

Public Document Pack



RUSHMOOR BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE

*at the Council Offices, Farnborough on
Wednesday, 22nd May, 2024 at 7.00 pm*

To:

VOTING MEMBERS

Cllr Gaynor Austin
Cllr Thomas Day
Cllr Peace Essien Igodifo
Cllr A.H. Gani

Cllr C.P. Grattan
Cllr Lisa Greenway
Cllr Julie Hall
Cllr S.J. Masterson

Cllr Calum Stewart
Cllr Ivan Whitmee
1x Vacancy

NON-VOTING MEMBERS

Cllr K. Dibble (ex-officio)

STANDING DEPUTIES

Cllr Rhian Jones
Cllr Mara Makunura
Cllr Nadia Martin
Cllr P.G. Taylor

Enquiries regarding this agenda should be referred to Adele Taylor,
Democratic Services, 01252 398831 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 - 2)

To confirm the Minutes of the meeting held on 17th April 2024 (copy attached).

3. PLANNING APPLICATIONS – (Pages 3 - 80)

To consider the Executive Head of Property and Growth's Report No. PG2413 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
i	21/00271/FULPP	Block 3 Queensmead, Farnborough	For information
ii	23/00713/FUL	Manor Park Cottage, St Georges Road East, Aldershot	For information
iii	23/00794/REVPP	Farnborough Airport, Farnborough	For information

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

Item	Pages	Reference Number	Address	Note & Recommendation
iv	9-25	22/00340/REMPP	Blandford House And Malta Barracks Development Site, Shoe Lane, Aldershot	An appeal has been submitted by the applicant against non- determination. The Council would have Refused the application.

Item	Pages	Reference Number	Address	Recommendation
v	27-41	24/00117/REVPP	MacDonalds, 1 North Close, Aldershot	Refuse
vi	43-56	24/00222/COUPP	No. 29 West Heath Road, Farnborough	Grant subject to personal use condition
vii	57-65	24/00266/FULPP	Union Yard Development Site, Union Street, Aldershot	Grant subject to no new material comments being received by 24 May 2024

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

4. APPEALS PROGRESS REPORT – (Pages 81 - 84)

To consider the Executive Head of Property and Growth's Report No. PG2414 (copy attached) on the progress of recent planning appeals.

5. ENFORCEMENT AND POSSIBLE UNAUTHORISED DEVELOPMENT – (Pages 85 - 88)

To consider the Executive Head of Property and Growth's Report No. PG2415 (copy attached) which reports on cases of planning enforcement and possible unauthorised development.

6. PLANNING (DEVELOPMENT MANAGEMENT) SUMMARY REPORT FOR THE QUARTER JANUARY 2024 - MARCH 2024 AND FOR THE YEAR 2023/24 – (Pages 89 - 94)

To receive the Executive Head of Property and Growth's Report No. PG2416 (copy attached) which updates on the Performance Indicators for the Development Management Section of Planning, and the overall workload for the Section for the period 1st January 2024 – 31st March 2024 and for the year 2023/24.

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>

DEVELOPMENT MANAGEMENT COMMITTEE

Meeting held on Wednesday, 17th April, 2024 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 Sophie Porter
Cllr Calum Stewart

Apologies for absence were submitted on behalf of Cllr Halleh Koohestani and Cllr Dhan Sarki.

Cllr Christine Guinness and Cllr Gareth Williams attended the meeting as Standing Deputies.

Non-Voting Member

Cllr J.B. Canty (Development & Economic Growth Portfolio Holder) (ex officio)

64. DECLARATIONS OF INTEREST

There were no declarations of interest for this meeting.

65. MINUTES

The Minutes of the Meeting held on 6th March, 2024 were approved and signed as a correct record of proceedings.

66. PLANNING APPLICATIONS

RESOLVED: That

- (i) the following application be determined by the Executive Head of Property and Growth, in consultation with the Chairman:

* 24/00063/OUT Proposed Development at Site of Building 4.2 and 4.3, Frimley Business Park, Frimley, Camberley

(ii) 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. PG2411, 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

23/00713/FUL Manor Park Cottage, St. Georges Road East,
Aldershot

23/00794/REVPP Farnborough Airport, Farnborough

24/00117/REVPP MacDonalDs, 1 North Close, Aldershot

* The Executive Head of Property and Growth's Report No. PG2411 in respect of these applications was amended at the meeting.

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

NOTE:

Executive Head of Property and Growth Report No. PG2411, Item iii - 23/00695/FULPP, The Range, Ivy Road, Aldershot was listed on the future items in error. Planning permission had been granted in January 2024 on this application.

67. ENFORCEMENT AND POSSIBLE UNAUTHORISED DEVELOPMENT

Enforcement Reference No.	Description of Breach
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23/00062/BOUND	The erection of a 1m high wall with 2m high pillars at No. 26 Avondale Road, Farnborough.
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An update was provided to the Committee, advising that a Planning Enforcement Notice had been served to require the reduction of the wall and pillar height to 1m.

RESOLVED: That the Executive Head of Property and Growth's Report No. P2412 be noted.

The meeting closed at 7.25 pm.

CLLR S.J. MASTERSON (CHAIRMAN)

Development
Management Committee
22nd May 2024

Executive Head of Property
& Growth
Report No. PG2413

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

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
i	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>Block 3 Queensmead Farnborough</p> <p>This application is subject to a request for an extension of time to consider further amendments.</p>
ii	23/00713/FUL	<p>Erection of four one-bedroom flats with parking</p> <p>Manor Park Cottage, St Georges Road East</p> <p>Assessment of this application continues and has not yet reached the stage for Committee consideration.</p>
iii	23/00794/REVPP	<p>Variation of Condition 2 (aircraft movements) and 6 (aircraft weight), replacement of conditions 7 (1:10,000 risk contour) and 8 (1:100,00 risk contour), of planning permission 20/00871/REVPP determined on the 22/02/2022, in order to: a) to increase the maximum number of annual aircraft movements from 50,000 to 70,000 per annum, including an increase in non-weekday aircraft movements from 8,900 to 18,900 per annum, and b) to amend the aircraft weight category of 50,000 - 80,000 Kg, to 55,000 - 80,000 Kg, and an increase from 1,500 to 2,100 annual aircraft movements within this category, including an increase from 270 to 570 annual aircraft movements</p>

		<p>weekdays, and to c) replace Conditions Nos. 7 (1:10,000 risk contour) and 8 (1:100,000 risk contour) with a new condition to produce Public Safety Zone maps in accordance with the Civil Aviation Authority/ Department for Transport Requirements</p> <p>Farnborough Airport Farnborough Road Farnborough Hampshire GU14 6XA</p> <p>Assessment of this application continues and has not yet reached the stage for Committee consideration.</p>
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Section B

Petitions

Item	Reference	Description and address
		None

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	Maggie Perry
Application No.	22/00340/REMPP
Date Valid	13 th May 2022
Expiry date of consultations	10 th April 2023
Proposal	PART APPROVAL OF RESERVED MATTERS: for the erection of 71 dwellings (RMA 4 - Phases 4, 5 and 6), 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.
Address	Blandford House and Malta Barracks Development Site, Shoe Lane, Aldershot, Hampshire
Ward	St. Marks
Applicant	Miss Tilly Wishaw, Redrow Homes Ltd
Agent	Ms Bryony Stala, Savills
Recommendation	The council would have REFUSED the application

APPEAL AGAINST NON-DETERMINATION

1. Members are advised that the applicant notified Planning Officers on 15/02/2024 that they had submitted an appeal against non-determination of RMA 4 to the Planning Inspectorate. The reference for the appeal is APP/P1750/W/24/3338874 and the Council has received the 'Start Letter' confirming that the appeal is valid and that it will be considered under the Hearing procedure.
2. An appeal against non-determination is made when the statutory period for the Council to determine the planning application passed and the applicant decides to place the application in the jurisdiction of the Planning Inspectorate.
3. In appeals against non-determination, the Council is required to put forward to the Planning Inspectorate the basis upon which the planning application would have been determined if a decision had been taken by it. This is necessary so that the Planning

Inspectorate may consider the merits of the application and reach a decision on the appeal.

4. Officers have considered the application carefully and are of the view that it should have been refused had it been considered by the Council. Therefore, the purpose of this report is to summarise key issues and seek agreement from Members on the reasons as to why Officers would recommend that the application should be refused if it was to be determined by the Planning Committee.

BACKGROUND

5. On the 15th May 2020 the Council granted hybrid outline planning permission ref: 17/00914/OUTPP for the development of up to 180 dwellings (including the conversion of Blandford House and retention of three existing dwellings) including access, internal roads, demolition of buildings, amenity space, green infrastructure and sustainable drainage systems (Matters for Approval - Access Only) to include FULL approval of details for the provision of 13.7ha of Suitable Alternative Natural Greenspace (SANG) and associated car park (18 spaces). The planning permission was granted subject to a s106 legal agreement.



Figure 1 – Approved Land Use Parameter Plan

6. Redrow Homes Ltd are delivering the residential element of the Outline Consent. The Blandford Woods SANG (Full Planning Permission) will be delivered by Grainger Plc and The Land Trust. Construction of the first residential phases has started on site. The Blandford Woods SANG establishment works have been implemented.
7. This Reserved Matters Application represents Phases 4, 5 & 6 of the residential development. Phases 1 and 3 of the development were approved on the 14/11/2022 following Development Management Committee on the 09/11/2022. Phase 1 (RMA 1) will deliver 9 private residential houses as approved under REF: 22/00068/REM. Phase 3 (RMA 3) will deliver 11 private residential houses as approved under REF: 22/00277/REMPP.
8. Phase 2 (RMA 2) was approved on 20/01/2023 under REF: 22/00138/REMPP following Development Management Committee on 18/01/2023. This phase comprises 76 private and affordable residential dwellings.
9. The current application for 71 residential units, which is the subject of this committee report, represents the fourth Reserved Matters Application (RMA 4) for phase 4, 5 and 6 (REF: 22/00340/REMPP).
10. The local planning authority is also currently considering the fifth Reserved Matters Application (RMA 5 – Phase 7). This application for 9 new dwellings and the retention of 2 existing dwellings was validated on 19/05/2023 REF: 23/00388/REMPP.

Reserved Matters Application	Phase	Planning Reference	Proposed new units	Existing retained units*
RMA 1	PHASE 1	22/00068/REM	9	0
RMA 2	PHASE 2	22/00138/REMPP	76	1
RMA 3	PHASE 3	22/00277/REMPP	11	0
RMA 4	PHASE 4, 5 AND 6	22/00340/REMPP	71	0
RMA 5	PHASE 7	23/00388/REMPP	9	2
Totals			176	3

* Blandford House is not included in these figures.

11. Blandford House was identified in the Outline Consent as having the potential to deliver 9 units but has not been included in any of the Reserved Matters Applications received to date. This is despite the Council emphasising to the Applicant the need for clarity surrounding the proposals for Blandford House, a retained designated Building of Local Importance, throughout the course of the various Reserved Matters Applications.

THE APPLICATION SITE – RMA 4

12. The 4th Reserved Matters Application (RMA 4) comprises Phases 4, 5 and 6. The Reserved Matters Area occupies the central and southern areas of the wider Blandford House & Malta Barracks Development Site. The site (approx. 5.04ha) is bounded by Phase 1 to the north, approved parcels of SANG land to the west and southeast, and by the TA Centre and Blandford Ditch (SANG Green Link) to the south and southwest respectively.

13. The northern part of the site wraps around the western boundaries of existing residential properties within Vine Close and extends to the west side of Shoe Lane at the northern end. The site extends to the south of Forge Lane to occupy the former Malta Barracks site. Malta Barracks comprised a number of low-level buildings (now demolished) and hard standing and benefits from consent for demolition as part of the Hybrid Outline Approval. Runways End Outdoor Centre is located further to the south west but does not directly adjoin the site.
14. Shoe Lane runs north-south through the site and Forge Lane runs east-west through its centre. These un-adopted military roads provide vehicular access to the site. There are no locally listed buildings present within or adjacent to Phases 4, 5 and 6.

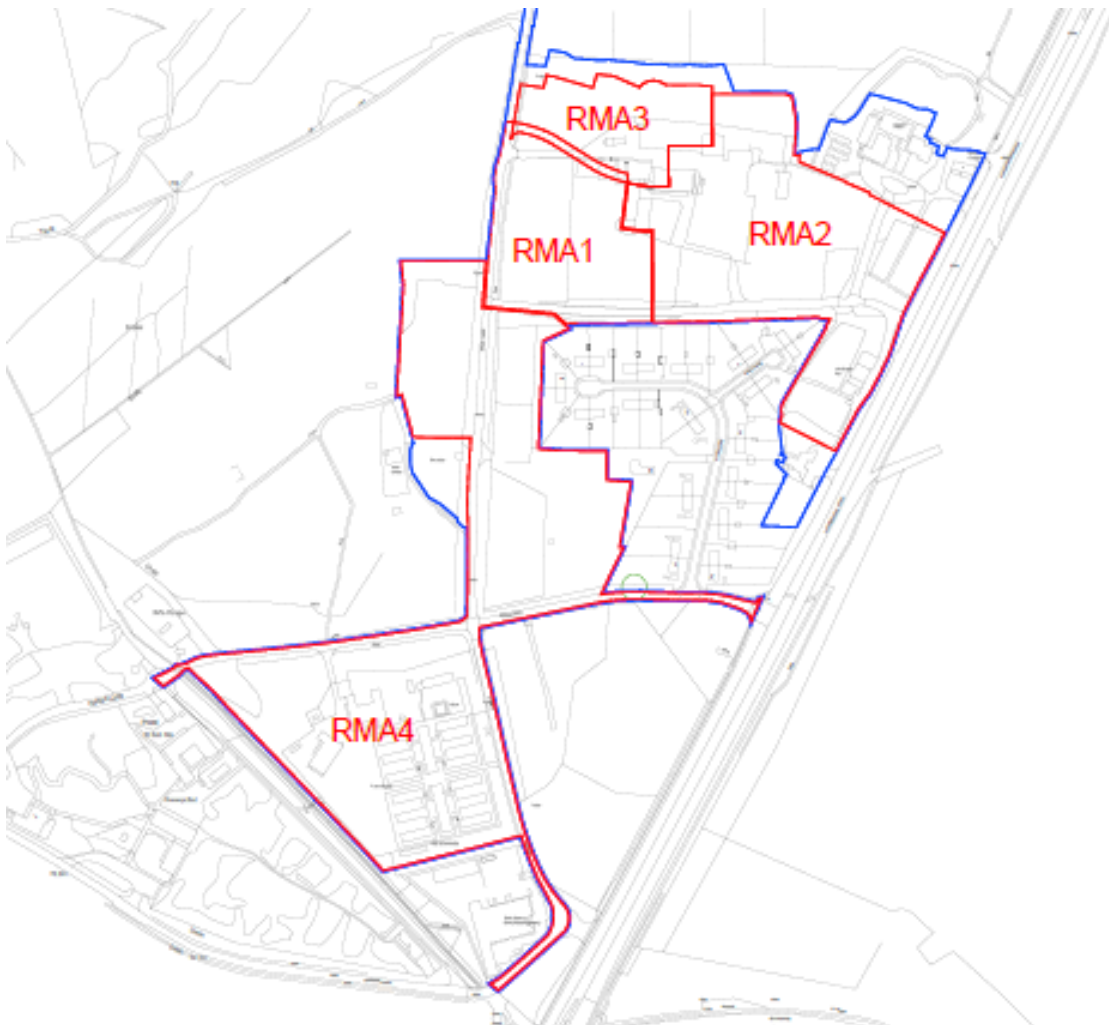


Figure 1 RMA 4 in context

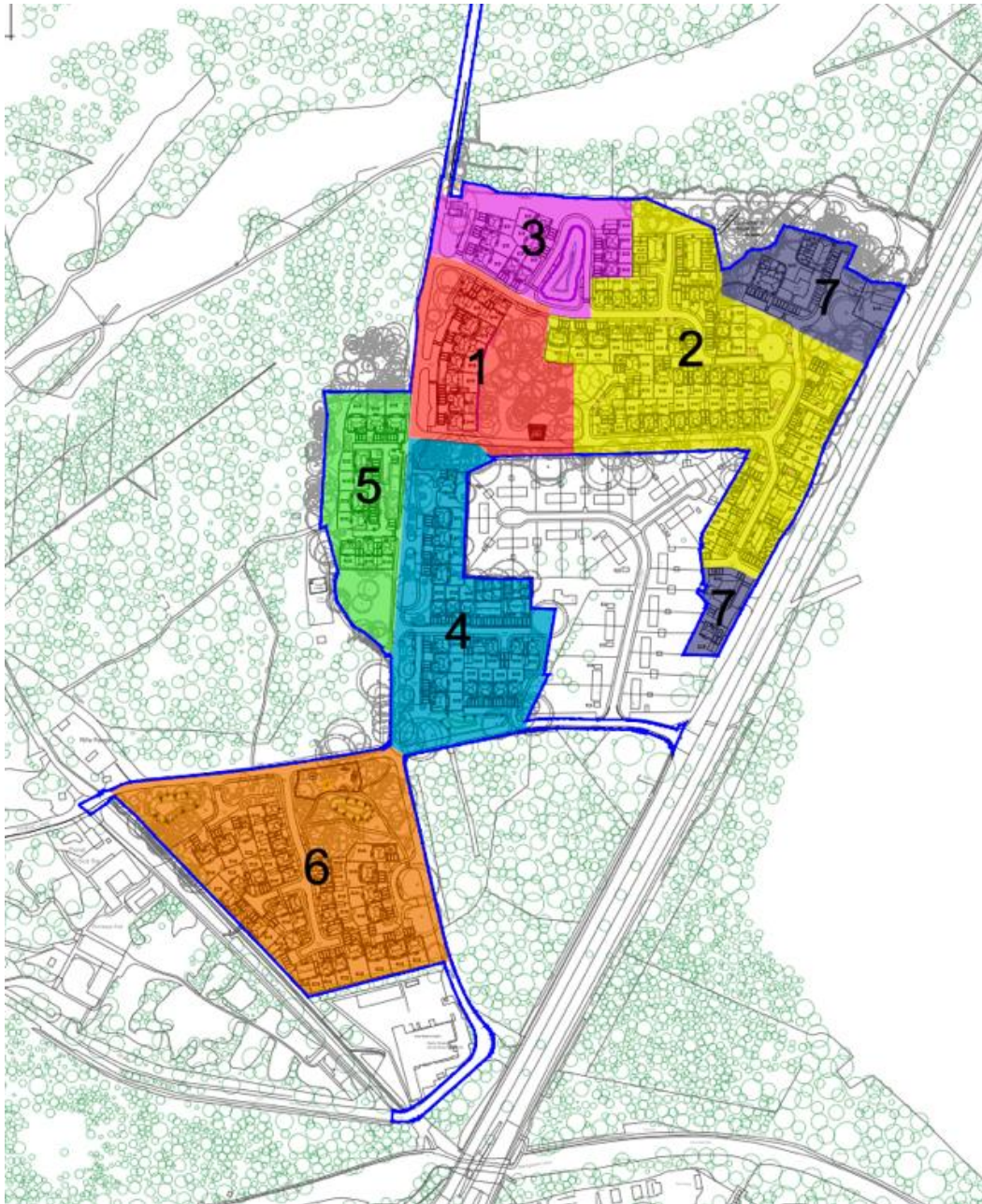


Figure 2 Approved Phasing Plan (RMA 4 comprises of Phases 4, 5 & 6)

WIDER BLANDFORD HOUSE AND MALTA BARRACKS DEVELOPMENT SITE

15. The wider Blandford House and Malta Barracks Development Site of approximately 26.1 hectares lies on land between the Army Golf Club to the west, the A325 to the east and immediately to the north of the Basingstoke Canal. The site comprises previously developed land within a woodland setting. The land was made surplus to requirements by the Ministry of Defence (MoD) and Defence Infrastructure Organisation (DIO).
16. Access to the development site is from Farnborough Road via Forge Lane from the south/southeast, and from Government Road to the north, via Shoe Lane. Forge Lane and Shoe Lane both intersect the site and connect to Laffan's Road at the southern end of the site. Forge Lane, Shoe Lane and Laffan's Road are un-adopted military roads.
17. The site includes Blandford House, a large detached former military residence, which is designated as a Building of Local Importance and set within extensive grounds. In total

there are five structures on the wider site which have been designated by RBC as being of local importance:

- Blandford House
- Blandford Cottage (Blandford Lodge)
- Vine Cottage
- Blandford Cottages
- George VI Post Box, Forge Lane

18. No part of the development site falls within a conservation area. Aldershot Military Conservation Area lies to the east side of Farnborough. The Basingstoke Canal Conservation Area is located to the south.
19. Malta Barracks, a former disused army barracks, is in the southern part of the site, immediately to the north of the TA Centre and to the east of Runways End Outdoor Centre. Malta Barracks comprised a number of low-level buildings and hard standing which have now been demolished as part of the Outline Consent.
20. The wider development site wraps around Vine Close, a small development of military housing, which was not included in the allocation for the development site. Forge cottage, a single property to the west of Shoe Lane, falls within the site allocation but was not included in the Hybrid Outline Application Site
21. Extensive areas of woodland surround both Blandford House and Malta Barracks. The woodland largely comprises of the consented Blandford Woods SANG and the existing Wellesley SANG. The northern areas of woodland lie adjacent to the Army Golf Course. The Basingstoke Canal (Conservation Area and Site of Special Scientific Interest) and Wellesley Woodlands SANG lie immediately to the south.
22. The northernmost part of the application site (within the consented SANG) falls within a Site of Importance for Nature Conservation Interest (SINC) that largely covers the adjacent golf course (Army Golf Course – East). Shoe Lane, includes a Road Verge of Ecological Importance. These are both sites of local importance.
23. The site is close to two statutory designated sites of European Importance: The Thames Basin Heaths Special Protection Area (TBH SPA) (nearest part 700m to the west) and Thursley, Ash, Pirbright and Chobham Special Area of Conservation (TAPC SAC) which lies 3.5km to the north-east of the site.
24. Bourley and Long Valley SSSI lies 0.8km lies to the south-west of the site. The Basingstoke Canal Site of Special Scientific Interest lies adjacent to the southern boundary of the site. These are both sites of national importance. Watts Common Site of Importance for Nature Conservation (SINC) lies directly adjacent to the northern boundary of the site and is of local importance.

THE PROPOSAL

25. This Reserved Matters Application (RMA 4) is for Phase 4, 5 and 6 of the residential redevelopment of the Blandford House & Malta Barracks Development Site. RMA 4 would deliver 71 residential units, comprising of 58 private houses and 12 affordable dwellings, together with internal access roads, public open space (referred to as Amenity Open Space in the s106 legal agreement) a Play Area and SUDs (Sustainable Urban Drainage systems).

26. The new dwellings would comprise a mix of two-storey and two and 2 ½ storey detached and terraced houses and maisonettes. Four of the private market detached houses would constitute custom build housing. No Affordable Rented Wheelchair Units have been proposed within these phases.
27. The layout of the scheme has been designed in accordance with the approved Land Use and Movement Parameter Plans of the Outline Consent. The character and appearance of the development would reflect that of the residential development previously approved within Reserved Matters Areas 1, 2 and 3.
28. The development would provide 184 allocated parking spaces (not including the 57 private garages proposed) together with 13 visitors parking spaces.

NOTIFICATION

Application Publicity & Neighbours Notified

29. In addition to posting two (2) site notices and a press advertisement, thirty-nine (39) letters of notification were sent to neighbouring owner/occupiers. A re-consultation letter was sent to those commented on the application.
30. The extended consultation period expired on 10th April 2023. One (1) representation of support and one (1) representation of objection have been received.
31. The support letter was from a resident of West Byfleet who would like to settle their family in the Farnborough area. The comments are summarised below:
- Beneficial economic development
 - Employment Creation
 - Good development
32. A representation of objection was received from 24A Vine Close, Aldershot. The comments are summarised below:
- Contrary to Government advice
 - Contrary to Local Planning Policies
 - Damage to SSSIs
 - Loss of Light
 - Loss of Trees
 - Noise & Disturbance
 - Overlooking – Loss of Privacy
 - Traffic Congestion – Highway Safety
 - Insufficient planning detail

Consultees & Other Bodies

HCC Highways Development Planning: Provided detailed comments and advice 28/03/2023, 31/05/2023 and 23/10/2023 (Summary):

- Acknowledged that the roads are not offered for adoption.

- Acknowledged that amendments to visibility splays and design speeds have been made. Recommended that a suitably worded planning condition be imposed to secure these measures.
- Acknowledged and welcomed the proposed increase in visitors' parking spaces.
- Reiterated concerns regarding surfacing proposed around the visitors' spaces.
- Reiterated concerns regarding the tracking of larger vehicles and likely damage to kerbs.
- Confirmed in letter dated 28.03.2024 objection to the proposal on grounds that there is insufficient detail in this submission to ensure appropriate visibility space are provided and there is inadequate provision for pedestrians resulting in an unsafe design for occupiers and visitors.

Case Officer's Response: Various amendments to the proposals have been made in response to HCC Highways' comments. The remaining objections were discussed with HCC and it was agreed that the concerns relating to the design speed could be overcome with the introduction of traffic calming measures (for new roads only) within the road layout currently proposed. These measures were included in revised plans received 31st August 2023. If approval were recommended condition could be imposed to secure to secure the measures described above.

HCC Flood & Water Management:

No comments received.

Case Officer's Response: Noted.

HCC Senior Archaeologist:

27/04/2022 Confirmed no objection.

Hampshire & IOW Fire and Rescue Service

Provided detailed advice dated 24/05/2022 which has been forwarded to the developer for consideration

Hampshire Constabulary:

Provided detailed advice dated 27/05/2022 which has been forwarded to the developer for consideration.

Severn Trent Services Ltd:

No comments received.

South East Water Ltd:

No comments received.

Southern Gas Network:

No comments received.

Thames Water:

27/05/2022 Confirmed no comment.

Grainger Plc:

No comments received.

Hampshire Swifts (Charity): Whilst not a formal consultee, Hampshire Swifts have submitted a representation dated 02/05/2022 in relation to the proposals. The comments include a recommendation for integral Swift bricks to be incorporated into the scheme.

Case Officer's response: The comments were forwarded to the Applicant for consideration in the preparation of their Ecological Management Plan.

Internal Consultees

RBC Environmental Health: Comments received 24/05/2022 (summary):

A Noise Report is required and should be submitted.

No objection to the Phase 2 (Contaminated Land) report conclusions and recommendations.

Advised that the CEMP should updated to reflect findings relating to other phases of the development.

Case Officer's response: Noted.

RBC Housing
Enabling Officer: Comments received (summary):

Objects to the layout/clustering of the proposed affordable housing units, particularly when considered in the context of the delivery of housing across the wider scheme.

Case Officer's Response: Noted.

RBC Ecology Officer: Confirmed no objection following detailed discussions and updates to the Ecological Management Plan as informed by the submission of a Biodiversity Net Gain Assessment for the site as a whole.

RBC Arboricultural Officer: No objection received.

RBC Conservation Officer: Confirmed no comment 26/05/2022.

RBC Community – Contracts (Refuse & Recycling): Confirmed no objection to revised scheme 06/04/2023

POLICY AND DETERMINING ISSUES

33. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires regard to be had to the provisions of the development plan in the determination of planning applications unless material considerations indicate otherwise. The *Rushmoor Local Plan* was formerly adopted by the Council on 21st February 2019. In addition to the *Rushmoor Local Plan*, the development plan for Rushmoor includes the *Hampshire Minerals and Waste Plan* (adopted in October 2013) and saved Policy NRM6 of the *South East Plan* (adopted in May 2009).

The following policies of the Rushmoor Local Plan are relevant to this proposal:

- SS1 Presumption in Favour of Sustainable Development
- SS2 Spatial Strategy
- SP10 Blandford House and Malta Barracks
- IN1 Infrastructure & Community Facilities
- IN2 Transport
- HE1 Heritage
- HE3 Development within or adjoining a Conservation Area
- HE4 Archaeology
- DE1 Design in the Built Environment
- DE2 Residential Internal Space Standards
- DE3 Residential Amenity Space Standards
- DE4 Sustainable Water Use
- DE6 Open Space, Sport & Recreation
- DE10 Pollution
- LN1 Housing Mix
- LN2 Affordable Housing
- NE1 Thames Basin Heaths Special Protection Area
- NE2 Green Infrastructure
- NE3 Trees and Landscaping
- NE4 Biodiversity
- NE5 Countryside
- NE8 Sustainable Drainage Systems

34. The Council's adopted supplementary planning documents (SPDs) 'Affordable Housing' SPD 2019, 'Car and Cycle Parking Standards', 2024, Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy (AMS) as updated April 2024 are relevant.

35. The *National Planning Policy Framework (NPPF)*, which was revised and came into force on 19th February 2019 (updated 20th December 2023), and Government's Technical Housing Standards – nationally described space standard (27th March 2015) are also material considerations.

36. The proposals have been assessed against the policy framework outlined above and all other relevant material considerations. The main determining issues in the assessment of the proposals are:

- The principle of development
- Housing tenure & mix
- Layout, design and appearance & impact of heritage assets
- Transport, parking & access
- Impact on neighbours
- Living environment created for future residents
- Nature conservation and trees
- Pollution & remediation
- Flood risk & drainage
- Sustainable development
- Archaeology

37. The following report focusses on the key unresolved material planning considerations

which will form the Council's proposed reasons for refusal of the Reserved Matters. These issues relate primarily the layout and distribution of the proposed affordable housing within RMA 4 when considered on its own and in the context of the layout and phasing of the wider development.

38. The report discusses the implications of the current proposals - particularly in the absence of any proposals for Blandford House - on the remaining phase/s of the development in respect of parameters and maximum number of dwellings permitted by the Outline Consent.

COMMENTARY

The Principle of Development –

39. The principle of the residential redevelopment of the application site was established by Hybrid Outline Planning Permission ref: 17/00914/OUTPP and is consistent with Local Plan Policy SP10 (Blandford House and Malta Barracks).
40. The current application takes the form of a comprehensive Reserved Matters Application for Phases 4, 5 and 6 of the residential development. In this regard, Condition 3 of the Hybrid Outline Consent states *“No development (with the exception of the SANG and SANG car park and the demolition of the Category 1 buildings identified on drawing number 6048/PO1 Rev A shall take place in any Development Zone identified on Phasing Plan 2491-C-1106-SK3, until an application for details relating to appearance, landscaping, layout and scale of the development hereinafter called “the reserved matters” shall be submitted to and approved in writing by the Local Planning Authority in respect of that Development Zone/Reserved Matters Area...”* Condition 3 includes a full list of the details to be addressed by each Reserved Matters Application (RMA).
41. The proposed scheme would deliver residential dwellings together with internal access roads and public open space, play area and SUDs in accordance with the principles set out in the approved Hybrid Outline Planning Permission's Land Use Parameter Plan and Movement Parameter Plan (as amended by application ref: 23/00607/NMAPP). Subject to appropriate planning conditions, the development would not result in any unacceptable impacts on the character and appearance of the area or existing heritage assets and would mitigate any impacts on local environmental conditions and nature conservation. The scheme would deliver a good standard of living accommodation and would not result in any material harm to the amenity of neighbouring occupiers or uses.
42. During the course of the application significant amendments have been made to the scheme to improve the road layout and design, to increase the number of visitors' parking spaces and to introduce traffic calming measures. Furthermore, as with approved Phases 1, 2 and 3 a considerable amount of work has been undertaken in consultation with the Council's Ecology Officer, in relation to the preparation of site-wide Ecological Management Plan, to demonstrate Biodiversity Net Gain as a result of the development. This has included adjusting the layout of the scheme within Phase 4 to include a small strip of woodland along the boundary with properties within Vine Close. Should the Council Grant Planning Permission, these can be secured by way of condition.
43. Notwithstanding the above, there is concern that the proposed RMA 4 development, when taken with the approved and future phases of the scheme, would not deliver

affordable housing in a form and layout that is consistent with the Council’s adopted Development Plan policies and guidance or the terms of the Hybrid Outline Planning Permission and associated s106 Legal Agreement. The Applicant was advised of the Council’s position in respect of the delivery of affordable housing in a letter dated 09/06/2023. The application remains undetermined in the absence of a negotiated solution which achieves the objectives of the Local Plan and the Hybrid Outline Planning permission, and which delivers the best development.

Affordable Housing

Quantum, tenure and mix

44. The Hybrid Outline Consent’s 106 legal agreement dated 15th May 2020 states in Schedule 5, Paragraph 1 *“The Owner shall provide thirty per cent (30%) of the total number of new Residential Units within each Development Zone as Affordable Housing of which 70% shall be available for Affordable Rented Units and 30% for Intermediate Housing Units unless agreed otherwise with the Council.”*
45. Phases 4, 5 and 6 (RMA 4) of the Blandford House and Malta Barracks residential development would deliver 71 residential new build units, comprising of 59 private market dwellings and 12 affordable units.
46. The revised Planning Statement & Statement of Affordable Housing Compliance (June 2023) submitted with the application includes the following table which sets out the proposed housing mix. It states that 10 of the dwellings would provide affordable rented units and 2 would be shared ownership equating to an 83/17 % split.

Dwelling Size	Quantum	Percentage
One-bed (affordable)	4	6%
Two-bed (affordable)	3	4%
Three-bed (market)	18	25%
Four-bed (affordable)	5	7%
Four-bed (market)	27	38%
Five-bed (market)	14	20%
Total	71	100%

47. This would contribute towards the following site wide quantum of affordable housing (see table below), which has been agreed as part of the approved Affordable Housing Strategy (May 2022), and secured by the s106 legal agreement, in accordance with Local Plan policies LN1 (Housing Mix) and LN2 (Affordable Housing):

Total No. Units (not including existing dwellings)	Private (70%)	Total Provision (AHU) 30%	Affordable Rent (AR) 70%	Shared Ownership (SO) 30%
176	123	53	37	16

48. Notwithstanding the above it is noted that the Applicant’s subsequent Planning Appeal Statement of Case (February 2024) indicates that a different mix of dwelling sizes is

proposed in respect of the private market housing and also describes 9 of the units as affordable rented and 3 as shared ownership. It will therefore be necessary to seek further clarification of this during the course of the Appeal.

Policy consideration and the terms of the hybrid outline planning permission

49. Policy LN1 (Housing Mix) seeks to deliver “a balanced mix of housing to create mixed and sustainable communities and meet projected future household needs in Rushmoor...” Paragraph 10.19 of the supporting text states “The affordable homes must be distributed within the development to support the creation of integrated and mixed communities.” Policy SP10 (c) Blandford House & Malta Barracks requires “The delivery of affordable housing in accordance with the requirements of Policy LN2 (Affordable Housing).”
50. An Affordable Housing Strategy (AHS) (May 2022) was submitted and agreed pursuant to Schedule 5, Paragraph 3, of the Hybrid Outline Consent’s 106 legal agreement dated 15th May 2020. The wording within the AHS reflects Schedule 5, Paragraph 6.1 of the s106 legal agreement which requires the Affordable Housing Units to be provided “in clusters of no more than ten (10) houses or twelve (12) flats”.
51. Schedule 5, Paragraph 9 of the 106 legal agreement requires 10% of the Affordable Rented Units to be provided as Wheelchair Affordable Units. Paragraph 17 requires that unless otherwise agreed with the Council, all the Affordable Housing Units to be constructed to Part M4(2) of the Building Regulations and the Technical Housing Standards, and in relation to Affordable Wheelchair Units, Part M4(3) of the Building Regulations taking into account the guidance produced by Habinteg.
52. Schedule 5, Paragraph 16 of the s106 legal agreement states “The owner and developer shall not occupy or permit to be occupied more than 80% of the private residential units in each Reserved Matters Application Area where Affordable Housing Units are provided until the Affordable Housing Units in that Reserved Matters Application Area have been constructed to practical completion and have been transferred to the Registered Provider.”
53. The approved Affordable Housing Strategy (AHS) (May 2022) confirms that 30% of the new build properties at the development site would provide affordable housing. The AHS states in Paragraph 2.7 “The provision of affordable housing units within a development zone may vary, provided the overall provision across the site is 30%. In special circumstances, e.g. particularly small development zones, there may be no affordable housing delivered, however the overall target of 30% will be met across the development as a whole.”

Layout & Distribution

54. RMA 4 is the largest of the Reserved Matters Applications (RMA) submitted to date. It comprises 3 Phases (4, 5 and 6) of the approved Phasing Strategy and would deliver 71 dwellings. The Council is also currently considering the 5th Reserved Matters Application (RMA 5). RMA 5 is the smallest RMA in terms of the proposed number of new-build units. It would deliver 1 new-build private detached dwelling, 8 affordable new-build dwellings together with the retention of 2 existing private dwellings. The application red-line excludes Blandford House, which is identified in the Hybrid Outline Permission as delivering 9 units.

55. Figure 4 below shows RMA 4 in the context of the total distribution of affordable housing within approved RMAs 1, 2 and 3 (Phases 1, 2 and 3) and in proposed RMA 5 (part of Phase 7), which is pending decision under the Council's scheme of delegation:



Figure 4 – Proposed distribution of affordable housing across the wider development

56. The s106 Legal Agreement and approved Affordable Housing Strategy require the affordable dwellings to be delivered “in clusters of no more than ten (10) houses or twelve (12) flats” and states that the scheme should be “genuinely tenure blind”. Whilst it might be argued that the clusters have technically been achieved, the overall layout plan clearly demonstrates that the affordable housing is segregated from the main central areas of the development.

57. The affordable housing has been pushed towards the northern and eastern edges of the development, primarily alongside Farnborough Road (RMA 2), and in the case of the proposals for RMA 5, the affordable units would be located directly to the north and west sides of Blandford House, following demolition of the modern extensions, but in the absence of any proposals for this Building of Local Importance. This would result in the majority of the affordable rented units being located in the north-east corner and eastern edge of the development. Within Phase 6 the affordable units are proposed in a cramped southernmost corner of the development parcel, adjacent to the TA Centre boundary, and within Phase 4 the affordable units would be located at the end of an internal access road, adjacent to the rear garden boundaries of existing dwellings in Vine Close. No affordable housing is proposed within Phase 5, albeit a relatively small phase comprising 10 units.

Conclusions

58. Throughout the course of Reserved Matters Application 4 (the committee item) and during the validation of Reserved Matters Application 5 (not for determination at this committee), Officers have communicated to the Applicant their concerns regarding the resultant layout and distribution of affordable housing across the development site.

59. Further, due to the disparity in the size and quantum of the final Reserved Matters Application Area/s, and the high proportion of affordable housing (primarily affordable rented dwellings) proposed within the smallest and final Phase 7; Officers consider that this approach to the submissions of the RMAs has compromised the delivery of affordable housing within the development. These concerns are further exacerbated by the omission of Blandford House from the red-line site plan for RMA 5.

60. In this regard, the Applicant was advised of the Council's position that the reserved matters application (RMA), in combination with the previously approved and submitted RMAs, would result in 180 dwellings being proposed on the Blandford House and Malta Barracks Development Site in advance of any submission in relation to the Blandford House building and its curtilage, which was identified in the outline planning permission as providing 9 dwellings. The outline planning permission provides for up to 180 dwellings (including the conversion of Blandford House and retention of three existing dwellings). The resulting development would therefore exceed the parameters of the outline planning permission REF: 17/00914/OUTPP.

61. The Applicant was advised that the sequence and quantum of the RMA submissions for the final phases of development are such that the Council cannot be confident that either the total number of units delivered will be consistent with the outline planning permission, or that the numbers and mix of affordable housing for the entire scheme can be secured and delivered in accordance with the approved Affordable Housing Strategy and triggers set out in the s106 legal agreement. It is considered that together RMA 4 and RMA 5 do not constitute a legitimate or acceptable approach to approval of the remaining reserved matters pursuant to the outline planning permission.

62. Notwithstanding the issues discussed above concerning sequence and quantum of the RMA submissions, the Applicant was advised in respect of the proposals for RMA 4, to incorporate a higher number / proportion of affordable units within this Reserved Matters Application Area, specifically within the southern parcel, Phase 6. This would significantly improve the distribution and integration of affordable housing throughout the wider development, allowing Officers to work towards a recommendation of approval and importantly, would consequently allow for the proper planning of Phase 7.

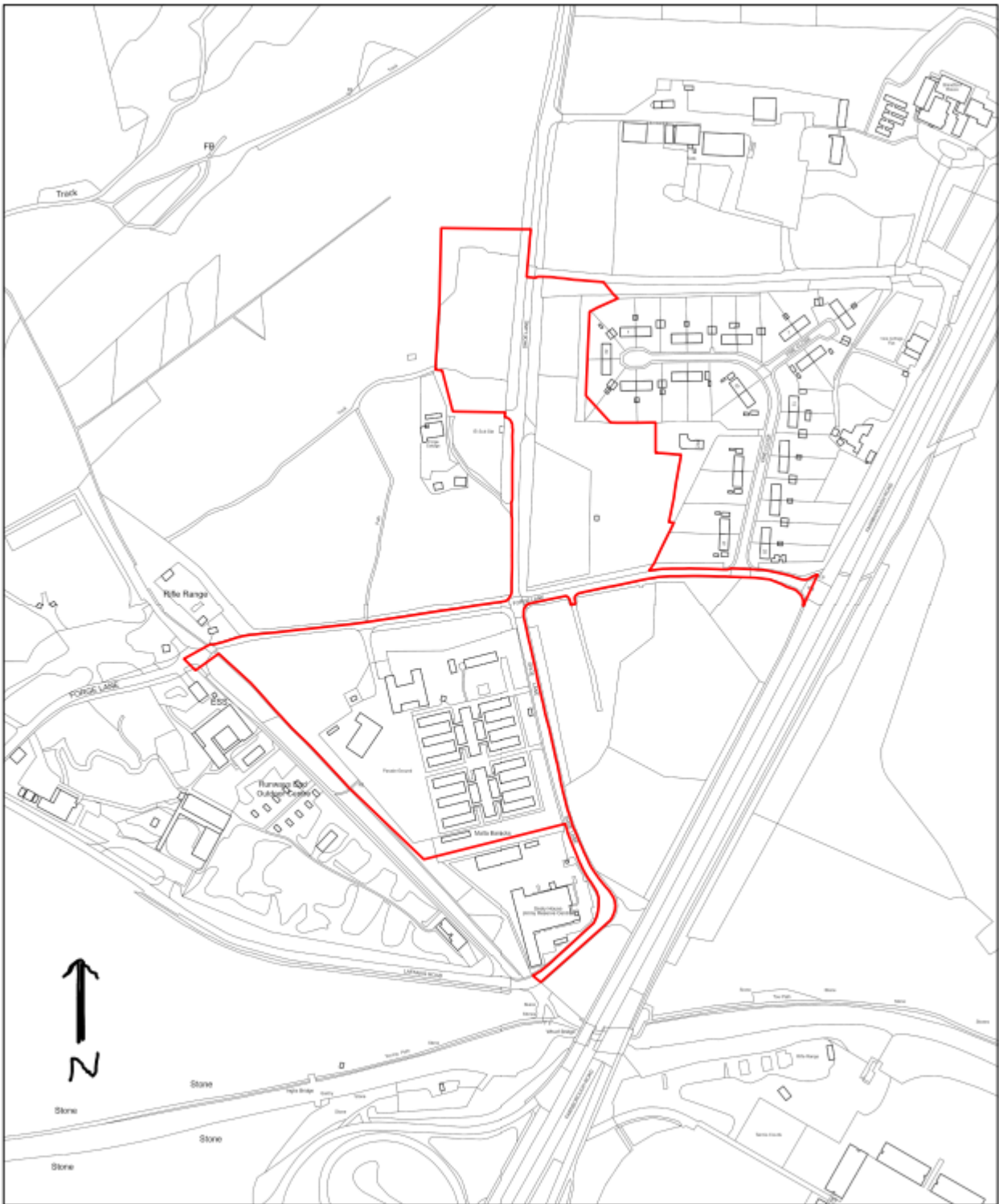
The Applicant declined to make such changes to the scheme and proceeded to submit an appeal against not determination.

63. It is therefore considered that the proposed development, when taken with the approved and future phases of the hybrid outline consent, would not deliver affordable housing in a form and layout that is consistent with the Council's adopted Development Plan policies and guidance or the terms of the Hybrid Outline Planning Permission and associated s106 Legal Agreement.

FULL RECOMMENDATION

If the Council were to have determined this application, it would have determined to **REFUSE** the planning application for the following reason:

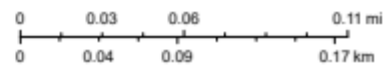
- 1) The proposed development due to the quantum, tenure, layout and distribution of the affordable housing within the reserved matters area and when taken with the approved and the remaining phase of the development, would fail to provide a satisfactory layout and distribution of affordable housing within the reserved matters area and across the wider residential development. The development would therefore fail to support the creation of an integrated, mixed and balanced community, contrary to Local Plan Policies SP10 (Blandford House and Malta Barracks), LN2 (Housing Mix) and LN2 (Affordable Housing) and contrary to the approved 'Land at Blandford House and Malta Barracks Affordable Housing Strategy' (May 2022).



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 Planning Application

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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	Katie Ingram
Application No.	24/00117/REVPP
Date Valid	26th February 2024
Expiry date of consultations	13th May 2024
Proposal	The erection of a restaurant with drive-through and takeaway facility (Use Class E) with associated structures, fencing, parking, landscaping and vehicular access from North Close (following demolition of existing buildings and closure of access onto North Lane), without compliance with condition 1 previously imposed on planning permission granted on appeal ref APP/P1750/W/21/3278383 dated 17 February 2022 in accordance with the application ref 21/00048/REVPP to allow permitted hours from 0600 to 0000 hours (midnight) 7 days a week for a temporary period of 1 year
Address	1 North Close Aldershot
Ward	North Town
Applicant	McDonald's Restaurants Limited
Agent	Miss Francesca Opoku-Gyamfi
Recommendation	Refuse

Description

1. The application site is on the northern side of Ash Road and is a corner plot bounded to the west by North Lane and to the north by North Close. Ash Road where it adjoins the application site is a four-lane dual carriageway with a filter lane into North Lane. Opposite the junction of North Close on the western side of North Lane is Lower Newport Road.
2. The site is rectangular and is occupied by a two storey McDonalds restaurant/takeaway building with a drive-through facility. This site is bound by a low fence. The building is set back from Ash Road by 26m. The vehicular site entrance and exit from North Close, from where a vehicular circulation route runs through the car park areas to the east and south of the building to enter a drive-through lane to the west of the building. The customer ordering points are located to the north of the building and food delivered to

customers on the east side of the building, where the drive-through lane returns to the car park area. A fenced bin-store area between the north side of the building and the customer order points.

3. The approved building has a gross internal floor area of 546 sq m, of which 238 square metres would be available for customer dining and provide seating for up to 160 diners. There are a total of 40 on-site parking spaces, all situated to the east and south of the building. Two spaces in the south-west corner are provided with EV chargers.
4. Adjoining the eastern boundary of the site is Clyde Court, which comprises two buildings built up the side boundary shared with the application site containing eight flats separated by a central parking courtyard. Adjoining the eastern side of Clyde Court is a KFC drive-through and takeaway restaurant and associated parking, which has vehicular access to/from both the end of North Close and also directly from Ash Road.
5. To the west of the application site is No.215 Ash Road, a 3-storey flat building containing six flats. This is adjoined to the north by No. 1 North Lane, which is a Salvation Army single storey hall, which is bounded by Lower Newport Road to the north. The nearest residential properties on Lower Newport Road to the application site are No. 36, 27m from the application site, and the first floor flat at No.41 North Lane, which is 38m from the application site.
6. Opposite the application site, on the northern side of North Close is No.38 North Lane which is a printing premises, 'Jondo'. To the north-east are Southern Gas Network compounds.
7. The current application seeks planning permission for the operation of extended opening hours for a temporary trial period of one year. This is for customer opening hours commencing at 0600 hours and ending at 0000 hours (i.e. midnight) 7-days a week at variance with the customer opening hours set by Condition No.1 of planning permission 17/00344/REVPP. In this respect the applicants consider that various proposed amended mitigation measures set out in a submitted Site Management Plan (as amended on 13 May 2024) will satisfactorily address the Council's previous concerns about mitigation measures operated during a previous trial period operated between 18 July 2022 and 18 July 2023 such that no significant harm to the amenities of occupiers of adjoining and nearby residential properties will be demonstrated. The Council are requested to allow the further temporary trial period to allow them the opportunity to prove that the revised mitigation measures are adequate and can be appropriately implemented and maintained.

Relevant Planning History

8. Planning permission was originally granted subject to conditions in July 2016 for the "*Erection of restaurant [part single-, part two-storey building] with drive-thru and takeaway facility (Use Class A3/A5) with associated structures, fencing, parking, landscaping and vehicular access from North Close (following demolition of the existing training buildings and closure of access onto North Lane)*", 16/00411/FULPP. The 25 conditions imposed with this permission included the following:-
 - *13 Prior to the first occupation of the development details of a lighting strategy for the site shall be submitted for the approval of the Local Planning Authority. Once approved the lights shall be installed in accordance with these details prior*

*to the first occupation of the development and thereafter retained.
Reason - In the interests of visual and residential amenity.*

- *14 The plant and machinery hereby approved shall be installed in accordance with the noise levels and mitigation measures as set out in the Environment Noise Assessment and supplementary Environment Noise Information prepared by Peter Ashford of Acoustic Associates South West Ltd dated 13 October 2015 and 4 April 2016 prior to the premises opening to the public and thereafter retained in accordance with these approved details.*

*Reason - To protect the amenity of neighbouring occupiers.**

- *15 Notwithstanding any details submitted with the application the use of the development hereby approved shall not commence, until details of the means of suppressing and directing smells and fumes from the premises have been submitted to and approved in writing by the Local Planning Authority. These details shall include the height, position, design, materials and finish of any external chimney or vent. The development shall be carried out in accordance with the details so approved prior to the first use of the development and thereafter retained.*

*Reason - To safeguard the amenities of neighbouring property.**

- ***16 The restaurant/takeaway/drive through uses hereby permitted shall not be open to customers outside the hours of 07:00 to 23:00.***

Reason - To safeguard the amenities of existing and future neighbouring occupiers.

- *17 Deliveries and refuse collections to/from the premises shall only take place between the hours of 8am to 9pm.*

Reason - To safeguard the amenities of adjoining and future occupiers

- *18 Unless shown on the approved plans no display or storage of goods, materials, plant, or equipment shall take place other than within the buildings.*

Reason - To protect the amenities of neighbouring property and the character of the area.

- *23 Prior to the first occupation of the development and notwithstanding any information submitted with the application details of the proposed acoustic fencing shall be submitted to the Local Planning Authority for approval. These details should include its proposed construction to demonstrate that it will provide the level of acoustic attenuation required. Once approved the acoustic fencing shall be erected prior to the first occupation of the development and thereafter retained and maintained for the duration of the operational life of the premises.*

Reason - To safeguard the amenities of adjoining occupiers.”

9. The 2016 planning permission was subsequently implemented. However, in June 2017 a minor material amendment application was approved for “Variation of conditions 2, 3, 5, 8, 10, 11, 13, 14, 15, 21, 23 and 25 attached to planning permission 16/00411/FULPP dated 20/07/2016 for the erection of restaurant with drive-thru and takeaway facility (Use Class A3/A5) with associated structures, fencing, parking, landscaping and vehicular access from North Close (following demolition of existing buildings and closure of access onto North Lane) to allow for changes to the site layout”, 17/00344/REVPP. The approval of this application, with minor amendments, resulted in

the issue of a fresh planning permission for the development, to which similar or identical conditions were imposed as above, albeit the conditions were re-numbered, as follows:-

- Condition No.12 : Lighting Strategy for the site approved with the 2017 application as shown by Drawing No.D-1954-08 Rev.3, together with lighting columns and LUMA luminaires;
- Condition No.13 : Plant & Machinery Noise Mitigation Measures to be implemented and retained thereafter identical to that approved with the 2016 permission;
- Condition No.14 : Odour control measures as approved with conditions details approval 16/00738/CONDPP dated 14/12/2016;
- **Condition No.15 : Hours of Opening to Customers identical to those imposed with the 2016 permission: 0700 to 2300 hours;**
- Condition No.16 : Delivery/Refuse Servicing Times identical to those imposed with the 2016 permission: 0800 to 2100 hours;
- Condition No.17 : No external storage of goods, plant, machinery and equipment except within the buildings on site – identical requirements to those on the 2016 permission; and
- Condition No.22 : Acoustic Fence to be provided and retained thereafter in accordance with details approved with Condition Details application 16/00745/CONDPP dated 02/12/2016. The approved details in this respect comprise a 3.5m high timber acoustic fence running along 45 metres of the east boundary of the site adjacent to Clyde Court.

10. In April 2021 planning permission was refused for variation of Condition No.15 of planning permission 17/00344/REVPP dated 22/06/2017 to allow customer opening hours to be between 0600 and 0000 hours daily 7 days a week, thereby extending the customer opening hours one hour earlier in the morning and also an hour later at night, 21/00048/REVPP. The Council's reason for refusal was:-

11. *"The proposed permanent extended customer opening hours would give rise to unneighbourly nuisance impacts on neighbouring residential properties due to lighting and activity early in the morning and late at night to the detriment of the living environment and amenities of occupiers of those residential properties. The proposals are thereby unacceptable having regard to Policies SS1, DE1 and DE10 of the adopted Rushmoor Local Plan (2014-2032) and the National Planning Policy Framework and Guidance."*

12. A subsequent appeal against this refusal was allowed conditionally by the Inspector by decision letter dated 17 February 2022, in effect granting planning permission for the operation of the extended customer opening hours for a trial period of 1 year in order to allow time for the Council to monitor and test the efficacy of the various neighbour impact mitigation measures proffered by the applicants. The temporary period of extended opening hours allowed by the appeal decision was commenced on 18 July 2022 and expired on 18 July 2023. The conditions imposed by the Inspector generally replicated those imposed with the 2016 and 2017 permissions. The following conditions imposed by the Inspector are pertinent:-

- ***The restaurant/takeaway/drive-through uses hereby permitted may operate between the hours of 0600 to 0000 (midnight) for a temporary period of one year and only on the condition that all noise mitigation measures included in***

the submitted Noise Impact Assessment report 'McDonalds Ash Road Aldershot 14-0167-79 RO2' carried out by Sustainable Acoustics are implemented. During the temporary period the restaurant/takeaway/drive-through uses shall not be open to customers outside the hours of 0600 to 0000 (midnight). The Local Planning Authority shall be notified in writing within five days of the extended hours of operation commencing. Upon the expiry of the one year temporary period, the permitted hours of operation for the restaurant, takeaway and drive-through shall revert back to 0700 to 2300. Thereafter, the restaurant/takeaway/drive-through uses shall not be open to customers outside the hours of 0700 to 2300 without a fresh grant of planning permission.

- ***For the avoidance of doubt, the mitigation measures referenced above include:***
 - ***Adjusting plant and kitchen extract to night-time settings;***
 - ***Cordoning off those parking spaces closest to Clyde Court; and***
 - ***Compliance with the Premises Noise Management Plan set out within Appendix C of the Noise Impact Assessment.***

- ***6) The lighting strategy for this site shall be implemented in accordance with drawing number D-195408 rev 3 and the details of streetlighting columns and LUMA luminaires and thereafter maintained/retained.***

- ***7) The plant and machinery hereby approved shall be installed in accordance with the noise levels and mitigation measures as set out in the Environment Noise Assessment and supplementary Environment Noise Information prepared by Peter Ashford of Acoustic Associates South West Ltd dated 13 October 2015 and 4 April 2016 and thereafter retained in accordance with these approved details.***

- ***8) Means of suppressing and directing fumes and smells from the premises shall be installed in accordance with the details approved under application reference 16/00738/CONDPP dated 14 December 2016 and thereafter maintained/retained.***

- ***10) Unless shown on the approved plans no display or storage of goods, materials, plant, or equipment shall take place other than within the buildings.***

And

- ***13) The acoustic fencing shown on the approved plans shall be retained and maintained in accordance with these details and as approved under application reference 16/00745/CONDPP dated 2 December 2016 for the duration of the operational life of the premises."***

13. In June 2023 (i.e. before the trial period allowed by the appeal Inspector had expired), an application was submitted seeking the permanent retention of the extended opening hours the subject of the trial period on the basis that the applicants considered that the trial period had been a success, 23/00440/REVPP. However, this application was withdrawn from consideration in mid-July shortly before the application was to be considered by the Council's Development Management Committee at the 19th July 2023. According to Condition No.1 of the Appeal decision planning permission, the

opening hours of the site reverted to the hours of 0700 to 2300 hours 7 days a week with effect from 19 July 2023 and the premises have continued to the current date to be operated in accordance with these approved customer opening hours.

14. Advertisement Consents for the application site/premises were granted in July 2016 for the signage displayed at the application premises as follows:-

- 16/00408/ADVPP : Display three sets of internally-illuminated letters, three internally-illuminated fascia signs and one internally-illuminated golden arch;
- 16/00409/ADVPP : Display a double sided internally illuminated totem sign (6.5 metres high); and
- 16/00410/ADVPP : Display one internally illuminated Gateway (height restrictor) sign, nine freestanding internally-illuminated signs, one freestanding non-illuminated sign, twenty non- illuminated traffic signs and one non-illuminated double sided banner unit.

15. In April 2020 a further advertisement consent was granted for the display of 3no. double digital freestanding signs, 1no. single digital freestanding sign and 1no. 15" digital booth screen to provide further signage within the drive-thru lane for customer ordering, 20/00130/ADVPP. This is for the customer menu boards.

16. In January 2022, planning permission was granted for "*Installation 2 x rapid electric vehicle charging cabinets on two parking bays to become EV charging bays, and associated equipment*", 21/00918/FULPP.

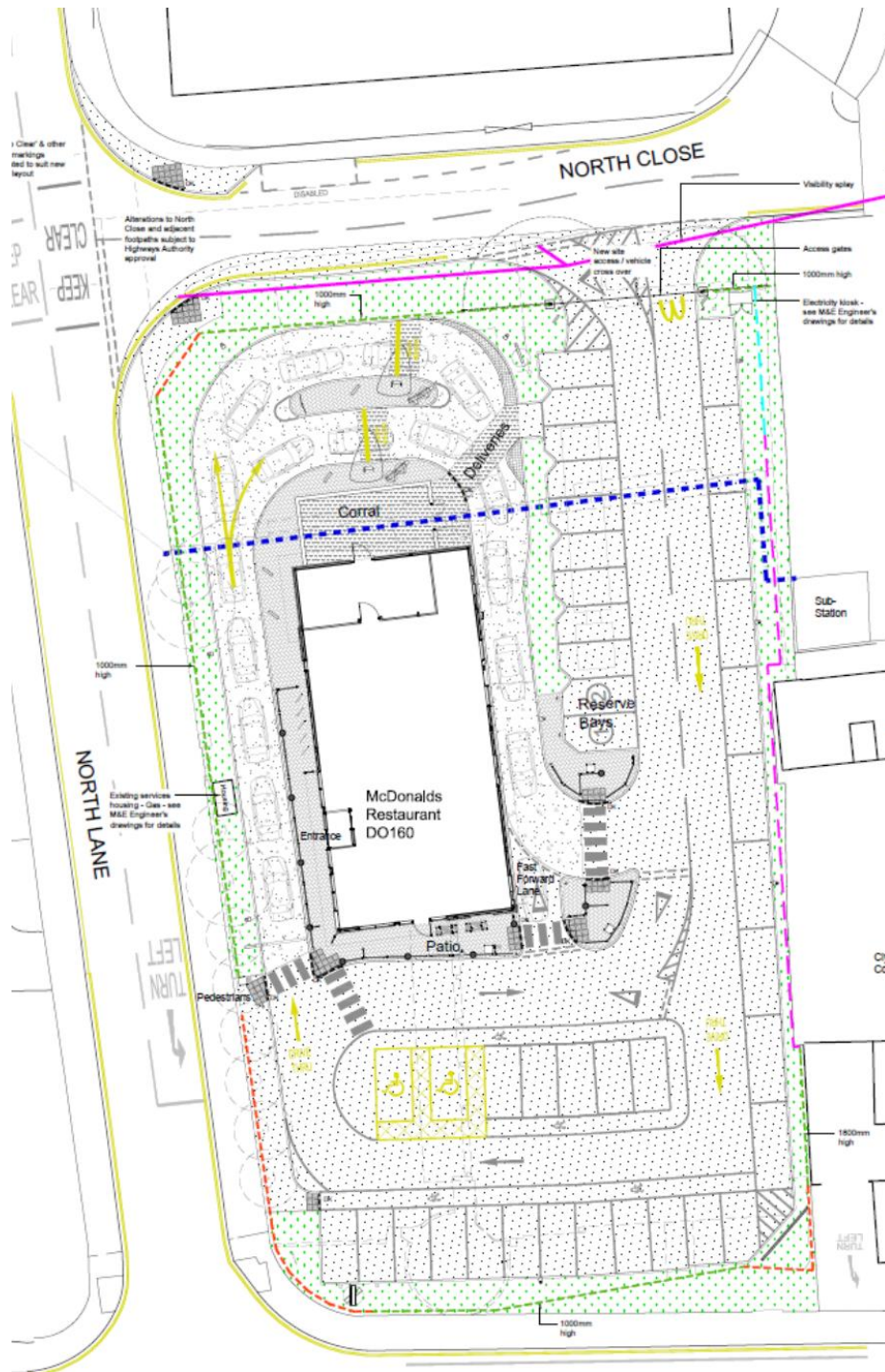


Figure 1: Approved Site Layout Plan 304 C: Note that the mini-roundabout at the junction of North Lane with North Close and Lower Newport Road is not shown on this plan since, at that time, the design was subject to approval by the Highway Authority (Hampshire County Council).

Consultee Responses

HCC Highways Development Planning No highways objections.

Environmental Health Environmental Health would support a temporary approval.

Neighbours notified

In addition to posting a site notice and press advertisement, 40 individual letters of notification were sent to adjoining and nearby properties.

Neighbour comments

Objections:

- Flat 2 Clyde Court, 233 Ash Road As direct neighbours to this establishment we already have our lives blighted by it. The revving of loud engines, car stereos blaring, horns being used, litter being thrown over the fence or dumped in our bins, random people parking in our car park or using it as a toilet. Light pollution from their lighting, and the smells. We suffer these things enough hrs of the day already, there is a 24 hr McDonalds just up the 331 on retail park, so there was no need for this one in the 1st place.
- Flat 4 Clyde Court, 233 Ash Road Trial of late opening a year or two ago was a disaster, increase in rubbish, increase in customers urinating on our property in sight of children, increase in stone and rubbish thrown over the fence into our carpark. Allegedly all noise stops when they close but rubbish pick up and trundling bins around continues for 1 to 1.5 hours after closing, right outside my bedroom window. If designated drivers can get the drunks here from the pub, they can get them to the retail park McD's up A331.
- 40, North Lane Damage to property from late night drunk customers. Litter in gardens, roads and drives. Milkshakes and drinks thrown over cars. Ketch up thrown at my house. Cups and bags and salt packets constantly thrown at each other. Customers park in the small car park and eat their drive through throwing the remains out the car on the floor - they also urinate up the walls on neighbours gardens and fences. It is not wanted by those who live here and this is what we suffer now - imagine the increase ! NO
- 5 North Lane MDs was open for longer hours previously, there was continuous noise disturbance from traffic entering & leaving, including boy racers speeding after 11pm. There is also congestion towards the lights & at the roundabout when busy with drivers tooting their horns. This happens at all hours including late at night!
In my garden or front of my property I can hear orders through the intercom. Lights are left on after closing hours.
Amount of litter is unacceptable & no one litter picks!
- Flat 6, 215 Ash Road We already struggle with people using our private parking to use this facility in addition to the noise and light pollution. Already we have cars honking in the morning and evenings at the drive thru and revving engines unnecessarily. We absolutely Do not want the extended hours.... We are woken in the am and can hear the drive through tannoy in the mornings and evening which is worse during the summer months as the windows are open in our flat. Ltedts not even start on the rubbish from there!
- 5 Lwr Newport Rd Aggravates existing problems on the site. Local residents all know how well the "trial" period went last time. More noise, more traffic, more light pollution,

rubbish and air pollution etc. There is a 24 hour McD just up the dual carriageway not located next to residential housing so there is no arguable need for an extension to hours here. The clearing up & setting up take place outside opening hours so the site is realistically going to be in use 20/24 hours a day. Cynical profiteering!

Representations in Support:

4 Lwr Newport Rd I am really satisfied about their service

26B Church Lane East Extending hours of a busy restaurant would help though that need help with the current state of work this would open work and also give more opportunity to family that have people working later shift to provide and support their families a chance to eat without have to make/prepare food giving them more chance to sleep or enjoy precious family times

3 Kempt Lane, Wellesley 2 hours extra trading a day will make no material difference to the site as it currently trades.

2 Churchlands I work at Frimley Park as a Nurse and the service early morning and late nights is of great benefit to me and my fellow staff members. From my visits on this times when it was previously open I found it to be quiet and well managed, I didn't see any anti social issues.

5 Churchlands As a nurse working at Frimley the extended times are beneficial to people working late and early, so many of my friends at work also use these times on the way in and back . It also supports creating more employment opportunities, which is crucial given the current economy.

Policy and determining issues

17. The site is located within the built-up area of Aldershot as defined by the Proposals Map for the adopted Rushmoor Local Plan (2014-2032). Policies SS1 (Presumption in favour of sustainable development) and DE10 (Pollution) are relevant to the consideration of the current application. Also of relevance is the advice in the National Planning Policy Framework (2019) with particular relevance to noise (paragraphs 180-183).

18. Although objection has been raised on a number of grounds relating to the existence of a McDonalds outlet at the site, including issues with litter and ongoing highway problems attributed to the operation of the site, the use of the application site as a McDonalds hot food restaurant and takeaway premises incorporating a drive-thru is lawful in planning terms; as are customer opening hours from 0700 to 2300 hours daily 7-days a week.

19. The temporary period that the Inspector allowed in 2022 and was operated between 18 July 2022 and 18 July 2023 was a trial and an opportunity for the applicants to demonstrate to the Council and their neighbours that they were able and willing to operate the premises for longer hours each day without causing undue and unneighbourly harm to the amenities/living environment of occupiers of adjoining and nearby residential properties.

20. It is considered that there are two possible outcomes for the Council to consider in respect

of the current application, which are that:-

- (a) permission could be **granted for the requested further temporary period** if it is considered that the proposed amended mitigation measures now proposed are considered likely to be sufficiently effective that it is considered appropriate and reasonable to allow a temporary trial period within which the efficacy of those measures can be assessed by the Council; or
- (b) **permission could be refused** for the extended customer opening hours for the proposed further trial period in the event that the Council considers that the proposed amended mitigation measures would be ineffective and inadequate and, further, that there are no practical and enforceable improvements to these measures that are considered likely to be effective and adequate to mitigate material harm to the amenities/living environment of neighbours which could be reasonably imposed by way of planning conditions. In this event the authorised customer opening hours would remain 0700 to 2300 hours daily, 7 days a week.

21. Further temporary permissions are not precluded by Government Practice Guidance, not least in the current circumstances, with an amended suite of mitigation and management measures being suggested by the applicants with the current application that have not previously been subject to trial and, indeed, on the basis that the applicants themselves are requesting a further trial period.

22. Since the further mitigation and management measures now proposed are untested, it is not considered that there is any justification whatsoever for the Council permitting extended opening hours on a permanent basis with the current application.

23. Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and, in respect of every condition under consideration, only used where they satisfy the following 6 tests:-

- 1. necessary;
- 2. relevant to planning;
- 3. relevant to the development to be permitted;
- 4. enforceable;
- 5. precise; and
- 6. reasonable in all other respects.

24. In this context it is considered that the sole determining issue is the impact of the proposed extended customer opening hours on the amenities of occupiers of adjoining and nearby residential properties.

Commentary

25. The Council has acquired useful knowledge concerning the proposed extended customer opening hours and the way that customers at the site behaved during the extended opening hours. The operation of the extended customer opening hours both (a) before and during the additional 0600 to 0700 hour; and (b) during and after the additional 2300 to 0000 (midnight) hours were monitored by Planning Officers on a sample basis at intervals throughout the 18 July 2022 to 18 July 2023 trial period in order to assess the efficacy of the mitigation measures proffered by the applicants as secured by conditions of the temporary planning permission granted by the appeal

Inspector.

26. In addition, the North Town Ward Councillors and residents who had made representations in respect of the appeal were notified of the appeal decision and that, if implemented, the Council would monitor the operation of the extended customer opening hours. The Ward Councillors and local residents were asked to provide feedback on their experiences and observations with the extended customer opening hours to the Council for further investigation within the monitoring to be undertaken by Officers as considered necessary. The Council's Environmental Health Team were also made aware of the onset of the trial period in case enquiries might be received by them instead of the Planning Officers.
27. Throughout the trial period the following concerns about the operation of the extended hours were raised by neighbours:-
- Voices audible from the Customer Order Point tannoy inside, with windows open, and in front gardens
 - Disturbance to neighbours from customers chatting in the car park
 - Disturbance from noisy vehicles created by anti-social driving e.g. loud car stereos and cars driving to and around the site with derestricted exhausts
 - Customer litter bins being moved around waking residents up
 - External lighting, including signage, and internal lighting not being switched off at midnight or left on all night
 - Menu board lights being left on all night
 - Customers using Clyde Court and other neighbouring driveways to dump rubbish
28. The applicants' main method of controlling noise from customer behaviour during anti-social hours during the trial period was the implementation of a Premises Noise Management Plan (NMP), requiring staff to be proactive and vigilant in challenging anti-social and noisy customer behaviour. However, objections and complaints received from occupants of Clyde Court and other nearby residential occupants suggesting that customer noise was disturbing to them also suggest that the NMP was ineffective in curtailing customer noise.
29. The second main mitigation measure to be employed during the trial period was that the car park within 25m of Clyde Court was to be cordoned off during the extended hours, however this was not implemented, with the applicants cordoning-off just the row of parking spaces immediately adjacent to the Clyde Court boundary instead, leaving most of the car park available for unrestricted use.
30. During the trial period, in January 2023, the Council wrote to the applicants to set out some observations as a result of the monitoring of the operation of the trial extended customer opening hours that had been undertaken up to that date, including those outlined above. The applicants subsequently responded, most significantly denying that there have been any significant issues with anti-social customer behaviour. Nevertheless, from the monitoring observations made by Planning Officers of the operation of the extended customer opening hours during the trial period, it was evident that the extended opening hours had resulted in unacceptable and undue additional noise and activity at the site during anti-social nighttime hours. This was considered to be detrimental to the amenities and living environment of occupiers of adjoining and nearby residential properties. Furthermore, some of the customer behaviour witnessed by Officers during the trial period had clearly been anti-social and to be evidence of little

consideration towards residential neighbours of the site. It was also noted that some of this noise and activity had continued beyond the extended night-time closing. Furthermore, the mitigation measures proposed and/or operated by the applicants to tackle inconsiderate and anti-social customer behaviour and to encourage better behaviour had been ineffective and inadequate – indeed, it was clear that it was difficult for staff to implement their adopted mitigation measures in any event, with some critical measures not implemented as originally indicated and specified.

31. Environmental Health legislation defines night-time hours as being between 2300 and 0700 hours, which are the hours when most people would expect to be, and remain, asleep in their homes. The noise, disturbance and activity witnessed taking place before 0700 and after 2300 at the application site during the trial period was considered to be of a nature that would be likely to wake people up, or make it difficult for them to get to sleep if they remained awake. This was confirmed by neighbours whom provided comments of the effects on them during the trial period.
32. In the context of the conclusions reached from the operation of the trial period for the extended customer opening hours between 18 July 2022 and 18 July 2023, the question to consider with the current application for a new trial period is whether the amended mitigation and management measures for the operation of the site during the extended customer opening hours now proposed would provide adequate control over the noise and activity at the site, most especially, as particularly noted during the 2022-23 trial period, those measures intended to apply controls to the behaviour of customers. The proposed mitigation and management measures to be operated for the additional customer opening hours, as updated with additional information received on 13 May 2024, are as follows:-
 - a) Although access for vehicles to the Drive-Thru would be retained, most of the car parking at the site would be coned-off during the extended hours using one cone for each parking space. This would be with the exception of the two EV charging point spaces, 2 disabled space and 8 spaces between the east side of the restaurant building and the site access road are to be reserved exclusively for any staff parking. It is indicated that the coning-off would commence from 2200 hours and the cones would remain in place overnight.
 - b) Additionally, the entrance gate into the site will be closed at midnight. A member of staff would marshal the gate from 2345 hours (15 minutes before the proposed night-time extended opening period) through to the closure time to ensure that all customer vehicles leave the site shortly after the 0000 hours (midnight) closing time. In addition, a shift manager would also be present from 2345 hours at the main entrance to the restaurant to ensure all customers are cleared from the site by closing time (midnight).
 - c) The Customer Order Display (COD) units in the drive-thru lanes would have the PA system reduced to level 7 (out of 10) at 9pm each night;
 - d) All Managers are to be required to complete conflict management awareness courses so that they can deal effectively with any problems faced with customers. Furthermore, all shift managers will undertake an on-line training module so that staff will be able to deal more efficiently with any potential anti-social behaviour.

- e) An internal intercom system is already in place at the site which can be used to deter anti-social behaviour. Internal and external CCTV cameras at the site are monitored by a third-party and they can intervene via the intercom system to explain that offenders should leave the site otherwise emergency services will be called. It is argued that the existence of CCTV discourages anti-social behaviour from taking place and can record any car registration plates of offenders associated with anti-social behaviour.
 - f) All external lighting at the site will be operated in accordance with existing permissions and switched-off after the restaurant closes each evening.
 - g) The various illuminated signage would remain illuminated as long as the restaurant remains in use.
 - h) Waste collections from the site will not take place before 0630 hours on any day and restaurant staff will not move waste bins within the site before 0700 hours to ensure no noise nuisance arises. [Officer Note: in this respect, Condition No.9 of planning permission 21/00048/REVPP requires that waste collections only take place between 0800 and 2100 hours.
 - i) Any incidents of anti-social behaviour or other crime issues will be recorded within an Incident Log-Book which will be regularly monitored, reviewed and action taken as considered appropriate. A soft copy of the log-book will be shared with the Council, upon request, in phases to provide updates on how anti-social behaviour is addressed if it occurs.
 - j) The restaurant management team will work closely with the Police on all crime and disorder, anti-social behaviour and premises licencing issues. A direct telephone number and email address have been provided for members of the public to report any issues directly to the restaurant management.
33. With the extended opening times commencing from 0600 hours daily, it is to be expected that staff would be at the site to open up and prepare for the arrival of customers no later than 0530 daily. In addition, tidying-up after the extended night-time closing time of 0000 hours could extend until perhaps 0030 hours or even further into the early hours of the morning depending upon how quickly the last late customers can be dispersed from the site. Accordingly, as a result of the proposed extended customer opening hours, residential neighbours adjoining or near the site may only get any respite from the operation of the application site for perhaps 5 hours out of every 24 daily. This is in contrast to the 7 hours daily that would not impinge so significantly into night-time hours that neighbours could expect to endure with the current approved customer opening hours.
34. Given the conclusions reached as a result of the 2022-23 trial period considerable doubt has to be cast over the efficacy of the suggested mitigation and management measures now being proposed to restrain customer behaviour. It is considered that these are likely to be inadequate and, indeed, more likely to simply encourage further anti-social behaviour and, indeed, even result in increased noise and disturbance at the site. In this respect, a key element of the proposed new measures is the coning-off of most of the parking spaces within the car park during the extended opening hours. Yet it is considered that this could simply encourage customers to move bollards to park-up all the same. Furthermore, any attempts by staff seeking to move customers on from the

site and/or re-impose the coning-off of parking spaces would be likely to result in a battle of wills between staff and customers. Indeed, customers could possibly even regard this activity as entertainment. It is considered that the end result would be additional friction between customers and staff in the car park, resulting in additional noise and disturbance that would adversely affect neighbours. Any interventions seeking to engage with anti-social customers using the external intercom system by the off-site CCTV monitoring contractors is considered likely to add to noise and disturbance and, as such, be ineffective.

35. A further proposed management measure is the closing of the 'In' entrance gate 15 minutes before night-time closing time, combined with staff seeking to encourage existing customers on site to leave the site by closing time. However, it is considered that there has to be doubt that these measures would be effective and, indeed, not encourage further entertainment for customers generating further additional noise and activity instead of reducing it. It is also considered that there is also a possibility that customers faced with a closed 'In' entrance gate would simply resort to using the 'Out' access to gain entry to the site instead.
36. The proposed lighting strategy indicated by the applicants is also considered likely to further encourage customers to remain on site and, indeed, as the lighting would remain switched-on until closing time, also cause direct nuisance to neighbours. In this respect it was noted during the 2022-23 trial period that the signage of the restaurant was particularly bright. As a result of the Council's feedback to the applicants during the trial period, measures were put into place to switch-off external illumination earlier than closing time to encourage customers to leave the site. However, it is considered to be a retrograde step for the applicants to now propose that the bright external illumination of the site remains on for the duration of the proposed extended opening hours.
37. Although it is indicated that training is to be provided to staff to enable them to tackle and manage customer behaviour, it is not considered likely that this would have any significant impact upon customer behaviour, albeit it could be a health and safety imperative for the applicants and their staff in any event.
38. In the light of the above, it is not therefore considered that granting temporary permission to allow a further trial period as requested with the current application would be likely to adequately mitigate and/or manage the impacts of the activity taking place on the site. Ultimately the issues considered likely to generate undue noise and disturbance to residential neighbours relate to anti-social customer behaviour that it is considered that the applicants measures would, at best, be inadequately and incompletely managed; and, at worst, would simply provide anti-social customers with late night entertainment, whether malicious or in jest, that would generate more noise and disturbance than they are intended to mitigate. There are also continuing concerns about the enforceability of any conditions imposed since this would require considerable on-going monitoring activity by Council Officers. It is therefore considered that the imposition of conditions would fail the tests for reasonable conditions.
39. In the absence of mitigation and measures that can be guaranteed to be effective it is considered that the only realistic option available to the Council is to refuse planning permission for the proposed extended customer opening hours, such that the possibility of anti-social behaviour arising as a result of the extended opening hours would not occur in the first instance.

Full Recommendation

It is considered therefore that it has not been demonstrated that harm caused by the proposed opening hours can be reasonably or adequately addressed by the imposition of conditions and that the application should be **refused** for the following reason:

1. The proposed extended customer opening hours would, even for a temporary period, be likely to give rise to unacceptable noise nuisance impacts on neighbouring residential properties due to activity at the site in the early morning and late at night to the detriment of the living environment and amenities of occupiers of those residential properties. It is not considered that adequate and effective means and methods of mitigation and management of customer behaviour at and in the vicinity of the site can be implemented and sustained to ensure that such impacts do not arise and it is considered inappropriate to grant permission on a temporary basis to facilitate a trial period for the extended customer opening hours. The proposals are thereby unacceptable having regard to Policies SS1, DE1 and DE10 of the adopted Rushmoor Local Plan (2014-2032) and the National Planning Policy Framework and Guidance.

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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.	24/00222/COUPP
Date Valid	8th April 2024
Expiry date of consultations	1st May 2024
Proposal	Continued use of double garage as a pet grooming salon (re-submission of 23/00858/COUPP refused 2 February 2024)
Address	29 West Heath Road Farnborough
Ward	West Heath
Applicant	Miss Joanne Lipscombe
Agent	-
Recommendation	Grant subject to Personal Use Condition

Description & Relevant Planning History

1. The property is a small extended semi-detached bungalow located on a corner plot at the junction of West Heath Road with Blunden Road. The property also has a detached double garage with a forecourt hardstanding for 2 cars with access directly to West Heath Road, built under planning permission 97/00283/FUL in June 1997. The property has a front garden with dwarf wall to front facing West Heath Road, but elsewhere is enclosed with a 1.8 metre high close-board fence with brick pillars.
2. Planning permission was refused in February 2024 for “Change of use of double garage to a pet grooming salon” (23/00853/COUPP) for the following reasons:-
 - a. *“The proposals are tantamount to the creation of a self-contained commercial shop-type unit (Use Class E) within part of the curtilage of a small residential property within a residential area; and likely to become a destination in its own right. The applicant has failed to demonstrate that there are no sequentially preferable premises in Town Centre, District Centre and Neighbourhood Shopping Parade locations as required by Local Plan Policy SS2. The proposed use would therefore be situated in an inappropriate location to the detriment of the vitality and viability of Town, District and Neighbourhood shopping centres, contrary to Policy SS2 of the adopted Rushmoor Local Plan (2014-2032).*”

- b. *The application property is located in a corner position at a road junction with a busy local distributor road (West Heath Road) where likely overspill on-street parking arising from competition for the pair of existing on-site parking spaces to meet the needs of both occupiers of the residential use of No.29 and visitors to the separate commercial unit now proposed would be to the clear detriment of the safety and convenience of highway users. The proposal is thereby contrary to the requirements of Policies DE1 and IN2 of the adopted Rushmoor Local Plan.*
- c. *The proposed commercial premises are in proximity to neighbouring residential properties both adjacent and situated opposite. The noise levels which could be generated by visitors, dogs and grooming equipment have the clear potential to be unneighbourly; in addition to the general additional disturbance and activity that would be likely to be associated with the self-contained commercial unit for which permission is being sought. No detailed information has been submitted with this application to mitigate any undue adverse impacts upon the amenities of occupiers of adjoining and nearby residential properties. The proposals are thereby unacceptable having regard to the requirements of Policies DE1 and DE10 of the adopted Rushmoor Local Plan (2014-2032)."*
3. During the Council's consideration of this previous application works were carried out to remove the garage door and install windows and a door instead to create a 'shopfront' for the dog grooming parlour. A non-illuminated sign is also being displayed at low level on the front elevation of the building and the dog grooming salon has been in operation since March this year.
4. The current application is a re-submission which seeks to overcome the reasons for refusal of the previous recent planning application to allow, retrospectively, the continued use of the double garage as a pet grooming salon. A Supporting Statement submitted with the current application indicates that this on the basis that restrictive conditions can be imposed to control the nature and intensity of the use, notably including use of a personal user restriction that would require the commercial use of the garage to cease and for it to revert to its previous domestic use should the applicants no longer occupy the property and/or the dog grooming use of the garage ceases. The submitted Supporting Statement describes the dog grooming salon use as follows:-
5. ***"I am a Self Employed Pet Groomer, who works alone one on one with your Pet. I work four days a week. Tuesday, Wednesday, Friday and Saturday 10am-4pm. I am closed Sunday, Mondays and Thursdays. Also during Bank/Public Holidays. I have three appointments a day, 10am, 12 Noon & 2pm. Which means three Clients a day, twelve a week. It's by appointment only, no walk-ins and Clients do not stay on the premises, drop-off and collection only with collection times given at drop-off. No evening appointments, as between 3pm and 4pm is cleaning up and I close at 4pm.***
6. ***I have a Private double driveway with two parking spaces available at all times, as I don't drive. There is already a drop kerb at the front of the drive with no landscaping required.***
7. ***The Studio is insulated throughout with double glazing UPVC windows & doors. No dogs are left unattended at any point to avoid unnecessary barking/stress and will be on the premises no longer than 2 hours at any time within a controlled environment.***
8. ***The equipment in the studio consists of a Grooming table, an Electric Bath with shower, a***

Blaster/Dryer and Grooming Tools.

9. **It's a very small, part-time, Self Employed Business with no plans to expand workload nor increase hours. There will not be any big/large deliveries. I have an Account with BIFFA Waste Management to collect the bag of dog hair (Trade Waste) every two weeks."**

Consultee Responses

- Planning Policy Should permission be granted, although the use is contrary to Policy SS2, a condition on the use within Use Class E should be added. Consideration should be given to demonstrating that the use is ancillary and incidental to the main occupation of the property as a residential dwelling house and appear so in accordance with Policy DE1.
- Environmental Health No objections : The submitted details do not raise any significant concerns. Appears to be only one dog at a time, not left unattended and the business hours seem reasonable. Environmental Health have no existing record of complaint, and should any complaints be received in the future, and investigations identify a statutory nuisance occurring, then EH will use the provisions of the EPA to address this.
- HCC Highways Development Planning No highway objections.

Neighbours notified

10. In addition to posting a site notice and press advertisement, 20 individual letters of notification were sent to properties in West Heath Road and Blunden Road, including all adjacent properties and those situated opposite.

Neighbour comments

11. Representations have been received from the occupiers of Nos.30, 31 & 33 West Heath Road and 4 Blunden Road raising the following collective grounds of objection:-
- (a) Unacceptable adverse visual impact upon the character and appearance of the area as a result of the shop-front type appearance out of keeping with the style and a residential neighbourhood, including the display of a permanent brightly-coloured wall-mounted sign, and decorative artificial flowers [*Officer Note: the artificial flowers are not development and, as such, do not require planning permission*];
 - (b) The grooming salon began operating at risk before the previous planning permission had been refused and has continued ever since despite being unauthorised development. In this respect, the planning process appears to favour the applicant;
 - (c) Why is there any doubt that the Pet Grooming Salon shouldn't be allowed having regard to the condition imposed with planning permission 97/00283/FUL, which states that "*The garage shall only be used for the parking of vehicles ancillary and incidental to the residential use of the dwelling house and shall be retained thereafter solely for that purpose and made available to the occupiers of the property at all times for parking purposes unless the Local planning Authority otherwise agree in writing*";
 - (d) The garage is being used as a shop type commercial premises. West Heath Road and the vicinity in general is almost entirely residential and a retail shop is unsuitable in this

location. There are no commercial premises on West Heath Road at all – and this is how it should remain;

- (e) An undesirable precedent would be set for other commercial uses to be located in the area and/or in other residential areas : retail uses should only be located in designated areas not in converted domestic garages. West Heath Road has no retail uses along its length;
- (f) Environmentally the proposals are wrong;
- (g) Due to the proximity immediately to the side of No.31, people mistake the grooming salon as belonging to them : Visitors to No.31 often ask whether the pet grooming business is theirs. No screening of any sort exists between the front paved driveway of No. 29 and the driveway of No.31 : a green, living screen (not plastic greenage) should be erected on the boundary of No. 29 for the duration of this application procedure to screen the unapproved operation from No.31;
- (h) The business use will bring increased traffic to West Heath Road. This road is already a very busy thoroughfare that is often congested (and sometimes at a stand-still) during rush hours due to the volume of traffic;
- (i) Highway safety concerns due to poor sight-lines in West Heath Road at and near the Blunden Road junction. The application site is situated quite close to the West Heath Roundabout and immediately after the Blunden Road junction. Traffic waiting to turn out of Blunden Road is partially hindered by the high fences around part of the front garden of No. 29 [Officer Note: this is an existing situation that does not arise as a result of the development the subject of the current application];
- (j) Inadequate on-site parking : the application property only has two on-site parking spaces to serve both the grooming business and also the residential occupation of No.29. Customers often ‘miss’ or fail to use the parking outside the grooming salon and seek to park in Blunden Road instead – although there is little street parking available there. Overspill on-street parking congestion in West Heath Road and side roads exacerbating existing problems;
- (k) The unauthorised commercial use is taking place with no consideration, thought or concerns for the detrimental impacts it has on the immediate neighbours and neighbourhood in general;
- (l) The dog grooming use would be likely to generate noise and odour nuisances. We have already noticed additional dog barking at the application property and this would increase to intolerable levels if permission were to be granted;
- (m) Environmental concerns about chemical usage and waste disposal;
- (n) The unapproved shop sign being displayed on the front elevation of the building is large, colourful (bright pink) bright and immediately next to No.31. It is not suitable in a residential area. [Officer Note: *this non-illuminated sign does not need planning advertisement consent since it benefits from ‘deemed consent’ under the Planning Advertisement Regulations*];
- (o) The suggested imposition of a Personal User condition is inadequate to control the cessation of the grooming salon in the future since it is too vague and does not prevent other commercial uses being undertaken by the applicants;
- (p) Other conditions suggested by the applicants, such as to control the days and hours of use of the grooming salon to reduce impacts upon neighbours would be difficult to enforce. Who would ensure that the applicant keeps to these? Businesses can change and grow and more days and hours might be added;
- (q) Loss of property values/potential difficulty selling neighbouring properties [Officer Note: *these are matters specifically excluded from consideration with planning applications by long-standing Government guidance*].

Policy and Determining Issues

12. The property lies within the Farnborough Urban Area and Policies SS2 (Spatial Strategy), IN2 (Transport), DE10 (Pollution) and DE1 Criterion c. (Design in the Built Environment : impacts upon existing and/or adjacent users) of the adopted Rushmoor Local Plan (2014-2032) are relevant.
13. Although the physical works involved in removing the garage door and installing windows and a door did not require planning permission, the use of the garage for any non-parking purpose(s) requires planning permission on account of Condition (No.3) on the 1997 planning permission (97/00283/FUL) for the garage, which requires that it be used and retained at all times only for the parking of vehicles ancillary and incidental to the residential use of No.29 West Heath Road. The reason for the imposition of this condition was *“To preserve the amenities of the neighbourhood and ensure the provision of off-street parking facilities.”*
14. As previously noted, planning permission is not required for the display of plastic flowers in planting troughs to the front of No.29. Furthermore, Advertisement Consent is not required for the display of the advertising sign attached to the front elevation of the grooming salon building.
15. The long-standing planning use of the application property including the detached garage is as a Use Class C3 dwellinghouse. C3 residential use 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 much more active larger household, 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, or just changes in the behaviour of occupiers of such properties, even though this can and does have profound adverse impacts upon neighbours. In considering the actual or potential harm that would or could arise from the application proposals 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 arise from conventional C3 occupation of residential property.
16. Planning permission is not automatically required for the running of a business from a residential property. In any case presented, it is necessary for the Council to consider whether or not, as a matter of fact and degree, the scale and nature of any business activity undertaken at residential property triggers a material change in the planning use of the property in question away from C3 use to a mixed residential and commercial use. This is a matter of judgement for the Council on the circumstances of each individual case encountered. It is also conceivable that, should circumstances concerning the business activity change with time, it is entirely possible that the judgement of whether or not a change of use has taken place can change with time.
17. It is considered that the assessment of the current application must consider whether or not the reasons for the refusal of the previous planning application (23/00853/COUPP) would be overcome having regard to the suggested imposition of restrictive planning conditions, including a Personal User restriction, together with any observations

concerning the nature and impacts (if any) of the use since the dog grooming activity has commenced at No.29.

18. Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and, in respect of every condition under consideration, only used where they satisfy the following 6 tests:-

- a) necessary;
- b) relevant to planning;
- c) relevant to the development to be permitted;
- d) enforceable;
- e) precise; and
- f) reasonable in all other respects.

19. In respect of Personal User Conditions, Government Planning Practice Guidance [Paragraph: 015 Reference ID: 21a-015-20140306] states as follows:-

“Is it appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people?”

Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.

A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.”

20. In this context, the main determining issues are considered to be the principle of the proposals, visual impact, impacts upon neighbours and highway considerations.

Commentary

1. Principle -

21. Prior to setting up the dog grooming salon at the application property, the applicant ran a dog grooming business from commercial premises within Farnborough Town Centre. Accordingly Policy SS2 was invoked in considering the previous refused planning application for the installation of a dog-grooming salon use at the application property. Policy SS2 sets out that proposed town centre uses, such as a Pet Grooming Salon (Use Class E), be preferentially located within Aldershot and Farnborough town centres in line with Policies SP1 and SP2; and, if, as proposed, they are to be re-located from the town centre, the applicant should have then followed a sequential approach to first consider moving to appropriate commercial premises within district or local neighbourhood shopping parades before being allowed to create new retail premises. Only if it were satisfactorily demonstrated that there were no suitable properties available in sequentially preferable locations should the use of accommodation at a residential property be considered acceptable in principle for commercial use. However, whilst this approach is

necessary to ensure that fully-fledged town centre businesses do not simply re-locate out of the town centre to non-retail properties in order to protect the overall retail function and vitality of the town centres, this policy cannot prevent town centre businesses closing or moving to existing retail premises outside of the town centre. Indeed, the requirements of Policy SS2 are not intended to, or should, be a barrier to business proprietors deciding (for whatever reason) to close down their business; or, if they wish to continue their business in a reduced manner in less expensive commercial premises; or, indeed, to drastically scale-down their business activity to more modest proportions or even retire.

22. It is evident that the scale and intensity of the dog grooming activity at No.29 is much reduced from that of their former town centre shop. It is considered that in many cases, the operation of dog grooming activity of the scale and intensity currently being run at No.29 may not be considered to amount to a material change of use away from residential use of the property. It is, for example, not unusual for small scale hairdressing salons run by a sole practitioner to take place from their own home without the need for planning permission – a type of commercial use that has obvious parallels with pet grooming. Furthermore, the applicant has indicated that they are prepared to accept the imposition of various conditions to restrict the hours of use and intensity of the dog grooming use.
23. The next matter of principle to consider in this case is therefore whether or not the nature and intensity of dog grooming activity at No.29 can be adequately and satisfactorily controlled with the use of planning conditions and, in particular, whether or not it is possible to prevent the creation of a self-contained commercial unit at the property that could, potentially, be used for some other more intensive purpose in the future that may give rise to other harmful impacts upon neighbours and/or establish an undesirable precedent for allowing other such commercial uses to emerge elsewhere within the Borough.
24. Whilst currently being operated by the applicant in a manner that could possibly be considered to be ancillary and incidental to the existing residential use and occupation of No.29, the dog grooming premises being operated at No.29 are physically detached and thereby conceivably self-containable from the residential use and occupation of No.29. It also commands its own street frontage onto West Heath Road physically and visually separate from the dwellinghouse at No.29. The works already undertaken to install brick walling, windows and a door in the former garage door opening, together with the display of an advertising sign have, in effect, resulted in the creation of a shopfront. Accordingly, unless adequate planning controls can be imposed, the operation of the dog grooming business has to be considered to amount to the creation of a self-contained commercial shop-type unit (Use Class E) and could, in future, be at risk of considered to be a separate 'planning unit'.
25. However, it is considered that the imposition of a Personal User restriction condition would enable the Council to allow the dog grooming use to continue, but prevent the creation of a separate commercial planning unit or set an undesirable precedent, having regard to the circumstances of the applicant. Having regard to Government guidance it is considered that there are sufficient exceptional circumstances to justify the imposition of a Personal User condition and that the 6 tests for acceptable conditions is passed. Such a condition would be worded as follows:-
26. *"The dog grooming use hereby permitted shall enure solely for the benefit of Miss Joanne Lipscombe (the applicant) and shall not enure for the benefit of the land. For the avoidance of any doubt, the dog grooming premises shall revert to domestic use ancillary*

to the residential occupation of No.29 West Heath Road in the event that the applicant ceases to occupy No.29 West Heath Road.”

27. It is considered that a further condition should also be imposed to restrict the nature of the use to dog grooming only:-

28. *“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) the use of the outbuilding annotated ‘X’ on the plans hereby approved shall be used solely as a dog grooming salon and for no other purpose(s) within Use Class E without the prior permission of the Local Planning Authority.”*

29. The following sections of this Report set out the consideration of other planning issues relevant to the consideration of the current application. However, subject to the imposition of the above conditions, it is considered that the continued use of the former garage building as a dog grooming salon would be acceptable in principle.

2. Visual Impact –

30. In this instance planning permission is required as a result of the dog grooming salon occupying a building originally constructed as a garage and subject to a planning condition restricting its use to car parking only. However it is considered that this change of use does not have any material and adverse visual impacts. In this respect, the actual physical works to infill the door opening of the former garage do not, in themselves, require planning permission and, in any event, are not considered to give rise to any material and harmful impacts upon the visual character and appearance of the area either. Similarly, albeit subject to a separate area of planning control, the advertisement sign does not require advertisement consent. Accordingly, notwithstanding the objections raised in terms of visual impacts, it is considered that the continued use of the former garage as a dog grooming salon is acceptable in visual terms.

3. Impacts on Neighbours –

31. Policy DE10 sets out that development will be permitted provided that it does not give rise to, or would be subject to, unacceptable levels of pollution, which includes noise. The dog grooming premises are immediately adjacent, and attached to, the garage at 31 West Heath Road. The application premises are also in proximity to the neighbouring property at 2 Blunden Road to the rear, albeit the occupiers of this particular neighbouring property have not commented in respect of the application.

32. Whilst objections have been raised that, in part, cite noise and smells arising from the grooming use as actual or potential concerns, it is not considered that the experience of the operation of the use to date has indicated a level of noise, smells, disturbance and activity that could give rise to a material concern sufficient to justify and sustain the refusal of planning permission. The applicant operates, and indicates that they intend to continue operating, the dog grooming on a low-key part-time basis working just four days a week between the hours of 10am and 4pm, with just 3 customer slots for each day. They indicate no plans to expand their workload or hours of working. They do not work on Sundays, Mondays, Thursdays and any Bank Holidays. There are no evening appointments. Dog grooming is undertaken by appointment only and no walk-in customers are accepted. Further, to minimise stress on dogs, which could cause barking, clients are required to drop-off and pick-up their pets only, and not to remain at the salon

during the grooming session. The grooming salon itself, is brick-built and has double-glazed windows capable of containing noise; and the grooming equipment comprises simply a grooming table, an electric bath with shower, a blaster/dryer and various hand grooming tools. No dangerous chemicals are used and the small quantity of waste that is generated is stored and collected fortnightly by a commercial waste contractor.

33. The Council's Environmental Health Team has raised no objections to the grooming salon on the basis that the use does not raise any significant environmental concerns. Dogs being groomed would not be left unattended and the business hours fall well within daytime hours. Environmental Health has no existing record of any nuisance complaints and advise that, should any complaints be received in the future in this respect, the provisions of the Environmental Protection Act give them the authority and remit to investigate and take any action required to remedy any undue nuisance.

34. From the Planning perspective, it is also considered pertinent to put any actual nuisance or concerns for potential nuisance into the appropriate context. Planning legislation can neither legislate for, nor regulate, the behaviour of people in and around residential property in all its infinite variety. In this respect it is conceivable that any of the potential amenity impacts of the proposed use of concern to neighbours in this case can and often do arise as a result of conventional residential occupation and, as such, are not subject to Planning control. It is not unusual for occupiers of residential properties to have pets, including dogs; and also quite normal for households to receive visitors and deliveries throughout the day and into the evening throughout the week giving rise to a degree of activity to and from the property. This context is important when considering whether or not material planning harm would arise as a result of the operation of the dog grooming salon.

35. Subject to the imposition of a condition to require the applicant to operate the dog grooming business in accordance with the operational details they indicate in the submitted Supporting Statement, it is considered that any environmental nuisance impacts 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 due to residential occupation.

4. Highway Considerations –

36. The Highway Authority (Hampshire County Council : HCC) has maintained no highway objections to the proposals.

37. No on-street parking is possible on West Heath Road due to double-yellow lines and street parking in Blunden Road nearby is limited. The application property is able to provide a pair of on-site parking spaces from West Heath Road, being the existing forecourt spaces for the former garage now being used for dog grooming. It is considered that these are sufficient to serve the dog grooming use and no material undue highway safety or convenience issues have been brought to the attention of either this Council or HCC concerning the continued use of these parking spaces or, indeed, any significant overspill on-street parking in the vicinity arising from the dog grooming use.

38. The previous planning application was, in part, refused over concerns that the dog grooming use effectively removed parking that should be retained for the use of the residential occupiers of No.29. However it has since been established that neither current occupiers of No.29 (the applicant and their mother) own a car or, indeed, even have

driving licences. Nevertheless, whilst the inadequacy of parking provision was a concern with the previous application on the basis that the proposals could, possibly, result in the formation of a permanent self-contained commercial use severed from the residential use of No.29, it is considered that this issue is resolved through the imposition of the suggested conditions previously set out in this report, most especially the personal user restriction. In addition it is considered appropriate to impose a further condition requiring the retention of the two existing forecourt space at all times for parking purposes.

39. On this basis it is considered that the dog grooming use is acceptable in highways terms.

40. **Conclusions** – It is considered that, subject to the imposition of the suggested planning conditions, including use of a personal user restriction, the Council's previous concerns about the dog grooming use are satisfactorily addressed and that the continued use of the former garage for dog grooming use is now acceptable in principle, visual and highway terms. Furthermore, subject to imposition of conditions, the dog grooming use would be rendered sufficiently low-key in nature and intensity of operation such that no material and harmful impacts upon the amenities of occupiers of adjoining and nearby residential properties would arise. The current proposals are therefore acceptable having regard to Policies SS2, DE1, DE10 and IN2 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:-

1. The dog grooming use hereby permitted shall enure solely for the benefit of Miss Joanne Lipscombe (the applicant) and shall not enure for the benefit of the land. For the avoidance of any doubt, the dog grooming premises shall revert to domestic use ancillary to the residential occupation of No.29 West Heath Road in the event that the applicant ceases to occupy No.29 West Heath Road.

Reason – This permission is granted, exceptionally, having regard to the personal circumstances of the applicant, in the interests of the amenities of the area and, for the avoidance of any doubt, to specify that this permission does not establish a separate commercial planning unit at the application property.

2. The permission hereby granted shall be in accordance with the following approved drawings and documents:

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

3. 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) the use of the outbuilding annotated 'X' on the plans hereby approved shall be used solely as a dog grooming salon and for no other purpose(s) within Use Class E without the prior permission of the Local Planning Authority.

Reason – This permission is granted, exceptionally, having regard to the personal circumstances of the applicant, in the interests of the amenities of the area.

4. The existing parking spaces to the front of the outbuilding annotated 'X' on the plans hereby approved 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.29 West Heath Road and/or the dog grooming salon use hereby permitted. 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 retention and availability of adequate off-street parking.

5. The dog grooming use hereby permitted shall at all times be operated in accordance with the operational details in this respect set out in the submitted Supporting Statement hereby permitted.

Reason - In the interests of the amenities of occupiers of adjoining and nearby residential property.

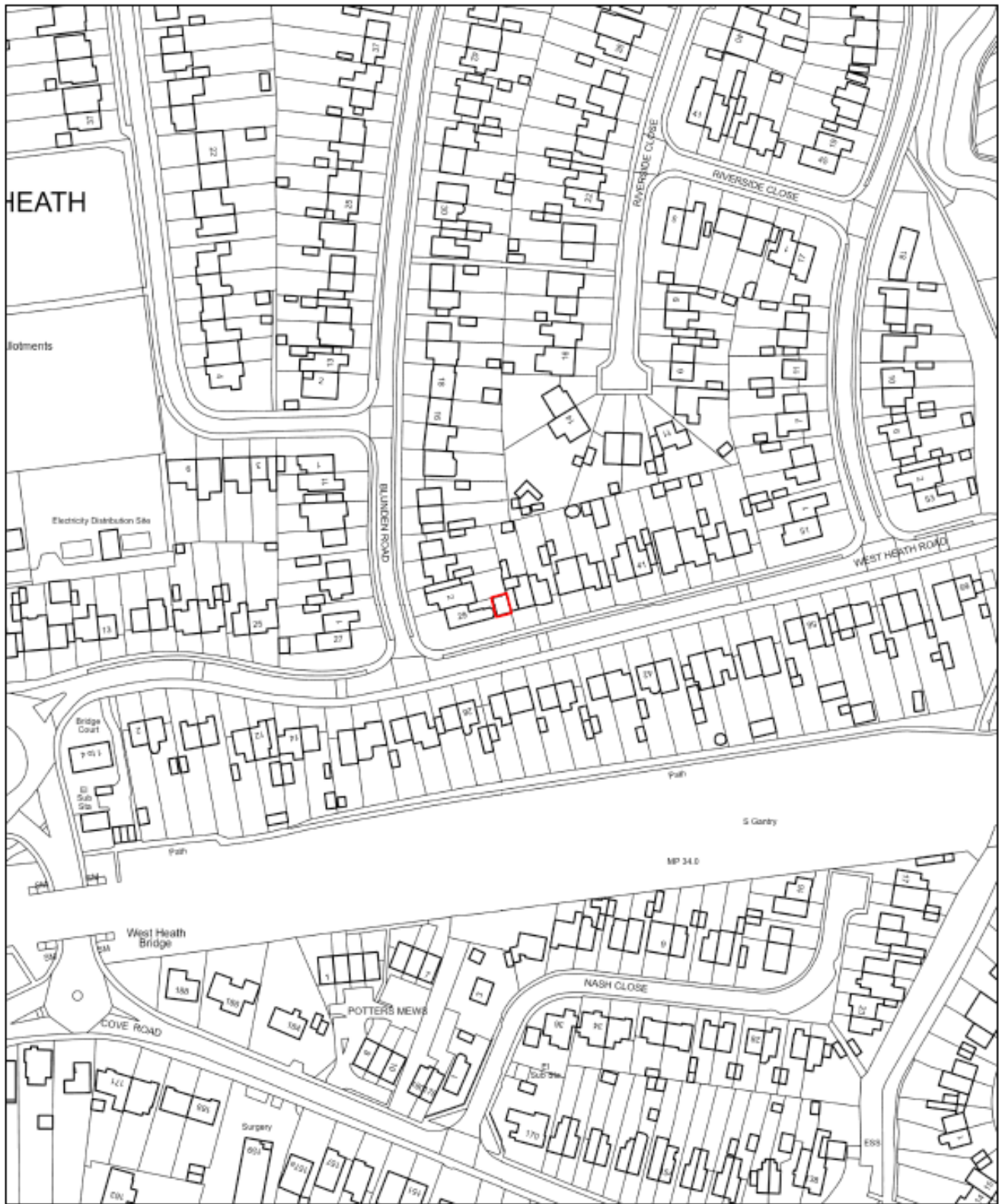
Informatives

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


It is considered that, subject to the imposition of the suggested planning conditions, including use of a personal user restriction, the Council's previous concerns about the dog grooming use are satisfactorily addressed and that the continued use of the former garage for dog grooming use is now acceptable in principle, visual and highway terms. Furthermore, subject to imposition of conditions, the dog grooming use would be rendered sufficiently low-key in nature and intensity of operation such that no material and harmful impacts upon the amenities of occupiers of adjoining and nearby residential properties would arise. The current proposals are therefore acceptable having regard to Policies SS2, DE1, DE10 and IN2 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.

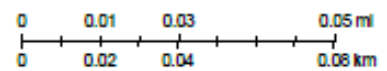
2. INFORMATIVE - The Local Planning Authority's commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding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



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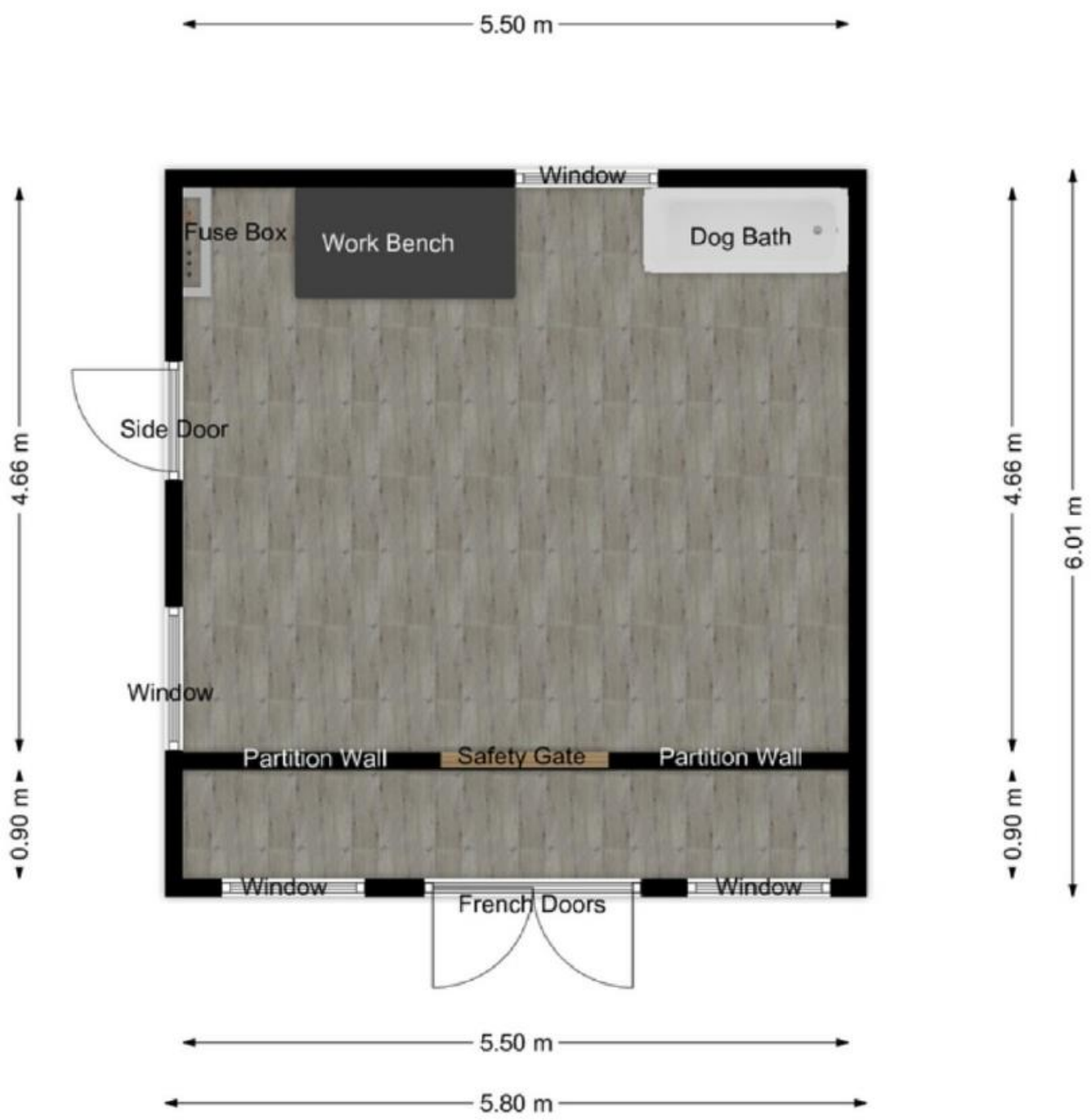
 Planning Application

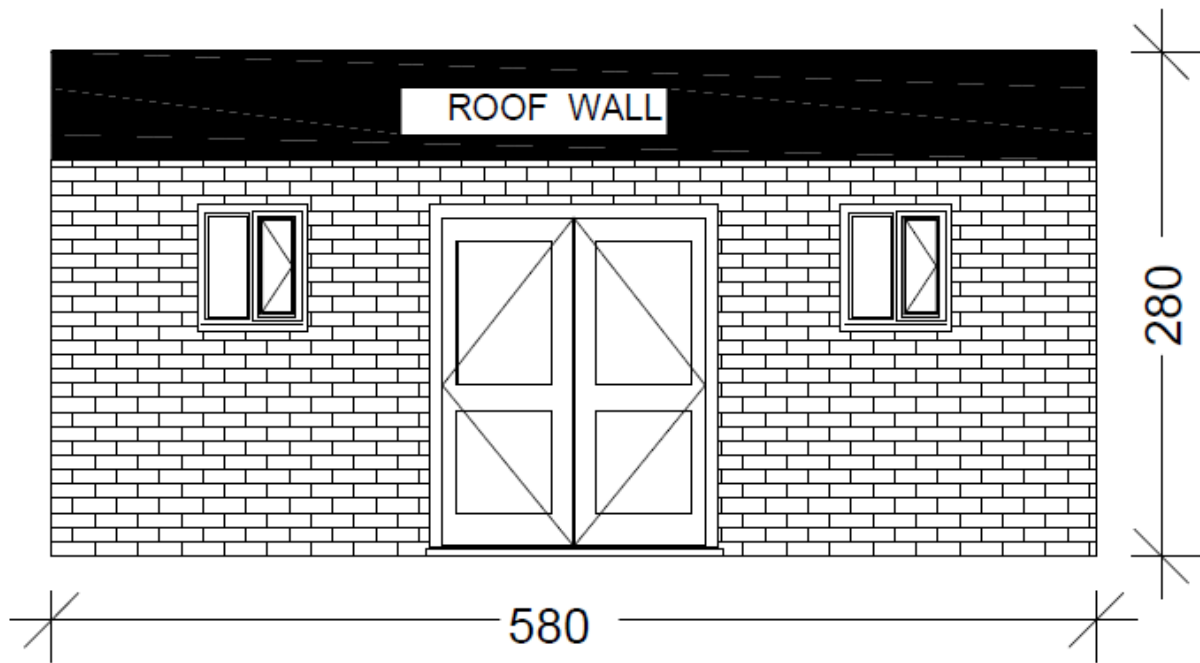
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LEGEND		
	Dimension	Sill Height
Window	61cm x 70cm	125cm
Door	160cm x 195cm	-



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	Krzys Lipinski
Application No.	24/00266/FULPP
Date Valid	2nd May 2024
Expiry date of consultations	24th May 2024
Proposal	Proposed single storey ventilation enclosure within courtyard of approved application 20/00171/FULPP
Address	Union Yard Development Site Union Street Aldershot Hampshire
Ward	Wellington
Applicant	Mr Trevor Parslow
Agent	Mr Ajay Kambo
Recommendation	Approve, subject to no new material comments being received by the 24 th May 2024.

Description:

1. The proposed development consists of the erection of a flat roofed enclosure to house plant and equipment associated with the ventilation and smoke extraction requirements for the lower floor carpark. The enclosure will be constructed of white bricks to match the materials of the rest of the development, and it will have a “green” sedum roof. It will measure some 2.7m by 17.7m and will be approximately 2.4 m tall. It will be located in the area identified as the courtyard area of the development approved under application 20/00171/FULPP for the erection of 100 residential units, student accommodation and over 2000sqms of mixed commercial, retail and community use floorspace.
2. The courtyard is enclosed on all sides with buildings from 3 storeys in height to 5 storeys in height. The development approved under application 20/00171/FULPP is well advanced. The courtyard area is not visible beyond the site boundary of the development at Union Yard approved under application 20/00171/FULPP.

Consultee Responses

Ecologist Officer: The inclusion of a sedum green roof represents an enhancement within the landscaping of the wider scheme at Union Yard. I have no comment to make with regards to the current 24/00266/FULPP application which falls within a prescribed exemption for the Environment Act 2021.

Neighbours notified. Neighbour notification was undertaken by the posting of site notices

Neighbour comments None received

Policy and determining issues.

3. The following policies are relevant in the determination of this application: Policies SS1 (Presumption in Favour of Sustainable Development), HE3 (Development within or Adjoining a Conservation Area), DE1 (Design in the Built Environment), NE1 (Thames Basin Heaths Special Protection Area), NE2 (Green Infrastructure NE4 (Biodiversity), The advice contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also relevant. The main planning considerations in the determination of this application are;

- The principle of development
- Impact upon Heritage Assets.
- Impact upon character
- Impact upon neighbours
- The Living Environment Created
- Ecological considerations

Commentary

Principle of development

4. The proposed development forms part of a wider development approved under application 20/00171/FULPP. The objective of Policy SP1 (Aldershot Town Centre) of the Local Plan is to maintain or enhance the vitality and viability of Aldershot Town Centre and to contribute to the strategy of regeneration. The vent enclosure was deemed necessary and added within the courtyard of the Union Street development, following a detailed CFD (Computational Fluid Dynamics) analysis by the applicant's fire consultant, The purpose of the car park vent is to extract smoke from the enclosed carpark, in case of a fire. The proposal forms an integral part of the wider development to ensure that the carparking area is fit for purpose and safe. Therefore, it is considered that the principle of development is acceptable.

Impact on Heritage Assets

5. The proposed vent enclosure is entirely surrounded by the development approved under application 20/00171/FULPP. It will not be visible beyond the development boundary of application 20/00171/FULPP; therefore, it will have no impact on any existing heritage assets.

Impact on character

6. The enclosure will be erected using the same white brick as the majority of surrounding buildings, interspersed with louvered doors. It will be located against the wall of the three storey part of Block D which is to house non-residential mixed uses.
7. The roof of enclosure will be a "green" sedum roof which it is considered would provide a more pleasing appearance, than a standard felted flat roof, especially from views from the upper storeys of the buildings surrounding the courtyard.
8. The design of the building and the proposed materials will be in keeping with the rest of the Union Yard redevelopment. It will have no impact on the character of the wider area beyond the Union Yard redevelopment.

Impact upon neighbours

9. The development approved under application 20/00171/FULPP is under construction. It is not occupied. The proposed enclosure will not be visible beyond the site boundary, and it will have no impact on any existing neighbouring properties/buildings beyond the site.

The Living Environment Created

10. It is considered that the proposed plant and equipment will have no detrimental impact on the amenities of future residents due to noise. The plant and equipment proposed was previously agreed under application 23/00786 which required plant and equipment to be approved under conditions 32 and 33 of application 20/00171/FULPP.
11. The proposal will result in a reduction in the courtyard area by 47sqms. The courtyard area is identified as providing mixed soft and hard landscaping areas to provide outdoor amenity space for the development. However, this would not materially reduce the usability of this garden amenity area. The retained courtyard area will still be substantial with an area of some 772sqms and of a usable form.

Ecological considerations

12. The proposed development meets the de minimus criteria for Biodiversity Net Gain (BNG) exemption, hence there is no mandatory requirement to provide 10% BNG for the application proposal.
13. The proposal includes the provision of a sedum covered roof over the enclosure. It is considered that the proposal will have no detrimental impact on the ecological works

which will form part of the wider Union Yard development, which are the subject of existing conditions under application 20/00171/FULPP.

Summary and planning balance

14. The vent enclosure was deemed necessary and added within the courtyard of the Union Street development, following a detailed CFD (Computational Fluid Dynamics) analysis by the applicant's fire consultant. The purpose of the car park vent is to extract smoke from the enclosed carpark, in case of a fire. The only time the vent will be in operation, will be during a fire in the carpark. The location of the vent enclosure was determined after approval of application 20/0017/FULPP.
15. The enclosure will be erected using the same white brick as the majority of surrounding buildings, interspersed with louvered doors. It will be located against the wall of the three storey part of Block D which is to house non-residential mixed uses.
16. It is considered that the proposed plant and equipment will not have detrimental impact on the amenities of future residents due to noise.
17. The proposed development meets the de minimus criteria for Biodiversity Net Gain (BNG), hence there is no mandatory requirement to provide 10% BNG for the application proposal. However, the proposal does also include a sedum roof, which will result in Biodiversity Net Gain.
18. The proposal will result in a reduction in the courtyard area, by 47sqms. The courtyard area is identified as providing mixed soft and hard landscaping areas to provide outdoor amenity space for the development. However, the retained courtyard area will still be substantial with an area of some 772sqms.
19. The development approved under application is under construction. It is not occupied. The proposed enclosure will not be visible beyond the site boundary, and it will have no impact on any existing neighbouring properties/buildings beyond the site.

FULL RECOMMENDATION

It is recommended that permission be GRANTED subject to no new material comments received before the 24th of May 2014, and the following conditions;

1. The development 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: 100V Site Plan, 1000 Location Plan/Proposed Block Plan, (SITE)150 Plan Podium Vent Enclosure Planning, 222P GA Elevations 22 Block D -06 and 223R GA Elevations 23 Block D 07

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

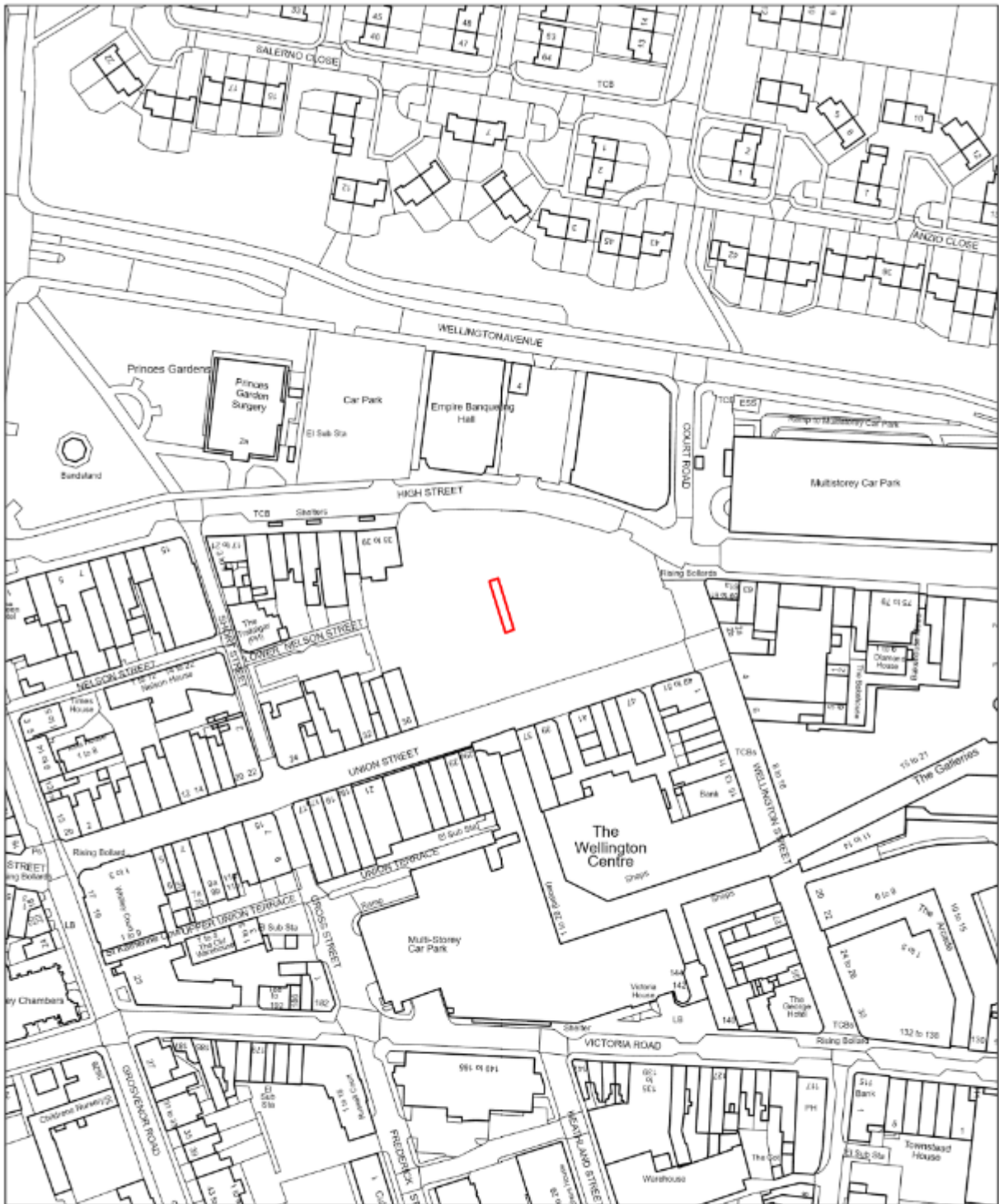
3. The external walls of the building hereby permitted shall be finished in materials of the same colour and type as those of the existing building, and in the case of brickwork matching the existing bond and pointing. The development shall be completed and retained in accordance with the details so approved.

Reason - To ensure satisfactory external appearance.

Informatives

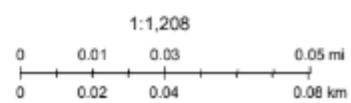
- 1 INFORMATIVE – The Local Planning Authority’s commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding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

ArcGIS Web Map



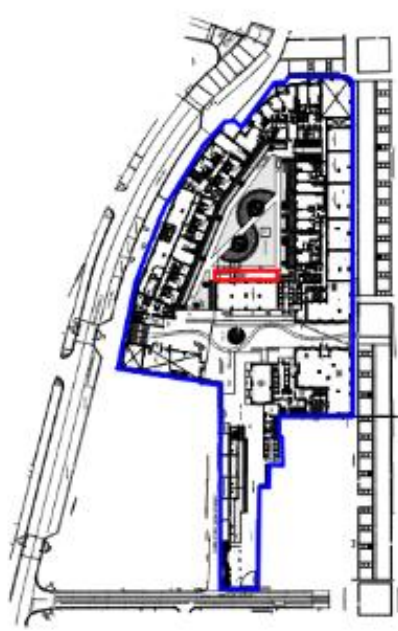
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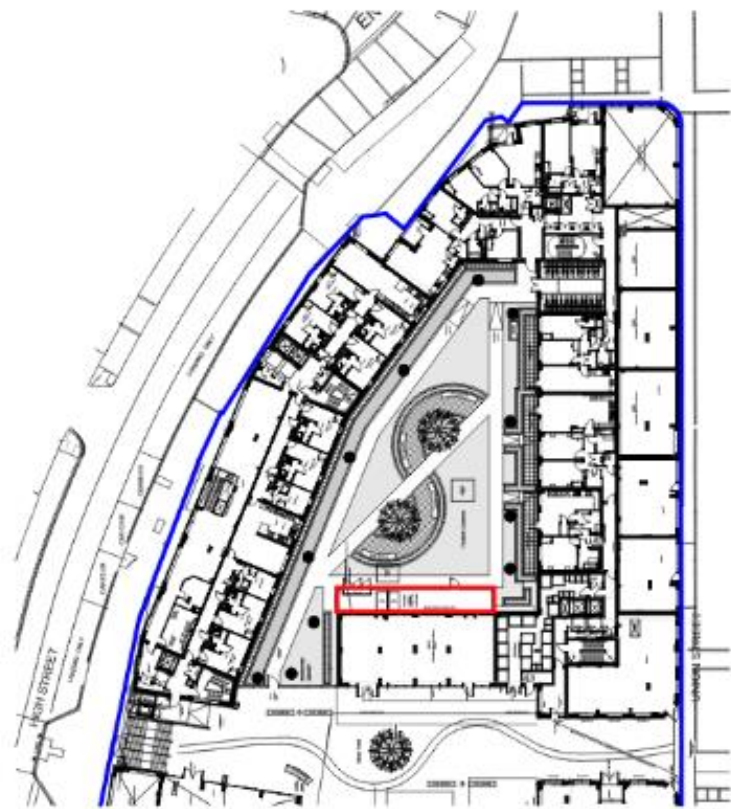


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Topographical information based on OS Survey's LTD (Survey) 10/10/08. REF: 11/03/08/05



Location Plan - 1:1250



Proposed Block Plan - 1:500

Location Plan / Proposed Block Plan

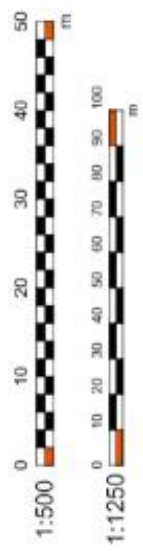


ARCHITECTS
IANUS DICKSONS

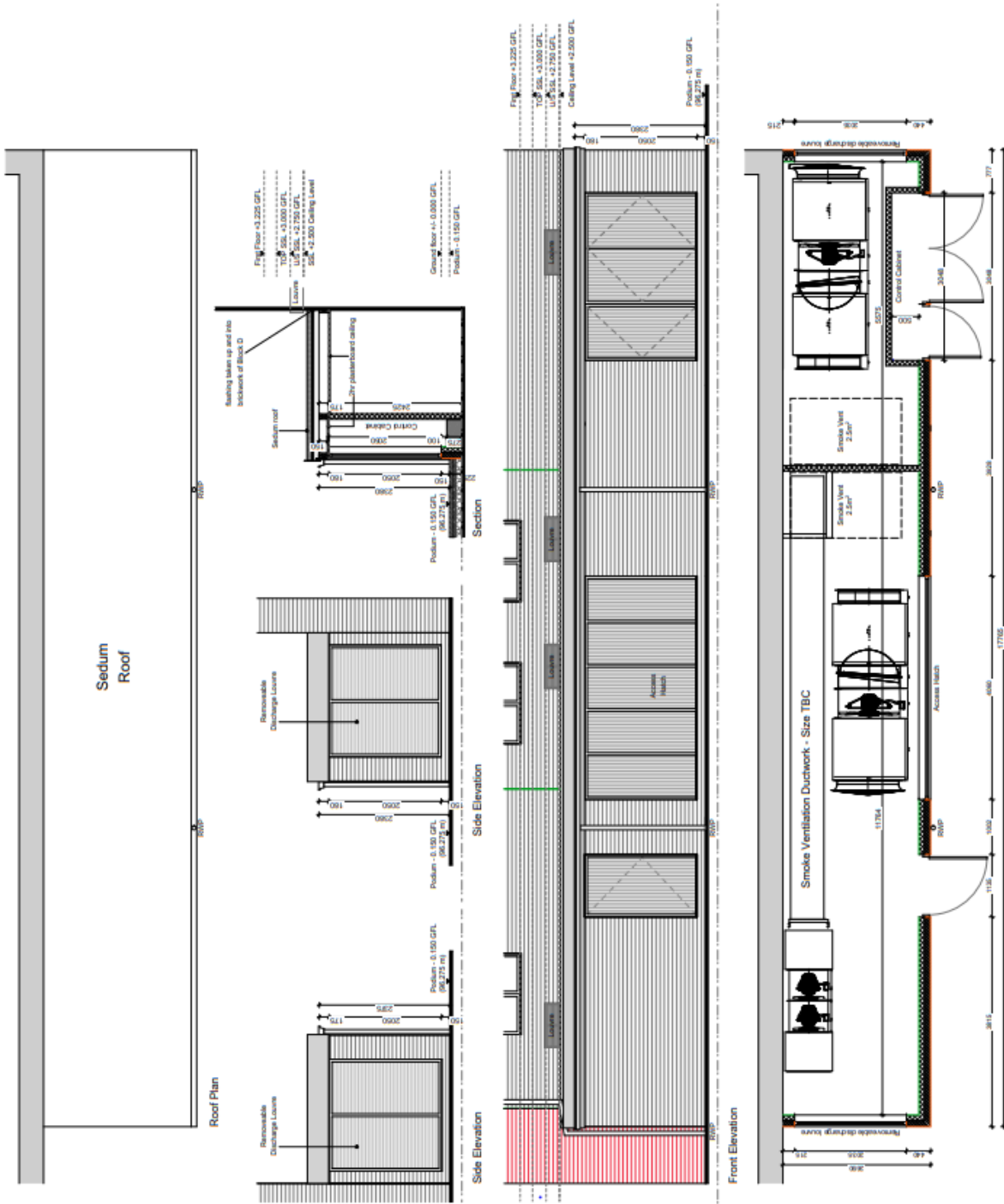
PLANNERS
PROJECT MANAGES

LANDSCAPE ARCHITECTS
NO. 44/1/07

status	Conveyance	architect	Ianus Dickson		
client	HB Partnership	job	Urban Street, Abingdon		
title	Location Plan / Proposed Block Plan	date	April 2024		
drawn	CW	scale	as shown		
checked	SCN	scale @	1:500 / 1:1250		
job no.	C5210	sheet no.	1000		
<p>IAP GROUP 27 SPON STREET COVENTRY CV1 3BA T: +44 (0)24 7642 1940 E: info@iapgroup.com www.iapgroup.com</p>					



Once approved and the building work approved and the majority of the work completed, the contractor shall submit a final report to the authority. The final report shall include details of all work carried out and any other information required by the authority. The final report shall be submitted to the authority for approval. The authority may require the contractor to provide further information or to carry out further work. The authority may also require the contractor to provide a guarantee or other form of security to cover the cost of any remedial work. The authority may also require the contractor to provide a guarantee or other form of security to cover the cost of any remedial work.



Podium Vent Enclosure PLANNING

IPP ARCHITECTS
 URBAN DESIGNERS
 PLANNERS
 PROJECT MANAGERS
 LANDSCAPE ARCHITECTS
WE ARE DP.

status: Construction
 client: H&P Partnership
 job: Union Street
 title: Podium Vent Enclosure PLANNING
 client: CW
 date: Sept 2023
 architect: SON
 scale: 1:50

job no: CS210
 ref no: (SITE) 150 PLAN
 DP GROUP 27 SPON STREET COVENTRY CV1 3SA
 T: +44 (0)24 7652 7000 E: info@ippgroup.com
 www.ippgroup.com

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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 Katie Herrington (01252 398792) in advance of the Committee meeting.

Application No	22/00230/CONDPP	Ward: Wellington
Applicant:	Mr Jarrod Spencer	
Decision:	Permission Granted	
Decision Date:	24 April 2024	
Proposal:	Submission of details pursuant (houses and blocks B, C, D and E) condition 7 (cycle storage) and part pursuant (houses and blocks B, C and D) to condition 8 (refuse and recycling storage) of reserved matters approval 15/00898/REMPP dated 18th October 2016 at Louise Margaret Hospital, Hospital Road, Wellesley, Aldershot, Hampshire	
Address	Louise Margaret Hospital Hospital Road Wellesley Aldershot Hampshire	

Application No	22/00241/CONDPP	Ward: Wellington
Applicant:	Mr Jarrod Spencer	
Decision:	Permission Granted	
Decision Date:	24 April 2024	
Proposal:	Submission of details part pursuant (Louise Margaret Hospital Phase 1 - 4) to condition 4 (post-demolition surveys and detailed drawings) of reserved matters approval ref: 15/00898/REMPP dated 18th October 2016.	
Address	Louise Margaret Hospital Hospital Road Wellesley Aldershot Hampshire	

Application No 22/00266/COND Ward: Wellington

Applicant: Mr Jarrod Spencer

Decision: **Permission Granted**

Decision Date: 24 April 2024

Proposal: Submission of details part pursuant (Louise Margaret Hospital Phase 1 - 4) to condition 4 (post-demolition surveys) of listed building consent ref: 15/00931/LBC2PP dated 18th October 2016.

Address **Louise Margaret Hospital Hospital Road Wellesley Aldershot Hampshire**

Application No 22/00275/COND Ward: Wellington

Applicant: Mr Jarrod Spencer

Decision: **Permission Granted**

Decision Date: 24 April 2024

Proposal: Submission of details part pursuant (Louise Margaret Hospital Phase 1 - 4) to condition 5 (detailed drawings) of listed building consent ref: 15/00931/LBC2PP dated 18th October 2016.

Address **Louise Margaret Hospital Hospital Road Wellesley Aldershot Hampshire**

Application No 23/00663/FULPP Ward: Knellwood

Applicant: Mr S Kanadia

Decision: **Permission Granted**

Decision Date: 22 April 2024

Proposal: Conversion of existing garage/barn to an annexe along with raising the ridge height and erection of single storey side extension to existing garage/barn

Address **206 Sycamore Road Farnborough Hampshire GU14 6RH**

Application No 24/00038/FULPP Ward: North Town

Applicant: Mr N Ahmad

Decision: **Permission Granted**

Decision Date: 23 April 2024

Proposal: Erection of a detached garage in rear garden

Address **115 Belle Vue Road Aldershot Hampshire GU12 4SA**

Application No 24/00055/CONDPP Ward: North Town

Applicant: Mr James Walters

Decision: **Split decision**

Decision Date: 24 April 2024

Proposal: Submission of details pursuant to Condition 12 (Ground Contamination) attached to planning permission 22/00282/FULPP dated 30 January 2024

Address **Phase 5 North Town Redevelopment Site Land Bounded By North Lane Deadbrook Lane And Eastern Road Aldershot Hampshire**

Application No 24/00056/CONDPP Ward: North Town

Applicant: Mr James Walters

Decision: **Conditions details approved**

Decision Date: 19 April 2024

Proposal: Submission of details pursuant to Condition 11 (Construction Traffic Management Plan) and Condition 14 (Arboricultural Method Statement) attached to planning permission 22/00282/FULPP dated 30 January 2024

Address **Phase 5 North Town Redevelopment Site Land Bounded By North Lane Deadbrook Lane And Eastern Road Aldershot Hampshire**

Application No 24/00060/FULPP Ward: Knellwood

Applicant: Careroom Ltd

Decision: **Permission Granted**

Decision Date: 19 April 2024

Proposal: Change of use from offices to pre-school day care use

Address **The Old Library 4 Boundary Road Farnborough Hampshire GU14 6SF**

Application No 24/00061/LBCPP Ward: Knellwood

Applicant: Carerom Ltd

Decision: **Permission Granted**

Decision Date: 19 April 2024

Proposal: Application for Listed Building Consent: Internal alterations and installation of 1.8- metre high hit & miss horizontal slatted fence to enclose lawn area as a secure outdoor play area

Address **The Old Library 4 Boundary Road Farnborough Hampshire GU14 6SF**

Application No 24/00066/FULPP Ward: Knellwood

Applicant: Uddin

Decision: **Permission Refused**

Decision Date: 30 April 2024

Proposal: Erection of a three storey building with a Use Class E Commercial unit on ground floor and 2no. 2-bedroom flats on upper levels and associated parking

Address **Land Between 242 And 244 Farnborough Road Farnborough Hampshire**

Application No 24/00075/TPOPP Ward: Knellwood

Applicant: Shirley Lea

Decision: **Permission Refused**

Decision Date: 30 April 2024

Proposal: Remove one Beech tree, as per submitted plan, (T56 of TPO 435V)

Address **40 Cedar Road Farnborough Hampshire GU14 7AX**

Application No 24/00078/FULPP Ward: Fernhill

Applicant: VIVID

Decision: **Permission Granted**

Decision Date: 30 April 2024

Proposal: Installation of external cladding to provide improved insulation to 12 flats on Clayton Road and installation of like for like uPVC windows

Address **2A - 8C Clayton Road Farnborough Hampshire GU14 9DG**

Application No 24/00088/PDCPP Ward: Cove And Southwood
Applicant: Mr F Nika
Decision: **Development is Lawful**
Decision Date: 15 April 2024
Proposal: Certificate of Lawfulness for Proposed Development : Erection of an outbuilding within rear garden
Address **60 Hazel Avenue Farnborough Hampshire GU14 0DW**

Application No 24/00091/PDCPP Ward: Manor Park
Applicant: Ms Lorraine Collis
Decision: **Development is Lawful**
Decision Date: 03 May 2024
Proposal: CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT - Use of Estate Manager's Flat (Flat 1) as Sheltered Accommodation Unit / Retirement Flat
Address **1 Eggars Court St Georges Road East Aldershot Hampshire GU12 4LN**

Application No 24/00094/PDCPP Ward: Manor Park
Applicant: Mr Rustam Aryoobi
Decision: **Development is Lawful**
Decision Date: 16 April 2024
Proposal: Lawful Development Certificate for proposed development: Formation of hip to gable roof extension with dormer window to rear to facilitate habitable room in roof incorporating Juliet balcony and window to the rear elevation
Address **114 Boxalls Lane Aldershot Hampshire GU11 3QG**

Application No 24/00095/FULPP Ward: Manor Park
Applicant: Mr Rustam Aryoobi
Decision: **Permission Granted**
Decision Date: 16 April 2024
Proposal: Erection of a part single and two storey rear extension with flat roof over
Address **114 Boxalls Lane Aldershot Hampshire GU11 3QG**

Application No 24/00098/FULPP Ward: Cove And Southwood
Applicant: Mr Andy Guerin
Decision: **Permission Granted**
Decision Date: 15 April 2024
Proposal: Increase height of existing fencing to rear by no more than 2.4 metres and replacement of side boundary fencing with 2.75 metre high acoustic fencing
Address **15 Oldwood Chase Farnborough Hampshire GU14 0QS**

Application No 24/00102/FULPP Ward: Empress
Applicant: Mr & Mrs Fagg
Decision: **Permission Granted**
Decision Date: 11 April 2024
Proposal: Demolition of existing garage/utility and erection of a single storey front and side extension
Address **55 Pierrefondes Avenue Farnborough Hampshire GU14 8PA**

Application No 24/00109/FULPP Ward: St Mark's
Applicant: Mr & Mrs Allcorn
Decision: **Permission Granted**
Decision Date: 09 April 2024
Proposal: Erection of a single storey rear extension, covered terrace and insertion of high level first floor window within side facing flank elevation
Address **2 Whites Road Farnborough Hampshire GU14 6PD**

Application No 24/00111/FULPP Ward: Cove And Southwood
Applicant: Mr Sam Kiddy
Decision: **Permission Granted**
Decision Date: 19 April 2024
Proposal: Erection of a single storey front, side and rear extension
Address **17 Ullswater Avenue Farnborough Hampshire GU14 0JR**

Application No 24/00115/FULPP Ward: Rowhill
Applicant: Mr K Smith
Decision: **Permission Granted**
Decision Date: 19 April 2024
Proposal: Erection of front porch and roof over garage and erection of front boundary wall with railings and gates
Address **66 Cranmore Lane Aldershot Hampshire GU11 3BB**

Application No 24/00123/FULPP Ward: Empress
Applicant: Mr Nick Jarman
Decision: **Permission Granted**
Decision Date: 19 April 2024
Proposal: Erection of a single storey rear orangery extension
Address **16 Queen Victoria Court Farnborough Hampshire GU14 8AR**

Application No 24/00125/FUL Ward: Knellwood
Applicant: Mr And Mrs Ameer
Decision: **Permission Granted**
Decision Date: 09 May 2024
Proposal: Erection of a front boundary wall comprising 2m high brick pillars with vertical hit and miss infill timber panels and retention of existing 2m high close board fencing along the boundary facing 29 Cambridge Road West
Address **29 Cambridge Road West Farnborough Hampshire GU14 6QA**

Application No 24/00126/ADVPP Ward: Fernhill
Applicant: Hamberley Specialist Development (Cam
Decision: **Permission Granted**
Decision Date: 07 May 2024
Proposal: Display of 3 non-illuminated signs comprising a freestanding board sign at corner of site at junction with Fernhill Lane, a tray sign adjacent to main entrance and a fret-cut letter sign at high-level on front elevation; and 2 externally-illuminated down-lit free-standing board signs either side of vehicular access from Fernhill Road
Address **361 Fernhill Road Farnborough Hampshire GU14 9EN**

Application No 24/00134/PDCPP Ward: Rowhill

Applicant: Rachel Hockey

Decision: **Development is Lawful**

Decision Date: 23 April 2024

Proposal: Lawful Development Certificate for proposed development: Erection of a single storey rear extension and formation of a dormer within the rear facing roof slope and roof light in front facing roof slope to facilitate room in roof

Address **21 St Benedicts Close Aldershot Hampshire GU11 3NL**

Application No 24/00135/ADVPP Ward: Wellington

Applicant: Nationwide Building Society

Decision: **Permission Granted**

Decision Date: 02 May 2024

Proposal: Display of internally illuminated fascia and projecting sign, fascia panels and ATM surround signage

Address **140 Victoria Road Aldershot Hampshire GU11 1EH**

Application No 24/00136/PDCPP Ward: North Town

Applicant: Ms W Heron

Decision: **Development is Lawful**

Decision Date: 11 April 2024

Proposal: Lawful Development Certificate for proposed development: Erection of a single storey rear extension

Address **9 Vixen Drive Aldershot Hampshire GU12 4FN**

Application No 24/00137/FULPP Ward: North Town

Applicant: Mr Gary Stephens

Decision: **Permission Granted**

Decision Date: 01 May 2024

Proposal: Erection of two storey side extension and provision of widened vehicular access

Address **55 Field Way Aldershot Hampshire GU12 4UJ**

Application No 24/00138/FULPP Ward: Manor Park
Applicant: C/O Agent Judith Charles
Decision: **Permission Granted**
Decision Date: 08 May 2024
Proposal: Erection of single-storey rear extension and rear dormer roof extension following demolition of existing conservatory
Address **86 Windmill Road Aldershot Hampshire GU12 4NJ**

Application No 24/00148/PRIORP Ward: Cherrywood
Applicant: Frej Wrigley
Decision: **Permission required & approval granted**
Decision Date: 03 May 2024
Proposal: Application for determination as to whether Prior Approval is required for: Roof-mounted solar installation
Address **7 Chancerygate Way Farnborough Hampshire GU14 8FF**

Application No 24/00151/MISC28 Ward: Empress
Applicant: Caitlin Timothy
Decision: **Objection**
Decision Date: 09 April 2024
Proposal: Removal of 1no existing 9.70m monopole and 2no existing cabinets to be replaced with 1no new 20m monopole accommodating new antennas, with wrap-around cabinet, 2no other cabinets, and associated ancillary works thereto
Address **Telecommunication Mast Ship Lane Farnborough Hampshire**

Application No 24/00152/FULPP Ward: St John's
Applicant: Foster Properties Fleet Ltd
Decision: **Permission Refused**
Decision Date: 09 May 2024
Proposal: Erection of a two storey rear extension
Address **61 Whetstone Road Farnborough Hampshire GU14 9SX**

Application No 24/00153/FULPP Ward: Empress
Applicant: Mr & Mrs Caddick
Decision: **Permission Granted**
Decision Date: 02 May 2024
Proposal: Erection of a single storey front extension and two storey and single storey rear extensions
Address **95 Prospect Road Farnborough Hampshire GU14 8LA**

Application No 24/00156/FULPP Ward: Knellwood
Applicant: Georgina Dind
Decision: **Permission Granted**
Decision Date: 08 May 2024
Proposal: Continued siting of 2.4m high galvanised steel palisade fencing/gates in rear of property
Address **98 Farnborough Road Farnborough Hampshire GU14 6TN**

Application No 24/00157/FULPP Ward: West Heath
Applicant: Mr Adrian Hooper
Decision: **Permission Granted**
Decision Date: 03 May 2024
Proposal: Installation of an air source heat pump, to be installed to the rear of the property within 1metre of the boundary fence.
Address **8 Thames Close Farnborough Hampshire GU14 9ND**

Application No 24/00158/FULPP Ward: West Heath
Applicant: Mr Bolt
Decision: **Permission Granted**
Decision Date: 29 April 2024
Proposal: Hip to gable roof extension, rooflight to front, rear dormer, single storey rear extension and outbuilding to rear including carport
Address **4 Stuart Close Farnborough Hampshire GU14 8PW**

Application No 24/00159/FULPP Ward: North Town

Applicant: Mr Yogen Chhetri

Decision: **Permission Granted**

Decision Date: 16 April 2024

Proposal: Erection of a two storey side and rear extension

Address **149 North Lane Aldershot Hampshire GU12 4QS**

Application No 24/00161/TPOPP Ward: Fernhill

Applicant: Alan Stevens

Decision: **Split decision**

Decision Date: 26 April 2024

Proposal: One Beech tree (T1 of TPO 176V) crown thin by no more than 20% plus a crown clean involving removal of any dead, dying, dangerous, rubbing, crossing or fused branches

Address **Land Affected By TPO 176V At Hazelwood Court The Covert Farnborough Hampshire**

Application No 24/00164/TPOPP Ward: Knellwood

Applicant: Mr Stephen Morgan

Decision: **Permission Granted**

Decision Date: 15 April 2024

Proposal: Oak tree in front garden (T7 of TPO 435V) reduce canopy to house aspect by no more than 4 metres, crown thin by no more than 20% and remove deadwood

Address **7 Church Avenue Farnborough Hampshire GU14 7AY**

Application No 24/00165/NMAPP Ward: North Town

Applicant: Chhetri -YBC Properties Ltd

Decision: **Permission Refused**

Decision Date: 15 April 2024

Proposal: NON MATERIAL AMENDMENT: To planning permission 23/00206/FULPP (for alterations to building (Use Class E(a)) (retail) to form two commercial units in Use Classes E(a) (retail) and E(g) (office), raising of part of roof to enlarge the first floor and associated external alterations to form balcony, new windows and doors and refurbish external appearance, addition of Photo-Voltaic Panels to roof and formation of new dropped kerb and closing up of part of existing dropped kerb) to permit replacement of external cladding with dark grey render, alteration to internal arrangement of offices and retail units and minor alteration to doors and windows to accommodate internal changes

Address **World Wide Carpets Ltd Eastern Road Aldershot Hampshire GU12 4TD**

Application No 24/00185/REVPP Ward: Cove And Southwood

Applicant: Mr Simon Laws

Decision: **Permission Granted**

Decision Date: 07 May 2024

Proposal: Variation of condition 18 and 21 of planning permission RSH 03890 dated 10/08/1983 to allow the erection of a single storey rear extension and conversion of garage

Address **14 Briars Close Farnborough Hampshire GU14 0PB**

Application No 24/00220/FULPP Ward: Rowhill

Applicant: Mr & Mrs Darren Cole

Decision: **Permission Granted**

Decision Date: 02 May 2024

Proposal: Alterations to existing conservatory

Address **14 John Close Aldershot Hampshire GU11 3BA**

Application No 24/00223/HCC

Ward: Aldershot Park

Applicant: Naomi Arnold

Decision: **No Objection**

Decision Date: 09 May 2024

Proposal: HCC CONSULTATION: Demolition of single storey teaching block and erection of new two-story block with a footprint of 48m x 19m to accommodate an additional 300 pupils and replacement teaching space

Address **Alderwood Senior School Tongham Road Aldershot Hampshire
GU12 4AS**

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Development Management Committee
22nd May 2024

PG2414
Planning Report

Appeals Progress Report

1. New Appeals

- 1.1 **Garage Block, Cold Harbour Lane, Farnborough** : Appeal against refusal of planning permission for : “Demolition of 14 garages and erection of 2 light industrial units (Use Class E(g)(iii)) with parking” under delegated powers - 23/00763/FULPP. This appeal is to be considered under the Written Representations procedure.
- 1.2 **Blandford House And Malta Barracks Development Site Shoe Lane, Aldershot** : Appeal against non-determination of planning application for “PART APPROVAL OF RESERVED MATTERS: for the erection of 71 dwellings (Phases 4, 5 and 6), 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. (AMENDED PLANS - INCLUDING HIGHWAYS TECHNICAL NOTE & ENVIRONMENTAL MANAGEMENT PLAN AUGUST 2023) - 22/00340/REMP. This appeal is to be considered by means of a Hearing.

2. Decided Appeal

- 2.1 Appeal against refusal of planning permission for “Erection of a two storey side extension at **94 Field Way, Aldershot**; 23/00047/FULPP. This appeal was considered under the Householder Appeals Service.
- 2.2 Planning permission was refused under delegated powers in June 2023 for the following reasons:-

1 *The proposal, given its extent to the boundary and the reasonable likelihood of the two- storey side extension being built under permission Ref: 22/00401/FUL dated 28th July 2022 at property 96 Field Way, that this development would result in a harmful terracing effect on the street scene and would harm its character. As a result, it would not constitute good design, would not make a positive contribution to the quality of the built environment and would fail to include high quality design respecting the character and appearance of the local area contrary to Policy DE1 (Design in the Built Environment) of the adopted Rushmoor Local Plan (2014-2032) and the Council's adopted supplementary Planning Document 'Home Improvements and Extensions (February 2020).*

2 *The proposal, as a result of the poorly contrived roof form, would result in an unsympathetic addition to the host building and would give rise to material and unacceptable harm to the character and appearance of the street scene and it would not constitute good design or make a positive contribution to the quality of the built environment contrary to Policy DE1 (Design in the Built Environment) of the adopted Rushmoor Local Plan (2014-2032) and the Council's adopted*

supplementary Planning Document 'Home Improvements and Extensions (February 2020).

- 2.3 The Inspector identified the main determining issue for the appeal to be effect of the proposed development on the character and appearance of the area. In this respect the Inspector noted that the appeal property is a semi-detached dwelling on a street made up of predominantly semi-detached properties. Between pairs, there is typically a reasonable visual gap at first floor level which contributes positively to the character of the street. These gaps, together with the set back of dwellings from the road, give the street a spacious character.
- 2.4 The Inspector noted that there are various examples of two-storey side extensions in the area, however in each case there remains a visual gap to the next semi-detached pair at first floor level. Some pairs are set further back from the road than their neighbour, creating a staggered layout. The appeal site and its attached pair have both already been extended and are set further back from the road than No 96.
- 2.5 The Inspector commented that the proposed extension would have a hipped roof that would meet the existing gable end below the ridge, creating a small residual gable. While this would allow it to appear subservient to the main dwelling, it would result in an awkward interaction between the roof of the proposal and existing dwelling. Consequently, the Inspector considered that it would relate poorly to the existing dwelling, and fail to respect its appearance.
- 2.6 The Inspector noted that other hipped roofs on properties in the area are generally seen on ground floor extensions, so the extension roof is seen separately to the main roof. 118 Field Way features a two-storey side extension with hipped roof, however the ridge of the extension is in line with that of the host property. Consequently, these other examples do not result in the contrived roof form proposed in this appeal.
- 2.7 The Inspector noted that the proposed side extension would project to the boundary with No 96, significantly reducing the existing gap between these two pairs at first floor level and that, in itself, this would not be out of character with the area, where other extensions have narrowed the gap to the same extent.
- 2.8 The Inspector considered that it was relevant that No 96 had been granted permission for a two-storey side extension extending up to the boundary with the appeal site. Although this was not in place at the time of their site visit, the time period for implementation had not expired. In the absence of any substantive evidence to the contrary, the Inspector noted that there was the potential that this development would go ahead, and the appellant had not put forward any mechanism by which this could be prevented. While both schemes individually would not result in a harmful reduction in the gap between properties, if both were implemented, the Inspector considered that this would leave little or no gap between the pairs, resulting in a clear terracing effect that would be harmful to the character of the street scene.

- 2.9 The Inspector commented that the extensions would be slightly staggered at first floor, but project forward a similar depth at ground floor level. This would leave little articulation between the two pairs, such that the staggered layout would not significantly reduce the terracing effect.
- 2.10 Overall, the Inspector considered that the proposed development would harm the character and appearance of the area. It would therefore conflict with Policy DE1 of the Rushmoor Local Plan 2014-2032 (adopted February 2019), which requires development to respect the character and appearance of the local area. It would likewise go against the aims of the Rushmoor Local Plan Home Improvements and Extensions Supplementary Planning Document (adopted February 2020), which outlines how extensions should relate well to the original building and not harm the character of the street scene, by not resulting in a terracing effect where visual gaps contribute to the character of the area.
- 2.11 The Inspector noted that the appellant had suggested that the proposed hipped roof could be changed to a gable roof by planning condition, if that were to be found acceptable. The Inspector commented that there was no such plan before them and, therefore they could not be certain that such a change would be less harmful than the proposal in terms of the roof form or the harmful terracing effect that they have identified. Furthermore, in the interests of fairness they must consider the appeal on the basis of what has been submitted, which was subject to public consultation and which the Council made its decision on.
- 2.12 The Inspector noted claims made by the Appellant that the proposed extension was required for health reasons but considered that no substantive evidence had been submitted to demonstrate this or to show that any required accommodation could not be provided through a more appropriate proposal. The Inspector gave this matter limited weight, and considered that it did not outweigh the harm to the character and appearance of the area and the resulting conflict with local policy.
- 2.13 On this basis the Inspector agreed with the Council's reason for refusal and **Dismissed** the appeal.

3. Recommendation

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

Tim Mills
Executive Head of Property and Growth

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Enforcement and possible unauthorised development**1. Introduction**

This report considers current matters of enforcement and possible unauthorised development. Authority to take planning enforcement action is delegated to the Executive Head of Property & Growth. Matters that require a Committee decision are reported, together with delegated decisions to take action.

It is not an offence to carry out works without planning permission and the National Planning Policy Framework (NPPF) states that enforcement action is discretionary and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Local authorities are also advised to take action only where it is appropriate to do so. The purpose of this report is therefore to report to Committee decisions with regard to enforcement action and/or to seek approval for further action.

2. Policy

The Council's Approach to Planning Enforcement is set out in the adopted Local Enforcement Plan. The essential thrust of the Plan is that we will not condone wilful breaches of planning law, but we will exercise our discretion regarding enforcement action if it is considered expedient to do so. Our priorities with regard to enforcement are:

- To focus our resources to ensure that the most pressing and harmful issues are addressed appropriately.
- In determining the expediency of enforcement action we will have regard to the seriousness of any harm which is evident as a result of a breach of planning control.
- Matters which can potentially have a serious impact on the safety or amenity of residents or occupiers of property or on the natural environment will take priority over minor infractions and matters of dispute between neighbours.

3. Items

Each item contains a full description, details of any investigation, and an assessment of the situation and concludes with a recommendation.

This report relates to:

Item 1 Updates on Enforcement Action

All information, recommendations and advice contained in this report are understood to be correct at the time of writing this report. Any change in circumstances will be updated verbally 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.

4. Human rights

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. Any recommendation either to take or not to take enforcement action has been assessed to make sure that the decision is compatible with the Act. If there is a potential conflict this will be highlighted in the individual report on the relevant item.

5. Financial implications

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 enforcement cases 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.

6. Recommendation

That the report be **NOTED**

Tim Mills
Executive Head of Property & Growth

BACKGROUND PAPERS
Rushmoor Local Plan (2019)
Rushmoor Local Enforcement Plan (2016)
National Planning Policy Framework (NPPF)

Item 1 Updates on Enforcement Action

The following is reported for INFORMATION purposes only. It relates to decisions that have already been made by the Corporate Planning Manager in accordance with the Council's adopted Scheme of Delegation.

If Members wish to have more details about the case below, please contact Katie Herrington (01252 398791) in advance of the Committee meeting.

Address	1 & 2 Ramsden Close, Wellesley Aldershot 23/00145/AERIAL & 23/00146/AERIAL
Ward	Wellington
Decision	No Further Action
Decision Date	30/02/24
Reasons	Satellite dishes have been installed on the front elevations of both properties at the same height. Planning permission is required due to the Article 4 Direction placed on the Wellesley Development in January 2021. Due to the size and position of the dishes, the development would be considered acceptable if a planning application were to be submitted. The owners have been invited to submit an application but have not done so to date.
Alternatives	An enforcement notice could be issued to see the removal of the satellite dishes but the development is considered acceptable and it is not expedient in this circumstance.
Associated Documents	Enforcement References 23/00145/AERIAL & 23/00146/AERIAL



**Planning (Development Management) summary report for the quarter
Jan-Mar 2024 and for the Year 2023-2024**

1. Introduction

1.1 The purpose of this report is to advise Members of the position with respect to Performance Indicators for the Development Management function of Planning, and the overall workload of the Section. This report covers the quarter from 1st January to 31st March 2024 and the year 1st April 2023 to 31st March 2024.

2. Planning Applications

2.1 The three tables below set out figures relating to determination of Major, Minor and ‘Other’ planning applications for the fourth quarter and for the financial year. We are required to provide the government with statistical returns in relation to decision times. It should be noted that the returns required by government do not include some application types including applications for the approval of details pursuant to conditions, applications to fell or carry out works to TPO trees and trees in Conservation Areas, Non-Material Amendments, Screening Opinions, Adjacent Authority Consultations and applications for approval in relation to conditions. These however constitute a significant source of demand on our service numbering 111 cases in the quarter and 373 in the year. These are included in the total figures reflecting workload set out at 3.1 below.

Major and small scale major Applications determined within 13 weeks/EXOT/ PPA target

2022/2023 Total	Decisions in quarter	Jan-Mar 2024	Government Target	2023/2024 Total
100%	7	100%*	60%	100%

*6 of the 7 applications determined in the quarter were outside the statutory period, all were the subject of agreed extensions of time and therefore recorded as ‘in time’.

Minor (Non householder) Applications determined within 8 weeks

2022/2023 Total	Decisions in quarter	Jan-Mar 2024	Government Target	2023/2024 Total
94.5%	21	85%	65%	93.2%

*9 of the 21 applications determined in the quarter were outside the statutory period, all were the subject of agreed extensions of time and therefore recorded as ‘in time’.

‘Other’ (Including Householder) Applications determined within 8 weeks

2021/2022 Total	Decisions in quarter	Jan-Mar 2024	Government Target	2023/2024 Total
92.1%	41	97.5	80%	95.8%

*7 of the 41 applications determined in the quarter were outside of the statutory period however 6 were subject to agreed extensions of time and therefore are recorded as in time.

2.2 The following table sets out figures relating to appeals allowed against the authority's decision to refuse permission.

% of appeals allowed against the authority's decision to refuse

Government Target	Jan-Mar 2024	Appeal Decisions
40% max	0%	0

% of appeals allowed against the authority's decision to refuse (Annual figures)

2022/23 Total I	Government Target	Appeal Decisions	Appeals Allowed	2023/24 Total
10%	40% max	9	1 ¹	90%

3. Workload

3.1 This section deals with workload demand on the Development Management Section in the first three months of 2024 and the financial year.

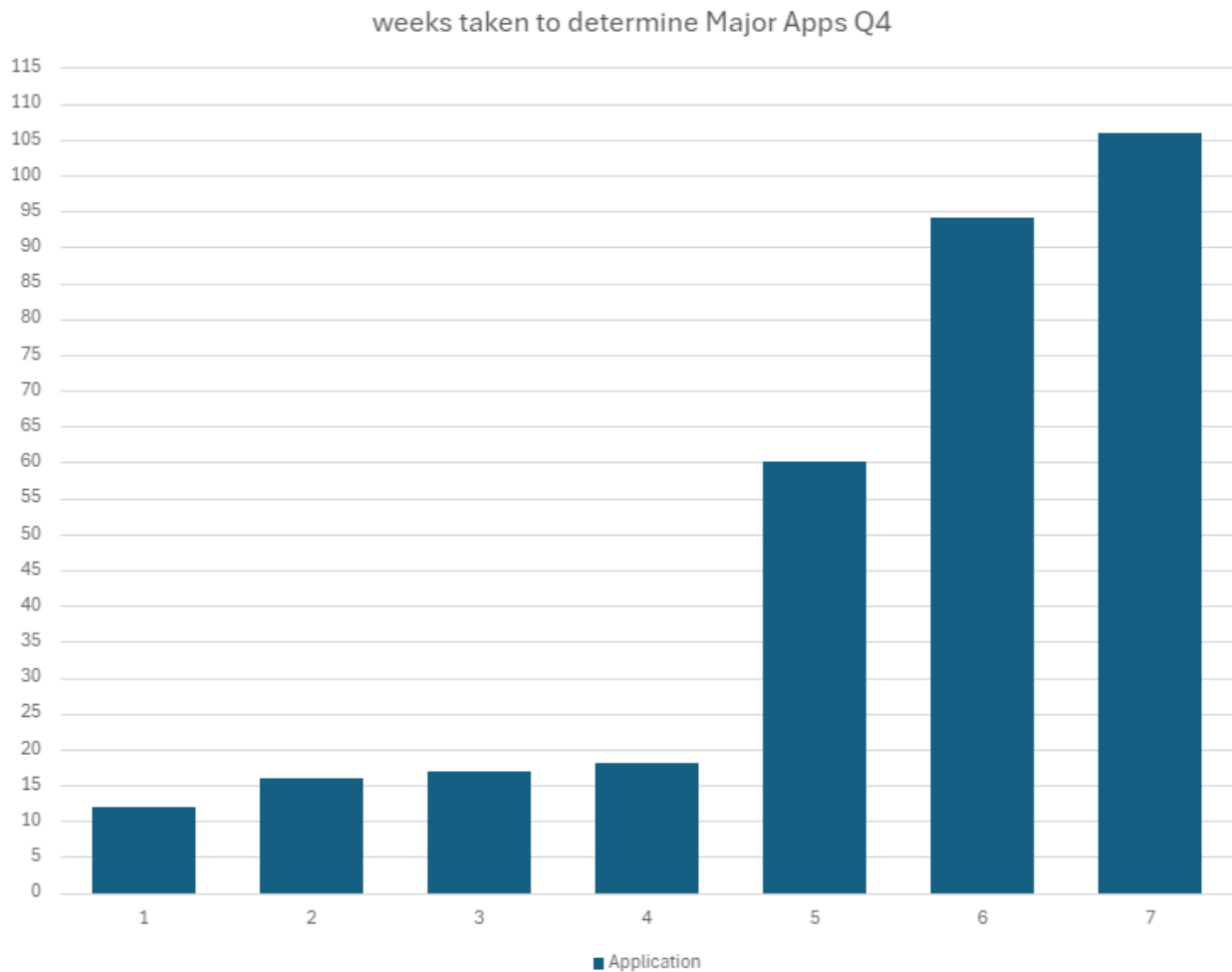
Departmental Work Demand Jan-Mar 2023 and financial year

	Applications Submitted (All types)	Pre-Application Cases	Applications Determined (All types)	Appeals Submitted
Q4	198	63	160	2
Year 2023-2024	1058	254	771	9

3.2 The following graphs present the time period being taken to determine different types of application in the fourth quarter of 2023-2024

¹ In addition to this, one appeal was made invalid.

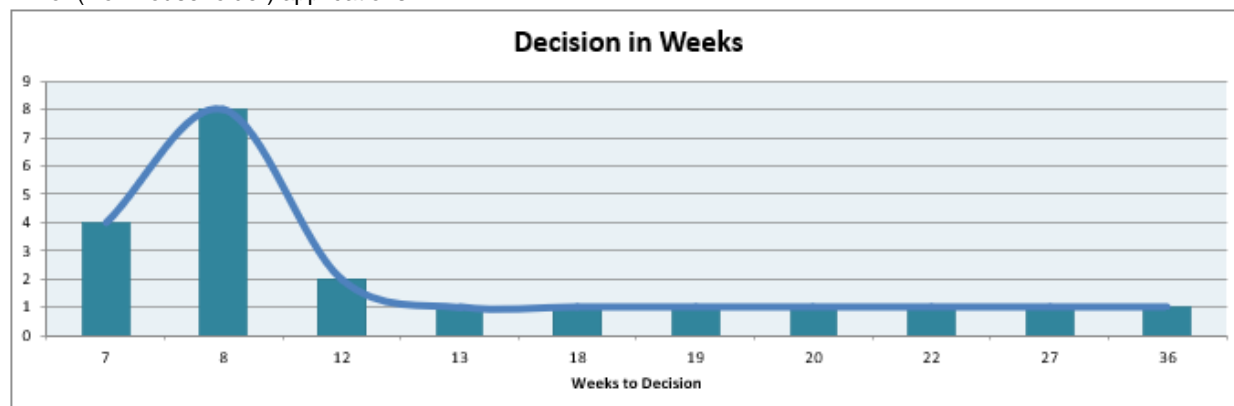
Major and small-scale majors



3.3 Performance with regard to Major applications remains well above the Government target with all 7 cases determined in accordance with agreed extensions of time or planning performance agreements. The timescales within Application '5², 6³, and 7⁴' were largely as a result of delays in the completion of legal agreements.

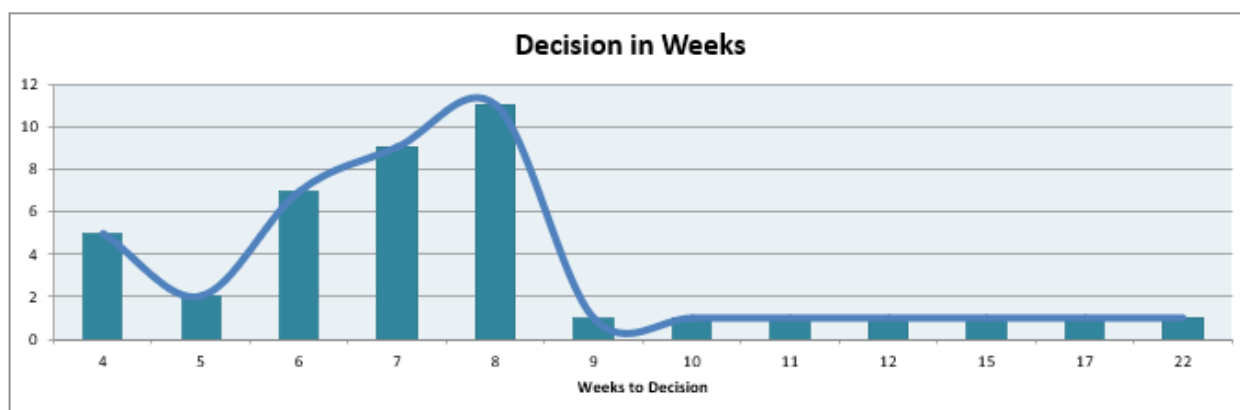
² 23/00019/FULPP – Hippodrome House
³ 22/00282/FULPP – North Town Phase 5
⁴ 22/00029/FULPP - Aldershot Bus Station;

Minor (Non householder) applications



3.4 This second graph illustrates the determination times for minor applications, all of which were determined within the statutory period or in accordance with agreed extensions of time in the fourth quarter of 2023-24. The figure for the full year is 93.2%.

'Other' (Including Householder) applications



3.5 This third graph shows that in the fourth quarter of this financial year the majority of householder applicants 90% received decisions in the fourth to eighth weeks after their validation date. The figure for determination within the statutory date for the full year is 95.8%.

4. Fee Income

4.1 The total planning fee income received for the fourth quarter was £59,449 against a budget estimate of £109,825. This represents a negative variance of 45.8%.

4.2 The total planning fee income received for the year was £281,906 against a budget estimate of £439,300. This represents a negative variance of 48%.

4.3 The total pre-application income received for the fourth quarter was £11,316 against a budget estimate of £9,000. This represents a positive variance of 25.7%.

4.4 The total pre-application income received for the year was £36,429 against a budget estimate of £36,000. This represents a negative variance of 1.1%.

5. Section 106 contributions

5.1 Information in this section relates to the invoicing of financial contributions secured by way of section 106 planning obligations.

Section 106 contributions invoiced	Jan-Mar 2024	2023-2024 total
Contributions invoiced (Rushmoor and Hampshire) apportioned as set out below ⁵	£472,752.35	£472,752.35
Open Space ⁶	£65,644.48	£172,528.96
SANGS		
a) Southwood Woodlands	0	
b) Southwood Country Park	£35,164.50	£194,304.89
e) Hawley Meadows	0	
e) Rowhill Copse	£0	£35,363
SAMM*		
a) Southwood Woodlands	£0	£0
b) Southwood Country Park	£3,882.58	£36,561.32
c) Wellesley Woodland	0	
d) Bramshot Farm (Hart) ⁷	£19,429.11	£40,793.62
e) Hawley Meadows	0	
f) Rowhill Copse	£0	£10,427
Transport ⁸ (invoiceable to RBC)	0	0

11 new undertakings/legal agreements were signed in the period Jan 2023 to March 31st 2024.

6. Comment on workload for this quarter and year

6.1 This financial year saw a decrease in the number of applications submitted and determined. The total of 771 decisions is a slowing of the gradual rise in numbers over the previous five financial years – 747 (2022-2023), 913(2021-2022), 855(2020-2021), 876(2019- 2020), 783(2018-2019). Planning application fee income shows a 48% shortfall against the annual budgetary estimate, whilst pre-application income has held up with a positive variance of 1.1%.

6.2 Planning activity and fee income reflects confidence in the wider financial markets and the past year has seen impacts arising from domestic political and economic issues. These have affected household

⁵ This figure also includes monitoring charges, interest and receipts for the Farnborough Airport Community Environmental Fund.

⁶ Specific projects are set out in the legal agreements

⁷ SANG is paid directly to HART

⁸ Most Transport Contributions are invoiced by HCC

income and employment stability, and interest rates have risen. These factors can be critical to individual decisions to proceed with small development projects such as householder extensions, as well as to those in respect of borrowing and financing large scale development.

7. Wellesley

- 7.1 There have been 1366 residential occupations to date at Wellesley.
- 7.2 Maida Development Zone A is complete (228 units)
- 7.3 Corunna Development Zone (Zone B), opposite Maida on the west side of Queen's Avenue is at an advanced stage of completion and will deliver 733 residential units, including six supported housing units. 702 of the units are now occupied.
- 7.4 Gunhill Development Zone (Zone E) is located west of the Cambridge Military Hospital and north of Hospital Road. The zone is completed and comprises 107 Private Rented Units, all of which have been occupied.
- 7.5 McGrigor Development Zone (Zone D) is nearing completion. This zone is located to the north of the Cambridge Military Hospital, and to the east of Maida Zone, and will provide a total of 116 residential units. 105 of the units are occupied including the converted curtilage listed buildings of St Michael's House and Cambridge House.
- 7.6 Work continues on site at Cambridge Military Hospital Development Zone (Zone C) by Weston Homes. A temporary marketing suite remains within the central Admin Block following the initial sales launch in March 2021. The units within Gunhill House & Water Tower are completed and occupied. New-build Block D is substantially completed, and the conversion of Louise Margaret Hospital and the Nurses Residence is well underway 90units are now occupied within the CMH Development Zone.
- 7.7 Taylor Wimpey continues to progress development at Stanhope Line East (Zone K) and part of Buller (Zone M) Development Zones, following permission granted on the 27th May 2021 for 430 dwellings. This phase will incorporate the eastern half of Stanhope Lines, Wellesley's linear park. A sales and marketing suite was approved and is operating on Hope Grant's Road (East). 134 of the units are now occupied.
- 7.8 A Reserved Matter Application for the next phase of Wellesley at Stanhope Lines West (Zone H) and part of School End (Zone I) was received on the 12/04/2024 (Planning ref: 24/00236/REMPP). The Reserved Matters Application is currently being registered. The application is for 260 residential dwellings and includes proposals for the western part of Stanhope Lines public open space.

8. Recommendation

- 8.1 That the report be NOTED

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