

DEVELOPMENT MANAGEMENT COMMITTEE

Meeting held on Wednesday, 24 May 2017 at the Concorde Room, Council Offices, Farnborough at 7.00 pm.

Voting Members

Cllr B.A. Thomas (Chairman)
Cllr J.H. Marsh (Vice-Chairman)

Cllr Mrs. D.B. Bedford
Cllr D.M.T. Bell
Cllr R. Cooper

Cllr P.I.C. Crerar
Cllr Sue Dibble
Cllr Jennifer Evans

Cllr D.S. Gladstone
Cllr C.P. Grattan
Cllr A.R. Newell

Non-Voting Members

Councillor Martin Tennant (ex-officio)

Cr. D.S. Gladstone arrived at 7.50 p.m. at the start of consideration of Planning Application No. 17/00246/COUPP (No. 201 Weybourne Road, Aldershot) and did not vote on any of the previous items.

1. DECLARATIONS OF INTEREST

Cr. A.R. Newell declared a prejudicial interest in respect of planning application 17/00246/FULPP (No. 201 Weybourne Road, Aldershot) in respect of his one-third ownership of a property in the vicinity and, in accordance with the Members' Code of Conduct, left the meeting during the discussion and voting thereon.

2. MINUTES

The Minutes of the Meeting held on 26th April, 2017 were approved and signed by the Chairman.

3. PLANNING APPLICATIONS

RESOLVED: That

- (i) permission be given to the following applications set out in Appendix "A" attached hereto, subject to the conditions, restrictions and prohibitions (if any) mentioned therein:

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| * 17/00222/COUPP | (No. 9 Bridge Road, Farnborough); |
| * 17/00351/COUPP | (Kings Moat Car Park, Westmead, Farnborough); |

- (ii) planning permission/consent be refused in respect of the following application as set out in Appendix “B” attached hereto for the reasons mentioned therein:

* 17/00246/FULPP (No. 201 Weybourne Road, Aldershot);

- (iii) objection be raised in respect of the application listed below and set out in Appendix “C” attached hereto for the reasons mentioned therein:

* 17/00332/ADJ (Guillemont Park, Minley Road, Blackwater, Camberley, Surrey);

- (iv) the applications dealt with by the Head of Planning, where necessary in consultation with the Chairman, in accordance with the Council’s Scheme of Delegation, more particularly specified in Section “D” of the Head of Planning’s Report No. PLN1714, be noted;

- (v) the following applications be determined by the Head of Planning, in consultation with the Chairman:

* 17/00075/FULPP (No. 122 Hawley Lane, Farnborough);

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

16/00837/FULPP (The Crescent, Southwood Business Park, Summit Avenue, Farnborough);

16/00981/FULPP (Aldershot Bus Station, No. 3 Station Road, Aldershot);

17/00241/ADJ (Hartland Park, Bramshot Lane, Fleet);

17/00264/FULPP (Building 4.2 Frimley Business Park, Frimley, Camberley); and

17/00348/FULPP (Farnborough Business Park, Templer Avenue, Farnborough)

* The Head of Planning’s Report No. PLN1714 in respect of these applications was amended at the meeting.

4. PETITION

RESOLVED: That the petition received in respect of the following application be noted, as set out in the Head of Planning’s Report No. PLN1714 (as amended at the meeting):

Application No.	Address
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17/00222/COUPP	No. 9 Bridge Road, Farnborough
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5. **REPRESENTATION BY THE PUBLIC**

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

Application No.	Address	Representation	In support of or against the application
17/00222/COUPP	No. 9 Bridge Road, Farnborough	Mr. R. Kemp	Against
17/000246/FULPP	No. 201 Weybourne Road, Aldershot	Mr. D. Neame	In support

6. **PLANNING APPLICATION NO. 17/00075/FULPP - NO. 122 HAWLEY LANE, FARNBOROUGH**

The Committee considered the Head of Planning's Report No. PLN1714 (as amended at the meeting) regarding the erection of a new storage and distribution warehouse with ancillary offices, entrance gatehouse, parking and landscaping (Use Class B8) following the demolition of all existing buildings on the site at No. 122 Hawley Lane, Farnborough.

The Committee was advised that the applicant's agents had confirmed that they had no objections to the suggested conditions as set out in the Report, with one minor correction to Condition 23, to read "The development hereby permitted shall comprise no more than 16,098 square metres of gross external floorspace unless with the prior written permission of the Local Planning Authority."

The Committee was further advised that the applicant's agents had also contacted the Council that day to advise that they were encountering significant difficulties engaging with the Environment Agency to seek to resolve their technical objections, which was likely to result in some time delays. As a result, the applicant had requested an extension of time for the Council's determination of the application until 31st July, 2017.

RESOLVED: That, subject to

- (i) the completion of a satisfactory Section 106 Planning Obligation between the applicants and Hampshire County Council to be submitted to Rushmoor Borough Council by 28th July, 2017 to secure £16,500 for the implementation, evaluation and monitoring of the Travel Plan; and
- (ii) the Environment Agency confirming they have no objections to the proposals;

the Head of Planning, in conjunction with the Chairman, be authorised to grant planning permission subject to the conditions and informatives, as set out in the Head of Planning's Report No. PLN1714 (as amended at the meeting), but with amended Condition No. 23, as follows:

- "23 The development hereby permitted shall comprise no more than 16,098 square metres of gross external floorspace unless with the prior written permission of the Local Planning Authority"; and
- (iii) in the event that a satisfactory Section 106 Planning Obligation is not received and/or the Environment Agency objections are not resolved by 28th July, 2017, the Head of Planning, in consultation with the Chairman, be authorised to refuse planning permission on the grounds that the proposal:
- (a) does not secure the satisfactory implementation, evaluation and monitoring of a Travel Plan to the detriment of the safety and convenience of highway users contrary to Core Strategy Policies CP1 and CP16 and saved Local Plan Policy TR10; and/or
 - (b) it has not been satisfactorily demonstrated that adequate measures will be taken to protect the development from the possibility of flooding and that the proposed development will not put adjoining land at increased risk of flooding contrary to Rushmoor Core Strategy Policy CP2 and saved Local Plan Policies ENV41-43.

7. PLANNING APPLICATION NO. 17/00222/COUPP - NO. 9 BRIDGE ROAD, FARNBOROUGH

Prior to consideration of the Head of Planning's Report No. PLN17014 (as amended at the meeting), the Committee received representation from Mr. R. Kemp against the planning application.

The planning application was for the change of use of the existing café/restaurant (Use Class A3) to include a takeaway (Use Class A5) both of which to be open to customers Monday – Friday 0700 – 2300 hours, Saturday 0700 – 0000 hours and Sundays/Bank Holidays 0800 – 2230 hours, together with an additional window in the side extension at No. 9 Bridge Road, Farnborough.

It was noted that, subject to an additional planning condition 8, as set out in the Head of Planning Services Report No. PLN1714 (as amended at the meeting), the recommendation was to grant planning permission.

During the debate, it was proposed that the planning condition in respect of the use of the decking to the front of the premises be amended to until 2100 hours. The Committee agreed to the amended planning condition.

Members also requested that a parking survey should be undertaken in the area of the premises to ascertain whether there were sufficient parking spaces for the proposed use. An additional informative was also requested to ensure that there was not a litter problem in the vicinity of the premises.

RESOLVED: That, subject to no new substantial or material matters being raised as a result of neighbour notification period, the Head of Planning, in consultation with the Chairman, be authorised to grant planning permission, subject to the conditions and informatives as set out in the Head of Planning's Report No. PLN1714 (as amended).

8. **APPOINTMENTS TO STANDING CONSULTATION GROUP**

RESOLVED: That the Chairman or the Vice-Chairman and Crs. D.M.T. Bell, Sue Dibble and J.H. Marsh be appointed to the Standing Consultation Group for the 2017/18 Municipal Year.

9. **APPOINTMENTS TO DEVELOPMENT MONITORING GROUPS**

(1) **Farnborough Town Centre –**

RESOLVED: That the Chairman or Vice-Chairman and the three Empress Ward Councillors be appointed to the Farnborough Town Centre Development Monitoring Group for the 2017/18 Municipal Year.

(2) **North Town, Aldershot –**

RESOLVED: That the Chairman or Vice-Chairman and the three North Town Ward Councillors be appointed to the North Town Development Monitoring Group for the 2017/18 Municipal Year.

(3) **Wellesley – Aldershot Urban Extension –**

RESOLVED: That the Chairman or Vice-Chairman and the three Wellington Ward Councillors be appointed to the Wellesley Development Monitoring Group for the 2017/18 Municipal Year.

10. **PHASE 9, QUEENSGATE, FARNBOROUGH**

The Committee considered the Head of Planning's Report No. PLN1715, which sought authority to vary the terms of the legal agreement relating to affordable housing at Phase 9, Queensgate, Farnborough. Members were reminded that, in March 2007, planning permission 16/00961/FULPP had been granted for the erection of 80 dwellings (27 one-bedroom, 52 two-bedroom and one three-bedroom apartments) with associated car parking, bin and cycle storage, landscaping and footpath improvements. This permission had been subject to a legal agreement which secured:

- 35% affordable housing provision within the site in accordance with the agreed plan and phasing schedule

- financial contributions towards open space and SPA mitigation
- fitting out and maintenance in perpetuity of the communal spaces/play area shown on the submitted plans prior to the occupation of any residential unit
- allocation and linkage by freehold ownership in perpetuity of parking spaces to individual dwellings in accordance with an agreed schedule

The planning permission had secured the provision of 28 affordable housing units. Members were advised that the developer had exchanged contracts with Thames Valley Housing to be the Registered Affordable Housing Provider on this site. Thames Valley Housing had reviewed the completed Section 106 Agreement and had advised that some of the provisions made therein did not satisfy its lender's requirements for securitisation purposes. The main amendments related to the Mortgagee in Possession clause and any subsequent references to the Mortgagee.

There was also a request to vary the agreement to delete clause 4.5 on the grounds of duplication of clause 4.2. In addition, it was proposed to include a clause that stated that the 2012 agreement for the wider Queensgate site would not apply to Phase 9. The justification from Thames Valley Housing for this was "The proposed clause 25 is required as it is our understanding that the S106 agreement dated 27 July 2012 is still subsisting and binding on the site (and is noted on your client's current title as C24). The S106 Agreement already contains affordable housing provisions and financial contribution requirements – therefore this carve out is required."

Members were advised that the Head of Environmental Health and Housing had been consulted on the proposed changes in relation to the Mortgagee in Possession clauses and the deletion of clause 4.5. She had advised that the Mortgagee in Possession clauses would not affect the delivery of affordable housing on this site. Clause 4.5 was a duplication of clause 4.2 and as such no objection was raised to this amendment.

The 2012 Section 106 Agreement had not included the application site, notwithstanding it related to a different form and use of development which would require a separate reserved matters submission if the development approved under the 2012 permission was to be implemented. In the interests of clarity, there was no objection to the proposed clause as requested.

RESERVED: That the request to vary the existing Section 106 Agreement with a deed of variation, as set out in the Head of Planning's Report No. PLN1715, be agreed subject to the Council's costs being paid by the applicant.

11. **WELLINGTON CENTRE SITE, WELLINGTON CENTRE, ALDERSHOT**

The Committee considered the Head of Planning's Report No. PLN1716, which sought authority for the Solicitor to the Council to complete a legal agreement to address the impacts of the development as identified in Reason for Refusal Nos. 2, 3

and 4. Authority was also sought to include in the legal agreement an appropriate financial viability re-assessment clause.

The Committee was advised that, further to the decision by the Committee in March 2017 to refuse planning permission (16/00905/FULPP) for a “proposed residential development involving erection of extensions above both the existing Boots shop and the Wellington Centre multi-storey car park comprising of a total of 43 dwelling units (15 one-bedroom, 25 two-bedroom and 3 three-bedroom units), to include construction of new building access cores, elevational alterations to the multi-storey car park and alterations to the entrance of Victoria House”, the applicant had indicated that they intended to lodge an appeal to the Planning Inspectorate. In this respect, the applicant had advised that they wished to submit a draft Section 106 Agreement to the Inspector in order to address those reasons for refusal that related to Section 106 contributions.

The Committee was further advised that there was a general duty imposed on all involved in the appeal process to act reasonably and to seek to resolve matters of dispute where possible. Undertaking the work in connection with Section 106 contributions would not affect the Council’s position in relation to Reason for Refusal No. 1, the details of which were set out in the Report, but would remove the need for the Council to defend Reason for Refusal Nos. 2, 3 and 4 with the appeal proceedings.

The Report advised that, as had been set out in the Report presented to the Committee on 29th March, 2017, as any planning permission that might be granted on this site could take some time to build-out once implemented, there was also a need (as had been recommended by the District Valuer in assessing the applicant’s Financial Viability Assessment which had been submitted with the application) for the Section 106 Agreement to be subject to a financial re-assessment clause. This would ensure that the applicant/developer did not benefit from any improvement in the market value of the scheme that could justify provision of affordable housing or an equivalent financial contribution in the event that completion of the proposed development were to be protracted. This had been subject to discussion with the applicants and their solicitors prior to the refusal of the application and it was considered essential that this clause would remain to ensure compliance with the requirements of Rushmoor’s Core Strategy Policy CP6 (Affordable Housing).

RESOLVED: That

- (i) authority be given to the Solicitor to the Council to complete a legal agreement to address the impacts of the development as identified in Reason for Refusal Nos. 2, 3 and 4 as set out in the Head of Planning’s Report No. PLN1716; and
- (ii) authority be given for the legal agreement to include an appropriate financial viability re-assessment clause for the reasons re-stated in the Report.

12. **APPEALS PROGRESS REPORT**

The Committee received the Head of Planning's Report No. PLN1717 concerning the following new appeal:

Application No.	Description	Decision
15/00043/HMO	Against an enforcement notice in respect of the unauthorised change of use from a care home with ancillary garage and store to a fourteen bedroom House in Multiple Occupation and a one-bedroom house at Grasmere House, No. 33 Cargate Avenue, Aldershot.	Appeal dismissed Enforcement notice upheld

RESOLVED: That the Head of Planning's Report No. PLN1717 be noted.

13. **PLANNING (DEVELOPMENT MANAGEMENT) SUMMARY REPORT FOR THE QUARTER JANUARY - MARCH 2017 AND FOR THE FINANCIAL YEAR 2016-2017**

The Committee received the Head of Planning's Report No. PLN1718 which provided an update on the position with respect to achieving performance indicators for the Development Management section of Planning and the overall workload of the section for the quarter from 1st January to 31st March, 2017. The Report also provided summary figures for the financial year 2016-2017.

RESOLVED: That the Head of Planning's Report No. PLN1718 be noted.

The meeting closed at 8.29 pm.

CLLR B.A. THOMAS (CHAIRMAN)
