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RUSHMOOR BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE

*at the Council Offices, Farnborough on
Wednesday, 21st May, 2025 at 7.00 pm*

To:

VOTING MEMBERS

Cllr Gaynor Austin (Chairman)
Cllr C.P. Grattan (Vice-Chairman)

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

Cllr Lisa Greenway
Cllr S.J. Masterson
Cllr Dhan Sarki

Cllr Calum Stewart
Cllr Jacqui Vosper
Cllr Ivan Whitmee

NON-VOTING MEMBERS

Cllr Keith Dibble (ex-officio)

STANDING DEPUTIES

Cllr Rhian Jones
Cllr G.B. Lyon
Cllr Nadia Martin

Enquiries regarding this agenda should be referred to Committee Administrator, Lucy Bingham,
Democratic Services, 01252 398128 lucy.bingham@rushmoor.gov.uk

A G E N D A

1. **DECLARATIONS OF INTEREST –**

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

2. **MINUTES –** (Pages 1 - 4)

To confirm the Minutes of the meeting held on 9th April 2025 (copy attached).

3. **PLANNING APPLICATIONS –** (Pages 5 - 86)

To consider the Executive Head of Property and Growth's Report No. PG2516 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	For information
iv	24/00237/FUL	Nos. 235-237 High Street, Aldershot	For information
v	24/00465/FULPP	Land at Former Lafarge Site, Hollybush Lane, Aldershot	For information
vi	24/00748/FUL & 24/00746/LBCPP	Land at Orchard Rise No.127 & La Fosse House No.129 Ship Lane & Farnborough Hill School, No. 312 Farnborough Road, Farnborough	For information

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

Item	Pages	Reference Number	Address	Recommendation
vii	13-40	24/00634/FULPP	Royal Pavilion, Wellesley Road, Aldershot	Grant subject to a s106 agreement and conditions
viii	41-66	25/00117/REVPP	No. 1 North Close, Aldershot	Grant for a temporary period of 12 months
ix	61-66	25/00204/FUL	Farnborough Market Site, Queensmead, Farnborough	Grant

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

4. **ENFORCEMENT AND POSSIBLE UNAUTHORISED DEVELOPMENT – (Pages 87 - 92)**

To consider the Executive Head of Property and Growth's Report No. PG2517 (copy attached) which reports on cases of planning enforcement and possible unauthorised development.

5. **APPEALS PROGRESS REPORT – (Pages 93 - 96)**

To consider the Executive Head of Property and Growth's Report No. PG2518 (copy attached) on the progress of recent planning appeals.

6. **PLANNING (DEVELOPMENT MANAGEMENT) SUMMARY REPORT FOR THE QUARTER 1ST JANUARY 2025 TO 31ST MARCH 2025 – (Pages 97 - 102)**

To receive the Executive Head of Property and Growth's Report No. PG2519 (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 2025 – 31st March 2025.

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, 9th April, 2025 at the Concorde Room, Council Offices, Farnborough at 7.00 pm.

Voting Members

Cllr Gaynor Austin (Chairman)
Cllr C.P. Grattan (Vice-Chairman)

Cllr Thomas Day
Cllr A.H. Gani
Cllr S.J. Masterson
Cllr Calum Stewart

Apologies for absence were submitted on behalf of Cllr Peace Essien Igodifo, Cllr Lisa Greenway, Cllr Dhan Sarki, Cllr P.G. Taylor and Cllr Ivan Whitmee.

Cllr Rhian Jones and Cllr Nadia Martin attended the meeting as a Standing Deputy.

Non-Voting Member

Cllr Keith Dibble (Housing & Planning Portfolio Holder) (ex officio)

32. DECLARATIONS OF INTEREST

There were no declarations of interest for this meeting.

33. MINUTES

The Minutes of the Meeting held on 12th February, 2025 were approved and signed as a correct record of proceedings.

34. PLANNING APPLICATIONS

RESOLVED: That

(i) permission be given to the following application, as set out in Appendix "A" (as required), subject to the conditions, restrictions and prohibitions (if any) mentioned therein:

- | | | |
|---|----------------|--|
| * | 24/00517/REMPP | Headquarters Fourth Division Buildings, Steeles Road, Wellesley, Aldershot |
| * | 24/00504/LBCPP | Headquarters Fourth Division Buildings, Steeles Road, Wellesley, Aldershot |

(ii) the following applications be determined by the Executive Head of Property and Growth, in consultation with the Chairman:

* 24/00702/OUT Land At Former Jubilee Social Club, No. 101 Hawley Lane, Farnborough

(iii) the applications dealt with by the Executive Head of Property and Growth, where necessary in consultation with the Chairman, in accordance with the Council's Scheme of Delegation, more particularly specified in Section "D" of the Executive Head of Property and Growth's Report No. PG2511, be noted

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

21/00271/FULPP	Block 3, Queensmead, Farnborough
23/00713/FUL	Manor Park Cottage, St. Georges Road East, Aldershot
23/00794/REVPP	Farnborough Airport, Farnborough
24/00237/FUL	Nos. 235-237 High Street, Aldershot
** 24/00465/FULPP	Land at Former Lafarge Site, Hollybush Lane, Aldershot
24/00748/FUL 24/00746/LBCPP	& Land at Orchard Rise No.127 & La Fosse House No.129 Ship Lane, Farnborough
24/00117/REVPP	No. 1 North Close, Aldershot

* The Executive Head of Property and Growth's Report No. PG2511 in respect of these applications was amended at the meeting.

** It was agreed that a site visit would be arranged to this site.

35. **PLANNING APPLICATION NO. 24/00702/OUT - LAND AT FORMER JUBILEE SOCIAL CLUB, NO. 101 HAWLEY LANE, FARNBOROUGH**

The Committee considered the Executive Head of Property and Growth's Report No. PG2511 (as amended at the meeting) regarding the approval of the outline planning application (with scale, layout, appearance and landscaping reserved for future

consideration) for up to 5,225sqm of employment space (use classes E(g)(iii), B2 and B8) and associated highway access works. During discussion, it was requested that the schemes included within Section 106 related to those provided by Hampshire County Council and as related to the Local Cycling and Walking Infrastructure Plans (LCWIP), with the details confirmed following the meeting and the specified agreement.

RESOLVED: That:

The Executive Head of Property and Growth, in consultation with the Chairman, be authorised to GRANT subject to a Section 106 Agreement and Conditions, in particular, Heads of Terms for Transport Contributions to be amended to be more generic and the Draft Habitat Management and Monitoring Plan (HMMP) 27.03.2025, to be added to the list of approved plans.

36. ENFORCEMENT AND POSSIBLE UNAUTHORISED DEVELOPMENT

Enforcement Reference No.	Description of Breach
24/00064/OUTBDG	<p>Pergola erected in rear garden at No. 27 Chetwode Place, Aldershot.</p> <p>A complaint was received that a pergola had been erected in the rear garden of the property, which was 2.6 metres high and within 2 metres of the boundary with the complainant. The owner was contacted but an application was not forthcoming. Due to the pergola being only 100mm above the permitted development limit, it was considered that, had an application been submitted, it would have been granted permission as there was no material adverse planning impact arising in respect of any neighbour. The recommendation was that no further action be taken.</p>

During discussion, Members asked for a list of the grounds of appeal against a Planning Enforcement Notice, for clarity.

ACTION

What	By whom	When
A list of grounds of appeal against a Planning Enforcement Notice be circulated to Committee Members.	Planning Department	Following the meeting

RESOLVED: That the Executive Head of Property and Growth’s Report No. PG2512 be noted.

37. **APPEALS PROGRESS REPORT**

The Committee received the Executive Head of Property and Growth's Report No. PG2513 concerning the following appeal decisions:

Application / Enforcement Case No.	Description	Decision
Units 1, 2 and 3, 14 Camp Road, Farnborough 25/00001/REFUSE	Appeal against the refusal of planning permission for the regularised use of Units 1-3 and the forecourts as a vehicle service repair and MOT premises.	New appeal
Units 1, 2 and 3, 14 Camp Road, Farnborough 25/00003/ENFA	Appeal against an Enforcement Notice against a breach of planning control for a material change of use of the land from use for Mixed Use Class B8 Warehouse and Distribution with Use Class E Commercial office/light industrial/retail use, to a use for Class B2 General Industrial vehicle repair service, and unlawful building operations for the erection of steel awning structures outside Units 1 & 2.	New appeal
No. 116 Chapel Lane, Farnborough 24/00202/FULPP	Appeal against refusal of planning permission for continued use of land and building for car wash and valeting.	Dismissed

RESOLVED: That the Executive Head of Property and Growth's Report No. PG2513 be noted.

The meeting closed at 8.44 pm.

CLLR GAYNOR AUSTIN (CHAIRMAN)

**Development Management
Committee 21st May 2025**

**Executive Head of Property
& Growth
Report No. PG2516**

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</p>

		<p>annual aircraft movements for non-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</p> <p>Assessment of this application continues and has not yet reached the stage for Committee consideration.</p>
iv	24/00237/FUL	<p>Demolition of existing buildings and construction of 8 new flats and maisonettes.</p> <p>235-237 High Street, Aldershot</p> <p>Assessment of this application continues and has not yet reached the stage for Committee consideration.</p>
v	24/00465/FULPP	<p>Development of Hollybush Lakes site for mixed-use development comprising aquatic sports centre including erection of building providing aqua sports facilities, reception, restaurant, bar and 20-bay golf-driving range, with associated grass fairway, car parking, landscaping and bund [revised scheme to development approved with planning permission 20/00400/FULPP dated 24 March 2023 and incorporating a total of 21 floating holiday lodges the subject of planning application 24/00140/REVPP currently under consideration].</p> <p>Land at Former Lafarge Site, Hollybush Lane, Aldershot</p> <p>Assessment of this application has not yet reached the stage for Committee consideration.</p>
vi	24/00748/FUL & 24/00746/LBCPP	<p>Demolition of the existing care home and dwelling, repairs and works to the kitchen garden wall and the erection of 20 residential dwellings, associated access works, drainage works, tree works, car parking, hard & soft landscaping.</p> <p>Land at Orchard Rise 127 and La Fosse House 129 Ship Lane Farnborough</p> <p>Assessment of these applications has not yet reached the stage for Committee consideration.</p>

Section B

Petitions

Item	Reference	Description and address
		None

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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.	24/00634/FULPP
Date Valid	21st October 2024
Expiry date of consultations	19th November 2024
Proposal	Change of use from office (Use Class E) to a private healthcare, diagnostics and wellness facility (mixed Use Class E(e), Class C2 and Class C1), together with external alterations, an extension at ground floor podium level, alterations to landscaping and vehicular access, together with associated works [amended mix of proposed uses and additional physical works to those approved with planning permission 23/00852/FULPP dated 21 August 2024]
Address	Royal Pavilion Wellesley Road Aldershot
Ward	Wellington
Applicant	R20 Advisory Limited
Agent	JLL
Recommendation	Grant subject to s106 Legal Agreement

Description

The Royal Pavilion Site is located on a relatively isolated site to the south-west of the Wellington Roundabout at the junction of the A325 Farnborough Road with Wellesley Road. The site measures approximately 14 hectares and contains a 'Campus'-style complex of Class E commercial office floorspace totalling approximately 19,000 sqm, together with a multi-storey car park providing approximately 775 spaces serving the offices. Although large buildings, they are situated within a large and well-screened landscape setting containing many mature trees and woodland. Vehicular access into the site is solely by two accesses from Wellesley Road with private roads providing vehicular circulation within the site.

The site is situated outside the defined urban area of Aldershot. The nearest neighbouring properties are either (a) residential dwellings at Beaumont Grove, which is a small modern housing estate located on the opposite side of Farnborough Road (south-east of the Wellington Roundabout) and, at this point, enclosed within a substantial Statutorily Listed wall that used to be the boundary wall of a Victorian Military Riding Stables. Or (b) All Saints Church and an adjacent military residence on the north side of Wellesley Road. However, all neighbours are

situated some distance from the site on the opposite sides of roads; and the buildings within the site are located some distance away beyond woodland areas such that they are not readily visible from the roads or from neighbouring properties.

The current proposal is for ***“Change of use from office (Use Class E) to a private healthcare, diagnostics and wellness facility (mixed Use Class E(e), Class C2 and Class C1), together with external alterations, an extension at ground floor podium level, alterations to landscaping and vehicular access, together with associated works [amended mix of proposed uses and additional physical works to those approved with planning permission 23/00852/FULPP dated 21 August 2024]”***. In this respect, the principle of the change of use to a mixed Class E(e) and Class C2 use has already been established with the granting of planning permission 23/00852/FULPP (Royal Pavilion Scheme #1) in August 2024. However, what is now proposed is that the new mixed use of the application property be amended to also include reference to Use Class C1; i.e. “hotels or boarding or guest house where no significant element of care is provided”. Class C1 use is distinct from Use Class C2 (“residential institutions: provision of residential accommodation and care to people in need of care other than a use within Class C3”) and is being sought as part of the mix in order that the proposed mix of uses comprising the proposed private healthcare facility clearly incorporates and enables provision of accommodation for family or friends supporting/accompanying persons whom are receiving care at the facility; and/or to allow for patients undergoing non-medical treatments for example, massage and yoga where there would not need to be any element of care provided.

In response to the initial consultation response of Natural England that requested that the extent of the proposed C1 use be quantified, in March 2025 the applicants’ agents confirmed that the maximum number of C1 units that could potentially be utilised at any one time is 63 rooms, representing 25% of the total rooms (252 rooms) that would be available. They also clarified that the C1 use was intended to be ancillary to the operation of the Class E/C2 healthcare, diagnostic, and wellness facility, and its inclusion is primarily to accommodate relatives and friends of patients who wish to stay nearby during treatment periods.

Also proposed with the current application are some further proposed physical alterations, as follows:-

- Creation of a ground floor podium floor extension to link all four wings of the existing building and an opening to the outdoor area to the south. The proposed podium space would include a reception with lounge, restaurant, and bar for the overall facility and would provide a total 1,655sqm (GIA) of additional floorspace;
- The re-design of the vehicular drop-off area for the main entrance, which would be part of the new podium area;
- An outdoor wellness pool and external treatment pods in the Wellness Zen Garden area.

The existing vehicular access arrangements for the site would be retained intact and unchanged. They would maintain access to the existing internal circulation roads, the multi-storey car park and drop-off areas. It is, however, proposed that a new drop-off area be provided in front of the western wing of the building complex. A total of 72 secure cycle parking spaces would be provided within a compound area – 42 for members of staff and 30 for users of the facility. In terms of car parking, the existing site has a total of 775 car parking spaces provided by the multi-storey car park, which would be reduced to 713 as a result of allocating

more space for cycle parking.

There is a Statutory listed building on-site to the east, a Grade II Listed Guard House (ref. 1339671), and the gates to the former Royal Pavilion to the east along Farnborough Road are locally listed. No works are proposed to these heritage assets, and they would be undisturbed by the proposals.

The application is accompanied by an Agents' Covering Letter, Planning Statement, Design & Access Statement, Transport Assessment, Framework Travel Plan, Flood Risk Assessment & Drainage Statement, Arboricultural Impact Assessment, Heritage Impact Assessment, Statement of Community Involvement, Noise and Vibration Assessment, Biodiversity Impact Assessment and BNG Metric 4.0, Habitats Regulation Assessment, and an Energy & Sustainability Statement.

Relevant Planning History

An Outline planning permission for "Redevelopment to provide 35,315 sqm headquarters office complex (Use Class B1(a) and B1(b)) with access from Wellesley Road" in respect of the former Queen Anne's Royal Auxiliary Nursing Corps (QARANC) building and site was granted in March 1999. The Reserved Matters submissions in respect of this outline permission were subsequently approved in 2000.

Planning permission 23/00852/FULPP was granted in August 2024, subject to conditions and a s106 Agreement with Hampshire County Council to secure the implementation and monitoring of a Travel Plan, for the retention of the existing buildings and the change of use of the entire development from its current office use (Use Class E (i) to a mixed use as a private healthcare, diagnostics and wellness facility (Use Classes E(e) and C2, with the latter C2 element of residential care comprising patients in recovery following medical procedures or with on-going medical procedures and care. This proposal included internal alterations to the building reflecting the requirements of the proposed new use. The lower ground and ground floor were proposed to be a private healthcare and diagnostic facility, where the specialist treatment and consultation rooms would be located. The lower ground and ground floor would also have featured a spa area to enhance the wellness aspect of the facility, to include a swimming pool, sauna, steam room and spa treatment rooms. The existing upper and lower ground floor would have provided an ancillary restaurant and bar available for those using the clinic. Canopies were also approved at ground floor level to create additional cover to external amenity terrace areas. The upper ground floor was to include additional private healthcare facilities, as well as a fitness suite and lounge; and the upper levels of the four building 'wings' would be re-purposed as 'recovery' rooms.

Although primarily a change of use permission with no changes to the height, footprint or massing to be made to the existing building, the already approved scheme permits some significant elevational alterations to the existing 'wing' elements of the building, generally to swap some glazed elevations for 'solid' elevations to provide mutual privacy to users of the building from other adjoining wings of the building. There would, however, be some inset balconies created to recovery rooms, albeit carefully angled to prevent any loss of privacy to adjacent parts of the facility.

A Screening Opinion Request in respect of the proposals the subject of the current application confirmed in September 2024 that the proposed development was not EIA development that would require the submission of an Environmental Impact Assessment, 24/00567/SCREEN.

Consultee Responses

Ecology Team More information needed: I note the applicant has submitted the following ecological information in support of this application; 'Brindle & Green Habitats Regulations Assessment (Screening Opinion) October 2024'; 'Brindle & Green Preliminary Ecological Appraisal August 2024'; 'Brindle & Green Biodiversity Impact Assessment October 2024'; and 'Royal Pavilion Aldershot BNG Statutory Metric REV 1'. The above referenced reports all appear appropriate in scope and methodology.

The application site is located within 400m of Thames Basin Heaths SPA. Affects from the development have been considered in the previous, now approved application. Advice provided by Natural England in response to the previous consented permission as per their letter dated 11th May 2023 should be implemented in full, with regards to this current application. Implementation of Natural England recommendations will ensure that the proposed development will not have an adverse effect on the conservation objectives of Thames Basin Heaths SPA. No likely significant effect is expected on the international sites considered as part of the HRA screening and further assessment is therefore not expected.

The above referenced Biodiversity Impact Assessment report and associated Statutory Metric have identified that indicative post-development habitat creation/enhancement calculates a +14.45% change in habitat units, which is compliant with the Biodiversity Net Gain statutory obligations of the Environment Act 2021. Rushmoor Borough Council determine the proposed woodland enhancements constitute significant onsite enhancement. Some of proposed woodland management is on SINC land, and management should be completed in accordance with recommendations of the relevant SINC report which can be obtained from HBIC. Restoration of remnant mire within the woodland would be advantageous. Significant enhancements need to be supported by a draft indicative Habitat Management and Monitoring Plan, following the principles of the Natural England template (found here [Habitat Management and Monitoring Plan Template - JP058](#)). This needs to be submitted to Rushmoor, alongside a post-development habitat map / plan, prior to determination.

Within section 7 of the PEA report, there are recommendations for habitats and protected species on site, and the control of invasive plant species, these should be adhered to if this application proceeds. This ensures the applicant remains compliant with relevant protected species legislation referenced within the report (Appendix 5 of the PEA).

HCC Highways Development Planning No highway objections subject to conditions and a s106 Agreement to secure Travel Plan implementation and monitoring. The application proposes the change of use from office to a private health care, diagnostics and wellness facility along with external alterations, an extension at the ground floor podium level and alterations to landscaping. This application follows a previous application (23/00852/FULPP) which was approved in August 2024 and proposes the creation of a ground floor podium to link all four wings, a redesign of the vehicle drop-off at the main entrance and the

creation of an outdoor wellness pool and external treatment pods. The vehicular accesses to the site are unchanged and remain located off of Wellesley Road forming an eastern access and a western access. The vehicular drop-off has been redesigned since the previous application in order for it to reach the main entrance of the site and is considered to be acceptable.

A TRICS assessment has been undertaken for the extant use and compared with a first principles assessment of the proposed use. This has calculated that as a result of the proposals, there is anticipated to be a significant reduction in vehicle trips across the peak hours. Therefore, the level of trip generation as a result of the proposals is not considered to result in a significant impact to the safety or operation of the local highway network.

Whilst the multi-story car park is to be retained, in order to provide for 72 cycle parking spaces, a reduction of 62 car parking spaces is proposed, resulting in a total car parking provision of 713 car parking spaces. A first principles approach based on the proposed staffing and guest accommodation schedule suggests that the maximum parking accumulation is expected to reach 609 vehicles from 14:00-15:00 during the staff change-over period. As such the Highway Authority have no concern in relation to overspill parking.

A Framework Travel Plan has been provided and is agreed, however, it will need to be secured via a s106 agreement.

A section 106 Agreement will need to be entered into to secure the following obligations: Full Travel Plan to be secured along with HCC's approval fees (£1,500) and monitoring fees (£15,000) and a cash deposit (£52,000).

Planning Condition:

No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved statement shall include scaled drawings illustrating the provision for -

- 1) The parking of site operatives and visitors vehicles.
- 2) Loading and unloading of plant and materials.
- 3) Management of construction traffic and access routes.
- 4) Storage of plant and materials used in constructing the development.

Reason: In the interests of highway safety.

Environmental Health	No Environmental Health objections. The submitted Noise and Vibration Assessment has investigated the existing ambient noise environment and has proposed cumulative noise limits for all external plant. Environmental Health consider the report to be satisfactory. Provided these limits are not exceeded then there should be no adverse impact on nearby sensitive receptors.
RBC Employment And Skills	No comments received.
Hampshire Fire & Rescue Service	Unfortunately, due to circumstances outside of HIWFRS control we are currently unable to engage in non-statutory consultation work. We will therefore not be able to issue a formal consultation response on this occasion. Please note that this is a temporary measure and we anticipate

that we will be able to engage with non-statutory consultations again in the near future.

Thames Water No comments received.

Arboricultural Officer No objections: as with the previous application 23/00852/FULPP no trees worthy of retention would be affected by the proposals.

Natural England Response #1 (15 November 2024) : More Information required: to determine the impacts on Thames basin Heaths Special Protection Area (SPA). As submitted, the application could have potential significant effects on Thames Basin Heaths Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Details of the total or maximum number of C1 units proposed at this development.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Response #2 (2 March 2025): No Objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Thames Basin Heaths Special Protection Area
- damage or destroy the interest features for which Bourley and Long Valley Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Submission of a Construction Environmental Management Plan (CEMP) to detail measures in place to avoid construction impacts on adjacent designated sites
- Adherence to the control measures within the submitted Noise and Vibration Assessment (October 2024)
- Secure all mitigation measures detailed in the submitted Habitats Regulation Assessment (October 2024);
 - Maximum length of stay at three weeks to ensure short term stays only
 - Controlled and restricted access to the car park with barriered/gated access to ensure usage is for staff, patients and visitors only
 - Maintaining that the site remains securely fenced in its entirety to restrict movement from within the site into the adjacent SPA
 - Provision of information boards and leaflets to inform visitors of on-site and nearby green spaces and SANGs, and to educate on the SPA sensitivities
- Restriction of the maximum number of C1 units to 63 rooms at any given time.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Further advice on mitigation: Natural England have engaged with the applicant through our Discretionary Advice Service (DAS) throughout this

application process due to the proximity of the site to Thames Basin Heaths Special Protection Area (SPA), specifically Bourley and Long Valley Site of Special Scientific Interest (SSSI). Natural England has worked with the applicant to ensure that the proposals are compatible with the nature conservation objectives of the above designated sites. This has been achieved through the inclusion of specific mitigation measures which are designed to protect the designated sites from potential recreation and urbanisation impacts.

Natural England are pleased to receive receipt of the further information requested in our previous response, dated 15 November 2024, regarding C1 and C2 occupancy and are content with outlined figures. Natural England has assessed this application and considered its former usage and occupancy capacity when determining an appropriate level of redevelopment on site. Natural England are of the opinion that the predicted occupancy of the healthcare facility is reasonably precautionary. Natural England would wish to see an appropriate planning condition or obligation to ensure that the maximum number of rooms used as C1 remains at 63 rooms on any given date. This will be important when considering any potential future uses of the site.

Construction Environmental Management Plan (CEMP):

Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to, and approved in writing by, the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should particularly address the following impacts:

- Storage of construction materials, chemicals, vehicles and equipment,
- Dust suppression,
- Waste storage and disposal,
- Noise, visual and vibrational impact
- Timings of works

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Neighbours notified

In addition to usual application publicity and posting of site notices, a total of 20 notification letters were sent to residential properties within a radius of the application site.

Neighbour comments

A single representation has been received, as follows:-

66 Dinorben Avenue, Fleet Objection: I am concerned that there is no safe crossing provision for pedestrians and cyclists in respect of the A325 Farnborough Road on or in the vicinity of the Wellington Roundabout in this respect. I suggest either a subway or bridge is required at this point as part of the redevelopment of The Royal Pavilion site. The A325 is a very busy road with fast traffic and it beggars' belief that the application apparently makes no reference to this issue.

Policy and determining issues

The site is designated as a Strategic Employment Site within the adopted Rushmoor Local Plan 2014-2032 (February 2019). The Local Plan Proposals Map also identifies the application site as being 'Countryside' and partially as a Site of Importance for Nature Conservation (SINC). The application site is situated close to a Site of Special Scientific Interest (SSSI) at Caesars' Camp, which is a component part of the Thames Basin Heaths Special Protection Area (SPA). A small lodge building located near the north-east corner of the site abutting the Wellington Roundabout is a Grade II Listed Building. The Farnborough Road (A325), which adjoins the application site to the east, is a 'green corridor'

Policies SS1 (Presumption Favour of Sustainable Development), SS2 (Spatial Strategy), SP1 (Aldershot Town Centre), PC1 (Economic Growth and Investment), PC2 (Strategic Employment Sites), IN2 (Transport), HE1 (Heritage), DE1 (Design in the Built Environment), PC8 (Skills, Training & Employment), NE1 (Thames Basins Heaths Special Protection Area), NE2 (Green Infrastructure : 'Green Corridors'), NE3 (Trees & Landscaping), NE4 (Biodiversity), and NE5 (Countryside) are relevant.

In addition to some further physical alterations to the site, the main element of the proposals with the current application is a variation on the existing extant planning permission (Royal Pavilion #1) approved with planning permission 23/00852/FULPP to incorporate Class C1 (hotel) use into the mix of uses to define the proposed use. In this context, the main determining issues are the principle of the proposals, the visual impact including impact upon trees, heritage impact, impact on neighbours, highways considerations, and impacts upon wildlife and biodiversity.

Commentary

1. Principle –

Whilst the Local Plan considers the protection and retention of Strategic Employment Sites for traditional B-class employment uses to be critical to the economy of Rushmoor [Local Plan Policies PC1 and PC2] it had to be acknowledged in considering the Royal Pavilion #1 application that the Local Plan and these policies predated the coming into effect of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This made significant changes to the Town and Country Planning (Use Classes) Order 1987 by re-classifying certain uses of property and land, including the incorporation of the former B1 business employment Use Class within a broader commercial, business and service use (Use Class E : Commercial, Business & Service). The advent of Use Class E means that references to the affected former B-Class uses must now be considered simply to be Class E uses.

The Local Plan does not exist in a vacuum and, like any planning policy document it is inevitable with time that it would, in some respects, become out-dated by subsequent events, most notably changes in Planning legislation. The introduction of Use Class E also applies to any future occupiers of the site, who could comprise any of the commercial, business and service uses that now fall within Use Class E – accordingly there will be no new occupiers of the Royal Pavilion site that will be seeking a B1 use in any event since that land-use class no longer exists.

It is further noted that the original planning permission for the Royal Pavilion development (99/00035/OUT) granted planning permission for a “35,315 sqm headquarters office complex (Use Class B1(a) and B1 (b))”, but that no condition was imposed with this permission to restrict the use of the development specifically to these uses or, indeed, to any specific B-Class use. None of the subsequent Reserved Matters approvals imposed any restriction on the nature of the uses of the approved development either. On this basis there is nothing in the planning history of the development that has the effect of applying any restriction on the nature of the use of the development with the advent of Use Class E.

A significant consequence of the introduction of Use Class E after the adoption of the Local Plan, is that the Government has changed, through legislation, the whole nature of the Council’s designated employment sites in terms of both the existing use, but also the Planning use that potential occupiers would need. In any event, both the Royal Pavilion #1 and #2 proposals would still involve providing significant employment in terms of jobs and opportunities in the area, which is the primary objective of the Council’s Strategic Employment Sites.

The proposed use of the site already approved with Royal Pavilion #1 is for a private healthcare, diagnostics and wellness facility that would be a sui generis mixed use comprising elements of Use Classes E(e) [provision of medical or health services, principally to visiting members of the public], but also C2 [provision of residential accommodation and care to people in need of care]. Accordingly, a significant element of the proposed new mixed use would otherwise have Class E use with both Royal Pavilion #1, but also now with Royal Pavilion #2. Indeed, planning permission would not be required if the current proposed change of use were solely for “provision of medical or health services, principally to visiting members of the public”, which is the predominant element of the proposed new use with both schemes #1 and #2. It is considered, however, that the proposed new mixed use would retain the employment generating use of the site and, indeed, maintain a prestigious use of the site that would benefit the strategic nature of the designated employment site.

The Royal Pavilion #1 scheme also incorporated within the mixed overall sui generis use that has been approved a component of residential use to account for the provision of care to patients recovering following medical treatment, thereby an element of C2 use. This was subject to the imposition of conditions requested by Natural England to ensure that there would be no material harm of the nature conservation interests and integrity of the adjoining portion of the Thames Basin Heaths Special Protection Area.

What is now additionally proposed with the current Royal Pavilion #2 scheme is the expansion of the sui generis mixed-use defining the overall use of the site to additionally incorporate a C1 use element. This is to enable the occupation of a restricted amount of the on-site overnight accommodation to allow either for stays by clients whom do not require provision of any significant care post their treatment; or for people accompanying/supporting clients whom are receiving treatment and/or care, but whom, themselves would not be undergoing any significant treatment and/or receiving care during their stay.

However, this addition to the overall mix of uses for the proposed facility gives rise to the further question of whether or not this triggers the need for the applicants to address the 'Sequential Test' relating to town centre uses as required by the NPPF. This is on the basis that a C1 use is a 'main Town Centre' use that is, in this case, proposed in an 'out of centre' location, being more than 300 metres from Aldershot Town Centre. In turn, Policy SS2 (Spatial Strategy) of the adopted Local Plan states that town centre uses *"will be located within Aldershot and Farnborough town centres to support their vitality, viability and regeneration, in line with policies SP1 and SP2"*. Policies SP1 (Aldershot Town Centre) and SP2 (Farnborough Town Centre) then set out strategies for the regeneration and revitalisation of Rushmoor's town centres and seek to concentrate development for leisure, entertainment, cultural, tourism, retail, supporting services, restaurants and other town centre uses within the town centres.

In accordance with the requirements of the NPPF, a Sequential Test is required for a proposed Class C1 hotel use. Undertaking a Sequential Test supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. The NPPF (para. 91) states that 'local planning authorities should apply a Sequential Test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan'. It states that 'main town centre uses should be located in town centres, then in edge-of-centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out-of-centre sites be considered'. It states (para. 92) that *"...when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites which are well connected to the town centre"* and that *"applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge-of-centre sites are fully explored"*. It also states (para. 95) that an application *"should be refused"* if it *"fails to satisfy the Sequential Test"*. As highlighted by National Planning Practice Guidance (NPPG), *"it is for the applicant to demonstrate compliance with the Sequential Test"* (para. 011, ref. ID: 2b-011-20190722). In the absence of a Sequential Test submission, the NPPG notes that *"failure to undertake a Sequential Assessment could in itself constitute a reason for refusing permission"*.

The NPPG (para. 011, ref. ID: 2b-011-20190722) sets out the considerations that should be taken into account in determining whether a proposal complies with the Sequential Test, as below:-

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge-of-centre or out-of-centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the Sequential Test is passed.

The NPPF and NPPG provide limited guidance on the appropriate area of search for sequentially preferable sites. However, it is widely accepted that sequential sites should serve the same or similar catchment area as the application site. Taking into account the proposed

use and the likely users of the development, the catchment would be expected to cover all of Rushmoor and, indeed, likely extend beyond the Borough boundaries.

The Royal Pavilion #2 application is not accompanied by a Sequential Test Assessment in support of their proposal on the basis that they do not consider that it is appropriate given the unique circumstances of the proposals and, indeed, fundamentally, because the proposed Class C1 (hotel) component of the sui generis mixed-use sought with the application is not stand-alone and is to operate, subject to restrictive planning conditions, purely ancillary to the operation of the Class E and C2 healthcare, diagnostic, and wellness facility already approved with Royal Pavilion #1 and also proposed with Royal Pavilion #2. Furthermore, it would not be appropriate to consider the disaggregation (i.e. whether there is scope for flexibility in the format) of the C1 element of the proposals. The applicants' agents have advised that only 25% of the total rooms proposed (an absolute maximum of 63 out of 252 rooms) would be designated for C1 use. They also state that: *"Importantly, the inclusion of the C1 use is primarily to accommodate relatives and friends of patients who wish to stay nearby during treatment periods. This integrated C2/flexible C1 model is tailored to enhance patient experience while supporting the effective operation of the medical and wellness centre. Considering the specialised nature of this business model, which cannot be adequately accommodated within the town centre, we believe that a Sequential Test should not be applied on this occasion."*

In the circumstances it is considered that there would be little to be gained from insisting that the applicants submit a Sequential Test. In effect, disaggregation already exists in that there are existing town centre and edge of centre hotels in the vicinity of the application site that could be used by some friends and family of persons staying at the proposed wellness facility if they wish. Additionally, in any event, it is considered that there are no current other sites for proposed hotel development in or on the edge of the Town Centre in prospect that could be affected by the very specialist and specific mixed-use proposals the subject of the current application.

Impact Assessment : Policy LN7 (Retail Impact Assessment) of the Local Plan sets out a locally set floorspace threshold for carrying out an impact assessment in respect of retail developments but does not define a threshold for leisure developments. For leisure developments, the NPPF requires an impact assessment if the development is over 2,500 square metres of gross floorspace. However, having regard to the NPPF definition of main town centre uses, it is noted that hotels are not counted as an example of leisure development. Accordingly it is considered that an Impact Assessment is not required in this case.

As with Royal Pavilion #1, the proposed development would not result in any material diminution of the open character and appearance of the countryside or harmful physical or visual coalescence between built-up areas, thereby complying with the requirements of Local Plan Policy NE5.

In the circumstances, it is considered that the proposals are acceptable in principle having regard to the detailed matters the subject of the following paragraphs.

2. Visual Impact –

The buildings at the Royal Pavilion Site are situated well within the confines of a secluded wooded and landscaped site such that views of the buildings are limited only to distant glimpses of the building from the western-most access road entrance and possibly from Farnborough Road through the screening vegetation there. Despite this, the existing office

building is of high architectural quality. Although the Royal Pavilion #1 planning permission has already approved changes to the external appearance of the building these would be of high-quality architectural design and use of materials befitting the quality of the existing building. It is considered that the further external additions and changes the subject of the current application would be equally acceptable in visual and design terms.

No trees worthy of retention would be harmed as a result of the proposals and standard tree protection conditions can be imposed to ensure that the construction period would not cause any harm in this respect. Accordingly, it is considered that the visual character and appearance of the area as a whole would not be subject to any material harm and the proposals would have an acceptable visual impact.

3. Heritage Impact –

It is not considered that the proposals the subject of the current application would have any material impact upon the Listed Guardhouse building situated at the eastern side of the site well removed from the principal buildings on the site. Accordingly, it is considered that the architectural and historical interest of the Listed Building and its setting would be retained unharmed and intact.

4. Impact on Neighbours –

It is considered that the secluded location of the site, the limited changes proposed to the building and the low-key discreet nature of the proposed new use would ensure that no material harms to the amenities of occupiers of all neighbouring properties in the vicinity would arise.

Since no details of the external plant and equipment to be installed has been submitted with the application and this has the potential to be audible at a distance despite the separation from the nearest residential neighbours the Council's Environmental Health Team recommend the imposition of a suitably-worded condition to secure these details – this is considered appropriate.

5. Highways Considerations –

The vacancy of the site has resulted in minimal traffic generation associated with the site for some time. Notwithstanding the comments made by the objector, the existing office use of the Royal Pavilion site clearly still has the potential to, once again, generate significant traffic movements to and from the site (approximately 800 parking spaces are provided as existing on site) were it to be re-occupied in office use. This would not require planning permission and is a clear fall-back position for the applicants.

Nevertheless, it is considered that the proposed new use would be likely to generate fewer, and certainly no more, traffic movements to and from the site than the potential of the existing office use. Further, it must be remembered that the site already benefits from the approval of the Royal Pavilion #1 scheme. The #2 proposals would continue to use the existing vehicular entrances/exits to and from the site. Accordingly, it is considered that the current proposals would not worsen the existing situation in terms of traffic generation on the highway network beyond what could happen with resumed office use. In this respect it is noted that the Highway Authority (Hampshire County Council: HCC) agrees with this analysis (and indeed the Applicants' Transport Assessment) such that they have not sought a Transport Contribution.

The proposed development makes provision for on-site car and cycle parking for the proposed new use at a level and arrangement that accords with the Council's adopted parking standards. Furthermore, HCC notes that it is their own assessment that the maximum accumulation of parking for the proposed use would be substantially less than the number of parking spaces to be retained (609 versus 713 spaces) such that the proposed parking provision is considered likely to be sufficient such that the proposals are considered unlikely to give rise to any overspill parking on adjoining roads.

Arrangements for the servicing of the new use would continue to take place within the confines of the site as they do as existing.

The application has submitted a Framework (i.e. draft) Travel Plan with the application in order to introduce and retain measures to seek to encourage the use of non-car modes to transport. HCC Highways has confirmed to the Applicants the necessary Travel Plan financial contributions that would be payable to HCC in respect of the monitoring of the Travel Plan. The Travel Plan requirements and financial contributions required by HCC were secured with the Royal Pavilion #1 scheme by use of a s106 Planning Obligation to be completed with HCC. This will need to be subject to modification in respect of the #2 scheme now proposed

Subject to the modified #2 Travel Plan and Travel Plan financial contributions being secured with a s106 Planning Obligation as agreed between the Applicants' and HCC it is considered that the proposals would be acceptable in highways terms.

6. Impacts upon Wildlife & Biodiversity –

(a) **Site Specific Wildlife** : Given that the proposals are essentially for the change of use of an existing modern building, albeit involving some external elevational alterations, it is considered that the #2 proposals (like the preceding #1 proposals) have no significant implications for protected species. As such it is considered that the risk of encountering roosting bats or other protected species on site during the implementation of the development is low. It is therefore considered that it is also appropriate in this case to address the extent of the risk on this issue with a standard advisory informative.

(b) **Thames Basin Heaths Special Protection Area (TBH SPA)**: The application proposals involve the introduction of classes C1 (hotel) and C2 (residential care) uses, being people attending the site and receiving care that may involve a short stay at the site for recovery; and the application site is located within 400m of TBH SPA. As such, the proposals could, conceivably, have a likely significant effect on the designated features of the SPA. Indeed, within the 400-metre zone it is Natural England's (NE's) view that there can be no means of satisfactorily mitigating for the impact of any proposed new C3 (i.e. general needs) residential development, either alone or in combination, upon the integrity and nature conservation interest of the SPA. In respect of institutional residential accommodation falling with Use Class C2, it is NE's policy to consider very carefully the likely mobility of residents in order to assess whether or not there would be any likelihood of any recreational use of the SPA. Accordingly, the Applicants sought and received Discretionary Advice from NE at pre-application stage concerning their #1 scheme proposals, which concluded that there would be no SPA objections subject to the implementation and retention of mitigation measures for the lifetime of the development.

For context, the Royal Pavilion Site spans approximately 14 hectares and consists of four interconnected 6-storey buildings, linked by a 2-storey podium block, constructed in 2002. The site includes a multi-storey car park with 775 spaces. The existing buildings provide roughly

19,000 sqm (NIA) of office and R&D space, currently classified under Class E of the Town and Country Planning (Use Classes) Order 1987 as amended. At maximum capacity, the existing building accommodated around 1,500 people, any of whom could, potentially, have availed themselves of a recreational walk in the adjacent SPA land from the application site.

Assessing the worst-case scenario for the proposed #2 development, the maximum occupancy at any given time would equate to just 315 people – based on 189 C2 rooms (189 people) and an absolute maximum of 63 C1 units (accommodating up to 126 people, i.e. up to 2 people per room). This represents a significant reduction compared to the existing office's maximum occupancy of 1,500 people, thereby lessening any potential impact on the SPA by approximately one-fifth (20%).

In addition, it is proposed that any potential adverse effects on the SPA can be further avoided or mitigated through measures such as physical fencing, short-term stays, informational leaflets/noticeboards, and car parking access/capacity restrictions, all of which have been addressed with the planning application submissions. NE's consultation response to the Council in respect of the current application re-states this conclusion and advises that, in order to mitigate these adverse effects and make the development acceptable that the following mitigation measures are secured by way of planning conditions and/or a s106 Planning Obligation:-

- Submission of a Construction Environmental Management Plan (CEMP) to detail measures to be put in place to avoid construction impacts on the nearby SPA. It is considered that this can be secured by condition;
- Adherence to the control measures set out within the submitted Noise and Vibration Assessment (November 2023). This report considers operational and construction noise sources. It is considered that the CEMP would address construction noise impacts and, as operational noise would be principally from the new plant to be installed in or on the building and would be subject to conditions submission for details;
- Maintaining that the site remains securely fenced in its entirety to restrict movement from within the site into the adjacent SPA. The site is already fenced and secured at its perimeter and it is considered that a condition can be used to secure this matter;
- Car parking to be controlled with barriered/gated access to restrict parking on site to staff, patients and visitors only. It is considered that there are already existing controls on unauthorised car parking within the site since the whole site is privately owned and the nature of the new use is considered likely to require additional security in any event. Nevertheless, it is considered that a condition can be imposed to require the submission of details of appropriate control measures in this respect;
- The use of information boards and leaflets throughout the facility to inform visitors of on-site and nearby green spaces and SANGs, and to educate on the SPA sensitivities. This is also possible to achieve through imposition of a condition;
- Securing that no permanent or prolonged stays are authorised for patients, staff or visitors to reside within the facility longer than required; i.e. no more than 3 weeks. In this respect the proposed use is for a mixed use falling within Use Classes E, C1 and C2 and it is considered that this can be specified and restricted by a suitably-worded planning condition to this effect. It is considered that over-stays are unlikely and that this condition would preclude the creation of a C3 residential use;

- Restricting the maximum number of C1 units to 63 rooms at any given time; and
- Secure all mitigation measures detailed through the submitted Habitats Regulation Assessment (November 2023) : this report concluded that no significant impacts upon the SPA would arise as a result of the other control measures set out in the list as above being secured.

In addition to the measures required by NE it is also considered that the following SPA mitigation measures are also required and can be secured with conditions:-

- No ancillary staff residential accommodation to be provided on site; and
- No cats or dogs to be kept on site (except guide or sensory dogs).

HRA Screening Assessment under Regulation 63(1)(a) of the Habitats Regulations.

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

Heathland is prone to nitrogen deposition due to increases in Nitrogen Oxide. Calculations undertaken for the Rushmoor Borough Council Local Plan found that there will be no in-combination impacts on the habitats as a result of development in the Local Plan, including an allowance for 'windfall' housing developments. However, within the screening process it will need to be ascertained whether development outside the Local Plan within 200m of the SPA will increase vehicle movements to above 1000 extra trips/day or exceed the Minimum Critical Load by over 1% either alone or in-combination with the Local Plan.

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

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

It is considered that there is sufficient information available with the planning application provided by the applicants with which the Council can undertake the HRA process. In this case the proposed development involves the change of use of an existing 'campus'-style office complex occupying a site situated within 400 metres of the boundary of a component part of the Thames Basin Heaths Special Protection Area (SPA) into a private healthcare, diagnostics and wellness facility (Use Classes E(e), C1 and C2; with the latter C2 element of residential care comprising patients in recovery following medical procedures or with on-going medical procedures and care; and the C1 element being restricted by condition to being an ancillary element of hotel-type use. The proposed development is neither connected to, nor necessary to the management of, the Thames Basin Heaths SPA. Furthermore, the proposed development would not result in a net increase in traffic movements in excess of 1000 vehicular movements per day in proximity to the SPA.

Appropriate Assessment under Regulation 63(1) of the Habitats Regulations.

If there are any potential significant impacts upon the Thames Basin Heaths SPA, the applicant must suggest avoidance and/or mitigation measures to allow an Appropriate Assessment to be made. The Applicant must also provide details that demonstrate any long-term management, maintenance and funding of any such solution. In this case the proposals do not involve the creation of new C3 residential accommodation and, in consultation with Natural England, the applicants have, through their own assessment of SPA impact, set out a range of mitigation measures to ensure that (a) C3 residential accommodation and/or de facto additional general needs accommodation and recreational residential activity would not be likely to arise as a result of the C1 hotel and C2 care elements of the proposed use; and (b) that the proposed development would not facilitate or encourage in any way additional recreational pressure on the SPA. It is considered that all of these mitigation measures to prevent impact upon the SPA can be secured for the lifetime of the development by the imposition of suitably-worded planning conditions.

Conclusions of Appropriate Assessment.

It is considered that it is possible to satisfactorily address the potential impact of the proposed development on the Thames Basin Heaths SPA in perpetuity in compliance with the requirements of adopted Local Plan Policy NE1 by imposition of planning conditions. Accordingly, it is considered that planning permission can be granted for the proposed development on SPA grounds.

(c) **Biodiversity Net Gain (BNG):** Whilst the Royal Pavilion #1 scheme was submitted some time before mandatory BNG requirements came into effect, even then Paragraph 175 of the National Planning Policy Framework required that *"opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*. Accordingly, a Biodiversity Impact Calculation Metric was submitted with the #1 application demonstrating that there would be no net loss of biodiversity at the site because of the proposals, but that there would not be 10% biodiversity net gain. In the circumstances presented by the #1 scheme case, namely limited biodiversity loss on a substantial site where alternative biodiversity could easily be accommodated, it was considered that the imposition of a condition requiring the submission of a biodiversity enhancement scheme for the site would be an appropriate response having regard to the requirements of Local Plan Policy NE4.

By contrast, the #2 application was submitted sometime after the introduction of mandatory BNG requirements. However, the proposed development itself still largely involves the change of use of the land and building(s) at the site with only some limited physical works. Accordingly, the Biodiversity Impact Assessment Report and associated Statutory Metric submitted with the application have identified that indicative post-development habitat creation/enhancement calculates a +14.45% change in habitat units, which is compliant with the Biodiversity Net Gain statutory obligations of the Environment Act 2021.

The proposed woodland enhancements constitute significant on-site enhancement since some of proposed woodland management is on SINC land. Accordingly, management should be completed in accordance with recommendations of the relevant SINC report which can be obtained from Hampshire Biodiversity Information Centre (HBIC). Restoration of remnant mire within the woodland would be advantageous. Significant enhancements need to be supported by a draft Indicative Habitat Management & Monitoring Plan, following the principles of the

Natural England template that needs to be submitted to the Council, alongside a post-development Habitat Map/Plan, prior to determination of the application. The Council's Ecology Officer has also noted that, within Section 7 of the submitted Preliminary Ecological Assessment (PEA) report, there are recommendations for habitats and protected species on site, and the control of invasive plant species. These should be implemented as proposed in order to ensure the Applicants remain compliant with relevant protected species legislation referenced within the report (Appendix 5 of the PEA). The applicants and their agents are aware of the need for the post-determination receipt of the additional BNG documentation and the receipt of this material is expected shortly.

Subject to the additional BNG submissions requested, it is considered that the proposals would satisfactorily address the ecology and BNG requirements in compliance with the requirements of Local Plan Policies NE1 and NE4.

Other Issues –

Access for People with Disabilities : It is considered that there is no reason why the proposed facility would be unable to provide adequate access for people with disabilities in accordance with the Building Regulations – indeed, to enhance the existing access provisions. In the circumstances it is considered that adequate facilities would be provided for people with disabilities using the proposed development.

Skills & Employment : The Council holds National Skills Academy for Construction status and works in partnership with the construction industry to generate skills, training and employment opportunities on large development sites in the Borough. In addition to benefitting local employment opportunities, this initiative also benefits employers, especially where there are skill shortages that make it difficult to find appropriately skilled staff. Where it is considered appropriate to do so, early engagement with developers is fostered, often through commencing a dialogue with developers even when planning applications are still under consideration: consequently, this process must generally operate outside of the planning system and the consideration of planning applications. In this case the proposed development may generate opportunities for local employment and a condition requiring the production of a Skills & Employment Plan was imposed with Royal Pavilion #1. Accordingly, it is considered appropriate to repeat this provision in respect of the current #2 proposals also. Additionally, the Council's Employment & Skills Officer has been alerted to the proposals and able to seek a dialogue with the applicants to discuss training and employment opportunities for local people.

Conclusions –

The proposals are considered acceptable in principle, visual terms, heritage impact, and impacts upon neighbours. Furthermore, subject to conditions, the proposals are considered to have no harmful impacts upon on-site ecology or upon the nature conservation interests and integrity of the Thames Basin Heaths Special Protection Area. Furthermore, subject to the receipt of satisfactory additional BNG submissions, the proposals are considered to have no adverse implications for biodiversity net gain. Following the satisfactory completion of a s106 Planning Obligation with the Highway Authority (Hampshire County Council) to secure appropriate Travel Plan financial contributions, and Travel Plan implementation and monitoring it is considered that the proposals are acceptable in highway terms. The proposals are thereby considered acceptable having regard to Policies PC1, PC2, DE1, IN2, LN7, NE1, NE4 and NE5 of the adopted Rushmoor Local Plan (2014-2032).

Full Recommendation

It is recommended that **SUBJECT** to:-

1. The receipt of the awaited further BNG submissions (a draft Indicative Habitat Management & Monitoring Plan and a post-development Habitat Map/Plan) and no objections being raised by the Council's Ecology Officer;
2. The completion of a satisfactory tri-partite Legal Agreement with both Rushmoor Borough Council and Hampshire County Council as signatories under Section 106 of the Town and Country Planning Act 1990 by 31 May 2025 or such later date as agreed by an extension of time to secure:-
 - (a) appropriate Travel Plan financial contributions, and Travel Plan implementation and monitoring; and
 - (b) requirements for the management and monitoring of the biodiversity improvements to be provided with the proposed development for a minimum period of 30 years, including provision of an appropriate BNG monitoring fee;

the Executive Head of Property and Growth in consultation with the Chairman be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

However, in the event that a satisfactory s106 Agreement is not completed by 31 May 2025 and no Extension of Time has been agreed, the Executive Head of Property and Growth, in consultation with the Chairman, be authorised to refuse planning permission on the grounds that the proposal does not secure statutory biodiversity net gain and a Travel Plan to mitigate the highways impacts of the proposed development.

Suggested 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 and documents:- PL01000 PL1; PL01110 PL1; PL01200 PL1; PL01201 PL1; PL01300 PL1; PL01301 PL1; PL01302 PL1; PL1303; PL1304; PL011L0 PL1; PL01100 PL1; PL01101 PL1; PL01102 PL1; PL01103 PL1; PL01104 PL1 & PL01105 PL1; PL021600 PL1; PL21601 PL1; PL21650 PL1; PL21651 PL1; PL21652 PL1; PL61653 PL1; PL21654 PL1; PL21655 PL1; 21660 PL1; PL21661 PL1; 21662 PL1; 21670 PL1; PL03000 PL1; PL031LO PL1; PL03100 PL1; & PL03101 PL1; PL03102 PL1; PL03103 PL1; PL03104 PL1; & PL03105 PL1; PL03106 PL1; PL03150 PL1; PL03200 PL1; PL03201 PL1; PL03300 PL1; PL03301 PL1; & PL03302 PL1; Planning Statement; Design & Access Statement; Transport Assessment; Flood Risk Assessment & Drainage Strategy; Arboricultural Impact Assessment; Heritage Statement; Statement of Community Involvement; Noise and Vibration Assessment; Biodiversity Impact Assessment & BNG Metric Spreadsheet; [draft Indicative Habitat Management & Monitoring Plan and a post-development Habitat Map/Plan]; Habitats Regulation

Assessment; Energy & Sustainability Statement; Agents' Covering Letter; and Framework Workplace Travel Plan.

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

- 3 Construction of the proposed elevational changes to the building(s) hereby approved shall not start until a schedule and/or samples of the external materials to be used in them have been submitted to, and approved in writing by, the Local Planning Authority. Those elements of the development shall be carried out using the materials so approved and thereafter retained.

Reason - To ensure a satisfactory quality external appearance. *

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

Reason - To protect the amenities of neighbouring and nearby properties.

- 5 All plant and machinery to be installed within the application site shall be enclosed with soundproofing materials and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the amenity of neighbouring occupiers. *

- 6 The site of land and/or building(s) the subject of this permission shall be securely fenced in its entirety at all times to restrict movement from within the site into the adjacent Special Protection Area.

Reason - To ensure that no impact upon the nature conservation interests and objectives of the Thames Basin Heaths Special Protection Area would arise.

- 7 For the avoidance of doubt, no permanent or prolonged stays (i.e. longer than 3 weeks) shall be authorised for patients, staff or visitors to reside within the facility hereby permitted. Further, there shall be no self-contained or staff or visitor accommodation provided within the use of the land and/or building(s) the subject of this permission. The C1 (hotel) element of the accommodation hereby permitted shall be restricted to the use of no more than 63 rooms within the development at all times.

Reason - To ensure that there is no creation of self-contained and/or ancillary staff or visitor residential accommodation; and to ensure that no impact upon the nature conservation interests and objectives of the Thames Basin Heaths Special Protection Area would arise.

- 8 The use hereby permitted shall not commence until plans and details as appropriate of the following have been submitted to and approved in writing by the Local Planning Authority:-

(a) The means and measures by which access to the on-site car parking will be restricted to staff, patients and visitors only;

- (b) The provision of information boards and leaflets within the facility to inform staff, patients and visitors of on-site and nearby green spaces and Suitable Alternative Natural Green Spaces (SANGS), and to educate on SPA sensitivities;
- (c) A Construction Environmental Management Plan (CEMP) to detail measures to be put in place to avoid construction impacts on the nearby SPA; and
- (d) The provision to be made for Electric Vehicle charging at the development.

Those details as may be approved shall be implemented in full and retained thereafter at all times.

Reason - In the interests of the amenities of the area; to ensure that no impact upon the nature conservation interests and objectives of the Thames Basin Heaths Special Protection Area would arise; and in the interests of sustainability. *

- 9 There shall be no dogs or cats kept within the land and/or building(s) of the development hereby approved at any time (other than assisted living dogs).

Reason - To ensure that no impact upon the nature conservation interests and objectives of the Thames Basin Heaths Special Protection Area would arise.

- 10 The development the subject of this permission shall not be brought into use until the 713 car parking and 72 secure cycle spaces to be provided and/or made available for staff, patients and/or visitors have been provided, marked out and made available for such uses. Thereafter the car and cycle parking spaces shall be kept available at all times for such parking purposes and the car parking spaces shall not be used at any time for the parking/storage of boats, caravans or trailers.

Reason - For the avoidance of doubt and to ensure the provision and retention of adequate car and cycle parking to serve the development at all times.

- 11 The existing trees, hedges and shrubbery on and adjoining the application site which are to be retained shall be adequately protected from damage during site clearance and works in accordance with the following:-

(a) stout exclusion fencing erected and retained for the duration of the site clearance and construction period located outside the extent of the root protection area(s) of any trees/hedges/shrubbery to be retained in proximity to an element of the proposed clearance and development works hereby permitted;

(b) no building materials, plant or equipment shall be stored during the site clearance and construction period within the rooting zone of any trees or hedges on or adjoining the application site;

(c) no burning of materials shall take place on site; and

(d) care should be taken to ensure that any vehicles entering or leaving the site, or deliveries made to the site, do not cause damage (including ground compression within rooting zones) of any trees on or adjoining the application site.

These measures shall be put in place as appropriate before any excavation, construction, vehicle parking or storage of building materials commences.

Reason - To preserve the amenity value of the retained tree(s).

- 12 No sound reproduction equipment, conveying messages, music, or other sound which is audible outside the premises shall be installed on the site.

Reason - To protect the amenities of the area and ensure that no impact upon the nature conservation interests and objectives of the Thames Basin Heaths Special Protection Area would arise.

- 13 Prior to first occupation or use of the development hereby approved a fully detailed landscape and biodiversity enhancement scheme shall be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented in full and retained thereafter.

Reason - In the interests of biodiversity and to meet the requirements of adopted Local Plan Policy NE4. *

Note: The developer is encouraged to incorporate the following measures into the biodiversity enhancement scheme required pursuant to this condition:-

Targeted management of the County important onsite woodland selected as Site of Importance for Nature Conservation (SINC), in line with SINC management recommendations. Recommended management actions to be undertaken with the advice of a suitably qualified ecologist are as follows:

- Small scale restoration of existing remnant heathland and mire habitats
- Creation of glades within existing woodland
- Targeted removal of rhododendron, an invasive non-native species - in line with the requirements of Section 14 the Wildlife and Countryside Act (as amended) 1981, which requires the landowner to prevent the growth of Rhododendron in the wild.

Providing species habitat enhancements such as bird nesting and bat roosting provision erected on or integral within the building(s); and reptile and amphibian hibernacula.

Using native species or species of known biodiversity benefit when planting new trees and shrubs, preferably of local provenance. Planting should focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.

- 14 Prior to the first commencement of the use hereby permitted a Skills & Employment Plan to be implemented shall be submitted to and approved in writing by the Local Planning Authority. The approved Skills & Employment Plan shall be implemented in full and the measures introduced retained thereafter.

Reason - To maximise opportunities for associated of skills and employment in the local area. *

Informatives:

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

The proposals are considered acceptable in principle, visual terms, heritage impact, and impacts upon neighbours. Furthermore, subject to conditions, the proposals are considered to have no harmful impacts upon on-site ecology or upon the nature conservation interests and integrity of the Thames Basin Heaths Special Protection Area. Furthermore, the proposals are considered to have no adverse implications for biodiversity net gain. Following the satisfactory completion of a s106 Planning Obligation with the Highway Authority (Hampshire County Council) to secure appropriate Travel Plan financial contributions, and Travel Plan implementation and monitoring it is considered that the proposals are acceptable in highway terms. The proposals are

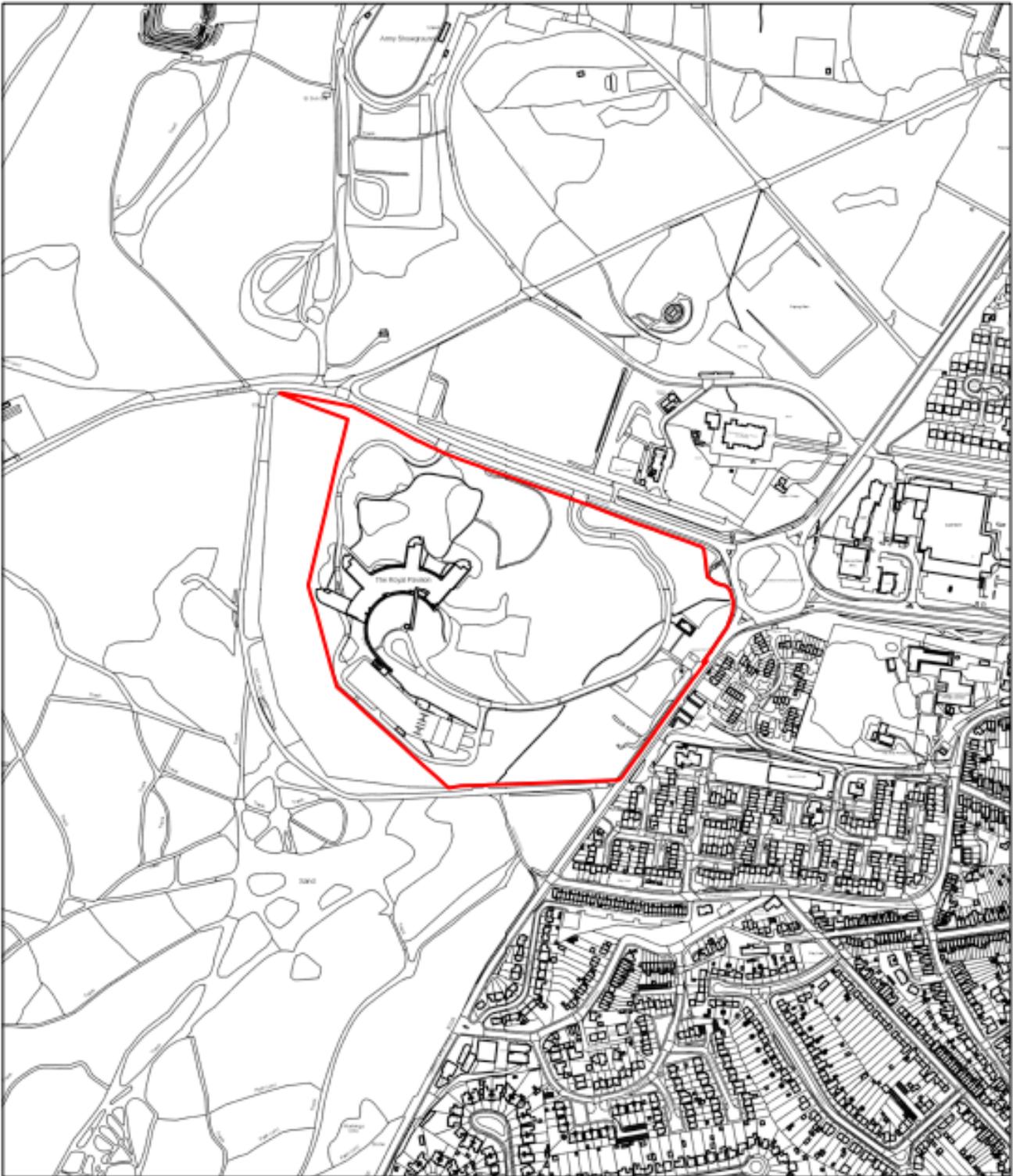
thereby considered acceptable having regard to Policies PC1, PC2, DE1, IN2, LN7, NE1, NE4 and NE5 of the adopted Rushmoor Local Plan (2014-2032).

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 - Your attention is specifically drawn to the conditions marked *. These condition(s) require either the submission and approval of details, information, drawings etc. by the Local Planning Authority BEFORE WORKS START ON SITE, BEFORE SPECIFIC ELEMENTS OF THE PROPOSAL ARE CARRIED OUT or, require works to be carried out BEFORE COMMENCEMENT OF USE OR FIRST OCCUPATION OF ANY BUILDING. Development started, carried out or occupied without first meeting the requirements of these conditions is effectively development carried out WITHOUT PLANNING PERMISSION. The Council will consider the expediency of taking enforcement action against any such development and may refer to any such breach of planning control when responding to local searches. Submissions seeking to discharge conditions or requests for confirmation that conditions have been complied with must be accompanied by the appropriate fee.
- 3 INFORMATIVE - This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) between the developer and Hampshire County Council.
- 4 INFORMATIVE – For the avoidance of doubt the land and/or building(s) the subject of this permission comprise a sui generis mixed use including uses otherwise within Classes E(e), C1 and C2 only. Accordingly, separate planning permission would be required for the alteration of the mix of uses for the land and/or buildings the subject of this permission.
- 5 INFORMATIVE - The applicant is recommended to achieve maximum energy efficiency and reduction of Carbon Dioxide emissions by:
 - a) ensuring the design and materials to be used in the construction of the building are consistent with these aims; and
 - b) using renewable energy sources for the production of electricity and heat using efficient and technologically advanced equipment.
- 6 INFORMATIVE - The applicant is advised to follow good practice in the re-use of all material arising from demolition as part of the proposed works wherever practicable.
- 7 INFORMATIVE - The applicant is reminded that under the provisions of the Food Safety Act 1990 there is a requirement to register all food premises with the Local Authority at least 28 days before the commencement of any business operations. The applicant must therefore contact the Head of Operational Services for advice.
- 8 INFORMATIVE - The applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the duties imposed by the Equality Act 2010. This may be achieved by following recommendations set out in British Standard BS 8300: 2009 "Design of buildings and their approaches to meet the needs of disabled people - Code of Practice". Where Building Regulations apply,

provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations 2000 "Access to and use of buildings".

- 9 INFORMATIVE - The applicant is advised that during the demolition and construction phases of the development measures should be employed to contain and minimise dust emissions, to prevent their escape from the development site onto adjoining land and properties. For further information, please contact the Head of Operational Services.
- 10 INFORMATIVE - It is an offence to kill, injure or disturb an individual bat; damage, destroy or obstruct access to a breeding site or resting place of that individual. Destruction of a bat roost is therefore an offence, regardless of whether a bat is present at the time of roost removal. The grant of planning permission does not supersede the requirements of the legislation below and any unauthorised works could constitute an offence. If bats or signs of bats are encountered at any point during development then all works must stop immediately and you should contact Natural England in order to avoid breach of legislation 'The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended)'.
- 11 INFORMATIVE - Part I of the Wildlife and Countryside Act 1981 (as amended), makes it an offence to intentionally kill, injure or take any wild bird, or intentionally to damage, take or destroy its nest whilst it is being built or in use. Development activities such as vegetation or site clearance should be timed to avoid the bird nest season of March to August inclusive. If this is not possible and only small areas of dense vegetation are affected, the site should be inspected for active nests by an ecologist within 24 hours of any clearance works. If any active nests are found they should be left undisturbed with a buffer zone around them, until it can be confirmed by an ecologist that the nest is no longer in use.
- 12 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.



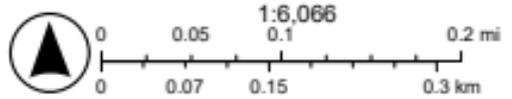
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 Planning Application

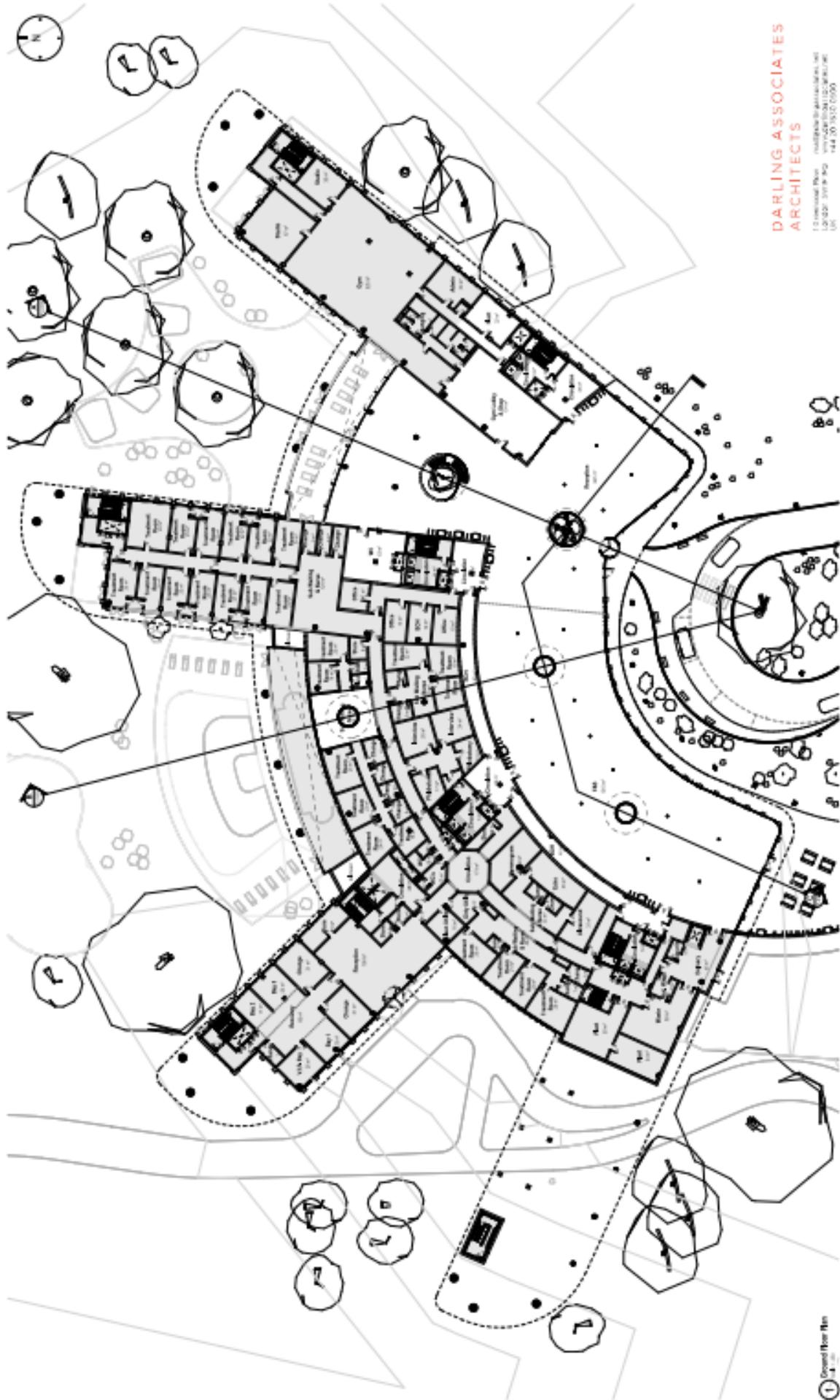
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**DARLING ASSOCIATES
ARCHITECTS**

12 Commercial Plaza
 Cambridge, Massachusetts, USA
 02142-2019 Phone: +1 617 552-0200
 USA

① Ground Floor Plan

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.	25/00117/REVPP
Date Valid	11th March 2025
Expiry date of consultations	14th April 2025
Proposal	Variation of condition 1 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, for 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 buildings and closure of access onto North Lane), to allow permitted hours of operation from 06:00 to 23:00 hours, 7 days a week
Address	1 North Close Aldershot
Ward	North Town
Applicant	Mr Daniel Brooks
Agent	n/a
Recommendation	Grant for a temporary period of 12 months

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 bounded by a low fence. The building is set back from Ash Road by 26m. The vehicular site entrance and exit is 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 is located 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 separated by a central parking courtyard; both built up to the side boundary shared with the application site and, in total, containing eight flats. 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 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 customer opening hours commencing at 0600 hours and ending at 2300 hours 7-days a week at variance with the customer opening hours set by Condition No.1 of planning permission 17/00344/REVPP of 0700 to 2300 hours. In this respect the applicants consider that not extending the customer opening hours by one hour at night to midnight, and various proposed amended mitigation measures set out in a new Site Management Plan will satisfactorily address the Council's previous concerns about a) mitigation measures operated during a previous trial period of extended operating hours of 0600 to midnight operated between 18 July 2022 and 18 July 2023, and b) refused permission 24/00117/REVPP, such that no significant harm to the amenities of occupiers of adjoining and nearby residential properties will be demonstrated.
8. The application is accompanied with a Premises Management Plan (SMP) which includes a parking plan. Acoustic Noise Report 14-0167-79 RO2 prepared by Sustainable Acoustics dated 21 March 2021 is also relevant to the application.

Relevant Planning History

9. 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.”

10. 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.

11. 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:-

12. *“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.”*

13. 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, by notice of the appellant, 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:-

- **1) 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.**
- **9) Deliveries and refuse collection to/from the premises shall only take place between the hours of 8am to 9pm.**
- **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.”**

14. 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 on 19th July 2023. According to Condition No.1 of the Appeal decision 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 operate in accordance with these approved customer opening hours since.

15. In February 2024 the applicants submitted another planning application, reference 24/00117/REVPP, seeking to extend the opening hours to be between 0600 and 0000, i.e midnight, daily 7 days a week. This time they specified the extended hours would be for a temporary period of 1 year and provided a new premises management plan that contained an updated suite of mitigation measures they felt addressed the issues the Council identified in trial period by the Council during their assessment of application 22/00048/REVPP. However, this application was refused for the following reason:

16. 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.

17. 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.

18. 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.

19. 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.

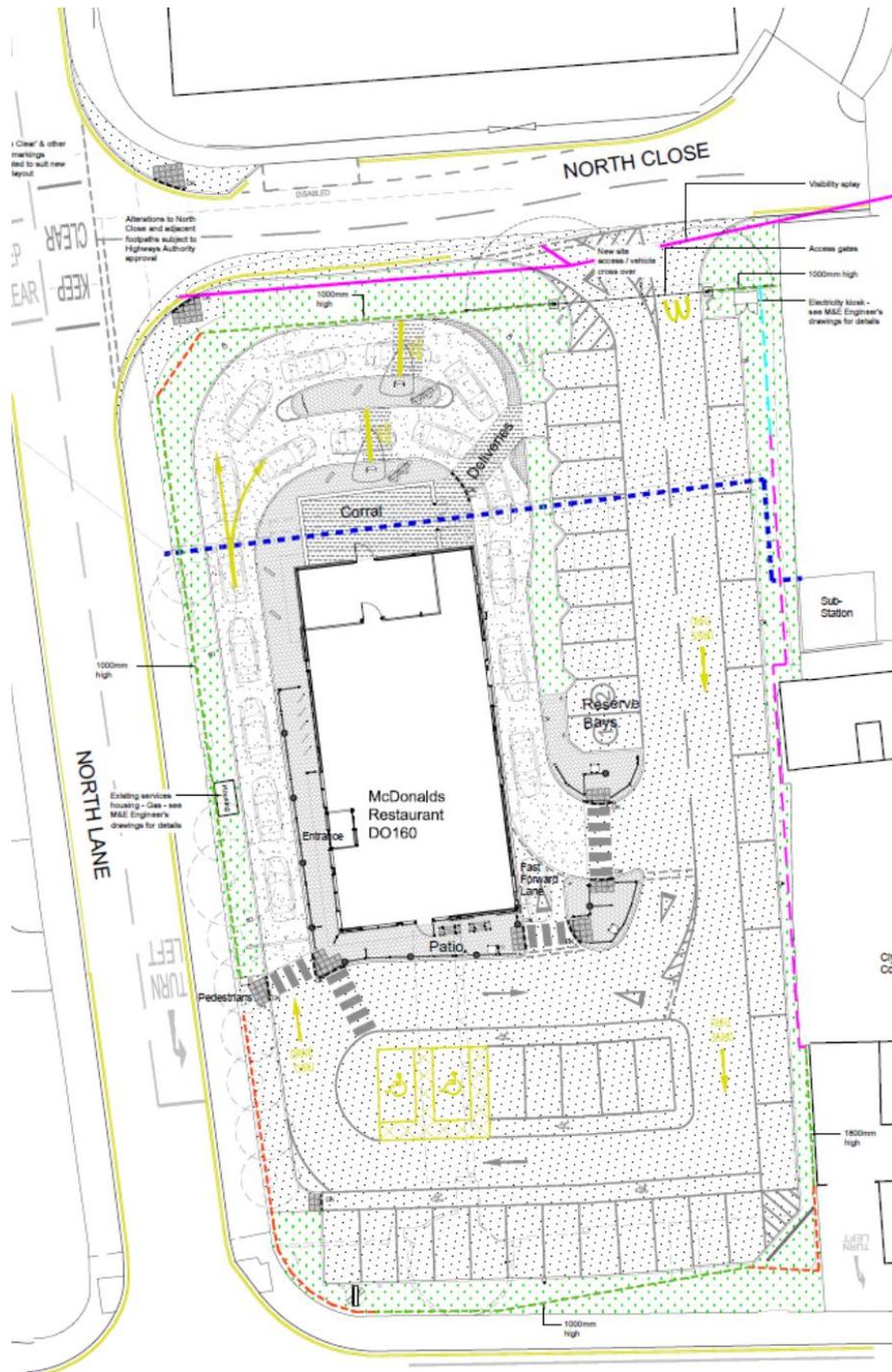


Figure 1: Approved Site Layout Plan 304 C: Note that the mini-roundabout at the junction of North Lane with North Close and Lower Newport Road is not shown on this plan since, at that time, the design was subject to approval by the Highway Authority (Hampshire County Council).

Consultee Responses

Environmental Health

Following receipt of parking plan showing staff and customer parking spaces during the extended operating hours, raises no objection subject to condition requiring implementation of the Site Management Plan stating 'a COD setting of 7 reported to have a noise level at 1m from the COD of 63.7dB. If the nearest residential premises is 35m distant, then noise from the COD should be approximately 33dB, which will be significantly below

the existing ambient background noise level at that location' (see below).

Hampshire
Highways Raises no objection.

Neighbours notified

20. In addition to posting a site notice, 47 individual letters of notification were sent to adjoining and nearby properties.

Neighbour comments

21. Six objections have been received, from 40 North Lane, 5 (twice) and 35 Lower Newport Road, Flat 2 Clyde Court, Flat 6 215 Ash Road and 23 Friend Avenue on the following grounds:-

Noise

- We suffer noise from the additional traffic, long lines of idle cars during promotions, road rage and car horns, footfall from college studies, noisy car exhausts and don't want this extended to the additional hour;
- Will be an increase in work vehicles and lorries;
- Unreasonable that the local residents have to put up with this any longer than current hours, will bring just as much misery / living here is unbearable;
- The area used to be peaceful;
- Horns honk before 7am at the drive through;
- Can hear the tannoy and will exacerbate in summer with windows open;
- Get woken up by staff walking to work before 7am and that is bad enough;
- Already hear the customer tannoy at 7am don't want it at 6am especially on the weekend after a long week at work;
- Are we not entitled to 8 hours sleep every day without noise pollution;

Traffic/parking

- Cars and delivery drivers already use our driveway and this will make it worse;
- Drivers abuse us when we ask them to move;
- The ONLY thing worthy of consideration if I understand it correctly is the closing of the Access and EGRESS onto North Close and then North Lane. Now that would be a good idea as the traffic problems around this junction are problematic; [*Officer note: the means of access to the site are as already approved and are, in any event, not the subject of the current application under consideration*]
- Customers park on properties around the site and throw rubbish out of the window;

Lighting

- As it may be opening at 6 staff arrive earlier and all the lights go on;
- Light pollution from signs and building;

Rubbish/litter

- Their customers use our bins to dump their litter from the place or just leave it on the floor & there has been an increase in rats since it opened;
- Promised litter picks never happen; we pick up and bin more rubbish than McD!;
- Food and drinks thrown at your property and cars in driveway;

Other

- The applicants previously trialled the evening session and extended hours and it didn't work [*Officer note: the applicants have previously trialled both extended evening and morning opening hours simultaneously and problems identified with the extended evening opening hour only.*]
 - Residents will be disturbed all for the sake of profit;
 - There could be another restaurant opening less than a mile away which doesn't make this application feel much better;
 - Support local independent takeaway businesses instead & no £ to USA via franchises;
 - They state they support local groups [charities], but they are not local;
 - Can smell the restaurant at 7am;
 - There is a 24hr McDonalds less than 10min drive away, so no need to increase hours for this one;
 - Should we really be encouraging people to eat unhealthy fast food as NHS strained [*Officer note: there is no material planning control or guidance that warrants consideration of the refusal of the application on these grounds.*]
22. 2 representations in support have been received from 65a North Lane and 5 Compass Rose Road Ash Green on the following grounds:-
- Will be beneficial to me and others out on the road at that time of morning
 - The roads are already busy at that time of the day so won't be any impact
 - Will provide more jobs
 - Management plan addresses concerns
 - Beneficial to local economy

Unless addressed with officer comments above, concerns raised are addressed in the main body of the report.

Policy and determining issues

23. 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), SS2 (Spatial Strategy) 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 (paragraph 198).
24. The use of the application site as a McDonalds hot food restaurant and takeaway premises incorporating a drive-thru with the existing vehicular access from North Lane via North Close is lawful in planning terms; as are customer opening hours from 0700 to 2300 hours daily 7-days a week. This application is solely to extend the operating hours of the premises by one hour in the morning, so that the premises would open to customers at 0600 and close at 2300 hours.
25. The temporary period that the Inspector allowed (reference 21/00048/REVPP) for extended hours of 0600 to midnight, and that 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.

26. It is considered that there are three possible outcomes for the Council to consider in respect of the current application, which are that:-

- (a) permission could be **granted** for a permanent extension of the proposed increased customer opening hours if the Council are satisfied that, either with or without conditions, no material harms would arise to neighbours; or
- (b) permission could be **granted for a temporary period** if it is considered that the amended opening time and proposed mitigation measures 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 properly assessed in action by the Council; in this regard the suite of mitigation measures should address concerns raised as part of refused application 24/00117/REVPP; or
- (c) **permission could be refused** for the extended customer opening hour without a further trial period in the event that the Council considers that the proposals and 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.

27. Granting further temporary permissions are not precluded by Government Practice Guidance, not least in the current circumstances, with a different range of management measures now being suggested by the applicants that have not previously been subject to trial and, indeed, on the basis that the applicants themselves are requesting a further trial period in their Site Management Plan (SMP).

28. Since the further mitigation and management measures proposed are untested it is not considered that there is a strong justification for the Council permitting extended opening hours on a permanent basis (Outcome (a) above).

29. 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.

30. 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

31. Throughout the previous trial period in 2023 the following concerns about the operation of the site during the extended hours were raised by neighbours, but almost entirely arising from the evening extended opening hours:-

- Voices from the Customer Order Point tannoy was audible on neighbouring properties inside with windows open and in gardens;
- Disturbance from customers chatting in the car park during and beyond the extended hour at night;
- Disturbance from noisy vehicles created by anti-social driving and behaviour e.g. car stereos being played with car doors open and cars driving to and around the site with derestricted exhausts at night;
- Impatient drivers using their horns or revving engines when outlet is busy at night;
- Various elements of external lighting, including signage, and internal lighting, not being switched off at midnight and/or left on all night
- Lighting being very bright at night
- Menu board lights in the drive-through lane being left on all night frequently;
- Car parking spaces not cordoned off, in conflict with the conditioned mitigation measures in the Premises Noise Management Plan and acoustic report;
- Anti-social behaviour to surrounding properties from customers leaving the site dropping rubbish, urinating in driveways etc at night.

The only issue previously raised that was specifically a consequence of the previously trialled 6.00am opening related to litter bins being moved around the site by staff before the morning opening time waking residents up.

32. The applicant's main method of controlling noise from customer behaviour during anti-social hours of 0600 to 0700 and 2300 to midnight conditioned by the Inspector was the implementation of a Premises Noise Management Plan (PNMP) that was in the appendix of the applicant's Noise Impact Assessment Report, requiring staff to be proactive and vigilant in challenging anti-social and noisy customer behaviour.

33. These objections and complaints received from occupants of Clyde Court and other nearby residential occupants during the trial period suggested the customer noise was disturbing to them and that the management measures being operated were not successful or effective in tackling inconsiderate and anti-social customer behaviour and encouraging better behaviour during the later night-time opening.

34. Planning officers and Ward councillors also monitored the operation of site a) before, during and after the extended 0600 to 0700 hour and b) the extended 2300 to midnight customer opening hours on a sample basis at intervals throughout the trial year, to assess the efficacy of the mitigation measures proffered by the applicants.

35. From the observations made it was evident that the extended nighttime hour had resulted in unacceptable and undue additional noise and activity at the site that had continued beyond the extended night-time closing. This included cars arriving at the gates very close or just after midnight and raising voices asking to be served; customers in different vehicles in the car park talking across to each other and/or playing car stereos; parked cars idling with engines and headlights on and cars with derestricted exhausts moving around the site, and audible car stereo music. The customer tannoy

system was also audible across the site and at the nearest residential properties. It was considered that the anti-social customer behaviour for the additional night-time opening hour until midnight was detrimental to the amenities and living environment of occupiers of adjoining and nearby residential properties. It suggested that the mitigation measures proposed and/or operated by the applicants were 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 (see below).

36. 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 reported and witnessed taking place during the extended night-time customer opening hours 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 2023 trial period.
37. The other mitigation measures conditioned by the Inspector were those put forward in Part 9 of the Noise Impact Assessment report submitted in support of the application 21/00048/REVPP, dated 16 March 2021 reference 14-0167-79 RO2. These were that that the car parking spaces within 25m of Clyde Court be cordoned off during the extended hours, and the Customer Order Display units (CODs) would be reduced 'to a night time setting of 10' (page 18). Throughout the trial period the applicants cordoned off only a single row of parking spaces immediately adjacent to the Clyde Court boundary with a width of 5m (despite being informed of the non-compliance). This left most of the car park available for unrestricted use.
38. Planning application 24/00117/REVPP to extend the hours but with a new suite of management measures proposed, was refused, even for a trial temporary period of 1 year. It was not considered that the mitigation measures put forward by the applicant were adequate to control the anti-social customer behaviour witnessed during the trial period, in particular by vehicles arriving at the site late at night.
39. The question to consider with the current application is whether the amended proposed extended morning only customer opening hour and a revised Site Management Plan would provide adequate control over the noise and activity generated, so that it would not have an undue impact on the residential amenity. The proposed mitigation and management measures to be operated, as updated with additional information received on 9 May 2025, in the applicant's Site Management Plan and parking plan, are as follows:-
 - a) Public parking for most of the parking spaces will be cordoned off with a cone on each space ahead of the 0600 opening time, with the exception of the four most south westerly bays on the site (including two EV charging bays) and two disabled bays, and these will be available for customer use during the 0600 to 0700 period.
 - b) 10 spaces for staff will be available in the row against the eastern side of the building that will be coned off from customers.
 - c) Staff will manage the existing access barrier into the site at 0600 to ensure that customers do not enter before that time, and will manage the barrier to allow staff entry prior to 0600.

- d) The restaurant will not be open to food delivery businesses until 0700 hours.
 - e) The Customer Order Display unit will be programmed to automatically reduce from Level 10 to Level 7 volume at 0600 each morning and evidence of the COD's noise levels can be provided to the Council upon request
 - f) All Managers are to be required to complete conflict management awareness courses so that they can deal effectively with any problems faced with customers and customer behaviour. 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.
 - g) 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 by the applicants 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.
 - h) External lighting will have a phased switch-on. At 0600 hours the perimeter post lighting will be turned-on and at 0630 the external building lighting and signage lights will be turned-on. Internal lighting will remain in use during the opening period, but the upstairs dining area will remain closed until 0700 as part of the strategy so only the ground floor internal lighting will be switched on.
 - i) Signage reminding customers to be respectful of neighbours, around the premises will be retained.
 - j) Restaurant staff will not move waste bins within the site before 0800. As per existing condition, there will be also be no waste collections before 0800.
 - k) 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.
 - l) Residents near the site will be able to contact the store directly in event of an anti-social or similar incident on the site and an email and phone number is provided.
40. The main mitigation measure that is different to the trial period and previous refused application is that the restaurant will not be operating any extended night-time opening beyond the already permitted 2300 hours. During the previous 2023 trial year, the complaints around noise associated with anti-social customer behaviour were focussed on the extended night time hour. The monitoring of the site in the morning by officers did not evidence antisocial customer behaviour. Custom was seen to be relatively slow from 0600 to 0630 with most customers using the drive through lane and with none of the anti-social behaviour witnessed during the extended night-time opening hour.

41. The Noise Impact Assessment (NIA) report reference 14-0167-79 R02 modelled the impact of vehicle movements on the site on existing ambient noise, based on a maximum predicted 38 customers during the 0600 to 0700 hour, and concluded that the worst case scenario would be a 0.4dB increase on ambient noise levels during this hour. As it is generally considered that +3dB is the level at which change would be perceptible, it is not considered that noise from vehicles driving through the site would cause a disturbance to neighbours during the extended 0600 to 0700 hour, that would warrant a reason for refusal on this ground. It is also noted that if the restaurant opens at 0600 there will not be a queue of vehicles impatiently waiting entrance at 0700 hours as is the case currently.
42. During the trial year the Communications Operation Devices (CODs) or drive through customer order points, were recommended to be set at 10 (NIA para. 9.3), but complaints were received that staff voices were audible through the CODs from residential properties in Clyde Court and North Lane throughout the twelve months. Officers and Councillors also noted this impact during their own visits. The new SMP proposes that the CODs are automatically set to Level 7 between 0600 and 0700 hours.
43. The Council's environmental health officer has reviewed the application and commented as follows:-

"The Noise Impact Assessment submitted under planning references 24/00117/REVPP and 21/00048/REVPP (Report No. 14-0167-79 R02, dated 16 March 2021) indicates that the predicted change in ambient noise levels for a change in hours to include the period 06:00 to 07:00 would be +0.4dB, which is imperceptible in acoustic terms. The report discusses noise from the Communications Operation Device (COD) and recommends the system at night (night-time hours traditionally considered 23:00-07:00) be reduced to a setting of 10. The Site Management Plan submitted in support of the current application proposes the COD settings be reduced to 7 between the proposed hours of 06:00 to 07:00. Appendix E of the Noise Impact Report discusses COD noise levels for different settings, with a COD setting of 7 reported to have a noise level at 1m from the COD of 63.7dB. If the nearest residential premises is 35m distant, then noise from the COD should be approximately 33dB, which will be significantly below the existing ambient background noise level at that location. Based on the available information, Environmental Health would have no objection."

The NIA report concludes that **people** noise subject to implementation of the mitigation measures would be unlikely to have an adverse impact on residential amenity and was assessed at No Observable Effect Level (NOEL), relating to the Noise Exposure Hierarchy set out in the Planning Practice Guidance and one of the mitigation measures is cordoning off parking spaces within 25m of Clyde Court.

44. The submitted parking plan shows that the nearest spaces available to customers would be 21m and 23m from the site boundary with Clyde Court. Whilst slightly less than the minimum 25m cordon proposed in Noise Impact Assessment (section 9), it would allow availability of limited spaces to those customers walking into the restaurant, preventing them from parking elsewhere closer to residential properties in the vicinity and potentially slamming doors, or driving over the cones altogether, causing further disturbance. It is noted that officers did not consider this method practical or enforceable for application 24/00117/REPP on the grounds that from 2300 to midnight, where there would generally be less surveillance and more people socialising, it could cause further disturbance with customers moving the cones and remaining in the car

park. However, it is considered that using cones could be less disturbing during the proposed morning hour.

45. Whilst it is acknowledged that staff parking spaces will be 10m from the eastern common boundary with Clyde Court these spaces will not be as close to the windows serving the flats as the main car park south of the restaurant building and the operators would have more control over staff behaviour than that of the general public.
46. The SMP specifies` that staff will not move bins or clean areas using jet washes outside until 0700.
47. The lighting on the site comprises the taller pole lighting that is along the perimeter fencing of the site which lights the car park; the building fascia signage; other signage on the site including the menu boards and totem sign and there is also down-lighting on the building awnings. During the trial period officers noted that a phased lighting strategy was introduced halfway through the year and the building signage started to be switched off half an hour before midnight or a half hour after opening at 0630. The applicant is proposing to reinstate the phased lighting strategy (contrary to application 24/00117/REVPP) by leaving the building signage lights off until 0630. The building signage is very bright, and it is considered that this measure will assist in integrating the proposal better with the surrounding area during the initial hour.
48. An objection has been raised that cooking smells are apparent during the operation of the restaurant in the morning. Cooking odour extraction system is subject to condition 8 of 21/00048/REVPP and details approved by RBC application reference 16/000738/CONDPP (dated 16 December 2016). The applicant has stated that they regularly clean and maintain the extraction system. This should be sufficient to manage any odour at acceptable levels. Any further complaints would need to be subject to investigation and action if appropriate, possibly under Environmental Health legislation.
49. The NIA states that the increase in noise from vehicles will not be perceptible to residents during the proposed extended morning opening hour. The Inspector noted that the 'methodology of the Noise Report is robust' (para. 14). Nevertheless, the Inspector imposed a trial period to allow the Council to measure the impacts and success of the mitigation measures proposed. It was apparent that the measures to control customer behaviour that caused disturbance to neighbours during the 2023 trial period were not effective especially as customers were reported and still seen on site, and staff left the site, after midnight. This application addresses that concern by proposing that the site remains closed to customers after 2300. It is therefore considered that the proposed application would have an acceptable impact on the amenity of the occupants of the closest residential properties. Nonetheless, since the further mitigation and management measures proposed are untested it is not considered that there is a strong justification for the Council permitting extended opening hours on a permanent basis.
50. It is therefore considered appropriate to grant the extended hour for a further temporary period in order that the efficacy of the mitigation measures in the application and Site Management Plan can be measured and the resultant impacts during the operation of the single extended hour reviewed.

Full Recommendation

It is recommended that planning permission be **GRANTED** to vary condition 1 attached to permission 21/00048/REVPP to allow the restaurant to operate with the extended hour for a temporary period of 12 months subject to the following conditions:-

1. The restaurant/takeaway/drive-through uses hereby permitted may be operated between the hours of 0600 to 2300 for a temporary period of one year and only on the condition that all mitigation measures included in the Site Management Plan dated 9 May 2025 and the associated Parking Plan P304A (received 28 April 2025) are implemented. During the temporary period the restaurant/takeaway/drive-through uses shall not be open to customers outside the hours of 0600 to 2300.

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.

Reason – To safeguard the amenities of neighbouring residential properties

2. With the exception of the proposed acoustic fencing, the boundary treatment as shown in the approved plans shall be implemented in full and thereafter retained/maintained.

Reason – To ensure a satisfactory external appearance.

3. Provision shall be made for services to be placed underground. Notwithstanding the provisions of the Town and country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no overhead electricity, telecommunications or service lines shall be erected or placed above the ground of the site without the express written consent of the Local Planning Authority.

Reason – To ensure the development makes an adequate contribution to visual amenity.

4. The landscaping scheme hereby approved shall be implemented in full. Any tree/shrub removed, dying or becoming seriously diseased within five years of planting shall be replaced by trees/shrubs or similar size and species to those originally required to be planted.

Reason - To ensure a satisfactory external appearance and comply with Policies NE3 (Trees and Landscaping) and NE4 (Biodiversity) of the Rushmoor Local Plan 2014-2032.

5. The drainage strategy for this site shall be implemented in accordance with the details shown on drawing number 161444-DR-0002 rev P04 and thereafter retained I perpetuity.

Reason – To reflect the objectives of Policy NE6 of the Rushmoor Local Plan (2014-2032).

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.

Reason – In the interests of visual and residential amenity

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.

Reason – To protect the amenity of neighbouring occupiers.

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.

Reason – To protect the amenity of neighbouring occupiers.

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

Reason - To protect the amenity of neighbouring occupiers.

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.

Reason – To ensure the development makes an adequate contribution to visual amenity.

11. The vehicle and cycle parking facilities shown on the approved plans shall be completed and made ready for use (other than during the customer opening hours of 0600 to 0700 when the Premises Noise Management Parking Scheme shall be implemented) and shall thereafter be retained solely for parking purposes, to be used by the occupiers of, and visitors to, the development only.

Reason – In the interests of highway safety and residential amenity.

12. Notwithstanding the details shown on drawing number 6485-SA-8986-P205 B, the first floor windows in the east elevation shall be obscurely glazed to a minimum height of 1.7 metres above the internal floor level and so retained thereafter.

Reason – To protect the amenity of neighbouring occupiers.

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.

Reason – To protect the amenity of neighbouring occupiers.

14. The permission hereby granted shall be carried out in accordance with the following approved drawings – 6485-SA-8085-P302A, P304 C, 6485-SA8986-P205 B and 206A, Sign type 8, 161444-DR-0002 rev P04, 0003 rev P06 and 0004 rev P03, MK MCD ALD 01 (Rev D), 161444-HYD-XX-XX_DR-TP-001 Rev P2 and 0200 rev P2 and D195408 rev 3.

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

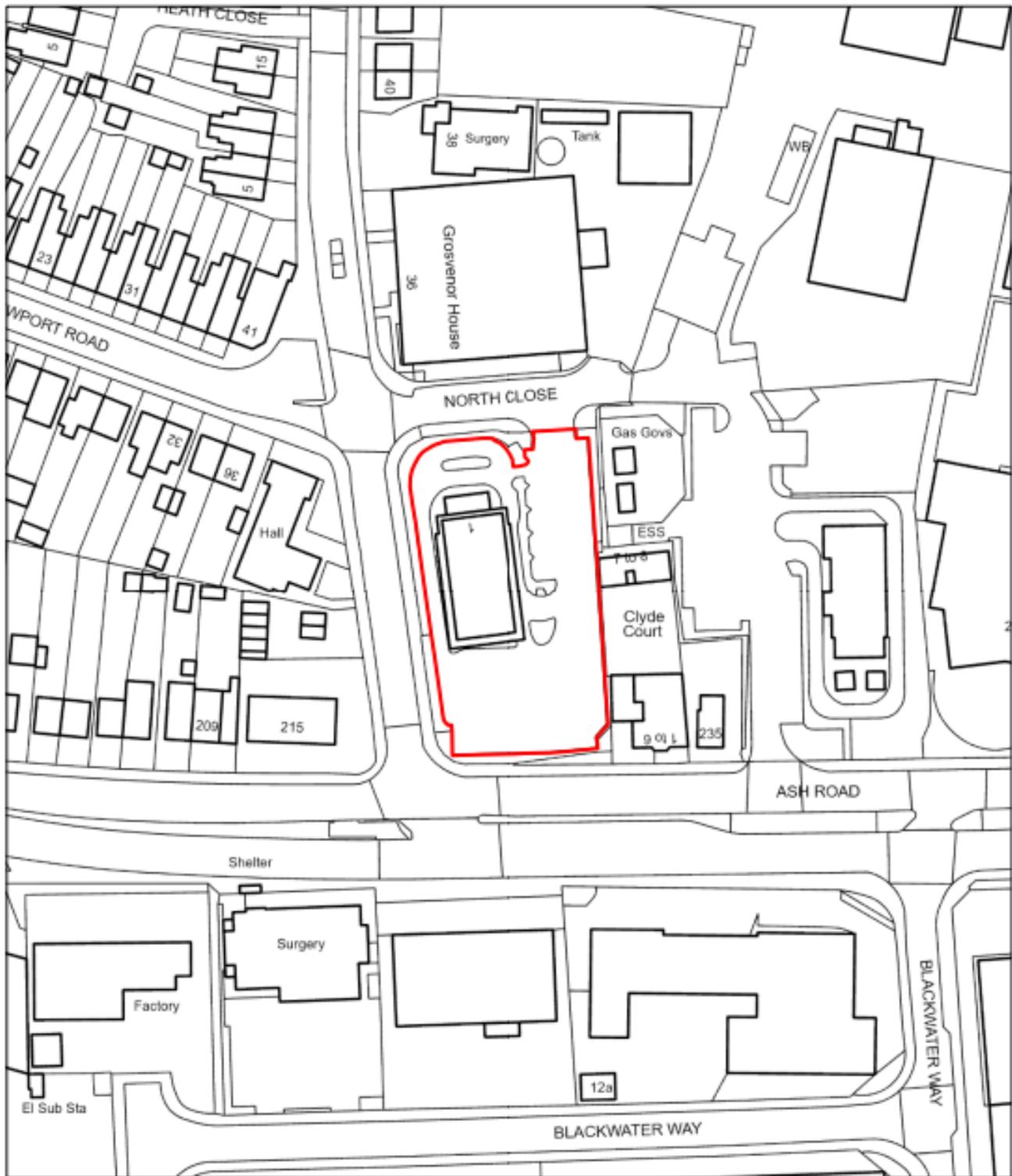
Informatives

- 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.

- 2 INFORMATIVE –It is considered that the proposed development would have an acceptable impact on the amenity of the adjacent and nearby residential occupiers, and in this regard the application complies with Policy DE1 of the Rushmoor Local Plan. The Council has granted permission to ensure that the extended hour enures for a period of 1 year however, beginning with the date on which the applicant gives notice of their commencement. This will enable the applicant to prepare for the change in hours and will also provide an opportunity for the Council to monitor the impact, including the efficacy of the applicant’s proffered untested new mitigation measures, given the planning history on the site.

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

- 3 INFORMATIVE – The applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the duties imposed by the Equality Act 2010. This may be achieved by following recommendations set out in British Standards BS 8300:2009 “Design of buildings and their approaches to meet the needs of disabled people – Code of Practice”. Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations 2000 ‘Access to and use of building’. The Rushmoor Access Group would welcome the opportunity to give further advice and guidance.

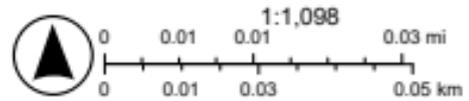


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Planning Application

Building

- Buildings
- <all other values>



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. 25/00204/FUL

Date Valid 8th April 2025

Expiry date of consultations 7th May 2025

Proposal Change of use of further highway land at Queensmead to extend the operational area for Farnborough Market as permitted by planning permission 16/00841/FUL dated 8 December 2016 as amended by 21/00680/REV dated 16 September 2021 to incorporate the new Town Square area. The Market overall to continue to operate with a maximum of 38 stalls on Tuesdays and Fridays weekly; but with Craft Fayres now held on the 1st Saturday of each month (instead of the currently permitted 3rd Saturday of each month), and, as existing, also use of the market area on 12 further occasions through the calendar year

Address **Farnborough Market Site Queensmead Farnborough**

Ward Empress

Applicant Rushmoor Borough Council

Agent RBC Regeneration & Property

Recommendation **Grant**

Description & Relevant Planning History

The site is in Farnborough town centre. It mostly comprises the pedestrianised highway of Queensmead, running south to north from Kingsmead to the west of Eastmead. With the exception of Dukes Court, which is a four-storey building, and 56 Queensmead/1-4 The Mead, which is a substantial part two- and three-storey building, the pedestrianised highway is bounded by three storey flat roofed terraced maisonettes built in the 1960s with retail/commercial/medical accommodation at ground floor level and residential or ancillary commercial space on the floors above.

In 2014 planning permission, 14/00958/FULPP, was granted for the use of pedestrianised public highway as a market on Tuesdays and Sundays and on 12 other occasions through a calendar year with associated works. This permission was implemented. The market approved by this permission permitted up to 28 stalls, with each single stall potentially having

a maximum frontage and depth of 3 metres, although some stalls could be combined to give a wider frontage. The majority of the stalls were to be sited in the centre of Queensmead with a small number of stalls located between 71 and 73 Queensmead. For those stall holders requiring chiller units, such as a butcher, provision is made to the side of 93 Queensmead. A minimum aisle width of 3.5 m was approved between the stalls and the canopies of the existing buildings when the market is in operation. The market stalls are lightweight alloy fold out gazebos. As these are temporary structures they did/do not require specific planning permission.

Planning permission was then granted in December 2016, 16/00841/FUL, for an amendment to the 2014 permission following feedback from the general public and market traders in respect of the Sunday market. Permission was granted for the use of pedestrianised public highway as a market on Tuesdays and Fridays, also to include a craft fayre on the third Saturday of each month and on 12 other occasions through a calendar year. Additionally, the maximum number of stalls was increased to 38 stalls. On no more than 6 occasions annually the markets were also permitted to trade to 8.00pm on Tuesdays/Fridays. The parking and refuse arrangements remained as previously existing, with the Kings Moat car park being the recommended car park; and the market bin store is located on the south side of the Pinehurst North car park.

In September 2021 planning permission, 21/00680/REV, was then granted for a relaxation of Condition No.2 of planning permission 16/00841/FUL to allow stall set-up to commence from 7.00am, 30 minutes earlier than is currently permitted. The supporting statement submitted with that application explained that this proposal arose following requests from current and prospective market traders for an earlier start so as not to miss trade from people heading to work for the day. There is no restriction on the time at which market trading can commence as long as the setting-up of market stalls does not commence before 7.00am, although there are limits on when market trading should cease at the end of the day.

The current application has been submitted following the commencement of works at the north end of Queensmead to form the new Town Square. It is proposed that the Market as already permitted simply be allowed to use space within the new Town Square street area in addition to its current approved area within the Queensmead street itself. In this respect it is proposed that the Market overall would still continue to operate with a maximum of 38 stalls on Tuesdays and Fridays weekly; but with Craft Fayres now held on the 1st Saturday of each month (instead of the currently permitted 3rd Saturday of each month), and, as existing, also use of the market area as now proposed to be enlarged on 12 further occasions through the calendar year.

Consultee Responses

HCC Highways No highway objections.
Development Planning

Environmental Health No Environmental Health objection.

Neighbours notified

In addition to posting a site notice and press advertisement, 99 individual letters of notification were sent to properties in Queensmead (including all flats in Dukes Court), The Mead, Westmead and Eastmead adjacent or in proximity to the proposed enlarged Market site area.

Neighbour comments

At the time of writing this report no comments have been received as a result of neighbour notification and other usual planning application publicity, including the posting of a site notice in the Town Square.

Policy and determining issues

The site is located within Farnborough town centre. Policies SS2, SP2 and DE10 (Pollution) of the adopted Rushmoor Local Plan (2014-2032) are relevant to the current proposal. Also relevant are the Farnborough Town Centre SPD (2007) and accompanying Prospectus (2012); and the advice contained in the National Planning Policy Framework/Planning Practice Guidance.

The Government variously defines 'night-time' and 'day-time' hours, with 'night-time hours' being between 11.00pm and 7.00am, for the purposes of considering amenity impacts. Within 'night-time' hours it is considered that most people would have an expectation of being asleep and, as such, more likely to be adversely affected by any undue noise and disturbance because this is likely to wake them up and/or deprive them of sleep. 'Night-time' hours are, in effect, those hours within which noise nuisance impacts would be likely to have enhanced effects that the Government envisages should be considered less favourably than would be the case for 'daytime hours'; i.e. between 7.00am and 11.00pm.

The Aldershot street market held in Union Street and Wellington Street in Aldershot town centre was also approved in 2016 and is subject to a stall set-up time of between 7.00am and 9.00am; 16/00843/FUL.

In this context the sole determining issue is whether or not the proposed extended area of street within which the market could operate, together with a switch in the day in the month for the Craft Fair, would result in any material adverse impacts upon the amenities of occupiers of adjoining and nearby residential properties.

Commentary

The Queensmead street market was introduced in 2014 seeking to introduce increased vibrancy and footfall into the retail area of Farnborough Town Centre, indeed, the market has been promoted and run by the Council in order to boost the vitality and viability of the town centre. These are long-standing objectives of the Council that are supported by adopted Local Plan policies and current Government Planning Policy and Guidance. In this respect the operation of the market has resulted in some different patterns of activity within the Town Centre on the days when markets are held. Nevertheless, it must be remembered that the market is held in a location where a significant amount of noise, disturbance and activity already takes place irrespective of the existence of the Market. Indeed, there are no controls over the day-to-day timing of service deliveries, refuse collections, opening hours, customer habits etc of the permanent commercial premises operating within Queensmead.

The closest residents to the market are located adjacent, above the retail premises in Queensmead and Dukes Court. Accordingly, from the outset, the market has been operated subject to planning conditions. This includes control of the hours of setting up to, currently, between 7.00 to 9.00am; that the market is vacated by specified times with a limited small number of later evening markets to be held annually; that no amplified music or other sound be used; and that no markets take place on Sundays. The imposition of planning conditions is

enhanced by the Council itself having direct control and responsibility for the management of the Markets rather than this being done by a separate private operator; and, as such, the Council has been able to respond quickly to address any issues that arise that may be raised by residents; and that, generally, an appropriate noise environment can be maintained for existing residents.

It is not considered that allowing the Market to be set-up within an expanded area also using space within the new Town Square area would give rise to any additional and harmful impacts upon the amenities of residential neighbours. Markets would continue to operate with the same frequency and under the same conditions as existing. Furthermore, it is considered that switching the monthly Craft Fair from the third Saturday of each month to the first Saturday is equally acceptable in Planning terms. The Council's Environmental Health Team has been consulted on this application and raise no objections as a result

It is considered that the current proposals are most unlikely to give rise to any undue and materially harmful additional impact upon the amenities of occupiers of residential properties in the vicinity.

Full Recommendation

It is recommended that **SUBJECT** to no new and substantial objections to the proposal being received on or before 8 May 2025 the Executive Head of Property and Growth, in consultation with the Chairman, be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

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

Reason - 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 Access to the market site (including, for the avoidance of any doubt, the bin storage area) for the purposes of setting up shall only take place between the hours of 7.00am and 9am.

Reason - To safeguard the amenities of adjoining occupiers.

- 3 No more than 3 of the Tuesday or 3 of the Friday markets shall finish after 8pm in any calendar year with the market site being fully vacated by 9pm on such days.

Reason - To safeguard the amenities of adjoining residents.

- 4 With the exception of the Tuesday/Friday markets as set out in condition 3 above, the market shall be fully vacated by 6pm.

Reason - To safeguard the amenities of adjoining residents.

- 5 No sound reproduction equipment including the use of amplified sound shall be used by stall holders.

Reason - To safeguard the amenities of adjoining residents.

6 No markets shall take place on Sundays.

Reason - To safeguard the amenities of adjoining residents.

7 The permission hereby granted shall be carried out in accordance with the following approved drawings and documents – Farnborough Markets Site Location Plan dated 4/1/2025 and Design Statement submitted with the current application; and Drawing No.20.6.13-2/101 and Applicants' Supporting Statement approved with application 21/00680/REV approved 16th September 2021; and Drawing No.20.6.13-2/102 approved with planning permission 16/00841/FUL dated 8th December 2016.

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

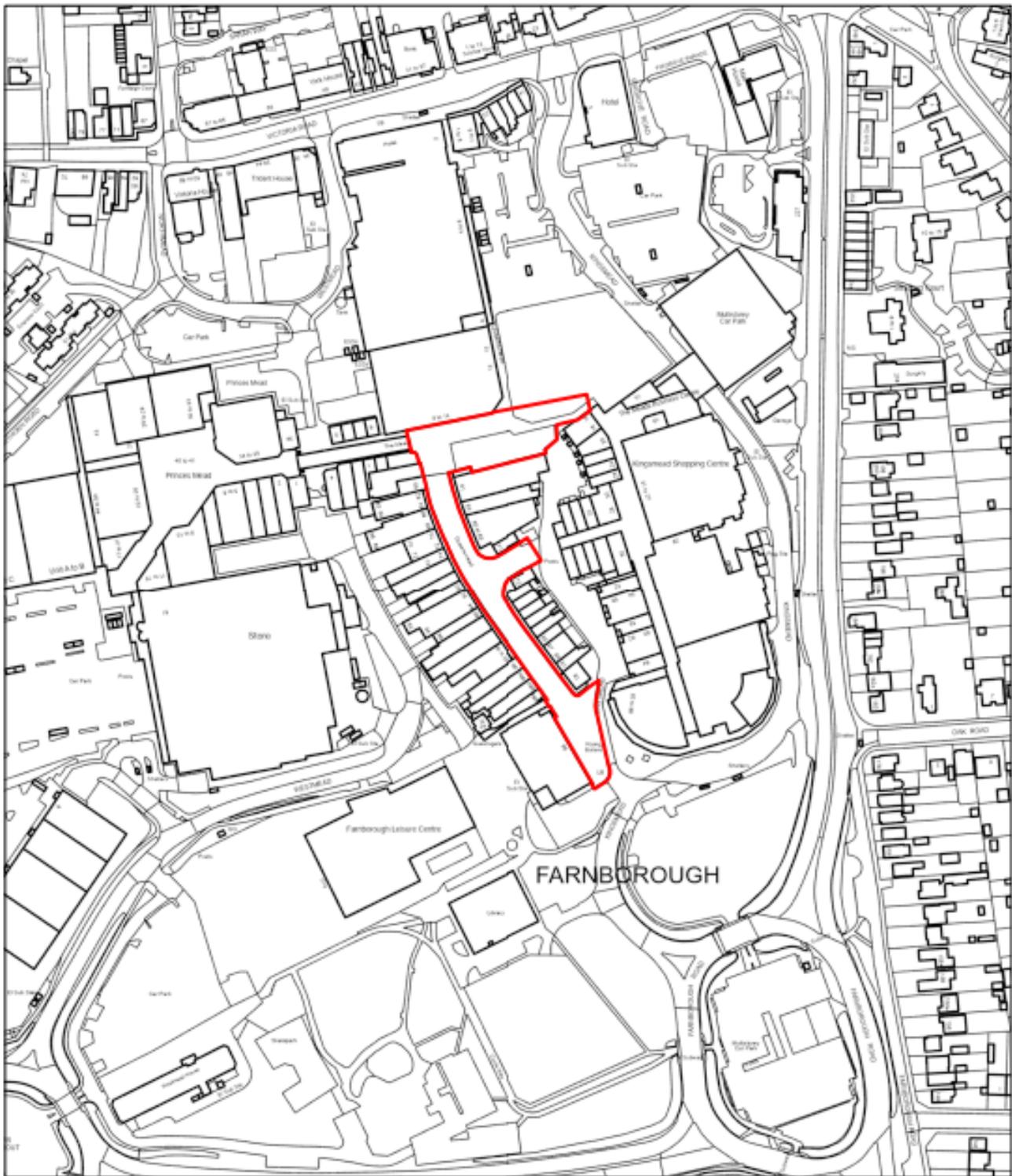
INFORMATIVES

1 **INFORMATIVE - REASONS FOR APPROVAL-** The Council has granted permission because:-

It is considered that the proposed increase in the extent of street space to accommodate the Market and a change in the Saturday in the month on which the monthly craft fair takes place are not considered likely to give rise to any undue and materially harmful additional impact upon the amenities of occupiers of residential property in the vicinity. The proposal is thereby acceptable having regard to the requirements of Policies SS2, SP2 and DE10 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.

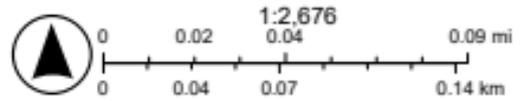


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Planning Application

Building

- Buildings
- <all other values>



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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 Mark Berry (01252 398791) in advance of the Committee meeting.

Application No	24/00090/FULPP	Ward: St Mark's
Applicant:	Mr Hussain Jamali	
Decision:	Permission Granted	
Decision Date:	29 April 2025	
Proposal:	Retention of existing Use Class E use of part of ground floor and change of use and conversion of remainder of building from Class E use to two flats (Use Class C3) comprising 1-bedroom ground-floor and 2-bedroom first-floor units, including erection of external access staircase to first-floor on north elevation and creation of enclosed amenity area for ground floor unit	
Address	Office G1 The Governors House 101 Alexandra Road Farnborough Hampshire GU14 6BN	

Application No	24/00339/FULPP	Ward: St Mark's
Applicant:	Mr John Morgan	
Decision:	Permission Granted	
Decision Date:	09 May 2025	
Proposal:	Erection of modular building for use as a classroom	
Address	Salesian College 119 Reading Road Farnborough Hampshire GU14 6PA	

Application No 24/00369/FULPP Ward: Wellington

Applicant: Sanjay Gurung

Decision: **Permission Granted**

Decision Date: 17 April 2025

Proposal: Change of use of Bingo Hall (Sui generis) to a mixed-use private function centre and venue for live music and drinking establishment, alterations to shopfronts, changing window frames and installation kitchen extraction vent

Address **Buzz Bingo High Street Aldershot Hampshire GU11 1DJ**

Application No 24/00709/COND Ward: Rowhill

Applicant: Mr M Hussain

Decision: **Permission Granted**

Decision Date: 04 April 2025

Proposal: Submission of details pursuant to conditions 3 (external materials) and 4 (parking area) of planning application 23/00887/FUL for two storey and first floor rear extension, enlargement of front dormer, and additional front entrance door, to facilitate vertical sub-division of property into a pair of houses (1no. 2-bed dwelling and 1no.3-bed) and the creation of an upper floor one-bedroom flat and associated parking including the demolition of the existing car parking structure

Address **96 Queens Road Aldershot Hampshire GU11 3JU**

Application No 25/00013/FULPP Ward: Aldershot Park

Applicant: Mr Hamburger

Decision: **Permission Granted**

Decision Date: 02 May 2025

Proposal: Permitted development change of use of the existing 1-bedroom flat (Use Class C3) to a 5-bedroom small House in Multiple Occupation (Use Class C4)

Address **The Studio 42 Ash Road Aldershot Hampshire GU12 4EZ**

Application No 25/00062/CONDPP Ward: Cove And Southwood

Applicant: Motor Fuel Group Limited

Decision: **Conditions details approved**

Decision Date: 25 April 2025

Proposal: Submission of details of location of a glass recycling station, pursuant to Condition 3 and a Sensitive Lighting Strategy pursuant to Condition 4 of planning permission 24/00269/FULPP dated 05/08/2024 (for The creation of 4no. EV charging units with canopy above (measuring 5.3m high), sub-station enclosure, LV panel, meter cabinet and associated works)

Address **4 Southwood Village Centre Links Way Farnborough Hampshire GU14 0NA**

Application No 25/00063/FULPP Ward: Cove And Southwood

Applicant: Mr & Mrs Carrig

Decision: **Permission Granted**

Decision Date: 01 April 2025

Proposal: Proposed single and double storey extension

Address **29 Elmsleigh Road Farnborough Hampshire GU14 0ET**

Application No 25/00068/FULPP Ward: Knellwood

Applicant: Mr Charles Halliday

Decision: **Permission Granted**

Decision Date: 02 April 2025

Proposal: Rotate Air Source Heat Pump previously installed under permitted development through 90 degrees

Address **32A Canterbury Road Farnborough Hampshire GU14 6NR**

Application No 25/00076/LBCPP Ward: Rowhill
Applicant: Mr Stuart Johnson
Decision: **Permission Granted**
Decision Date: 29 April 2025
Proposal: LISTED BUILDING CONSENT: install wooden single pane windows in place of current bricked-up window openings in front elevation of building
Address **51 Sandford Road Aldershot Hampshire GU11 3AQ**

Application No 25/00078/FULPP Ward: North Town
Applicant: Mr & Mrs Benjamin and Chloe Reed
Decision: **Permission Granted**
Decision Date: 02 April 2025
Proposal: Erection of a single storey side and rear extension to include part demolition and conversion of the existing garage
Address **25 Field Way Aldershot Hampshire GU12 4UG**

Application No 25/00079/FULPP Ward: Empress
Applicant: Mrs Jordan
Decision: **Permission Granted**
Decision Date: 09 April 2025
Proposal: Single storey rear/side extension (amended plans received)
Address **335 Farnborough Road Farnborough Hampshire GU14 8AY**

Application No 25/00083/FULPP Ward: Cove And Southwood
Applicant: Mr Rio Antao
Decision: **Permission Granted**
Decision Date: 16 April 2025
Proposal: Installation of 1no. New Refrigeration pack and 1no. Gas coolers within the Store Service yard
Address **Morrisons 1 Southwood Village Centre Links Way Farnborough Hampshire GU14 0NA**

Application No 25/00088/FULPP Ward: Knellwood
Applicant: JEZ BANKS
Decision: **Permission Granted**
Decision Date: 09 May 2025
Proposal: Erection of first floor side and dormer extension, single storey rear extension with creation of an underground parking area to serve two cars under front garden of property
Address **16 Old Rectory Gardens Farnborough Hampshire GU14 7BS**

Application No 25/00091/PRIORP Ward: Wellington
Applicant: Jepol Property Limited
Decision: **Prior Approval Required and Granted**
Decision Date: 09 April 2025
Proposal: Application for Prior Approval : Conversion of part of the ground floor commercial space (Use Class E) into 3 flats (Use Class C3) under Class MA of Part 3, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Address **Willow House 23 Grosvenor Road Aldershot Hampshire GU11 1DL**

Application No 25/00093/FULPP Ward: St John's
Applicant: Mr Dexter McKay
Decision: **Permission Granted**
Decision Date: 15 April 2025
Proposal: Formation of a hip to gable roof and erection of a single storey rear extension following removal of existing single storey rear extension and detached garage(Amendments show a hip to gable roof, a hipped roof to the single storey rear element and reduction in its depth to maximum of 6m from the original rear wall of the property)
Address **53 Chiltern Avenue Farnborough Hampshire GU14 9SG**

Application No 25/00094/PDCPP Ward: Manor Park
Applicant: Ms Rebekha Halls
Decision: **Development is Lawful**
Decision Date: 02 April 2025
Proposal: Lawful Development Certificate for proposed development for: Erection of an L-shaped dormer within rear roof elevation and two roof lights within front elevation to facilitate rooms in roof
Address **87 Waterloo Road Aldershot Hampshire GU12 4NS**

Application No 25/00099/FULPP Ward: Wellington
Applicant: Mr Kabir Lama
Decision: **Permission Granted**
Decision Date: 17 April 2025
Proposal: Proposed installation of extractor fan with a flue on the roof (to facilitate the use of the premises for purposes within Use Class E(b) - Sale of food and drinks for consumption mostly on the premises)
Address **Tolkien House 114 Victoria Road Aldershot Hampshire GU11 1JX**

Application No 25/00101/FULPP Ward: St John's
Applicant: Mr & Ms Knight & Bridges
Decision: **Permission Granted**
Decision Date: 09 April 2025
Proposal: Erection of a single storey rear extension following removal of existing conservatory
Address **12 Chestnut Tree Grove Farnborough Hampshire GU14 9UQ**

Application No 25/00102/PDC Ward: North Town
Applicant: AGR Aldershot Ltd
Decision: **Development is Lawful**
Decision Date: 09 April 2025
Proposal: Application for Certificate of Lawfulness for Proposed Use : Use of premises as car repair workshop (Use Class B2)
Address **Unit 9 Pegasus Court North Lane Aldershot Hampshire GU12 4QP**

Application No 25/00106/TPOPP Ward: St John's

Applicant: Vivid Housing Limited

Decision: **Permission Granted**

Decision Date: 04 April 2025

Proposal: One Oak T1125 tree tag (part of group G2 of TPO 261V) as per submitted plan at Grantham Drive, crown reduce all round by no more than 2 metres

Address **Land Affected By TPO 261V - To The North Of Whetstone Road And Melrose Close And East Of Trunk Road Farnborough Hampshire**

Application No 25/00107/FULPP Ward: North Town

Applicant: MR. IMTIAZ MIAH

Decision: **Permission Granted**

Decision Date: 24 April 2025

Proposal: Erection of a part single storey rear extension with a two storey side extension

Address **149 Newport Road Aldershot Hampshire GU12 4PY**

Application No 25/00109/FUL Ward: Aldershot Park

Applicant: Mr & Mrs - Dewan

Decision: **Permission Granted**

Decision Date: 11 April 2025

Proposal: Replace polycarbonate conservatory roof with new flat roof with 6 roof lights and replace existing wall with new cavity wall

Address **193 Ash Road Aldershot Hampshire GU12 4DD**

Application No 25/00110/PDCPP Ward: Knellwood

Applicant: WHITE

Decision: **Development is Lawful**

Decision Date: 17 April 2025

Proposal: **LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED DEVELOPMENT:** Formation of a dormer window in rear elevation to facilitate a loft conversion

Address **8 Rectory Road Farnborough Hampshire GU14 7BZ**

Application No 25/00111/FULPP Ward: North Town
Applicant: Mr. & Mrs Bigwood
Decision: **Permission Granted**
Decision Date: 14 April 2025
Proposal: Demolition of existing porch and erection of new porch with cloakroom
Address **27 Brookfield Road Aldershot Hampshire GU12 4UP**

Application No 25/00112/FULPP Ward: Wellington
Applicant: Mr. M Elliott
Decision: **Permission Granted**
Decision Date: 08 May 2025
Proposal: External alterations and remodelling of rear elevations to create shop fronts at the rear.
Address **28 - 30 Union Street Aldershot Hampshire**

Application No 25/00113/FUL Ward: Cove And Southwood
Applicant: VIVID
Decision: **Permission Granted**
Decision Date: 01 April 2025
Proposal: Installation of external cladding
Address **10 - 22 Dene Road Farnborough Hampshire GU14 0BZ**

Application No 25/00114/TPOPP Ward: Knellwood
Applicant: Gill Craft
Decision: **Permission Granted**
Decision Date: 04 April 2025
Proposal: Remove one Oak T1 on submitted plan. Remove one Sycamore T2 on submitted plan. One Maple T3 reduce canopy by no more than 3 metres. Two Oaks T4 and T5 reduce the canopy by no more than 3 metres. All these trees are within group G1 of TPO 403V at land adjacent Knellwood
Address **Land Affected By TPO 403V - At Sycamore Road, King George Close, Canterbury Gardens And Canterbury Road Farnborough Hampshire**

Application No 25/00115/FULPP Ward: Cove And Southwood
Applicant: Mr Paul Prebble
Decision: **Permission Granted**
Decision Date: 10 April 2025
Proposal: Erection of a single storey rear extension and a 2 metre boundary wall with new pedestrian gate access
Address **11 Oldwood Chase Farnborough Hampshire GU14 0QS**

Application No 25/00116/FUL Ward: Cove And Southwood
Applicant: VIVID
Decision: **Permission Granted**
Decision Date: 02 April 2025
Proposal: Installation of external cladding
Address **29 - 41 Dene Road Farnborough Hampshire GU14 0BY**

Application No 25/00118/FUL Ward: Aldershot Park
Applicant: T Maynard
Decision: **Permission Granted**
Decision Date: 14 April 2025
Proposal: Erection of a single storey rear extension following demolition of existing conservatory
Address **6 The Avenue Aldershot Hampshire GU12 4BJ**

Application No 25/00121/FULPP Ward: Empress
Applicant: Mrs Sara Humphries
Decision: **Permission Granted**
Decision Date: 30 April 2025
Proposal: New shopfront and air conditioning condenser units and re-use extract grille
Address **62 - 64 Queensmead Farnborough Hampshire GU14 7SB**

Application No 25/00122/ADVPP Ward: Empress
Applicant: Mrs Sara Humphries
Decision: **Permission Granted**
Decision Date: 30 April 2025
Proposal: Display of an internally illuminated fascia sign and a projecting sign
Address **62 - 64 Queensmead Farnborough Hampshire GU14 7SB**

Application No 25/00123/MISC28 Ward: Manor Park
Applicant: Srinath K
Decision: **No Objection**
Decision Date: 02 April 2025
Proposal: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus (9 metre light pole)
Address **Car Park Station Road Aldershot Hampshire**

Application No 25/00125/FULPP Ward: Fernhill
Applicant: Mr David Lewis
Decision: **Permission Granted**
Decision Date: 09 April 2025
Proposal: Conversion of garage to habitable room and erection of pitch roof to front elevation
Address **17 Henley Close Farnborough Hampshire GU14 9HE**

Application No 25/00126/FULPP Ward: West Heath
Applicant: Mr Sandip Shrestha
Decision: **Permission Granted**
Decision Date: 22 April 2025
Proposal: Erection of a single storey rear extension
Address **17 Anglesey Avenue Farnborough Hampshire GU14 8SH**

Application No 25/00127/FULPP Ward: Cherrywood
Applicant: Nabindra Gurung
Decision: **Permission Granted**
Decision Date: 11 April 2025
Proposal: Erection of a single storey rear extension
Address **50 Churchill Crescent Farnborough Hampshire GU14 8EL**

Application No 25/00128/FULPP Ward: Cherrywood
Applicant: Mr Indra Gurung
Decision: **Permission Granted**
Decision Date: 11 April 2025
Proposal: Erection of a single storey rear extension
Address **49 Churchill Crescent Farnborough Hampshire GU14 8EL**

Application No 25/00129/FULPP Ward: Fernhill
Applicant: Mr & Mrs Khanna
Decision: **Permission Granted**
Decision Date: 09 April 2025
Proposal: Conversion of garage and erection of pitch roof to front elevation
Address **16 Henley Close Farnborough Hampshire GU14 9HE**

Application No 25/00132/REXPD Ward: Knellwood
Applicant: Mr John Christensen
Decision: **Prior approval is NOT required**
Decision Date: 06 May 2025
Proposal: Erection of a single storey rear extension measuring 3 metres to the eaves x 3 metres high x 5.5 metres deep from the original wall of the dwellinghouse
Address **8 Sycamore Road Farnborough Hampshire GU14 6PG**

Application No 25/00134/TPOPP Ward: Empress

Applicant: Maureen Johnson

Decision: **Permission Granted**

Decision Date: 10 April 2025

Proposal: One Common Oak (T1 of TPO 442V) overall canopy reduction of no more than 3 metres. All primary limbs should be pruned back to suitable sub-lateral secondary growth points. One Common Oak (T15 of TPO 442V) overall canopy reduction of no more than 3 metres. All primary limbs should be pruned back to suitable sub-lateral secondary growth points. A drop crotch approach to be taken with both trees

Address **Woodlands 4 Napoleon Avenue Farnborough Hampshire GU14 8LY**

Application No 25/00135/NMAPP Ward: St Mark's

Applicant: Mr Yogen

Decision: **Permission Granted**

Decision Date: 09 April 2025

Proposal: NON MATERIAL AMENDMENT: To application 24/00374/FULPP for side, front, rear and roof extensions to provide third storey to facilitate a change of use of ancillary staff accommodation (Use Class E) to a mixed use building with 8no. 1-bedroom short stay serviced apartments with restaurant retained on ground floor to allow for internal alterations, new side entrance door and changes to porch

Address **32 Alexandra Road Farnborough Hampshire GU14 6DA**

Application No 25/00136/FULPP Ward: St John's

Applicant: Mr and Mrs Page

Decision: **Permission Granted**

Decision Date: 08 April 2025

Proposal: Erection of first floor side extension over existing single storey garage and utility

Address **26 The Birches Farnborough Hampshire GU14 9RP**

Application No 25/00137/FULPP Ward: Cove And Southwood
Applicant: Mr Daniel Ellis
Decision: **Permission Granted**
Decision Date: 08 May 2025
Proposal: Single storey rear extension with roof lantern
Address **13 Wood Lane Farnborough Hampshire GU14 0AJ**

Application No 25/00138/PRIOR Ward: Empress
Applicant: Mike Smith
Decision: **Permission Granted**
Decision Date: 09 May 2025
Proposal: PRIOR APPROVAL: development of fencing, change of surface and ancillary development Farnborough North Station
Address **Farnborough North Railway Station Farnborough Street Farnborough Hampshire**

Application No 25/00142/FULPP Ward: Cove And Southwood
Applicant: Jennings
Decision: **Permission Granted**
Decision Date: 06 May 2025
Proposal: Erection of a rear extension to the detached garage with dual pitched and solar PV array
Address **St Hubert 15 Southwood Road Farnborough Hampshire GU14 0JG**

Application No 25/00143/TPOPP Ward: Fernhill
Applicant: Mrs Amanda Hastings
Decision: **Permission Granted**
Decision Date: 10 April 2025
Proposal: One Cypress tree (T3 of TPO 293V) reduce crown height by no more than 3 metres and thin crown by no more than 20%
Address **17 Fernhill Close Blackwater Camberley Hampshire GU17 9HD**

Application No 25/00144/ADJ

Ward: Out Of Area

Applicant: Claire Woolf

Decision: **Objection**

Decision Date: 04 April 2025

Proposal: ADJACENT AUTHORITY CONSULTATION FROM HART DC:
Demolition of the existing day nursery and erection of a replacement
nursery, and a new access on Woodlands Walk

Address **Hawley Hurst School Fernhill Road Blackwater Camberley,
Hampshire GU17 9HU**

Application No 25/00145/FULPP

Ward: Fernhill

Applicant: Mr And Mrs Simon Praise

Decision: **Permission Granted**

Decision Date: 06 May 2025

Proposal: Erection of a two storey and single storey front extension

Address **1 Henley Close Farnborough Hampshire GU14 9HE**

Application No 25/00146/TPOPP

Ward: St John's

Applicant: Vivid Housing Limited

Decision: **Permission Granted**

Decision Date: 15 April 2025

Proposal: One Oak T1160 Tree tag on submitted plan (T14 of TPO 370V) crown
reduce by no more than 2 metres all round

Address **Land Affected By TPO 370V - Between Conway Drive And
Ladywood Avenue And North Of Holmbrook Gardens Farnborough
Hampshire**

Application No 25/00147/TPOPP

Ward: St John's

Applicant: Vivid Housing Ltd

Decision: **Permission Granted**

Decision Date: 15 April 2025

Proposal: Crown Reductions to T1144 and T1148 (G1 G5)of TPO261VT1144
Tree tag: 1893 English oak Crown reduce by 5-6m all round. Height to be reduced to 14m Crown spread reduce to 10m. T1148 Tree tag: 1901 English oak Crown reduce by 2m all round. Height to be reduced to 17m and Crown spread reduced to 8m.

Address **Land Affected By TPO 261V - To The North Of Whetstone Road And Melrose Close And East Of Trunk Road Farnborough Hampshire**

Application No 25/00149/FULPP

Ward: Empress

Applicant: Mr and Mrs Carr

Decision: **Permission Granted**

Decision Date: 08 May 2025

Proposal: Erection of a garden cabin following removal of existing cabin

Address **14 Queen Victoria Court Farnborough Hampshire GU14 8AR**

Application No 25/00151/FULPP

Ward: Cove And Southwood

Applicant: Miss Po

Decision: **Permission Granted**

Decision Date: 15 April 2025

Proposal: Erection of a single storey rear extension and raising of existing single storey side roof

Address **40 Long Beech Drive Farnborough Hampshire GU14 0PR**

Application No 25/00153/MISC28

Ward: Cherrywood

Applicant: Rachel Gormley

Decision: **No Objection**

Decision Date: 16 April 2025

Proposal: NOTIFICATION UNDER THE ELECTRONIC COMMUNICATIONS CODE (CONDITIONS AND RESTRICTIONS) REGULATIONS 2003 (AS AMENDED) TO UTILISE PERMITTED DEVELOPMENT RIGHTS - Proposed upgrade of an existing telecommunications base station comprising the removal and replacement of 3 no antennas, internal upgrade of existing cabin together with ancillary development thereto

Address **Telecommunication Mast Farnborough Football Club Cherrywood Road Farnborough Hampshire**

Application No 25/00154/PDCPP

Ward: West Heath

Applicant: Mr Sam Mullard

Decision: **Development is Lawful**

Decision Date: 22 April 2025

Proposal: Lawful Development Certificate for proposed development: Formation of rear dormer and installation of two roof lights on the front roof slope

Address **23 Northcote Road Farnborough Hampshire GU14 9EA**

Application No 25/00158/TPOPP

Ward: Knellwood

Applicant: Mr Neil Oliver

Decision: **Permission Granted**

Decision Date: 22 April 2025

Proposal: One Sweet Chestnut (T9 of TPO 296V) reduce crown southern, western and north-western radial lateral canopy spreads by no more than 3 metres and reduce height by no more than 2 metres. Remove all epicormic growth and any weak or dead wood from this tree and also remove all epicormic growth and any weak or dead wood from Sweet Chestnut (T10 of TPO 296V)

Address **43 The Crescent Farnborough Hampshire GU14 7AR**

Application No 25/00160/TPOPP Ward: Knellwood
Applicant: Mr Flack
Decision: **Permission Granted**
Decision Date: 22 April 2025
Proposal: One Beech (T5 of TPO 338V) reduce canopy by no more than 2 metres radially
Address **6 Pirbright Road Farnborough Hampshire GU14 7AD**

Application No 25/00161/PDCPP Ward: Empress
Applicant: Mr & Mrs K Bishop
Decision: **Development is Lawful**
Decision Date: 24 April 2025
Proposal: Lawful Development Certificate for proposed development for: Erection of an L-shaped dormer within rear roof elevation and two roof lights within front elevation to facilitate rooms in roof
Address **52 Union Street Farnborough Hampshire GU14 7QB**

Application No 25/00165/FULPP Ward: St John's
Applicant: Ms Laura Gurney
Decision: **Permission Granted**
Decision Date: 22 April 2025
Proposal: Erection of a single storey rear extension
Address **6 Harvey Road Farnborough Hampshire GU14 9TW**

Application No 25/00183/MISC28 Ward: Manor Park
Applicant: Dimitri Apartopoulos
Decision: **No Objection**
Decision Date: 30 April 2025
Proposal: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus
Address **Warwick House 147 Church Lane East Aldershot Hampshire GU11 3ST**

Application No 25/00185/TPOPP Ward: Knellwood

Applicant: John Battersby

Decision: **Permission Granted**

Decision Date: 25 April 2025

Proposal: Remove one dead Holly tree T001 on submitted plan, (part of group G8 of TPO 435V). Three Norway maples T003 on plan, remove middle tree and prune the other two to create no more than 1.5 metres clearance from building (part of group G8 of TPO 435V)

Address **Wimbourne House Sycamore Road Farnborough Hampshire GU14 6RD**

Application No 25/00195/MISC28 Ward: Manor Park

Applicant: Cornerstone Planning

Decision: **No Objection**

Decision Date: 29 April 2025

Proposal: Notification under the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (As Amended) to utilise permitted development rights to replace 12.50m high streetworks pole with a 20.00m high streetworks pole and install 1 cabinet

Address **Telecommunication Mast O2 36956 At Junction Of Elm Place And Church Lane East Aldershot Hampshire**

Application No 25/00197/TPOPP Ward: Rowhill

Applicant: Mrs Bonham

Decision: **Permission Granted**

Decision Date: 30 April 2025

Proposal: T1 Oak of (90/00174/ORDER) - To reduce in height by approximately 2.5-3 metres leaving a retained height of approximately 16-17 metres and reducing lateral growth all round, to reduce the significant impact upon the Northern aspect of the property.

Address **5 Chetwode Terrace Aldershot Hampshire GU11 3NR**

Application No 25/00241/ADJ

Ward: Out Of Area

Applicant: Hart District Council

Decision: **No Objection**

Decision Date: 06 May 2025

Proposal: Adjacent Authority Consultation : Request for an EIA Screening for development at Firgrove Farm, Yateley Hampshire, RG27 0PE

Address **Firgrove Farm Yateley Hampshire RG27 0PE**

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Development Management Committee
21st May 2025

**Executive Head of Property and
Growth**
Report No.PG2517

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 Mark Berry (01252 398791) in advance of the Committee meeting.

Address 68 Rectory Road Farnborough

Reference 24/00115/OUTBDG

Ward Knellwood

Decision No further action

A complaint was made that an outbuilding was being erected to the rear of 68 rectory Road which overhung the properties abutting the boundaries and was over 3 metres in height.

Upon inspection the outbuilding did not encroach onto neighbouring properties as it was located over a metre away from the boundaries. However, it is over 2.5 metres in height which is the permitted development allowance within 2 metres of a boundary and does require planning permission.

The owner was told that planning permission was required but no application has been forthcoming.

The outbuilding is a timber building with pitched roof and is used as a summer house with an open sitting area. It is a typical modern garden structure for a residential property. The neighbouring gardens are very small and the outbuilding does have some impact on them in terms of mass and bulk but not an adverse impact to warrant enforcement action to get the building removed.

Due to the position of the outbuilding and the distance from the boundaries, had an application been submitted it would have been supported. It is not therefore expedient to take enforcement action.



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Appeals Progress Report

1. New Appeals

- 1.1 A new appeal has now started, relating to Unit 1 at 106 Hawley Lane Farnborough. The application for '*Variation of Conditions 2 (approved drawings) and 4 (materials storage heights) of 24/00460/FULPP for change of use of office/light industrial use to Builders Merchant with external display and storage areas and trade counter dated 27 September 2024 (Sui generis), to allow an increase in external building material storage heights to 5.5m*' was refused on 31 January 2025 as it was considered that the proposed height, siting and appearance of the building materials storage areas would result in a visually intrusive untidy form of development that would be out of keeping with the character of the area and be materially detrimental to the visual amenities of the site and surrounding area, contrary to Policy DE1 of the Rushmoor Local Plan. The Inspector has started the appeal and agreed with the 'Written Representations' procedure and the Council's Statement of Case is due by 28 May 2025. Council's planning reference is 25/0004/REFUSE. Inspectorate reference is APP/P1750/W/25/3364218.

2. Decided Appeals

- 2.1 Appeal against refusal of planning permission for "Erection of pair of semi-detached two-storey 3-bedroom houses" at **Car Park at Carmarthen Close, Farnborough**, 24/00240/FUL.
- 2.2 Planning permission was refused under delegated powers in June 2024 for the following reasons:-
1. *The proposed dwellings, due to their siting, design, and size, would appear alien, cramped and contrived within the street scene, adversely harming its character. The proposal would be therefore contrary to Policy DE1 of the Local Plan.*
 2. *The proposed dwellings, by reason of their proximity of windows to private gardens serving properties in 129 and 130 Caswell Close and 6 – 8 Heddon Walk would have a harmful overlooking impact on these spaces adversely harming neighbouring amenity, and would therefore be contrary to Policy DE1 of the Rushmoor Local Plan.*
 3. *In the absence of tracking diagrams to demonstrate otherwise, it cannot be ascertained whether the proposed parking area can accommodate the required parking provision; it cannot be ascertained that the proposal would not result in increased parking stress through the inability to park additional vehicles. This is likely to increase existing friction between neighbours and unauthorised and/or obstructive parking, to the detriment of highway safety and the amenity and*

convenience of the neighbours and the occupants of the existing and proposed dwellings, contrary to Policy IN2 of the Rushmoor Local Plan.

4. The proposal fails to either demonstrate that the loss of the car parking area would not result in an harmful level of parking stress or to make provision for off-road parking for the existing dwellings in accordance with the requirements of the Council's adopted standards, as set out in the Car & Cycle Parking Standards Supplementary Planning Document in an area of high parking stress, which is likely to increase existing friction between neighbours and unauthorised and/or obstructive parking, to the detriment of highway safety and the amenity and convenience of the neighbours and the occupants of the existing and proposed dwellings, contrary to Policy IN2 of the Rushmoor Local Plan.

5. The proposal fails to address the likely significant impact of the development on the Thames Basin Heaths Special Protection Area as required by the Habitats Regulations in accordance with the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy (2024), and is therefore contrary to Policy NE1 of the Rushmoor Local Plan and retained Policy NRM6 of the South East Plan.

6. The proposal fails to make adequate provision for the open space needs of the future occupiers contrary to the requirements of Rushmoor Policy DE6 of the Rushmoor Local Plan.

2.3 The Inspector considered that the main issues to be

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on the living conditions of the occupiers of numbers 129 and 130 Caswell Close (Nos. 129 and 130), and numbers 6 to 8 Heddon Walk (Nos 6 to 8), with regard to privacy;
- the effect of the proposal on parking and highway safety; and
- whether the proposal would make adequate provision for public open space.

2.4 The Inspector agreed with all the reasons for refusal stated by the Council.

2.5 Consequently, the Inspector considered that the proposal would conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan.

2.6 The appeal was therefore **DISMISSED**.

3. Update on current Appeals

3.1 The Council have submitted their Statements of Case on the planning appeal and the enforcement notice appeal at Units 1-3, 14 Camp Road, Farnborough; for the unauthorised change of use from mixed use B8 storage and E Commercial use, to a vehicle repair premises and other matters; Council references 25/00001/REFUSE and 25/00003/ENFA. The Inspector for the enforcement

appeal has given the Council an opportunity to respond to the appellant's final comments, and third party representations, by 21 May 2025.

4. Recommendation

4.1 It is recommended that the report be **NOTED**.

Tim Mills
Executive Head of Property & Growth

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**Planning (Development Management) Summary Report for the Quarter
January - March 2025 and Annual Summary Report for 2024-25**

1. Introduction

1.1 The purpose of this report is to update Members on the position with respect to Performance Indicators for the Development Management Section of Planning, and the overall workload of the Section. This report covers the quarter from 1st January to 31st March 2025; and is also an annual summary for the previous year from 1st April 2024 to 31st March 2025.

2. Planning Applications

2.1 The three tables and corresponding graphs below set out figures relating to determination of Major, Minor and Other planning applications and appeal decisions for the first quarter of the financial year.

2.2 We are required to provide the government with statistical returns in relation to decision times for different types of applications and the number of appeals allowed. National Government sets these targets at a national level, and there are potential consequences for not meeting such requirements. Officers can agree Extension of Times (EXOT) with agents to extend the timescale beyond the nationally set target deadlines, and these are recorded as ‘in time’ in the statutory returns.

Major applications

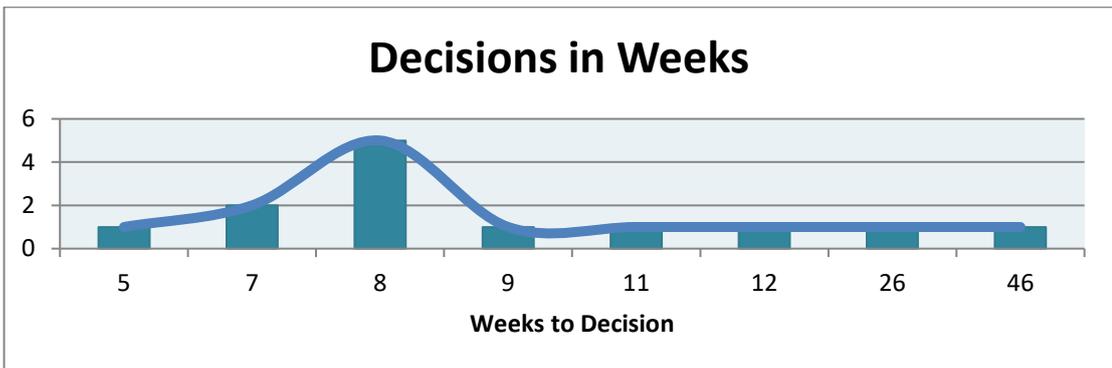
2.3 In Quarter 4 two major planning applications were determined ‘in time’. One was determined within the statutory 13-week deadline and one was determined in accordance with an agreed Extension of Time.

Quarter	No. of apps	% within target	Government target	2024/2025 Total
1 (April – June 24)	2	100%	60%	89%
2 (July – Sept 24)	2	50%		
3 (Oct – Dec 24)	3	100%		
4 (Jan – Mar 25)	2	100%		

Minor applications

2.4 In Quarter 4, out of thirteen minor planning applications, eleven were determined within the statutory 8-week deadline, one was determined within an agreed EXOT and one was determined within the statutory 16-weeks applicable to an application with an Environmental Impact Assessment (EIA).

Quarter	No of apps	% within target	Government Target	2023/2024 Total
1 (Apr-Jun 2024)	19	84.2%	65%	87%
2 (July – Sept 24)	18	77.7%		
3 (Oct – Dec 24)	11	100%		
4 (Jan – Mar 25)	13	92%		



Other (including Householder) applications

2.5 In Quarter 4, out of thirty-eight ‘other’ planning applications, thirty-four were determined within the statutory 8 weeks and four were determined within an agreed EXOT.

Quarter	No. of apps	% within target	Government Target	2024/2025 Total
1 (April – June 24)	61	95%	80%	95%
2 (July – Sept 24)	59	89.8%		
3 (Oct – Dec 24)	65	96.9%		
4 (Jan – Mar 25)	38	100%		



2.6 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. These are included in the total figures reflecting workload set out below.

3. Appeals allowed

3.1 The following table sets out figures relating to appeals allowed against the authority's decision to refuse permission. Given that no appeals have been allowed in this financial year the Council has had a 100% success rate.

Quarter	Government Target	Appeals Allowed	% allowed	Appeal Decisions
1	40% max	0	0%	3
2		0	0%	3
3		0	0%	2
4		0	0%	1

4. Planning Workload

4.1 This section deals with workload demand on the Development Management Section in the third quarter of 2024-2025. Workload remains relatively low in Q4.

Quarter	Applications Submitted (All types)	Applications Determined (All types)	Appeals Submitted
Q1	197	197	3
Q2	243	257	1
Q3	169	241	2
Q4	204	173	0

4.2 This quarter numbers of applications submitted have picked up a bit, but the fee income has been down which reflects a larger number of small-scale proposals and enquiries in that quarter.

Quarter	Pre-Application Cases received	Pre-application cases determined	New enforcement cases	Enforcement cases closed	Planning Contravention Notices served	Enforcement Notices served
Q1	50	Not reported	Not reported	Not reported	Not reported	Not reported
Q2	64	76	36	347 ¹	1	0
Q3	49	35	33	39	0	0
Q4	75	62	24	43	0	2

5. Income

5.1 The total planning fee income received for the third quarter was £41,722 against a budget estimate of £137,281. The year-end outturn was therefore markedly down on budget by £152,001.

Pre App Income	April	May	June	July	August	Septemb	October	Novemb	Decemb	January	February	March	Total
Actual Income	-£5,680	-£4,500	-£3,105	-£3,922	-£2,530	-£2,829	-£1,440	-£1,010	-£2,325	-£7,155	-£1,580	-£5,430	-£41,506
Original Estimate	-£3,000	-£3,000	-£3,000	-£3,000	-£3,000	-£3,000	-£3,000	-£3,000	-£3,000	-£3,000	-£3,000	-£3,000	-£36,000
Variance	-£2,680	-£1,500	-£105	-£922	£470	£171	£1,560	£1,990	£675	-£4,155	£1,420	-£2,430	-£5,506

¹ The records were updated to close files which had not been completed on the system.

5.2 The total pre-application income received for the third quarter was £14,165 against a budget estimate of £9,000. The resulting year-end outturn was therefore £5,506 above budget.

<i>Planning App Income</i>	April	May	June	July	August	Septemb	October	Novembe	Decembe	January	February	March	Total
Actual Income	-£90,162	-£16,565	-£24,833	-£26,404	-£23,637	-£33,960	-£60,130	-£48,859	-£30,853	-£13,731	-£15,217	-£12,774	-£397,124
Original Budget	-£45,760	-£45,760	-£45,760	-£45,760	-£45,760	-£45,760	-£45,760	-£45,760	-£45,760	-£45,760	-£45,760	-£45,760	-£549,125
Variance	-£44,402	£29,195	£20,928	£19,356	£22,123	£11,800	-£14,370	-£3,099	£14,908	£32,029	£30,543	£32,986	£152,001

6. Section 106 contributions

6.1 Information in this section relates to financial contributions secured by way of section 106 planning obligations. The figures reflect the invoiced amounts and do not reflect if these have been paid.

Section 106 contributions received	January – April 2025
Open Space (specific projects set out in agreements)	£42,752.26
SANGS	
a. Southwood County Park	£213,953
b. Wellesley Woodland	NIL
c. Rowhill	NIL
d. Southwood Woodlands	NIL
e. Hawley Meadows	NIL
SAMM*	
a Southwood Country Park	£23,453.02
b Bramshot Farm (Hart)	£2,181.83
c Wellesley Woodland	NIL
d Rowhill	NIL
e Blandford Woods	£90,662
f Southwood Woodlands	NIL
g Hawley Meadows	NIL

*SAMM contributions are taken by RBC and paid directly to Hampshire County Council.

7. Wellesley

- 7.1 There have been approximately 1650 residential occupations to date at Wellesley.
- 7.2 Within the last quarter, the Wellesley Sports Pitches have been transferred to Rushmoor Borough Council in accordance with the Wellesley s106 legal agreement.
- 7.3 The Reserved Matters Application and associated Listed Building Consent (refs: 24/00517/REMPP and 24/00504/LBCPP) for the conversion of the Grade II Listed 4th Division Building within the Neighbourhood Centre Development Zone L was approved on the 11/04/2025, following Development Management Committee. This scheme represents the first phase of the Neighbourhood Centre and would deliver 34 dwellings. It will be delivered by Weston Homes.
- 7.4 An application for approval of a Design Code Document 3 & Arboricultural Method Statement for Pennefathers Zone G has been submitted and is currently under consideration (ref: 25/00237/CONDPP). The DCD3 & AMS require approval (under Condition 3 of the Outline Permission) prior to the submission of a Reserved Matters Application for this zone. It is expected that a Reserved Matters Application for the Pennefathers Development Zone G (122 residential units) will be submitted in the next quarter.

8. Recommendation

- 8.1 That the report be **NOTED**

Tim Mills
Executive Head of Property & Growth

Contact: Mark Berry 01252 398110

BACKGROUND PAPERS: None.

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