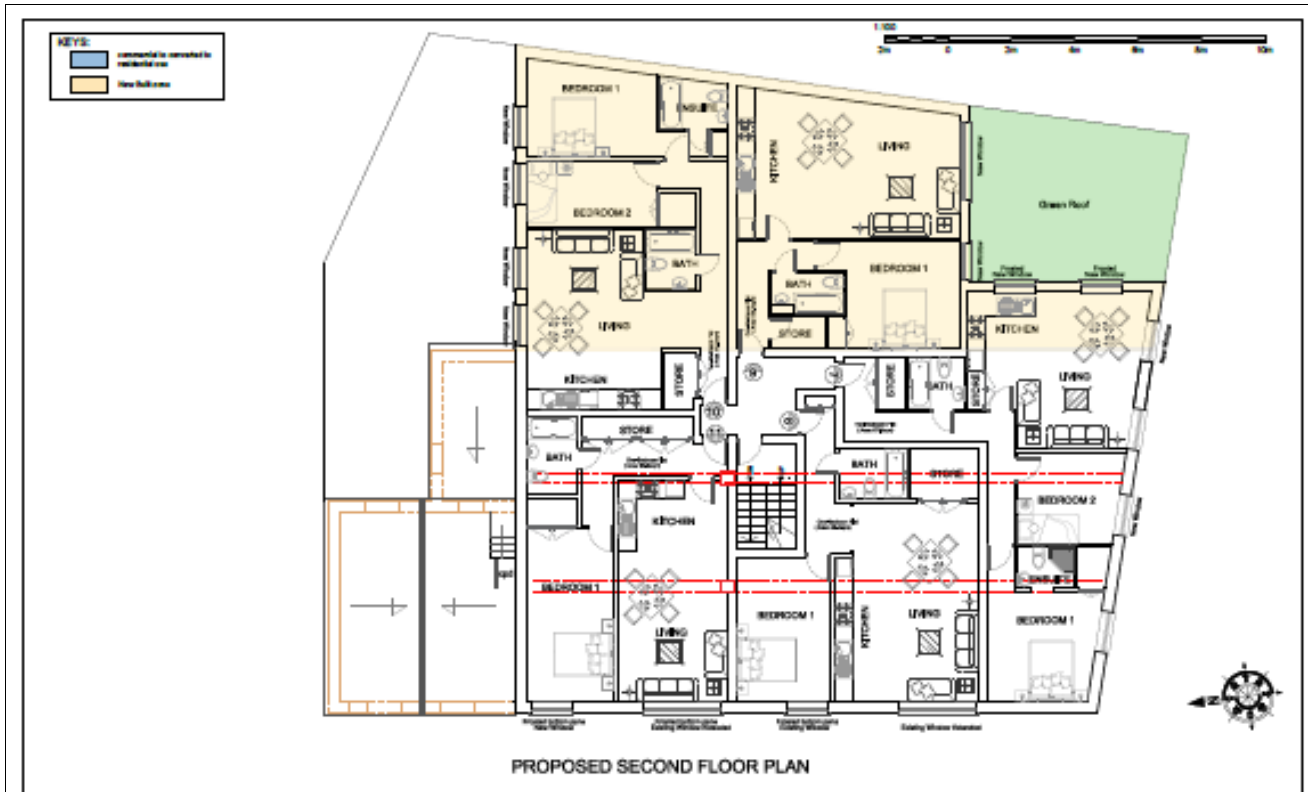


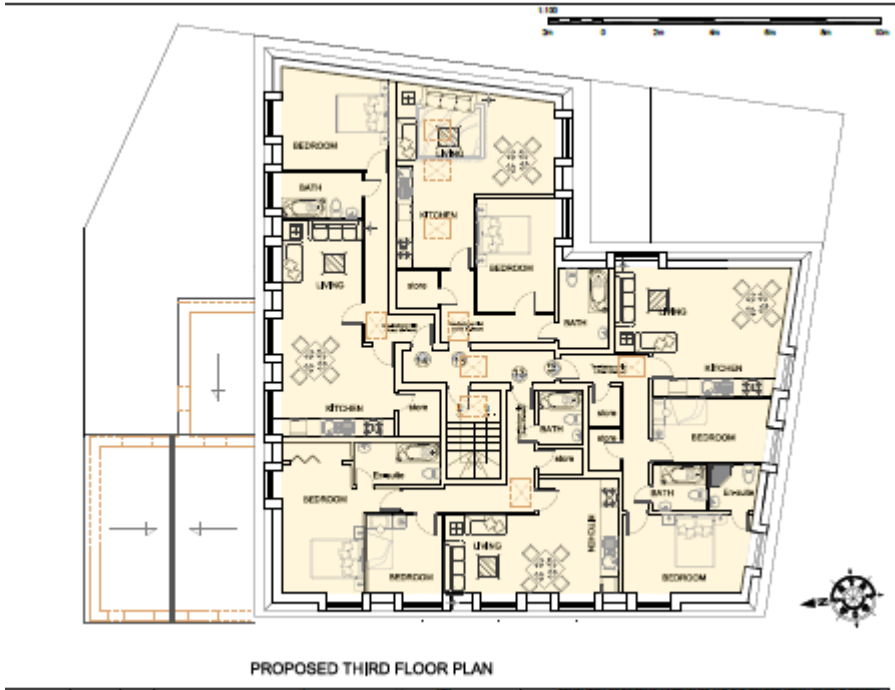


EXISTING FIRST FLOOR PLAN



PROPOSED FIRST FLOOR PLAN





Pickford Street Elevation



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The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer	David Stevens
Application No.	23/00668/FULPP
Date Valid	8th September 2023
Expiry date of consultations	2nd October 2023
Proposal	Change of use from dwellinghouse (Use Class C3) to flexible use either as dwellinghouse (Use Class C3) or as a childrens' residential home (Use Class C2) (amended description agreed with the applicant on 22 September 2023)
Address	<b>69 Marrowbrook Lane Farnborough</b>
Ward	Empress
Applicant	Beyond Vision Transitions
Agent	-
Recommendation	<b>Grant</b>

### Description

No.69 Marrowbrook Lane is an extended detached two-storey 5-bedroom dwelling on the east side of Marrowbrook Lane opposite the closed end of Tower Hill. The property has a vehicular entrance from the Lane and, as existing, the majority of the land to the front of the house is hardstanding with sufficient space to accommodate 3 cars. To the rear is a private garden area of approximately 160 sqm.

Internally, the ground floor comprises an integral single garage, a small porch leading into a lounge room, a passageway leading past the stairs to a study and a large kitchen/dining room spanning the entire width of the house to the rear. There is also a utility room partially under the stairs. On the first floor there are five bedrooms, with the master bedroom to the rear complete with an ensuite bathroom. There are a further 4 bedrooms and a bathroom.

The neighbouring properties to either side are Nos.67a and 71 Marrowbrook Lane; No.6 Hinstock Close is to the rear; and Nos.35 Tower Hill & 40 Marrowbrook Lane are directly opposite.

The proposal is for the change of the use of the existing dwellinghouse (Use Class C3) to a flexible use as either a dwellinghouse (Use Class C3) or as a childrens' residential home falling

within Use Class C2 (residential institutions). This is an amended description agreed with the application to address a concern of the property owner that the use of the property is able to revert to Use Class C3 (dwellinghouse) use should the proposed childrens' residential home use cease.

No physical alterations or extensions are proposed to the property. It is proposed that the application property be a home for **four** resident children, aged between 12 and a maximum of 17 years old, together with 2 supervising non-resident carers on duty at any one time on a shift basis. Four of the bedrooms would be allocated to accommodate one child each and the bedroom doors provided with Yale-type locks. The master bedroom suite would be used as a staff office and rest room. The remainder of the house would remain in conventional domestic use as existing, including the kitchen/diner, study, lounge, utility room and the first-floor communal bathroom.

The proposed childrens' residential home would be subject to licencing and subsequent inspection by Ofsted. It is understood that the applicants have submitted an application to Ofsted to this effect.

At present the property is being occupied with a single child resident, together with the staff carers working in shifts. However, this nature and level of occupation does not trigger a material change of planning use to C2 use. The current occupation of the property remains as a C3 dwellinghouse and there is no breach of planning control.

### **Relevant Planning History**

Planning permission was granted in February 1989 for the erection of two-storey side and rear extensions, RSH6101.

### **Consultee Responses**

No consultations required.

### **Neighbours notified**

In addition to posting a site notice near the application site and press advertisement, 5 individual letters of notification were sent to those properties in Marrowbrook Lane, Tower Hill and Hinstock Close directly abutting or opposite the application site.

### **Neighbour comments**

At the time of writing this report a total of 45 representations have been received, comprising 31 objections, 12 supporting comments and 2 neutral representations.

**Objections** have been raised by the occupiers of Nos.19, 40, 42, 44, 50 (twice), 61, 63, 65, 67, 67a, 71 (twice), 73 and 77 Marrowbrook Lane; 20a, 26, 33, 35, 37a & 37b Tower Hill; 2, 3, 10 & 11 Kiln Place; 26 Marshall Close; 161 Keith Lucas Road; 8 Parsons Close Church Cookham; 53 Clarence Road, Fleet; and an address in Hove, West Sussex. Objection is raised on the following summary grounds:-

- (a) This is not a suitable location for a childrens' residential home – this is a quiet residential area with a notable number of older and/or single people living in proximity to the application property. Local residents are extremely anxious about the additional noise,

disturbance and activity that would occur. Existing residents feel unsafe, and even terrified, and the proposal is not at all welcomed;

- (b) The local community is tight-knit and is united in objecting to the proposals [*Officer Note: the consideration of planning applications is not a ballot where numbers of objections or strength of local opinion should influence the outcome. Planning applications must be considered objectively on the basis of relevant material planning issues*];
- (c) Objections from the local community outweigh any benefits of the proposed residential home : indeed, the proposed Home would provide no benefits to the community and, indeed, the children are thought to come from outside the area [*Officer Note: this is unknown and an operational matter : it is not a matter relevant to the consideration of the planning application on its land use planning merits*];
- (d) The application property has been a family home for many years – the proposed change of use is thought unjustified;
- (e) The proposed residential home should be provided elsewhere on a larger site [*Officer Note: the Council must consider the proposals that have been submitted with the application. The Council cannot take into account the possibility of alternative proposals or sites being pursued for the proposals instead in determining planning applications*];
- (f) Existing problems with anti-social or disruptive behaviour, broken glass, vandalism and crime (burglary) in the area – which would be exacerbated by the proposals;
- (g) Fear of danger to, and intimidation of, existing children in the area;
- (h) Children occupying the proposed home may be vulnerable, have mental health problems, behavioural issues, potential or actual criminality, and may have associates in life who are not good role-models;
- (i) Considerable concern that the proposed home has a high potential to become, at any time of the day or night, a focus for congregating youths outside the property, smoking, drug-taking, anti-social behaviours (such as undue noise, disruption, intimidation, graffiti, vandalism to surrounding property etc), criminality and, consequently, police visits – and this will have a detrimental impact on the lives of existing local residents. It would also put undue and unnecessary strain on already stretched public services;
- (j) The proposed use could attract paedophiles, thereby putting all children in the area, including at the application property, at risk;
- (k) There are no facilities available in Farnborough for young people to use and, as such, this is not an appropriate location for a childrens' residential home;
- (l) Increased comings and goings and general unwanted additional activity associated with the property due to the staff shift system to be operated, social worker visits, attendance by emergency services, police etc;
- (m) The road outside the application property is subject to regular speeding traffic and the application site is on a dangerous blind corner in the road – this is an unsafe location for children to live and to cross the road;
- (n) Inadequate on-site parking – such that there would be increased on-street parking where no parking should take place; and it would exacerbate existing street parking problems and congestion;
- (o) Loss of privacy to occupiers of the adjoining properties – the application property is situated close to neighbours;
- (p) Inadequate security measures and no confidence that the applicants can manage the proposed residential home and maintain control of the children in their care. It is thought that the applicants are currently advertising for staff whom will have the responsibility of running the home – yet would be young, inexperienced and underpaid [*Officer Note: the proposed home will be regulated and subject to inspection and review by Ofsted, whom can also be contacted by anyone should they have any evidence and concerns about the inadequate operation and management of the home. It is understood that the applicants are renting the application property and, as such, do not own it. In any event,*

*claims concerning the financial resources or otherwise of the applicants are not a matter for consideration in the determination of planning applications];*

- (q) Granting planning permission in this case is a foregone conclusion since the application property is already being used as a childrens' home [*Officer Note: the current use of the property has been investigated by the case-officer; however, as noted earlier in this report, there has been no material change in the planning use of the property to date and the applicants are not operating and using the property in breach of planning control.*]
- (r) The current occupation of the property with just one child has already given rise to significant noise, disturbance and activity outside the application property due to police and ambulance attendance – this would surely be magnified by the occupation of the property at full capacity with 4 children as proposed. The current occupation of the property with just one child in care and the problems this has caused demonstrates the applicants inability to manage a childrens' care home;
- (s) Having regard to the previous objection (r) above, it is thought that the home is intended to have 5 resident children when full [*Officer Note: this is incorrect, the application states a maximum of 4 resident children which can be the subject of a planning condition*]
- (t) The local community should have been informed earlier [*Officer Note: the applicants are/were not under any obligation to notify local residents of their intentions with regard to the application property and, in any event, they have submitted a planning application for their proposals that has been subject to the required statutory notification procedures. It is clear that the local community is well aware of the proposals and have had the opportunity to make representations about them*];
- (u) The applicants are a privately-run company whom appear to have insufficient financial resources to acquire the application property [*Officer Note: The alleged financial position of the applicants is not a matter for consideration with planning applications*];
- (v) The proposals are the consequence of failed Government privatisation policy and cost-cutting and are simply a means for private companies to profit;
- (w) The future intentions of the applicants concerning the property are unknown – what if they wish to extend the property in the future? [*Officer Note: opinions regarding the applicants or their likely future behaviour cannot affect consideration of planning applications on their merits*]; and
- (x) Loss of property values [*Officer Note: this is a matter specifically excluded from consideration with planning applications by long-standing Government guidance*].

Representations in **Support** have been received from persons at 13 Marrowbrook Lane; 10 Weir Close; 35 Frimley Road, Camberley; and addresses in Croydon; Dagenham, Essex; Cambridge; Reigate; Twickenham; Elephant & Castle, London; Bexley, London (SE2); Leytonstone, London (E10); and Camden, London (NW1). These correspondents all appear to be people working in the Care Sector and may be professional contacts of the applicants. The following comments are made in support of the proposals:-

- The application property is in an appropriate location;
- The applicants really care about the children they care for and have achieved some amazing outcomes for them;
- The proposed residential home will support a lot of young people in care who are in desperate need of housing in a stable home environment – there is a national crisis in care provision for children who may have experienced neglect, abuse or unstable living conditions.;
- Children in the looked-after care system are often less privileged, neglected and forgotten, yet the proposed use would provide positive benefits through the proper nurture, supervision and support for up to 4 children, giving them a chance they would

not otherwise get;

- Other positive benefits include peer support, educational opportunities, safety, stability, life skills, legal protection, mental and emotional support;
- Children thrive on stability and routine, which the proposed home can provide;
- Creating a space where children can feel loved, safe and protected is the essence of the community we want to build – and this must include all people, including the disregarded, ignored, needy and less fortunate;
- More children's homes are needed to stop children being moved around the Country disrupting their education and development;
- Negative and incorrect assumptions and stigma about children in care need to be challenged and proved wrong;
- Children in care are no more likely to be out of control or troublemakers than children living with their own family – and existing residents are just as likely to need to call an ambulance or the police in the middle of the night;
- Job creation in the area;
- Communities are meant to be working together to support everyone from every age, race, gender. These young children didn't choose the life they have been brought up in. Who are we to stop them from getting their stable background to help them achieve and grow?

The **Neutral** representations received are from an occupier of No.13 Marrowbrook Lane and an address in Teignmouth, Devon - believed to be the owner of the application property. This latter correspondent comments that it is their understanding that rooms would be provided for 4 children in care who will be supervised 24/7. The proposals are not for a young offenders' unit [*Officer Note: that would, in any event, be a different use for which a separate planning permission would be required.*]. This correspondent also asks that the application be considered on the basis of the facts.

### **Policy and determining issues**

The property is in the defined built-up area of Farnborough. It is neither a Listed nor locally-listed building; and is not located near to any other building(s) with these designations. The application property is not situated within a Conservation Area. Policies SS1 (Presumption in Favour of Sustainable Development), IN2 (Transport), DE5 (Proposals Affecting Existing Residential (C3) Uses), and LN4 (Specialist & Supported Accommodation) of the adopted Rushmoor Local Plan (2014-2032) are relevant. Also relevant is the Council's adopted Supplementary Planning Document (SPD) "Parking Standards" adopted in 2017. Since this SPD was subject to extensive public consultation and consequent amendment before being adopted by the Council, some significant weight can be attached to the requirements of this document. The advice contained in the National Planning Policy Framework most recently updated in July 2021 (NPPF) and National Planning Practice Guidance (NPPG) is also relevant.

The Town and Country Planning Use Classes Order (1987, but subsequently variously amended since) identifies a range of uses of buildings and specifically permits changes of use from one use to another within individual Use Classes. Where activity results in a material change of use of a building to a use falling within a different Use Class then planning permission will be required to authorise that change of use. A material change of use from Use Class C3 to C2 is development requiring planning permission.

Depending on the specific circumstances of the residential use involved, a children's residential home could fall into either the C2 or C3 use classification. **Use Class C2**

**(Residential Institutions)** reads as follows:-

**Use for the provision of residential accommodation and care to people in need of care [other than a use within class C3 (dwellinghouses)].**

**Use as a hospital or nursing home.**

**Use as a residential school, college or training centre.**

The C2 Use Class does not include residential institutions of a custodial nature (these have a separate Use Class : C2A) and, as such, the proposed C2 use does not cover the use of the property to house people whilst serving a custodial sentence or order. A separate planning permission would be needed for C2A use.

**Use Class C3 (Dwellinghouses)** reads as follows:-

**Use as a dwelling house (whether or not as a sole or main residence) by —**

**(a) a single person or by people to be regarded as forming a single household;**

**(b) not more than six residents living together as a single household where care is provided for residents; or**

**(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4 [a small House in Multiple Occupation]).**

Planning permission is not required for the change of use between any of the sub-categories (a), (b) or (c) within Use Class C3.

A childrens' residential home could fit into Use Class C3 sub-category (b). The legal distinction made between C2 and C3 use in the context of childrens' residential homes is clarified by case law. Firstly, they are considered to be a 'care' institution because it is unrealistic to expect children to look after themselves in a single household. Secondly, a further difference between C3(b) and C2 use is whether or not the residential property is occupied as a single household. The nature of a childrens' residential home use where there is no parent and care is provided by non-resident carers on a rota basis, as is proposed in the current application case, is considered to be a further characteristic indicating C2 use as opposed to C3(b) use.

However, it is important to understand that the legal distinction between the C2 and C3 residential uses is a technical construct. Accordingly, even when the way in which a residential property is occupied and used has characteristics indicative of C2 (residential institution) use, it is still necessary for the Council to consider, as a matter of fact and degree, whether or not the scale and nature of residential occupation of a property with those C2-type characteristics present is, overall, sufficient to trigger a material change in the use of the property in question away from C3 use. This is a matter of judgement for the Council on the circumstances of each individual case encountered. It is also conceivable that, should those circumstances change with time, it is entirely possible that the judgement of whether or not a residential property is in C3 or C2 use could also change with time. There is, therefore, the prospect of the use of a property fluctuating back and forth between C3 and C2 use over time without any physical changes being made to the property on the basis of how the property is run and the care provided.

The distinction made between Use Classes C3 and C2 in the context of a childrens' residential home also indicates circumstances when a home occupied by children in care would **not** amount to a material change of planning use. The concept of living together as a household identified in respect of C3 use means that a proper functioning household comprising children

in care with live-in staff carers would fall within Class C3(b) and planning permission would not then be required. Similarly, if the property were to be occupied by 17+ year olds (whom would be considered capable of looking after themselves in a single household) with what the applicants describe on their website as being semi-independent 'floating support' only [a further type of residential home facility understood to be provided by the applicants elsewhere], this would not require planning permission since such a use would also still fall within Use Class C3(a) or (c). The significance of these observations is that it is conceivable that similar, if not greater, impacts upon neighbours, or even just the fear of such impacts, could arise even in situations where planning permission is not required.

When considering whether a material change of use away from C3 use has taken place, it is also pertinent to consider that a C3 residential use itself covers a wide range and variety of possible scales, intensities and characters of residential occupation. This could range from a dwelling occupied by a single person living on their own all the way to a dwelling occupied by a considerably more active household, perhaps comprising a large family with grown-up children for example, that would be likely to generate considerably more activity and noise impacting their neighbours and the locality in general. Furthermore, in land use planning terms, no distinction is made within the residential Use Classes about the type of tenure of dwellings and the identity, age, lifestyle, character, health, abilities and behaviour of residents. No planning permission is required when there is a change in the single household occupation of C3 residential properties even when this results in profound differences in impacts upon neighbours.

In considering the actual or potential harm that would or could arise from the proposed C2 use it is therefore necessary for the Council to assess this within the context of what could happen without the need for planning permission; indeed, to consider any impacts through the lens of the wide range of impacts that can and do occur with conventional C3 residential occupation of property.

In this overall context it is considered that the main determining issues are the principle of the proposals, impacts on neighbours; and highways considerations. Since no extensions or external alterations to the existing property are proposed, there can be no material impact on the visual character and appearance of the area.

## **Commentary**

### **1. Principle –**

Paragraph 62 of the NPPF (2021) states that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”* It is general Government policy that it is appropriate for residential care facilities to be located in residential areas and, indeed, that re-use of existing residential property is sustainable and to be encouraged.

The proposals do not give rise to the loss of residential accommodation within the Borough and, as such, the proposals comply with the requirements of Local Plan Policy DE5. Local Plan Policy LN4 (Specialist & Supported Accommodation) states that the Council will permit housing specifically for *“others with a need for specialist housing, including specialist housing with care”* where *“sites are appropriately located in terms of access to facilities, services and public transport;”*. Residential care home accommodation is in general short supply nationally and it

is evident that there is an on-going need for it. The application site is located within the built-up area of Farnborough within walking distance of the town centre and, as such, is clearly in appropriate proximity to facilities, services and transport. Accordingly, it is considered that the proposals are supported in principle by Local Plan Policy LN4.

The proposal is for the residential occupation of existing residential property. In land-use planning terms the proposed childrens' home is a form of residential use and, as such, it is considered most appropriately located in a residential area. It is considered that the proposed childrens' home would operate day-to-day very much like a large family home. Even with non-resident carers it is considered that, in land use planning terms, a childrens' home would still operate for much of the time very much like, and potentially be indistinguishable from, the use and occupation of a C3 dwellinghouse, with those occupying or present in the home partaking in activities typical of conventional residential occupation – cooking, cleaning, eating, sleeping, washing, watching TV, enjoying the garden, socialising, reading, children going to school, doing homework etc.

It is a matter for Ofsted to judge whether or not the application property is appropriate in detail in terms of its location and the facilities provided as part of its entirely separate regulatory regime for the licencing of childrens' care homes and care staff. The various issues raised by objectors in these respects are not matters for the Council in the consideration of the current planning application since they fall within the jurisdiction of this separate Government agency. It is clear Government guidance to Local Planning Authorities that matters dealt with by other authorities under other legislative powers should be left to the relevant authorities concerned.

In the circumstances, in land use planning terms, it is considered that it can only be concluded that the proposed flexible C3 or C2 residential use is acceptable in principle.

## **2. Impacts on Neighbours –**

It is clear that the proposed C2 residential use gives local residents considerable cause for anxiety, amply demonstrated by the objections. However, it is considered that the proposed childrens' residential home use only tenuously triggers the need for planning permission. There is also considerable overlap in the way that the application property could or would be used whether in C3 or C2 use. Whether or not an institutional residential use, many of the basic activities of residential occupation would be the same nonetheless. Furthermore, it is pertinent to consider that there are ways in which the application property could be occupied by children in care with staff carers that would not require planning permission, but would nevertheless, be likely to give rise to similar or even greater impacts, or anticipation of such, amongst neighbours in the vicinity.

Since there are no proposals to undertake physical alterations to the application property there would be no change in the way that the existing house relates to its neighbours to either side; and the property is to remain in a form of residential use that would, on a day-to-day basis, use the property as if it were a conventional C3 dwellinghouse. Accordingly, there could be no material and harmful change to the privacy of occupiers of the immediately adjacent properties.

The supporting information submitted with this application has explained that the aim is to provide a family environment with 24/7 care. During the day the children would attend school/college, when it is considered that the use of the application property would then be little different to any other residential property. However, what could potentially make the proposed childrens' home different are the personalities and turnover of the children that would occupy the site and the potential level of disruption that might arise from the behaviour of some.



It is to be expected that, with children coming from different backgrounds and potentially having complex needs, the level of noise and activity generated at the property would be unpredictable and variable. Indeed, the recent emergency service activity and general disturbance arising from the behaviours of the current single child currently resident of the application property has demonstrated this. However, these variable and unpredictable situations could also readily happen with conventional C3 residential occupation too – such as with a blended family for example. Additionally, the non-resident shift nature of the care and support to be provided would also contribute to the level of activity associated with the property. However, it is considered that the likelihood of noisy and disruptive neighbours, or the existence of neighbours with mental health and/or behavioural issues, is not restricted solely to a C2 residential use and could, equally, arise with a C3 residential use. Indeed, given the predominance of C3 residential property such issues are numerically more likely to arise from the activities of occupiers of conventional C3 accommodation overall. Furthermore, given the unrestricted level of noise, activity and disturbance that could arise with the application property with its existing C3 use if occupied by a large family, it is considered that these differences would be marginal and, therefore, in planning terms, not give rise to material and undue additional harm to the residential amenities of neighbours over and above what is already possible and unavoidable.

It is considered that the extent of the impacts on neighbours, whether actual or feared, depend upon how well the property and the children in care are managed and handled by the operators of the home. Key to any impact is the effective management of the site, which would primarily be the day-to-day responsibility of the site operator, the applicants. Effective management of the site would also apply to the concerns regarding perceived fears of an increase in crime and anti-social behaviour. Provided the site is managed responsibly it is considered that there is no reason why there should be any increase in crime or anti-social behaviour as a result of the proposed flexible C3 or C2 use.

The management of the site would be regulated outside the planning process by Ofsted and, as such, it is neither considered appropriate nor reasonable for the Council to require and enforce management controls over the proposed C2 use. This would either be a duplication or would have the potential to create restrictions that would work at odds with the controls imposed and enforced by Ofsted. Nor is it considered that it would be appropriate for the Council to withhold planning permission on the basis of matters that would be the subject of the separate Ofsted regulatory regime. Nevertheless, it is considered appropriate for the Council to impose conditions to restrict the nature of the C2 use approved to being solely as a childrens' home; and also to limit the occupancy of the property if in C2 use to no more than four children at any one time – these are details that define the proposed planning use.

### **3. Highways Considerations –**

It is clear Government guidance that denying planning permissions on highways grounds is only justified and appropriate where any highways concerns are demonstrated to give rise to 'severe' harm to the safety and/or convenience of highway users. It is not sufficient to merely identify concern about a highway matter. Furthermore, clear evidence of wider harm(s) being caused to the highway network with severe impact(s) must be identified. As a consequence, justification for refusal on highway grounds must meet a high threshold. Additionally, planning permission cannot be withheld on highway grounds on the basis of actual or potential speeding problems since it is unreasonable to take into account actual or potential criminality by others.

In this case the application property has an existing means of vehicular access to/from the public highway and this would not be changed by the proposals. Notwithstanding the highway

safety concerns raised in objections, there are no parking restrictions on the street outside the application property. Nor is there any requirement for residential properties to temporarily make available parking provision for deliveries, emergency service vehicles etc. Accordingly, it is not considered that the continued use of the existing vehicular access with the proposed C2 residential use would make any material and harmful difference to the safety and convenience of highway users in the locality.

The existing area of the property to the front of the house has sufficient space to accommodate 3 cars parked on site. Whilst this would be in a blocking layout, this arrangement is entirely conventional and typical of the on-site parking provided at many residential properties. Furthermore, it meets in full the on-site parking provision that would be expected for an extended house of this size and, indeed, is acceptable and lawful for the current C3 residential use however intensively the property could potentially be used. It is not considered that the proposed C2 use would give rise to a requirement for parking provision materially different from that which already exists with the current C3 use. Given that the children occupiers of the house are unable to drive, the functional parking requirement for the proposed C2 use would relate primarily to that of the attending staff carers and, even, at shift changes, the existing parking arrangements for the property are considered to be entirely adequate. It is considered appropriate that a condition be imposed to require the retention of the parking area to the front of the house for parking purposes at all times in respect of the proposed C2 use since there is currently no requirement for the parking area to be retained for this purpose with the application property as existing.

It is considered that the proposals are acceptable in highways terms and, as such, comply with the requirements of Local Plan Policy IN2.

## **Conclusions –**

The application proposes the use of an existing large residential property in an established residential area surrounded by residential properties for a form of residential use that would possess many of the same characteristics of residential use in land-use planning terms as a conventional residential dwelling occupied by a large single household. Given the similarity in land use planning terms between its existing C3 use and the proposed C2 use, and the separate on-going regulation of the proposed C2 use by Ofsted, it is considered that the proposals are acceptable in principle, and would have no material and harmful additional impacts on the amenities of occupiers of surrounding residential properties and the safety and convenience of highway users in the vicinity. The proposals are therefore acceptable in planning terms having regard to the requirements of Policies SS1, IN2, DE5 and LN4 of the adopted Rushmoor Local Plan (2014-2032).

## **Full Recommendation**

It is recommended that planning permission be **GRANTED** subject to the following conditions and informatives:-

### **Conditions**

- 1 The flexible use hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The permission hereby granted shall be carried out in accordance with the following approved drawings and document: Existing Floorplans; Proposed Floorplans; Terraquest produced 07-EP-2023 Site Location Plan; and Applicants' Supporting Statement.

Reason - To ensure the development is implemented in accordance with the permission granted.

- 3 The existing parking area to the front of the house with vehicular access to Marrowbrook Lane shall be used only for the parking of private motor vehicles ancillary and incidental to the residential use of occupiers and/or visitors to No.69 Marrowbrook Lane. These spaces shall be kept available at all times for parking and shall not be used for the storage of caravans, boats or trailers.

Reason - To safeguard residential amenity and ensure the provision and availability of adequate off-street parking.

- 4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987, (or any other Order revoking or re-enacting that Order) the land and/or building(s) shall be used flexibly for either Use Class C3 use or solely as a childrens' residential home within Use Class C2 (residential institutions) and for no other purpose, including any other purpose within Use Class C2 without the prior permission of the Local Planning Authority.

Reason - To protect the amenities of neighbouring residential properties and to prevent adverse impact on traffic and parking conditions in the vicinity.

- 5 The childrens' residential home (Use Class C2) hereby permitted shall not be occupied by more than 4 (four) children at any one time.

Reason - To reflect the nature of the proposals as submitted and in the interests of the amenities of occupiers of adjoining and nearby residential property.

### **Informatives**

- 1 **INFORMATIVE** - The Council has granted permission because:-

The application proposes the use of an existing large residential property in an established residential area surrounded by residential properties for a form of residential use that would possess many of the same characteristics of residential use in land-use planning terms as a conventional residential dwelling occupied by a large single household and, indeed, at some times, may not amount to a material change of the planning use of the property away from its current long-established C3 use. Given the extent of the overlap in land use planning terms between the potential impacts of the occupation of the application property in its existing C3 use and the proposed C2 use, and the separate on-going regulation of the proposed C2 use by Ofsted, it is considered that the proposals are acceptable in principle, and would have no material and harmful additional land use planning impacts on the amenities of occupiers of surrounding residential properties and the safety and convenience of highway users in the vicinity. The proposals are therefore acceptable in planning terms having regard to the requirements of Policies SS1, IN2, DE5 and LN4 of the adopted Rushmoor Local Plan (2014-2032).

It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.

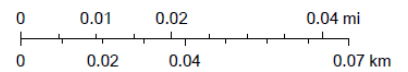
- 2 INFORMATIVE – The Local Planning Authority’s commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.

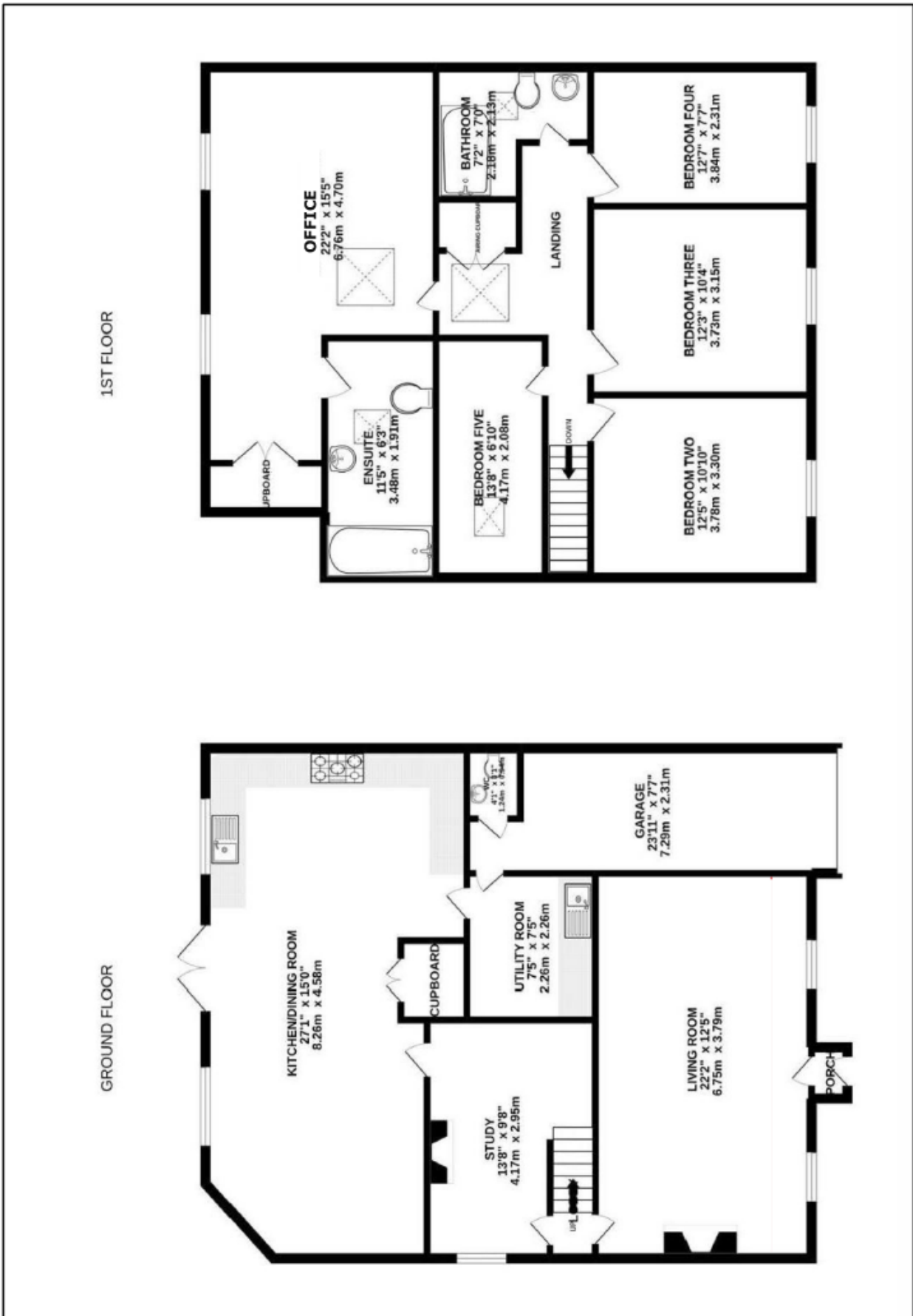


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Planning Application

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## Section D

The following applications are reported for INFORMATION purposes only. They relate to applications, prior approvals, notifications, and consultations that have already been determined by the Head of Economy, Planning and Strategic Housing and where necessary, in consultation with the Chairman, in accordance with the Council's adopted Scheme of Delegation.

If Members wish to have more details about the decision on any of the applications on this list please contact David Stevens (01252 398738) or John W Thorne (01252 398791) in advance of the Committee meeting.

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Application No	23/00042/FULPP	Ward: Fernhill
Applicant:	Flavia Estates	
Decision:	<b>Permission Refused</b>	
Decision Date:	14 September 2023	
Proposal:	Erection of six residential flats with associated car parking and landscaping	
Address	<b>1 Riverside Yard Hawley Road Blackwater Camberley Hampshire GU17 9EP</b>	

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Application No	23/00068/FULPP	Ward: Cove And Southwood
Applicant:	Mr James Sassone-Corsi	
Decision:	<b>Permission Granted</b>	
Decision Date:	19 September 2023	
Proposal:	Erection of a two storey two-bedroom dwelling to adjoin to side elevation of no. 27 Wood Lane	
Address	<b>27 Wood Lane Farnborough Hampshire GU14 0AJ</b>	

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Application No	23/00162/FULPP	Ward: St Mark's
Applicant:	Mr Peter Szebeni	
Decision:	<b>Permission Granted</b>	
Decision Date:	27 September 2023	
Proposal:	Change of use of ground floor retail unit (Class E) to 1 bedroom two-person residential flat (Use Class C3)	
Address	<b>4 Alexandra Road Farnborough Hampshire GU14 6DA</b>	

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Application No 23/00227/FULPP Ward: Rowhill  
Applicant: Mr Suneet Jain  
Decision: **Permission Granted**  
Decision Date: 02 October 2023  
Proposal: Change of use of detached office studio building to 3 bedroom dwelling with associated landscaping, boundary fencing and parking  
Address **Unit 6 - North Barn Studio 4 Hillside Road Aldershot Hampshire GU11 3NB**

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Application No 23/00426/FULPP Ward: Knellwood  
Applicant: MISS KATE ASPLIN  
Decision: **Permission Granted**  
Decision Date: 15 September 2023  
Proposal: Part single part two storey rear extension with garage conversion to comprise part study part store, with change of roof from hip to gable and insertion of roof lights to front elevation  
Address **16 Boundary Road Farnborough Hampshire GU14 6SF**

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Application No 23/00429/ADVPP Ward: Cherrywood  
Applicant: Mr Lance Nevill  
Decision: **Permission Granted**  
Decision Date: 27 September 2023  
Proposal: Installation of non illuminated signage to front (west) elevation  
Address **Church Of The Good Shepherd Sand Hill Farnborough Hampshire GU14 8ER**

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Application No 23/00432/CONDPP Ward: Empress  
Applicant: Pinehurst Investments Limited  
Decision: **Conditions details approved**  
Decision Date: 19 September 2023  
Proposal: Submission of details pursuant to Condition No.14 (Surface Water Drainage details) of planning permission 18/00466/FULPP dated 3 October 2019  
Address **Hillside Place 117 Farnborough Road Farnborough Hampshire**

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Application No 23/00463/FULPP Ward: Cove And Southwood

Applicant: Mrs Sue Clarke-Gent

Decision: **Permission Granted**

Decision Date: 12 September 2023

Proposal: Replace existing fence with a brick wall

Address **5 The Oaks Farnborough Hampshire GU14 0QB**

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Application No 23/00488/SCOPE Ward: Wellington

Applicant: South East Water

Decision: **Scoping Report Issued**

Decision Date: 25 September 2023

Proposal: SCOPING OPINION: In relation to an Environmental Impact Assessment for:- Proposed South East Water Pipeline. Approximately 3.9km long 300mm diameter underground pipeline (potable water) with a 200m, 355mm Polyethylene (PE) section which runs along the carriageway of Sandy Hill Road from the Upper Hale Road junction to the northern end of Sandy Hill Road. From the northern end of Sandy Hill Road, the Scheme enters the Bourley and Long Valley Site of Special Scientific Interest (SSSI) and Thames Basin Heath Special Protection Area (SPA), which is under the ownership of the Ministry of Defence (MoD). The Scheme exits the SSSI SPA and travels along the western verge of Sunny Hill Road. From Sunny Hill Road, the Scheme runs along Bourley Road, which includes the Bourley Road and Wellesley Road junction. The Scheme then runs along Farnborough Road between its junction with Bourley Road and Pennefathers Road (Spanning Rushmoor and Waverley Borough Council areas).

Address **Proposed South East Water Pipeline Farnborough Road Aldershot Hampshire**

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Application No 23/00498/FULPP Ward: Rowhill

Applicant: Mr and Mrs Mansfield

Decision: **Permission Granted**

Decision Date: 25 September 2023

Proposal: Erection of a single storey side extension following demolition of existing lean-to and a two storey rear extension

Address **13 Chetwode Terrace Aldershot Hampshire GU11 3NR**

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Application No 23/00533/FULPP Ward: West Heath  
Applicant: Mr Shane Wilson  
Decision: **Permission Granted**  
Decision Date: 18 September 2023  
Proposal: Demolition of existing garage and erection of new single-storey side and rear extension and formation of dormer to side elevation  
Address **122 Fernhill Road Farnborough Hampshire GU14 9DR**

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Application No 23/00561/FUL Ward: Rowhill  
Applicant: Mr And Mrs Lyddall  
Decision: **Permission Granted**  
Decision Date: 21 September 2023  
Proposal: Retention of close-boarded fence along northern property boundary  
Address **33 St Peters Park Aldershot Hampshire GU11 3AY**

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Application No 23/00563/FULPP Ward: St Mark's  
Applicant: Mr Steve Kendrick  
Decision: **Permission Granted**  
Decision Date: 19 September 2023  
Proposal: Proposed single storey side and rear extension  
Address **St Wilfreds Cottage 9 Church Path Farnborough Hampshire GU14 6DL**

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Application No 23/00564/TPOPP Ward: Empress  
Applicant: A2 Dominion Housing Group  
Decision: **Permission Granted**  
Decision Date: 15 September 2023  
Proposal: One Oak (T6 of TPO 422A) located in rear garden, T1 on submitted plan, crown lift to no more than 2.4 metres from ground level and reduce lateral branches to provide no more than 1 metre clearance from street light, as per submitted photograph  
Address **17 Jupiter Close Farnborough Hampshire GU14 7GJ**

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Application No 23/00567/FULPP Ward: Cove And Southwood  
Applicant: Mr Jack Noonan  
Decision: **Permission Granted**  
Decision Date: 27 September 2023  
Proposal: Demolition of existing rear extension and erection of ground floor rear and side extension  
Address **4 Westglade Farnborough Hampshire GU14 0JE**

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Application No 23/00569/TPOPP Ward: Knellwood  
Applicant: Mr Mackay  
Decision: **Permission Granted**  
Decision Date: 25 September 2023  
Proposal: Remove one Scots Pine (part of group W5 of TPO 247V) T321 on submitted plan, remove one Sycamore (part of group W6 of TPO 247V) T325 on plan, remove one Silver Birch (T73 of TPO 247V) T332 on plan, remove one Oak (T8 of TPO 290V) T333 on plan, as well as a group of Cypress trees G2 on plan, which are not TPO trees at 4 Boundary Road. Remedial work to 28 other trees as per submitted Tree Survey  
Address **Land Affected By TPO 247V - At Farnborough College Of Technology Boundary Road Farnborough Hampshire**

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Application No 23/00574/FULPP Ward: Empress  
Applicant: Mr & Mrs Gregory  
Decision: **Permission Granted**  
Decision Date: 26 September 2023  
Proposal: Erection of a single storey side and rear extension, new windows, air source heat pump to side elevation and single storey shed in rear garden  
Address **Silver Greys 16 Napoleon Avenue Farnborough Hampshire GU14 8LY**

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Application No 23/00575/CONDPP Ward: Wellington

Applicant: Mr Jarrod Spencer

Decision: **Permission Granted**

Decision Date: 19 September 2023

Proposal: Submission of details part pursuant to condition 15 (remediation validation) of hybrid outline planning permission 12/00958/OUT dated 10th March 2014, in relation to Development Zone C, Cambridge Military Hospital, Reserved Matters Area 15/00897/REMPP (Cambridge Military Hospital)

Address **Zone C - Cambridge Military Hospital Aldershot Urban Extension  
Alisons Road Aldershot Hampshire**

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Application No 23/00577/REXPD Ward: St Mark's

Applicant: Mr Martin Buocik

Decision: **Planning Permission not required**

Decision Date: 18 September 2023

Proposal: Prior Approval for larger home extension: Erection of a single storey rear extension measuring 6 metres deep from original rear wall x 2.75 metres to the eaves x 2.94 metres overall height

Address **3 York Road Farnborough Hampshire GU14 6NG**

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Application No 23/00581/FUL Ward: Fernhill

Applicant: Mr D Sweeney

Decision: **Permission Granted**

Decision Date: 18 September 2023

Proposal: Erection of a single storey rear extension

Address **4 The Covert Farnborough Hampshire GU14 9BP**

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Application No 23/00599/TPOPP Ward: Knellwood  
Applicant: Colin Heather  
Decision: **Permission Granted**  
Decision Date: 29 September 2023  
Proposal: One Beech (T21 of TPO 435V ) clean out canopy by removal of crossing and dead branches and also removal of basal growth  
Address **191 Sycamore Road Farnborough Hampshire GU14 6RQ**

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Application No 23/00600/TPOPP Ward: St John's  
Applicant: Tom Jones  
Decision: **Permission Granted**  
Decision Date: 25 September 2023  
Proposal: Re-pollard Weeping Willow (T2 of TPO 388V) back to previous points, leaving tree at 12 metre in height and 7 metre spread  
Address **Land Affected By TPO 388V - Between Cripsey Road, St Johns Road And Broomhill Road Farnborough Hampshire**

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Application No 23/00608/DEMOPP Ward: St Mark's  
Applicant: Tilly Wishaw  
Decision: **Prior Approval Required and Refused**  
Decision Date: 13 September 2023  
Proposal: Application for Prior Approval: Demolition of modern additions to rear of Blandford House.  
Address **Blandford House And Malta Barracks Development Site Shoe Lane Aldershot Hampshire**

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Application No 23/00609/FULPP Ward: Cove And Southwood  
Applicant: Mr Kamil Prochownik  
Decision: **Permission Granted**  
Decision Date: 18 September 2023  
Proposal: Conversion of existing garage to a habitable room  
Address **34 Southern Way Farnborough Hampshire GU14 0RE**

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Application No 23/00611/MISC28 Ward: Aldershot Park  
Applicant: Jagadeesh Kumar  
Decision: **No Objection**  
Decision Date: 14 September 2023  
Proposal: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus (pole) outside 16 Guildford Road Aldershot  
Address **16 Guildford Road Aldershot Hampshire GU12 4BW**

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Application No 23/00612/MISC28 Ward: North Town  
Applicant: Jagadeesh Kumar  
Decision: **No Objection**  
Decision Date: 14 September 2023  
Proposal: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus (pole) outside 1 Anglesey Road Aldershot  
Address **1 Anglesey Road Aldershot Hampshire GU12 4RF**

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Application No 23/00613/MISC28 Ward: Aldershot Park  
Applicant: Jagadeesh Kumar  
Decision: **No Objection**  
Decision Date: 18 September 2023  
Proposal: The Electronic Communications Code (Conditions and restrictions) Regulations 2017 (as amended) Regulation 5 Notice of Intention to install fixed line broadband electronic communications apparatus (pole) outside 32 Tongham Road Aldershot  
Address **32 Tongham Road Aldershot Hampshire GU12 4AP**

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Application No 23/00614/FULPP Ward: Cove And Southwood  
Applicant: Mr Furber  
Decision: **Permission Granted**  
Decision Date: 14 September 2023  
Proposal: Relief of condition 21 of Planning Permission RSH 03890 (for the erection of 64 dwellings and garages) to allow conversion of garage to a habitable room  
Address **7 Nevada Close Farnborough Hampshire GU14 0PA**

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Application No 23/00616/FULPP Ward: Cove And Southwood  
Applicant: Olivia Beckford  
Decision: **Permission Granted**  
Decision Date: 19 September 2023  
Proposal: Erection of a two storey side extension  
Address **22 Langdale Close Farnborough Hampshire GU14 0LQ**

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Application No 23/00618/FULPP Ward: St John's  
Applicant: Mr Vishnuvarthan Parthipan  
Decision: **Permission Granted**  
Decision Date: 02 October 2023  
Proposal: Erection of a single storey rear and side extension and raised terrace area  
Address **70 Broomhill Road Farnborough Hampshire GU14 9PU**

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Application No 23/00620/MISC28 Ward: Cove And Southwood  
Applicant: Jennifer Stead  
Decision: **No Objection**  
Decision Date: 14 September 2023  
Proposal: The Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2017-toob intends to install fixed line broadband electronic communications apparatus (cabinets) opposite 35 Richmond Close in Farnborough, at: FB102-UE  
Address **35 Richmond Close Farnborough Hampshire GU14 0RH**

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Application No 23/00621/HCC Ward: Empress

Applicant: Hampshire County Council

Decision: **No Objection**

Decision Date: 18 September 2023

Proposal: HCC CONSULTATION : Variation to Condition 3 of planning permission 09/00037/HCCPP dated 24 March 2009 to provide an updated working scheme for operation of glass storage bay

Address **Household Waste Recycling Centre Eelmoor Road Farnborough Hampshire GU14 7QN**

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Application No 23/00622/MISC28 Ward: Aldershot Park

Applicant: Jagadeesh Kumar

Decision: **No Objection**

Decision Date: 25 September 2023

Proposal: Notification under the Electronic Communications Code (Conditions and restrictions) Regulations 2017 (as amended) Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus (pole) outside 1 Chestnut Avenue

Address **1 Chestnut Avenue Aldershot Hampshire GU12 4AU**

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Application No 23/00623/TPOPP Ward: St John's

Applicant: Vivid Housing Association

Decision: **Permission Granted**

Decision Date: 29 September 2023

Proposal: Remove one Silver Birch (T2 of TPO 280V)

Address **63 Cripsey Road Farnborough Hampshire GU14 9PY**

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Application No 23/00629/FUL Ward: Manor Park

Applicant: Mr Laurentiu-Marian Negulescu

Decision: **Permission Granted**

Decision Date: 02 October 2023

Proposal: Erection of a single storey rear extension

Address **72 Jubilee Road Aldershot Hampshire GU11 3QD**

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Application No 23/00632/DEMOPP Ward: Wellington  
Applicant: Secretary Of State For Defence  
Decision: **Prior Approval Required and Granted**  
Decision Date: 29 September 2023  
Proposal: APPLICATION FOR PRIOR APPROVAL: demolition of buildings THA 002, THB 003, THA 016, THA 017, THA 019, THA 020/THA 022 and THA 021/THB 021  
Address **Thornhill Barracks Gallwey Road Aldershot Hampshire GU11 2DF**

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Application No 23/00636/FULPP Ward: Fernhill  
Applicant: MS Fiona Shepherd  
Decision: **Permission Granted**  
Decision Date: 02 October 2023  
Proposal: Erection of a buggy store within the front garden  
Address **18A Perring Avenue Farnborough Hampshire GU14 9DB**

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Application No 23/00643/MISC28 Ward: Knellwood  
Applicant: James Sargent  
Decision: **No Objection**  
Decision Date: 02 October 2023  
Proposal: The Electronic Communications Code (Conditions and restrictions) (Amendment) Regulations 2017 BT intends to install fixed line broadband electronic communications apparatus (pole) at 88 Cambridge Road East, Farnborough, GU14 6QX  
Address **88 Cambridge Road East Farnborough Hampshire GU14 6QX**

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Application No 23/00645/FULPP Ward: Cherrywood  
Applicant: Mr And Mrs Head  
Decision: **Permission Granted**  
Decision Date: 02 October 2023  
Proposal: Erection of a single storey front extension  
Address **6 Ballantyne Road Farnborough Hampshire GU14 8SN**

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Application No 23/00649/NMAPP Ward: Rowhill

Applicant: Mr & Mrs Kenny

Decision: **Permission Granted**

Decision Date: 12 September 2023

Proposal: Non-material amendment to planning permission 23/00198/FULPP (Conversion of garage to form a habitable room and erection of first floor side extension over existing garage and two storey rear extension) to install a window to the first floor dressing room

Address **2 Alverstoke Gardens Aldershot Hampshire GU11 3XA**

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Application No 23/00656/DEMOPP Ward: St Mark's

Applicant: Mr Ian Mckay

Decision: **Prior Approval Required and Granted**

Decision Date: 02 October 2023

Proposal: Demolition of vehicle sales and vehicle repair workshop premises

Address **Park Road Garage 107 Park Road Farnborough Hampshire GU14 6LP**

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Application No 23/00659/ADJ Ward: Out Of Area

Applicant: Hart District Council

Decision: **No Objection**

Decision Date: 28 September 2023

Proposal: ADJACENT AUTHORITY CONSULTATION: Demolition of existing timber structures and erection of classrooms, school cafe and associated ground works, retaining walls and hardstanding at Hurst Lodge School, Fernhill Road

Address **Out Of Area Applications Rushmoor General Street Farnborough Hampshire**

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Development Management Committee  
11<sup>th</sup> October 2023

Report No. PG2337

**Proposed mixed re-development of site at Aldershot Bus Station, 3 Station Road, Aldershot : Planning Application 22/00022/FULPP**

## **1. Introduction**

1.1 The purpose of this report is to seek authorisation from the Committee for the removal of the condition precluding redevelopment of the former Aldershot Bus Station site until alternative bus connection provision has been provided in the vicinity of Aldershot Railway Station. This change is necessary due to a change in circumstances since the decision to grant planning permission the Development Management Committee on 5 December 2018 (subsequently renewed with a resolution of the Committee to grant permission for a second planning application on 17 August 2022).

## **2. Background**

2.1 Aldershot Bus Station is adjacent to the west side of the forecourt of Aldershot Railway Station. The application site has a roughly oval shape and measures 0.24 hectares. It is entirely hard-surfaced and enclosed to the north, west and south sides by brick walls, where the site abuts the grounds of residential flats at Ascot Court. Vehicular access is from Station Road adjoining the "Field Gun" roundabout. The site includes a small building containing ancillary offices and public toilets. The majority of the site is used for bus manoeuvring and parking. It contains a number of bus stop bays perpendicular to the station forecourt, from which it is separated by a pedestrian pavement.

2.2 Planning permission was granted in January 2019 for *"Demolition of existing bus station and re-development of site with the erection of a mixed-use building comprising three ground floor commercial units with flexible use falling within Use Classes A1, A2, A3, A4, A5 or launderette (sui generis); and upper floor residential use (Use Class C3) comprising 32 market residential flats (18 X 1-bedroom, 12 X 2-bedroom & 2 X 3-bedroom units) with associated on-site servicing and parking areas"*, 16/00981/FULPP. This was subject to 28 conditions. No.28 stated:-

***"28. No development shall commence on site until alternative provision to the Bus Station for bus stopping and drop-off stops and facilities in the vicinity of Aldershot Railway Station has been provided and brought into use."***

The reason given for this condition was: *"At the request of the Highway Authority (Hampshire County Council) to ensure that adequate interconnectivity between bus services and other modes of transport is maintained"*.

This planning permission was subject to a 3 year implementation condition. By January 2022 this permission had lapsed.

2.3 A second application (22/00029/FULPP) was validated on 11 January 2022 for identical proposals, described as:

*“Demolition of existing bus station and re-development of site with the erection of a mixed use building comprising three ground floor commercial units with sub-divisible flexible use (Use Class E and sui generis; drinking establishment; Launderette, hot food takeaway); and upper floor residential use (Use Class C3) comprising 32 market residential flats (18 X 1-bedroom, 12 X 2-bedroom & 2 X 3-bedroom units) with associated on-site servicing and parking areas [re-submission of development approved with planning permission 16/00981/FULPP dated 26 February 2019]”*

2.2 The second application was considered by the Development Management Committee at the 17 August 2022 meeting. It was resolved to grant planning permission subject to a total of 29 conditions; and a s106 Planning Obligation to secure SPA and Public Open Space financial contributions, together with financial viability re-assessment clauses. The agreed conditions included No.29, to replicate the requirements of Condition No.28 of the 2019 planning permission:-

***“29. No development shall commence on site until alternative provision to the Bus Station for bus stopping and drop-off stops and facilities in the vicinity of Aldershot Railway Station has been provided and brought into use.”***

The reason for the imposition of this condition was: *“To ensure that adequate interconnectivity between bus services and other modes of transport is maintained.”*

2.3 Work on the s106 obligation stalled and the applicants put the site on the market after Stagecoach, the bus operator, vacated the site; they also voiced concerns about the ability to comply with the requirements of Condition No.29. As a result, the second planning application remains undetermined.

### **3. Planning considerations**

3.1 The objective behind the imposition of Condition No.28 on the original permission and its counterpart in the 2022 application was to ensure some form of connectivity between bus services and Aldershot Railway Station following the anticipated departure of Stagecoach from the Bus Station site. It was considered reasonable and appropriate to impose a ‘Grampian’-style condition of this nature because the Council were aware of proposals for the regeneration of the Aldershot Railway Station forecourt area adjacent to the application site incorporating bus-stopping facilities sufficient to satisfy the requirements of the planning condition.

3.2 However there have been significant delays in the design of the Station Forecourt regeneration scheme; and, over 4 years since the original permission was granted, a design has yet to be finalised and implemented. The franchise rail company operator for the adjacent railway lines changed, requiring re-engagement with entirely new rail company personnel. There was also significant disruption as a result of the Covid-19 pandemic and lockdowns; and consequent changes in the extent and pattern of use of public transport. Stagecoach has ceased to occupy the Bus Station site and now operates using only bus stops within Aldershot Town Centre. Finally, the design of the proposed Station Forecourt regeneration scheme has been significantly changed due to budget cuts and consequent cost engineering and the Station forecourt design is

understood to no longer incorporate bus stop provision. This reflects the reality that the local bus operator is content to operate without a bus station or terminus by using existing bus stops elsewhere with Aldershot Town Centre. Stagecoach or any other bus operator are not obliged to possess or use a bespoke bus station, terminus or specific bus stops and the Council is unable to require them to do so.

3.3 This is not the fault of the applicant; and they consequently do not have any ability to implement or influence the provision of alternative bus stopping facilities in the locality. The existing condition however presents an impediment which in current circumstances is considered unreasonable and fails the tests for acceptable conditions set out in the NPPF. The applicants' ability to implement their proposed development is prevented by a requirement that they are unable to comply with; that does not relate to the development the subject of the planning application; and would no longer serve any planning purpose.

### **Recommendation**

It is recommended that **Condition No.29 be Deleted** from the conditions to be imposed in the event that planning application 22/00029/FULPP is to be determined pursuant to the Committee resolution of 14 August 2022.

**Tim Mills**  
**Executive Head of Property & Growth**

**Background Papers:** Planning Application refs.16/00981/FULPP and 22/00029/FULPP.

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Development Management Committee  
11<sup>th</sup> October 2023

Planning Report PG2336

### Appeals Progress Report

#### 1. New Appeals

- 1.1 An appeal against refusal of planning application 22/00045/FULPP for 'Erection of a two-storey side extension' at No. 94 Field Way, Aldershot, Hampshire GU12 4UL, has now been started. This application was refused by the Council under delegated powers and will be dealt with by the using the Written Representations procedure.

#### 2. Recommendation

- 2.1 It is recommended that the report be **NOTED**.

**Tim Mills**  
**Executive Head of Property and Growth**

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