



RUSHMOOR BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE

*To be held as a Virtual Meeting on
Wednesday, 20th January, 2021 at 7.00 pm*

To:

VOTING MEMBERS

Cllr J.H. Marsh (Chairman)
Cllr C.J. Stewart (Vice-Chairman)

Cllr Mrs. D.B. Bedford
Cllr J.B. Canty
Cllr R.M. Cooper

Cllr P.I.C. Crerar
Cllr P.J. Cullum
Cllr K. Dibble

Cllr C.P. Grattan
Cllr Nadia Martin
Cllr B.A. Thomas

NON-VOTING MEMBERS

Cllr Marina Munro (Cabinet Member for Planning and Economy) (ex-officio)

STANDING DEPUTIES

Cllr Sophie Porter
Cllr M.D. Smith

Enquiries regarding this agenda should be referred to
Kathy Flatt, Democracy and Community,
01252 398829 kathy.flatt@rushmoor.gov.uk

A G E N D A

1. **DECLARATIONS OF INTEREST – (Pages 1 - 2)**

All Members who believe they have a disclosable pecuniary interest in any matter to be considered at the meeting may not participate in any discussion or vote taken on the matter and if the interest is not registered it must be disclosed to the meeting. In addition, Members are required to leave the meeting while the matter is discussed.

2. **MINUTES – (Pages 3 - 10)**

To confirm the Minutes of the meeting held on 11th November 2020 (copy attached).

3. **PLANNING APPLICATIONS – (Pages 11 - 132)**

To consider the Head of Economy, Planning and Strategic Housing's Report No. EPSH2102 on planning applications recently submitted to the Council (copy attached).

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

Item	Reference Number	Address	Recommendation
1	20/00856/FULPP	Land to the rear of Nos. 26-40 Cove Road, Farnborough	For information
2	20/00782/FULPP	No. 1 Elms Road, Aldershot	Petition – For information

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

Item	Pages	Reference Number	Address	Recommendation
3	17	20/00149/FULPP	Units 2A and 3, Blackwater Shopping Park, Farnborough Gate, Farnborough	Refuse
4	57	20/00785/FULPP	Land Adjacent to No. 19 York Crescent	Refuse
5	93	20/00916/RBCRG3	Aldershot Park Crematorium, Guildford Road, Aldershot GU12 4BP	Grant

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

4. **APPEALS PROGRESS REPORT – (Pages 133 - 136)**

To consider the Head of Economy, Planning and Strategic Housing's Report No. EPSH2103 (copy attached) on the progress of recent planning appeals.

MEETING REPRESENTATION

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

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

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DEVELOPMENT MANAGEMENT COMMITTEE
20TH JANUARY 2021

HEAD OF ECONOMY, PLANNING AND
STRATEGIC HOUSING

DECLARATIONS OF INTEREST

Name: Councillor _____

N.B. A declaration is not required for items that appear either in Section D of the Planning Report or the Appeals Progress Report as such items are for noting only.

Agenda Item No.	Planning Application No.	Application Address	Reason

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DEVELOPMENT MANAGEMENT COMMITTEE

Meeting held on Wednesday, 11th November, 2020 at 7.00 pm via Microsoft Teams and streamed live

Voting Members

Cllr J.H. Marsh (Chairman)
Cllr C.J. Stewart (Vice-Chairman)

Cllr Mrs. D.B. Bedford
Cllr J.B. Canty
Cllr R.M. Cooper
Cllr P.I.C. Crerar
Cllr P.J. Cullum
Cllr K. Dibble
Cllr C.P. Grattan
Cllr Nadia Martin
Cllr B.A. Thomas

Non-Voting Member

Cllr Marina Munro (Planning and Economy Portfolio Holder) (ex officio)

44. DECLARATIONS OF INTEREST

There were no declarations of interest.

45. MINUTES

The Minutes of the meeting held on 14th October, 2020 were approved and signed by the Chairman.

46. PLANNING APPLICATIONS

RESOLVED: That

- (i) the following application be deferred pending consideration at a future meeting:
 - * 20/00149/FULPP (Units 2A & 3, Blackwater Shopping Park, No. 12 Farnborough Gate, Farnborough);
- (ii) planning permission/consent be refused in respect of the following application as set out in Appendix "A" attached hereto for the reasons mentioned therein:

- * 20/00700/COU (Parkside Centre, No. 57 Guildford Road, Aldershot);
- (iii) the applications dealt with by the Head of Economy, Planning and Strategic Housing, 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 Economy, Planning and Strategic Housing's Report No. EPSH2033, be noted;
- (iv) the following application be determined by the Head of Economy, Planning and Strategic Housing, in consultation with the Chairman:

20/00508/FULPP (The Galleries, High Street, Aldershot);
- (v) the current position with regard to the following applications be noted pending consideration at a future meeting:

20/00400/FULPP (Land at former Lafarge site, Hollybush Lane, Farnborough);
- * 20/00394/FULPP (No. 145 Alexandra Road, Farnborough).
- * The Head of Economy, Planning and Strategic Housing's Report No. EPSH2033 in respect of these applications was amended at the meeting

47. REPRESENTATIONS 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.

The Committee also considered a request from Cllr M.J. Roberts to speak at the meeting. The Committee agreed to this request and Cllr Roberts spoke on the application in respect of The Galleries, High Street, Aldershot.

Application No.	Address	Representation	In support of or against the application
20/00508/FULPP	The Galleries, High Street, Aldershot	Mr. D. Rose	In support
20/00700/COU	Parkside Centre, No. 57 Guildford Road, Aldershot	Mr. C. Harris	In support

48. **APPLICATION NO. 20/00508/FULPP - THE GALLERIES, HIGH STREET, ALDERSHOT**

The Committee considered the Head of Economy, Planning and Strategic Housing's Report No. EPSH2033 regarding the redevelopment of the High Street Car Park, The Galleries Shopping Centre and the Arcade Shopping Centre to provide a phased development comprising 596 flats (330 one-bedroom and 266 two-bedroom), flexible commercial uses within Use Class E (commercial, business and services uses) and/or Use Class F.1 (learning and non-residential institutions; excluding schools and places of worship), public car parking and residents' car and cycle parking, together with external amenity areas including roof gardens and public realm.

RESOLVED: That, subject to the completion of a satisfactory Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- (i) £3,293,300 (comprising £3,021,714 Suitable Alternative Natural Green Space (SANGS) and £271,586 Strategic Access Management and Monitoring Strategy (SAMMS) contributions) towards Special Protection Area avoidance and mitigation and access management at Southwood Country Park; OR, alternatively, an appropriate payment to secure equivalent mitigation at the Blandford House/Malta Barracks SANGS site;
- (ii) £100,000 for improvements to off-site Public Open Space comprising either (a) landscaping, park furniture infrastructure and footpath renewal (including renovation of historic hard/soft landscape features) and habitat improvements at Manor Park, Aldershot; OR, (b) landscaping, park furniture infrastructure and footpath renewal and habitat improvements at Redan Hill Gardens, Windmill Road, Aldershot;
- (iii) provision of a full Travel Plan prior to occupation along with associated approval, monitoring fees (£1,500 for approval and £3,000 per annum for five years for monitoring - £16,500 in total) and bond;
- (iv) both mid-term and late-stage financial viability re-assessment clauses in accordance with the recommendations of the PBS Independent Viability Review (3rd August, 2020);
- (v) Requirements to secure the provision, retention and management/allocation of parking spaces within the development for the lifetime of the development; and
- (vi) £5,000 Monitoring and Administration Fee;

the Head of Economy, Planning and Strategic Housing, in consultation with the Chairman, be authorised to grant planning permission, subject to the conditions and informatives set out in Report No. EPSH2033 and to the establishment of a

Development Monitoring Group to monitor the progress of the development, as appropriate.

49. **APPLICATION NO. 20/00700/COU - PARKSIDE CENTRE, NO. 57 GUILDFORD ROAD, ALDERSHOT**

The Committee considered the Head of Economy, Planning and Strategic Housing's Report No. EPSH2033 regarding the continued siting of a portable cabin, the change of use from café to day centre and enclosing an area of public open space (12 metres by 15.5 metres) to be used by the Parkside Centre.

During the consideration of the application, it was proposed that it should be deferred to allow further investigation and discussion with the applicant. The Committee felt unable to support this proposal and, following further debate, agreed to refuse the application.

RESOLVED: That planning permission/consent be refused, as set out in Appendix "A" attached hereto for the reasons mentioned therein.

50. **APPEALS PROGRESS REPORT**

The Committee received the Head of Economy, Planning and Strategic Housing's Report No. EPSH2034 concerning the following appeal decision:

Application / Enforcement Case No.	Description	Decision
19/00482/FULPP	Against the Council's refusal of planning permission for the demolition of existing garage at No. 15 Hilder Gardens, Farnborough and the erection of two new detached dwellings to the rear, with ancillary parking and access road.	Dismissed

RESOLVED: That the Head of Economy, Planning and Strategic Housing's Report No. EPSH2034 be noted.

51. **PLANNING (DEVELOPMENT MANAGEMENT) SUMMARY REPORT FOR THE QUARTER JULY - SEPTEMBER 2020**

The Committee received the Head of Economy, Planning and Strategic Housing's Report No. EPSH2035 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 July to 30th September, 2020.

The meeting closed at 8.55 pm.

CLLR J.H. MARSH (CHAIRMAN)

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Development Management Committee
11 November 2020
Appendix “A”

Application No. & Date Valid: **20/00/700/COU** **1 October 2020**

Proposal: Continued siting of a portable cabin and change of use from café to day centre and enclosing area of public open space 12m x 15.5m to be used by Parkside Centre **on land at Parkside Centre, 57 Guildford Road, Aldershot**

Applicant: Mr Chris Harris

Reasons for refusal:

- 1 The proposed development results in the loss of an area of public open space used for recreation and is not for sports and recreation provision accessible to the public and therefore conflicts with the provisions of Policy DE6 of the Rushmoor Local Plan (2019).
- 2 The proposed fencing, by way of its design and appearance, creates an incongruous form of development contrary to the green and natural character of Aldershot Park in this location and therefore fails to preserve the character and appearance of the countryside and conflicts with the provisions of Policy NE5 of the Rushmoor Local Plan (2019).

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**Development Management
Committee 20th January 2021**

**Head of Economy, Planning
and Strategic Housing
Report No.EPSH2102**

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 Co-ordinator 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 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
Head of Economy, Planning and Strategic Housing

Background Papers

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

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Section A

Future items for Committee

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

Item	Reference	Description and address
1	20/00856/FULPP	<p>Retention and re-roofing of existing light industrial building (known as Unit 4 : Use Class B1(c)); demolition of all remaining existing light industrial buildings (Use Class B1(c)) and erection of new buildings for flexible light industrial employment use (within Use Class E1); with associated works, including replacement hardstanding areas</p> <p>Land To The Rear Of 26-40 26 Cove Road Farnborough Hampshire</p> <p>This application has only recently been received and consultations are under way.</p>

Section B

Petitions

Item	Reference	Description and address
2	20/00782/FULPP	<p>Rebuilding of garage workshop (following fire damage) in same footprint, other than previous unauthorised eastern side extension.</p> <p>1 Elms Road Aldershot</p> <p>Petition of 73 signatures received 27th November 2020 requesting members do not grant planning permission due to the failures in management of the previous owner, lack of engagement with local people and environmental abuse of those who live in the road.</p> <p>This application has since been made invalid and awaits submission of additional details.</p>

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.	20/00149/FULPP
Date Valid	3rd March 2020
Expiry date of consultations	1st July 2020
Proposal	Refurbishment and amalgamation of existing Units 2A & 3 Blackwater Shopping Park, including removal of existing mezzanine floors, revised car parking and servicing arrangements; relief from Condition No. 4 of planning permission 93/00016/FUL dated 10 January 1994 to allow use as a foodstore (Use Class A1) with new mezzanine floor to provide ancillary office and staff welfare facilities, ancillary storage and plant machinery areas; use of part of new foodstore unit as self-contained mixed retail and cafe/restaurant use (Use Classes A1/A3); relief from Condition No. 17 of planning permission 93/00016/FUL dated 10 January 1994 to allow extended servicing hours for the new foodstore unit of 0600 to 2300 hours Monday to Saturday (including Bank Holidays) and 0700 to 2000 hours on Sundays; loss of existing parking spaces to front of proposed foodstore to provide new paved area with trolley storage bays and cycle parking; installation of new customer entrances to new units; widening of site vehicular access to Farnborough Gate road to provide twin exit lanes; and associated works (re-submission of withdrawn application 19/00517/FULPP)
Address	Units 2A and 3 Blackwater Shopping Park 12 Farnborough Gate Farnborough
Ward	Empress
Applicant	Lothbury Property Trust Company Ltd
Agent	Quod
Recommendation	Refuse

Description & Relevant Planning History

The site is located on the margin of the Farnborough urban area within the Blackwater Shopping Park, formerly known as Farnborough Gate. The Shopping Park comprises a complex of retail outlets in a terraced L-shaped configuration. There are also two detached buildings, a McDonalds restaurant/drive-through takeaway (Unit 1) and a Costa coffee shop

(Unit 1A), on either side of the Shopping Park entrance road. The sole vehicular access point for customers and servicing is from the dual carriageway Farnborough-Frimley link-road to the north, which also adjoins the interchange for the A331 Blackwater Valley Relief Road. The on-site parking area is privately owned and managed by the operators of the Shopping Park. The Shopping Park currently has 588 car parking spaces, most of which are in front of the retail outlets. 41 spaces are at the rear of the Units within the service yard areas that are not available to customers and are used by staff, such that 547 parking spaces are available for the use of customers. An additional 26 spaces are specifically assigned to McDonalds customers, who are filtered into this corner of the Shopping Park by a left-hand filter lane from the main entrance and this area is managed to be cordoned off from the rest of the Shopping Park car park at night.

Servicing takes place to the rear of the main building terrace. There is a pedestrian footpath from Farnborough Road (A325) near the 'Bradfor's' petrol filling station, which adjoins the Shopping Park at the south-west corner. A motor vehicle repair workshop at the rear of the petrol station abuts part of the south boundary, together with the Ringwood Road sports pitches. The nearest residential properties are in Ringwood Road, on the opposite side of Farnborough Road at Lancaster Way to the west, and the travellers' quarters on the opposite side of the link-road to the north.

With the exception of Boots (Unit 5), which sells a small amount of food (sandwiches, etc) the retail units sell non-food products only. They currently consist of one electrical store (Currys/PC World : Unit 8), a nursery/babywear store (Mamas and Papas : Unit 6A), a homeware store (Homesense : Unit 7), a chemists (Boots : Unit 5), three clothes retailers (Outfit (Unit 4), TKMaxx (Unit 2) and Next Clearance (Unit 2A) and a motor accessory/bicycle store (Halfords in a new unit [Unit 9?] to the side of Unit 8). A further homeware store (Bensons Beds) occupied Unit 6, which is currently vacant. Unit 3 is now vacant and used to be occupied by Halfords until recently.

Four Poplar trees adjoining the Shopping Park to the east are subject to Tree Preservation Order No.186. A public footpath (20b) also adjoins the Shopping Park to the east. Beyond the east boundary is the Guildford to Reading railway line and the River Blackwater, both occupying a narrow strip of land between the Shopping Park and the A331 road. A slip-road leaves the A331 to join the link-road to the north-east of the Shopping Park.

The original planning permission for the Shopping Park (93/00016/FUL) is subject to use and floorspace restrictions. The retail outlets (which includes the Units now known as 2A and 3 the subject of the current proposals) are restricted by Condition No.4 to the retail sale of non-food goods only and for no other purpose within Use Class A1, with the condition making clear that that the units: *"in particular shall not be used for the general sale of food items"*. Condition No.5 requires that the total floorspace of the retail units does not exceed that permitted originally, including any ancillary office floorspace; and that no additional floorspace be created within the retail outlets without planning permission first being obtained from the Council. These conditions were imposed on the grounds that they were necessary to ensure compliance with the development proposals as submitted; and to ensure adequate car parking provision was available to serve the development. Condition No.17 of the original planning permission relates to the hours of delivery to retail units and specifies that *"No deliveries shall be taken at or despatched from the retail units...outside the hours of 0700 and 1900 Mondays to Saturdays and not at all on Sundays and Bank or Statutory Holidays."* The reason given for the imposition of this condition was: *"To protect the amenities of nearby residents."*

Planning permission was granted in July 2005 for the installation of a mezzanine floor in the

former Halfords store (Unit 3) to provide an additional 430 sqm of floorspace (to create a total of 1541 sqm), 05/00334/FUL. This permission was implemented.

A certificate of lawful use was granted in May 2006 for a mezzanine floor in the former Courts unit (now Next Clearance and TK Maxx : Units 2 and 2A), 06/00201/PDC.

Planning permission was granted in October 2006 for the installation of a mezzanine floor in the Outfit unit (Unit 4), to provide an additional 790 sqm of floorspace, 06/00606/FUL. This has been implemented.

In January 2007 an application was withdrawn for the installation of a mezzanine floor in Unit 5 (now Boots) to provide 600 sqm of additional retail floor space resulting in total floor area of 1245 sqm, 06/00743/FUL. This application had been recommended for refusal to the Development Management Committee on the basis that there were sequentially preferable sites to provide additional retail floorspace and that it had not been demonstrated that there was sufficient car parking to serve the development. A similar application for the adjoining Bensons Bed unit (Unit 6, currently vacant) was also recommended for refusal for the same reasons and subsequently withdrawn, 06/00742/FUL.

In January 2009 planning permission was granted for a variation of the condition on the original planning permission which restricted the use of the premises for the sale of non-food goods only to enable the sale of pet food in respect of Unit 5 (now Boots), 08/00810/REVPP.

In April 2009 permission was refused (09/00034/REV) for the installation of a mezzanine floor in Unit 5 (now Boots) to provide 319 sqm of additional floorspace, of which 246 sqm was to be retail sales area, resulting in a total floor area of 963 sqm. No external changes were proposed, nor was any additional car parking provision proposed. The application was refused as it was considered that there were sequentially preferable sites to accommodate the new retail floor space contrary to Government and Development Plan policy.

In May 2010 planning permission was granted (10/00148/REV) for the variation of Condition Nos. 3 & 4 of planning permission 93/00016/FUL to allow the installation of a mezzanine floor and the sale of lunchtime sandwiches and snacks, baby food and dietary products in Unit 5 (now Boots). This included the removal of an existing mezzanine floor and staircase and installation of a mezzanine floor with an area of 168 sqm to be used as a stock room, staff accommodation and offices with no retail sales. This permission was subsequently implemented and the Unit occupied by Boots.

In February 2011 planning permission (10/00847/FULPP as amended by 11/00262/NMA approved in May 2011) was granted for the demolition of the original security office and erection of a single storey building for use as a coffee shop (Use Class A3) and as a replacement security office, together with works to the car park to improve the circulation of vehicle movements within it to reduce the potential of vehicles queuing back onto the public highway. This permission was implemented and the coffee shop as built is operated by Costa Coffee.

The alterations to the car park also approved with the 2011 planning permission were aimed at improving vehicular access to and within the Shopping Park; and to reduce the potential for cars to queue back onto the link-road. The approved alterations involved the closure of one of the three existing access points into the car park, requiring traffic to route to either side of the car park (turning left or right at the entrance roundabout), thereby extending the distance cars must travel before they can find a parking space intended to encourage better utilisation of the whole of the car park area. In addition, a number of alterations to the car

park's circulation were approved, including the introduction of a filter lane into McDonalds aimed at reducing the ability for drive-through traffic to block access into the Shopping Park. A more conventional pattern of car park circulation within the Shopping Park was also approved, within which all primary circulation aisles were to be signed to operate one-way, together with the provision of a new cross-circulation aisle. Servicing (deliveries and refuse collection) for the coffee shop was approved to take place from a designated area located at the front of the premises and conditioned to take place outside of peak trading hours. These approved works to the car park were partly implemented, particularly in relation to the closure of the access off the roundabout, the introduction of the filter lane and circulation around the car park.

In 2013 planning permission (13/00508/FULPP) was refused for the erection of a new retail unit adjacent to TK Maxx (Unit 2) at the northern end of the building with a gross internal floor area of 1,162 sqm following the removal of 65 existing car parking spaces. The refusal was on retail grounds, the lack of a transport contribution and the resultant inadequate car parking. The proposed unit comprised two floors with 697 sqm being provided at ground floor, with a further 465 sqm at mezzanine level. The identified occupier was Hobbycraft. It was also proposed to reconfigure the central customer car park to improve circulation, in so doing, seeking to reverse some of the changes approved and implemented in 2011.

An appeal was subsequently lodged against the refusal of planning permission, which was dealt with by way of a Hearing. In February 2014 the Development Control Committee resolved not to defend the car parking reason for refusal following the receipt of additional survey and assessment data regarding parking provision. A Unilateral Undertaking was submitted at the Hearing to secure a transport contribution to address the third reason for refusal. However, the Inspector did not agree with the applicant's case that Hobbycraft's specific business model could side-step the sequential test. She found that the appellants analysis was focused specifically on the requirements of Hobbycraft and did not acknowledge that planning permission ran with the land. Accordingly, the Inspector was of the view that the sequential test had little prospect of success under these circumstances. In dismissing the appeal, the Inspector acknowledged that whilst there may be no sequentially preferable site acceptable to Hobbycraft there is no reasonable condition that could guarantee that this company would occupy the proposed new unit in perpetuity. The evidence indicated that there were at least two edge of Farnborough Town Centre sites (therefore clearly both in sequentially preferable locations to the appeal site at BSP) that could have accommodated a use of this type and the appellants had not properly considered them. The failure to satisfy the sequential test and the harm that would ensue was considered sufficient to outweigh any other advantages that might be attributed to the appeal proposal.

In January 2018 planning permission (17/00866/FULPP) was granted for the erection of a new retail unit having a gross internal floor area of 1305 sqm (743 sqm at ground floor, with 562 sqm at mezzanine level) in the south east corner of the Shopping Park attached to Currys/PC World (Unit 8). This scheme approved the loss of 73 parking spaces in this location. This approved new retail unit is and is now occupied by Halfords, who have recently vacated Unit 3 within the Shopping Park.

Condition No.18 of the 2018 planning permission restricts the use of the new Halfords unit to the retail sale of non-food bulky goods in order to prevent conflict with Government and Development Plan policies relating the protection of town centre retailing and the operation of the sequential and needs tests. Subject to the bulky non-food goods restriction, planning permission was only granted because there were no sequentially preferable sites that could provide this scale and type of retail floorspace.

The 2018 planning permission creating the new Halfords unit also approved proposals to reconfigure the central customer car park, in effect reversing many of the alterations to the car park area approved and implemented in 2011. These approved works have been implemented and have involved undertaking improvements to the circulation within the car park and the widening of the in-bound side of the vehicular access from the link-road to full two-lane width. The implemented approved works have also included the re-opening of central (i.e. straight-ahead) arm from the adjoining entrance roundabout to allow vehicles a further point of ingress and egress into the car park.

Planning permission (19/00693/FULPP) was granted in November 2019 for the removal of all of the existing brise soleil structures from above the customer entrances to the existing retail outlets in the Shopping Park. Similarly, a non-material amendment (19/00675/NMAPP) was approved in October 2019 for the deletion of the brise soleil feature from the new Halfords retail outlet.

A planning application for proposals identical to those the subject of the current application was submitted to the Council in 2019 (19/00517/FULPP) but withdrawn in January 2020.

Advertisement consent for the display of various non-illuminated directional and warning signs within the customer car park area; on the fence beside the pedestrian access ramp from Farnborough Road; and the entrance to the service yard was approved in October 2020 (20/00665/ADVPP).

The Current Application : The current application is a resubmission of the previous withdrawn proposal the subject of planning application 19/00517/FULPP with revised supporting information. The red-line for the current planning application contains all of the existing parking and servicing areas of the Shopping Park, together with the whole of the vehicular entrance from the public highway at the link-road, and also includes Units 2A (currently Next Clearance) and 3 (vacant, formerly Halfords). However all of the other retail outlets, together with McDonalds and Costa Coffee, are excluded from the red line area.

The current proposals are for the refurbishment and amalgamation of the existing Units 2A (Next Clearance) & 3 (vacant, formerly Halfords) including removal of the existing mezzanine floors : the total floorspace to remain is 1933 sqm following the removal of 1532 sqm of existing mezzanine floorspace. It is understood that the Next Clearance outlet is to close and that Next simply intend to rely on their existing retail outlet at The Meadows in Sandhurst rather than seek new premises for their Clearance outlet.

It is proposed that the vacated refurbished floorspace be converted into a discount foodstore [annotated "New Unit (1)" on the submitted plans] measuring 1866 sqm, of which approximately 355 sqm would be ancillary goods reception and warehouse space, including freezer and chiller facilities; together with an ancillary office/staff welfare facilities of 98 sqm provided with a modest new mezzanine floor. The applicants indicated from the outset that the intended tenant of the proposed new foodstore unit would be Aldi. It is also proposed that a separate adjoining self-contained mixed retail and restaurant/café (Use Class A1/A3) outlet [annotated "New Unit (2)" on the submitted plans] measuring 186 sqm be provided using the remainder of the vacant floorspace.

The submitted plans show the existing service area to the rear of the proposed foodstore unit to be modified by digging into the existing ground level to create a single recessed articulated lorry loading dock : a 'dock leveller'. It is also indicated that the area between the proposed lorry dock and the rear of the building would be used for the siting of the various ancillary

refrigeration and cooling plant that the proposed foodstore and ancillary stock warehouse would require.

The proposals involve the installation of new glazed shopfronts and entrance doors for both New Units 1 and 2. A line of parking spaces to the immediate front of the proposed new units would, in part, be lost to provide a paved area for covered trolley bays and cycle parking, together with some re-configured disabled parking bays. Overall, 17 existing parking spaces would be lost.

The proposal description necessarily refers to the application also seeking relief from Condition No.4 of planning permission 93/00016/FUL dated 10 January 1994 in order to allow use of the vacated retail floorspace as a foodstore, since this condition otherwise restricts the retail outlets within the Shopping Park to being for sale of non-food retail goods only. Furthermore, change of use of part of the vacated retail floorspace to use as self-contained mixed retail and café/restaurant use (Use Classes A1/A3) is also sought with the application to enable the creation of the proposed New Unit (2).

Relief from Condition No. 17 of the original planning permission is also sought to allow extended servicing hours for the proposed new foodstore unit of 0600 to 2300 hours Monday to Saturday (including Bank Holidays) and 0700 to 2000 hours on Sundays.

Also proposed with the application is the widening of site vehicular access to the link road to provide twin exit lanes - at present the exit is only partially of two-lane width. The proposed widening is achieved by a minor adjustment to the line of the pavement and kerb-line to the side of the access road.

The application is supported by a Planning and Retail Assessment, a Transport Assessment, a Framework Travel Plan, Vehicle Tracking Diagrams demonstrating the lorry manoeuvring needed for articulated lorries to enter and leave the site with the proposed delivery dock, a Flood Risk Assessment, an Environmental Noise Survey, Air Quality Assessment, and a Noise Assessment. As a result of a request for more information from Hampshire County Council Highways, the applicants more recently submitted micro-simulation data for traffic using the site access.

Members will recall that this application was reported to the 11 November 2020 meeting of the Development Management Committee. However, due to the receipt of late objections on behalf of Lidl shortly before the meeting date, the Committee agreed that consideration of the application be deferred pending the Council seeking legal advice on the issues raised. The applicants' agent has subsequently responded to the Lidl objections in a letter received by the Council on 17 December 2020.

Consultee Responses

HCC Highways Development Planning	No highways objection subject to condition following the receipt of the requested additional information; and a financial contribution of £5,750.00 being secured with a s106 Planning Obligation in respect of the implementation, evaluation and monitoring of the Travel Plan.
Environmental Health	No objection subject to conditions.
Planning Policy	Objection.

RBC Regeneration Team	No comments received during the consultation period, thereby presumed to have no objections.
Environment Agency	The Environment Agency do not wish to be consulted on developments of this type.
Hampshire Fire & Rescue Service	No objections and provides generic fire safety advice/guidance.
Neighbourhood Policing Team	No comments received during the consultation period, thereby presumed to have no objections.
Thames Water	No objections.
Guildford Borough Council	Consultation acknowledged, but no formal response received since. As the consultation period has long since expired it is thereby presumed that this consultee has no objections.
Hart District Council	No objections.
Surrey Heath Borough Council	No objections <i>subject</i> to Rushmoor BC being satisfied that the proposal is in accordance with local and national policy and there are no sequentially preferable sites within Farnborough Town Centre.
Waverley Borough Council	No comments received during the consultation period, thereby presumed to have no objections. [Officer Note: No objections were raised in respect of the previous withdrawn application, 19/00517/FULPP.]

Neighbours notified

In addition to posting a site notice and press advertisement, 50 individual letters of notification were sent to properties at Blackwater Shopping Park, Farnborough Road, Lancaster Way and Ringwood Road in early August 2019. Letters were also sent to St Modwen, Legal and General Investment, KPI and Knight Frank Investors as major stakeholders within Farnborough town centre.

Representations

Representations **in support** of the proposals have been lodged directly with the Council on-line from the occupiers of the following properties in Farnborough:- 35 & 56 Churchill Crescent; 24 & 45 Fairfax Road; 2 Edwins Court, Farnborough Road; 48 Hawley Lane; 4 Highgrove; 20, Holt Close; 11 & 63 Lye Copse Avenue; 29 Marston Drive; 17 St. Clements Court, Meadow Road; 35 & 51 Newton Road; 41 Oaken Copse Crescent; Ashton House, Pond Road; 26 Prince Charles Crescent; 7, 18, 41 & 54 Prospect Avenue; 137 Prospect Road; 19, 82 & 94 Sandhill; 5 Ship Alley; 70, 104, 112 & 150 Ship Lane; 62G Union Street; and 1 Woodland Crescent. Representations in support have also been received from the occupiers of three properties outside the Borough at:- 62 Kingsway, Blackwater; and 78 Sheridan Road and 11 Trafford Road, both in Frimley.

In addition, printed pre-addressed postcards providing a space for people to make their own comments in connection with the proposals have been received all also making representations **in support**. These have been received from the occupiers of:- 34 Churchill

Crescent; 22 & 42 Cromwell Way, 11 & 27 William Hitchcock House, Fairfax Road; 371 & 387 Farnborough Road; 18 Grange Road; 4 Highgrove; 7 Lye Copse Avenue; 18 St. Clements Court, Meadow Road; 20 Newton Road; 4 & 20 Ringwood Road; 2 Sherwin Crescent; 16 & 26 Willow Crescent; 9 Woodland Crescent; 6 & 17 Worcester Close; and 8 Station Road, Frimley.

The following summary comments are made in support of the proposals:-

- (a) Excellent proposals that should be welcomed;
- (b) The proposals are good for Blackwater Shopping Park – which has needed (and should have) a foodstore for a long time. It would benefit existing retail outlets there by boosting retail spending; and be a benefit to the local area and community;
- (c) Farnborough needs an increased choice of foodstores, especially good quality affordable foodstores;
- (d) The new employment opportunities are welcomed;
- (e) Having an Aldi discount foodstore in Farnborough is long overdue – people currently have to travel by car to Blackwater or Basingstoke to shop at one;
- (f) The proposed foodstore would be convenient and affordable for local people. The town centre supermarkets are too remote from this area. An Aldi foodstore at BSP would be accessible to local people whom do not have or wish to use cars and/or are disabled/elderly;
- (g) The town centre Sainsburys and Asda supermarkets need better/more competition;
- (h) The proposed café would make people spend more time at BSP;
- (i) No new building would be required;
- (j) Glad to see that the traffic issues of BSP are being addressed; and
- (k) Both the proposed discount foodstores at Solartron Retail Park and BSP would be a boost for the area.

One correspondent supporting the proposals requests that the existing ramped pedestrian access into BSP be improved – as it is steep, sometimes covered in leaves and slippery in winter.

The applicants' agents have also submitted to the Council a short report titled 'Farnborough Feedback Analysis' and a more recent update to this that describes the results of a community engagement exercise undertaken by the applicants to promote their proposals and the responses that were received as a result.

The following **objections** to the proposals have also been received:-

Lidl Great Britain Limited c/o RPS Objection : raised to proposals on the basis of the Officer recommendation to grant planning permission published by the Council for the 11 November 2020 Development Management Committee meeting because in their view:-

1. The Officer conclusion on the sequential test is incorrect because the Solartron Retail Park site (Units 3 & 4 SRP) is still 'available'; and, as such, the proposals for an Aldi food store at BSP fail the sequential test for site selection. It is asserted that this sequentially preferable food store unit would only cease to be available once Lidl has occupied the SRP unit and the planning permission for food store use has been implemented. In this respect, the fact that Lidl is currently seeking to take the unit on themselves is immaterial. A High Court judgement (Aldersgate Properties Ltd. v Mansfield District Council [EWHC 2016]) is

cited that determined that ownership of a site by another retailer was not determinative on the issue of 'availability' for the purposes of the sequential test. As a result, it is argued that the SRP unit will not become 'unavailable' until the SRP permission has been implemented and Lidl has occupied that unit;

2. Lidl argue the existence of a further sequentially preferable site within the town centre that has not been considered in the assessment undertaken by the applicants for the proposed BSP scheme. This relates to Units 3 & 4 at Horizon Retail Park, which are currently occupied by Oak Furnitureland and Harveys. Lidl advise that they have recently been approached by commercial property agents asking whether Lidl would be interested in occupying a unit created from the combination of these two units instead of locating at SRP. This is on the basis that these units may possibly become available in the future. Since Lidl are continuing with the SRP scheme, this other town centre site is advanced by Lidl as another potential alternative location in a sequentially preferable location that should be considered by the applicants. As such, since the current applicants have not considered this other potential town centre site, Lidl claim the BSP proposals also fail the sequential test for site selection on this ground;

3. In terms of considering the possible impact of the BSP proposals on committed investment in Farnborough Town Centre, Lidl assert that granting planning permission for the BSP scheme, thereby enabling Aldi to locate at BSP, may well prejudice the implementation of the permission for the foodstore unit at SRP – which is planned investment within Farnborough Town Centre. This is because the applicants' agents for the BSP scheme argue that the BSP scheme is likely to be implemented (and thereby Aldi to commence trading and become established) before Lidl would be able to do so at SRP. Lidl support this argument on the basis of the need for Carpetright to re-locate from Unit 4 to Unit 7 SRP before works can begin on the new foodstore unit; and because substantial works will need to be undertaken at SRP to create the new foodstore unit. On this basis, Lidl argue that the improvements to the retail offer of the Town Centre that would accrue from the implementation of the SRP unit would be likely to be lost, to the detriment of the vitality and viability of the Town Centre.

4. Key background documents have been requested by a Freedom of Information Act 2000 relating to the current BSP planning application case, but have not yet been provided. In this respect the FOI request was received by the Council midday on Friday (6 November 2020) and requested a response by close of office 10 November 2020; i.e. within 2 1/2 working days of receipt. Lidl's objection letter was received by email in the morning of 10 November 2020. *[Officer Note: the Council has since made the background documents available to this objector; and, indeed, they have also been made publicly available with the other application documentation on-line via the Council's Planning Web-pages.]*

In conclusion, Lidl argue that the proposed discount foodstore at BSP fails both the impact and sequential tests and that planning permission

should be refused. To grant planning permission in the current circumstances would be contrary to both the Council's Local Plan and the NPPF and would leave the Council's decision vulnerable to legal challenge in the High Court.

[Officer Note: as a consequence of the receipt of this objection initial legal advice was obtained by Officers to the effect that the matters raised required further consideration and legal advice before the Council should finalise any recommendation or determine the planning application. Accordingly, the Officer Recommendation put to the Committee at the 11 November 2020 meeting was amended to the effect that consideration of the application be DEFERRED – and this was agreed by the Committee at the meeting.]

Agents acting for Lidl have since submitted a further (second) letter of objection which, in addition to reiterating the matters already raised in the first objection letter, raise in summary the following additional points:-

5. The SRP is clearly a sequentially preferable site within the town centre – it is clear that SRP is within the Farnborough Town Centre boundary as identified by the Council's current adopted Local Plan and covered by Policy SP2. Quod's suggestion that it is not a Town Centre site is incorrect, and any impact on the planned investment in Units 3 & 4 SRP is therefore clearly material.

6. Sequentially preferable locations often have site assembly issues that are more problematic than are the case with out of centre sites. Since the proposed SRP foodstore unit is available it should be given the best chance of being implemented and occupied before a similar proposal for BSP is approved. It would be inappropriate for the Council to allow a rival discount foodstore located in an out of centre location the opportunity to commence trading, and thereby gain a commercial advantage over a similar discount foodstore approved for a sequentially preferable town centre site.

7. While there is a qualitative need to provide a new discount foodstore in Farnborough, the quantitative capacity is limited, with the existing large foodstores (Sainsburys and Asda) currently under trading. Permitting a second discount foodstore at BSP will result in one of two scenarios: i) the development of the SRP discount foodstore unit may be jeopardised, meaning there will be a significant adverse impact on planned investment in Farnborough town centre; or ii) two discount foodstores being implemented (one at SRP and the other at BSP) would lead to a cumulative impact of a further 9.4% reduction in trade against benchmark levels for existing Farnborough town centre convenience retailers that are already under trading. It is considered that this is likely to result in a significant adverse impact on the vitality and viability of Farnborough town centre. Under either scenario NPPF para.90 says planning permission should be refused.

8. Quod's suggestion that, despite the foodstores in Farnborough Town Centre under trading, Farnborough town centre is actually performing

well, because other stores in other locations outside Farnborough are trading strongly, is not considered a reasonable argument. If North Camp or Frimley are trading above expected level it is asserted that Aldi should look to locate in one of those locations rather than in Farnborough where the centre is not trading robustly.

9. The fact that Aldi and Lidl are seeking to develop stores in Farnborough at the same time does not demonstrate that there is capacity for two discount foodstores. Lichfields have advised the Council that there is insufficient expenditure capacity to support two additional discount foodstores. There is simply a qualitative need for a discount foodstore in a town where there is currently none – and both Lidl and Aldi are competing to be that one foodstore. Given the limited expenditure capacity, it is considered that only one should be allowed, and the SRP discount foodstore is in the sequentially preferable location and already has consent.

10. It is incorrect for Quod to argue that Lidl continuing to progress a contract for the SRP foodstore site in full knowledge of the BSP proposals for an Aldi means that Lidl would proceed with the SRP site irrespective. It is simply Lidl's expectation that the Council will correctly apply retail planning policy and refuse planning permission for the BSP proposals. If the Council does not, Lidl would be forced to reconsider making a substantial investment in Farnborough Town Centre, especially as Quod are arguing that the rival Aldi foodstore would be able to open at BSP with little delay probably ahead of Lidl being able to open at SRP.

11. At the time of writing the second objection letter, Lidl or their agents are not aware that the current applicants have investigated the suggested further potential sequentially referable site at Units 3 & 4 Horizon Retail Park.

[Officer Note: The applicants were made aware of the Lidl objections and, by letter received on 17 December 2020, responded as follows:-

(a) Lidl raise no new issues; all points have been previously addressed in earlier correspondence;

(b) Lidl's summary of advice received by the Council to the effect that the proposed development conflicts with development plan policy does not represent a true reflection of the advice provided;

(c) Advice received by the Council in respect of the proposals is clear in concluding that the proposals the subject of the current application will not lead to a significant adverse impact on planned investment in, or on the vitality and viability of, Farnborough Town Centre;

(d) Advice received by the Council in respect of the application proposals also accepts that no sequential opportunity exists if, as the applicants assert, the approved SRP opportunity is not considered suitable and available;

(e) *It is argued that, as established by case law, whether a site is “available” is a matter of judgement for the local planning authority. In this respect, by considering all the evidence available, Officers have already determined that the SRP site is not available for the proposals at BSP - and there is no reason why this position should now change.*

(f) *There is nothing new presented by Lidl that demonstrates that the SRP is available to accommodate the proposals at BSP;*

(g) *Likewise, there are no alternative site elsewhere, including that suggested by Lidl at Horizon Retail Park, that are suitable and available within a reasonable period to accommodate the proposals and*

(h) *Overall, for the reasons stated, the applicants argue that there is no reason the previous officer recommendation to approve the planning application should now change.]*

Legal & General
(Owners of
Solartron Retail
Park), C/o Savills

Objection on the following summary grounds:-

1. Sequential Approach to Site Selection : The land being promoted for a discount foodstore at Solartron Retail Park (SRP) is in a sequentially preferable location to Blackwater Shopping Park. The Applicant has not provided any new evidence as part of the current application to demonstrate why the development cannot be accommodated at SRP instead. The proposed amalgamation of Units 3 and 4 at SRP would create a premises entirely commensurate with the proposed premises at Blackwater Shopping Park in terms of scale, servicing, car parking and customer accessibility. SRP is also available, suitable and viable to accommodate a 'discount foodstore'. It follows that the proposed development, as with the previous withdrawn application, continues to fail to comply with the sequential approach to site selection.

2. Assessment of Impact : The NPPF requires applicants to consider the impact of the proposed development on 'planned' investment within Farnborough's defined Town Centre. The proposal at SRP does represent 'planned investment' in that it is actively being pursued by the owner and is a sequentially preferable site. The grant of planning permission for a foodstore at Blackwater Shopping Park may have an adverse impact on the delivery of an identical form of development at SRP. In this respect, the effect could be:-

i. To reduce the operator demand for discount food within Farnborough's defined town centre; and

ii. Generate a level of cumulative impact on a defined centre that could be determined to be 'significantly adverse'.

On the contrary, proposed development for a foodstore at SRP would improve the retail offer within the wider Town Centre and create genuine opportunities for linked trips with existing business and in particular those in the Primary Shopping Area.

3. Suitability of Evidence on Highways and Transportation : The Applicant has provided additional evidence relating to the assessment of the impact of the development on the local highway network. The Applicant has used standard ARCADY modelling to assess the impact of new trip generation following commencement of the proposed development. L&G would request that the Highway Authority seeks to validate whether the outputs of the standardised modelling system accurately reflects the 'on site' position in terms of flows and queuing. The use of a micro-simulation model may be deemed more appropriate to pick up localized patterns of movements at Blackwater Shopping Park; particularly in the 'peak' times.

Summary and Conclusion : The Applicant has not provided any new evidence as part of the latest application. Further questions also arise in respect of the submitted evidence relating to impact on Farnborough Town Centre and highway and transportation policies.

- | | |
|------------------------------------|---|
| 5 York Road,
Farnborough | Objection : I would dearly love a Farnborough Aldi (as I think this is going to be) but I really question the location of it. Aldi and Lidl are both extremely popular grocery stores now and to put it on Farnborough Gate would just create chaos. The car park is not big enough and the access in to and out of Farnborough Gate is a nightmare at peak times. I don't believe any amount of changing the access will help. I think they'd be better building on a brownfield site in Farnborough. |
| 12 Saunton Gdns,
Farnborough | Objection : We need this shop but Farnborough Gate is so congested as it is and this popular shop will make it a hundred times worse. The traffic in and out of Farnborough Gate is a complete nightmare whether driving or walking. People driving and cutting in front of each other. Another store will make things worse. It is also difficult to get to for shoppers that do not drive. Please can you place it in the centre of town near local bus routes so all can shop there. |
| 13 St. Michaels
Rd, Farnborough | Objection : This has not been thought through very well, parking is an issue at the moment. Where will the additional car spaces be allocated for the Aldi shoppers? Finally, the Council are aware how congested it is to drive in an out of the Shopping Park: do you really think it will improve once Aldi are on the site? A solution would be to make another entrance or exit to the site which may help traffic flow but that costs money. |
| 8 Kings Glade,
Yateley | Objection: Taking away parking spaces from a retail park in order to put in another supermarket is ridiculous. This side of Farnborough already has other Aldi supermarkets in Sandhurst and Blackwater. If they need another one, may I suggest the other side of Farnborough. This current proposal will only complicate more traffic and it's already hard at times to find parking there. Taking out 17 spaces when someone going into a supermarket to get their full shop could be parked for a long period of time. It will kill Farnborough Gate Retail Park. |

Policy and determining issues

The site is located within, but on the margin of, the defined built-up area of Farnborough. Farnborough Road (A325), the adjoining section of the Guildford-Reading railway line and

the Blackwater Valley Road (A331) are all 'green corridors'. The eastern-most parts of the Shopping Park car park are identified as being at moderate risk of flooding.

Since the Council last considered an application in respect of retail development at this site, the Council has adopted (as of 21 February 2019) the New Rushmoor Local Plan (2014-2032), which has replaced the Rushmoor Core Strategy and saved old Rushmoor Local Plan policies previously comprising constituent parts of the Development Plan for the area. New Local Plan Policies SS1 (Presumption in favour of Sustainable Development, SS2 (Spatial Strategy), LN7 (Retail Impact Assessments), SP1 (Aldershot Town Centre), SP2 (Farnborough Town Centre), SP2.3 (Farnborough Civic Quarter), SP3 (North Camp District Centre), IN2 (Transport), DE1 (Design in the Built Environment), DE10 (Pollution), NE2 (Green infrastructure, including 'Green Corridors'), NE4 (Biodiversity) and NE6-8 (Flooding & Drainage) are relevant.

The 'Farnborough Town Centre' SPD (adopted in July 2007) and the 'Farnborough Prospectus' (published in May 2012) are also relevant to the consideration of the current proposals. These set out more detailed guidance, including site-specific development opportunities. The SPD identifies eight strategic objectives, including encouraging and facilitating the revitalisation of Farnborough Town Centre *"by developing a robust retail core with a broad range of shops and services"* and promoting *"the Town Centre as a shopping and leisure destination"*.

The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also relevant. The NPPF aims to ensure the vitality of town centres, inter alia, as follows:-

- "86. *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. 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.*
87. *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. 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."*

And:

- "89. *When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:*
- a) *The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
 - b) *The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*
90. *Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in Paragraph 89, it should be refused."*

The Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1st September 2020 and, inter alia, have introduced a new Use Class E (Commercial, Business & Service). The new Use Class E has replaced various existing Use Classes and grouped various commercial uses together so that commercial premises can, generally, be used more flexibly and for a combination of different commercial activities, without the need for planning permission. The New Class E encompasses use, or part use, of premises for all forms of the display or retail sale of goods...principally to visiting members of the public (previously Use Class A1); together with financial and professional services uses (previously Use Class A2); café and restaurant uses (previously Use Class A3; any other services which it is appropriate to provide in a commercial, business or service locality; uses for indoor sport, recreation and fitness; provision of medical health services; and use for purposes that previously fell within Use Class B1 (office, research and development and light industry). Although the introduction of the new Use Class E aims to provide new flexible opportunities for business to use commercial floorspace, including retail floorspace, it is not considered that this directly affects the consideration of the proposals the subject of the current planning application or, indeed, negates the need for planning permission to be obtained from the Council for the current proposals. This is because the principal element of the current proposals is the change in the nature of the retail goods that can be sold from the premises to encompass foodstuffs, however this aspect of the use of the premises is restricted by Condition No.4 of the original planning permission for the Shopping Park.

It is considered that the **main determining issues** in respect of the current proposals relate to the principle of development, specifically including the impact on the revitalisation and regeneration of Farnborough Town Centre; the visual impact of the development upon the character of the area and on adjoining occupiers; air quality; car parking, traffic generation and other highway considerations; flood risk and the water environment; and access for people with disabilities.

Commentary

1. Principle -

Blackwater Shopping Park is an established retail park in an out of centre location. Indeed, it is located at the edge of the Farnborough urban area approximately 2km from Farnborough Town Centre. The application involves proposals for the modification and re-use of 1933 sqm of existing retail floorspace, but with the removal of the existing planning restriction prohibiting sale of foodstuffs to enable the space to be occupied by a discount foodstore of 1866 sqm gross floorspace; and also the change of use of part (186 sqm) of the re-used floorspace to a mixed retail and café/restaurant (A1/A3) use.

The key determining issue of principle is considered to be the impact of the proposals on the revitalisation and regeneration of Farnborough Town Centre. New Local Plan Policy SS2 (Spatial Strategy) outlines a broad spatial framework for the scale and location of development. It states that town centre uses, which includes retail development, “*will be located within Aldershot and Farnborough town centres to support their vitality, viability and regeneration*”; that new retail development “*must protect or enhance the vitality and viability of the town centres, district centre [North Camp] and local neighbourhood facilities*”; and that retail development “*will be focused in Aldershot and Farnborough town centres, within the primary shopping area*”. Policy SS2 also sets out that a sequential approach to site selection will be applied, in accordance with National planning policy, where there are no suitable, available and viable sites within the primary shopping area, which comprises the primary and secondary shopping frontages within the defined town centres.

The New Local Plan also includes individual policies for Farnborough and Aldershot town centres and North Camp District Centre. Policy SP2 (Farnborough Town Centre) aims to *“maintain or enhance the vitality and viability of Farnborough Town Centre”* and to contribute to its revitalisation, whilst Policy SP1 (Aldershot Town Centre) sets out a similar strategy to create *“a thriving, accessible and regenerated Aldershot Town Centre”*. Policy SP3 (North Camp District Centre) states that development proposals *“will be permitted which maintain or enhance the vitality and viability of North Camp District Centre by preserving its local and specialist retail functions and vibrant evening economy”*.

New Local Plan Policy LN7 sets out the Council’s floorspace and proximity thresholds for the undertaking of Retail Impact Assessments:-

“LN7 – Retail Impact Assessments

An impact assessment will be required for retail development not in the primary shopping area and not in accordance with the up-to-date development plan, which is above the following thresholds:

- 1. An assessment of impact on Aldershot and Farnborough town centres and North Camp District Centre for any retail proposal with over 1,000 sqm gross floorspace.*
- 2. An assessment of impact on North Camp District Centre for any retail proposal for over 250 sqm gross floorspace and within one kilometre of the centre.*
- 3. Assessment of impact on a local neighbourhood parade for any retail proposal deemed to have the potential to have a significant adverse impact and within 500 metres of the parade.”*

The applicants have submitted a Planning and Retail Assessment, together with supplementary information in support of their proposals. This builds upon the Assessment submitted with the previous withdrawn application (19/00517/FULPP) and includes analysis of, and objections to, rival proposals for a discount foodstore at Solartron Retail Park (the subject of planning application 20/00287/FULPP) in a sequentially preferable location. Both the proposed BSP foodstore and the smaller proposed mixed A1/A3 use are town centre uses.

Whilst the applicant argues that the proposal *“seeks the reuse of existing retail floorspace rather than the introduction of significant new retail floorspace out of centre”* and, indeed, results in the de-commissioning of the existing mezzanine floorspace, it is considered that the proposal is for a significantly different type of retail use to that which exists at BSP at present. Indeed, it is a form of retailing which is specifically excluded from operating at BSP. In this context, it is considered that the proposed food retail uses cannot reasonably be said to be existing; and cannot be considered as such. Importantly it can be inferred that, in imposing Condition No.4 (of the original planning permission 93/00016/FUL restricting the type of retail use) the Council considered this condition to be necessary in order to make the proposals then under consideration acceptable. The Applicants have sought to explain why the condition is no longer necessary by contending that the retail impact and sequential tests have been passed.

A retail impact assessment is also required because the floorspace affected by the application (1,866 + 186 sqm), whilst below the NPPF threshold (2,500 sqm), is significantly above the locally set impact threshold of 1,000 sqm. Accordingly, having regard to Local Plan Policy LN7, it is necessary for the proposals to be subject to Retail Impact Assessment.

Sequential Test

The applicants have suggested that, because the Council concluded that there were no sequentially preferable sites when the new Halfords retail outlet proposals at the Shopping Park were considered in January 2018, it follows that there are still no sequentially preferable sites available for the current proposed foodstore. This argument is not accepted since the circumstances are not comparable. Whatever position was taken in 2018 is not determinative of all future proposals for retail development at the Retail Park. The retail impact assessment in respect of the Halfords store considered whether or not there was floorspace available or potentially available for a bulky non-food goods retailer in a sequentially preferable location. Having notified all Farnborough Town Centre development stakeholders in respect of the new Halfords store proposals in late 2017, it was clear that none then possessed, or anticipated providing, retail floorspace for a bulky non-food retailer. However, it does not follow that the same situation applies to consideration of a discount food retailer over 3 years later, when new retail schemes have been approved in the town centre. Furthermore, despite the suggestion that they should not have to do so, the applicants' Assessment does actually identify and consider possible sites located in sequentially preferable locations.

The applicants' Assessment adopts a sequential approach to site selection taken from a primary catchment for the proposal covering a zone (Zone 1) including Farnborough Town Centre and North Camp District Centre in Rushmoor; and also the Frimley District Centre located within the adjoining authority of Surrey Heath BC. As advised by the Council during pre-application contact, the applicant has additionally considered sites within Camberley Town Centre, also within Surrey Heath BC's area for completeness, although they are not located within Zone 1. Furthermore, the Assessment excluded consideration of possible sites within Aldershot Town Centre on the basis that this centre serves a different catchment that draws no trade from centres within Zone 1. There are no local neighbourhood parades within Rushmoor within 500 metres of BSP and the Applicants' Assessment considers these to be inappropriate locations for the proposed foodstore in any event.

Overall, the Applicants' Assessment argues that *"there is no sequentially preferable site which is available, suitable and viable that can accommodate the application proposal or a flexible interpretation of it"*. In this respect the Applicants' sequential test identified and assessed nine possible alternative sites for the proposal from within the primary catchment area, seven of which are within Rushmoor. This includes the Units 3 & 4 Solartron Retail Park site the subject of planning application 20/00287/FULPP, which emerged as a pre-application enquiry to the Council late in the consideration of their previous withdrawn application 19/00517/FULPP. Of those sites identified, the Applicants have, in particular, considered the following three possible sequentially preferable sites that were identified by the Council during the consideration of the previous withdrawn application to require closer examination:-

- **Block 3 Kingsmead Square;**
- **South of Queensmead** with the emerging proposals for the Civic Quarter; and
- **Units 3 & 4 Solartron Retail Park**

It is accepted that the remaining six potential sites identified in the Applicants' Assessment are not appropriate alternative sites for a discount foodstore in terms of availability, suitability and viability.

Albeit not located within the Zone 1 catchment, for completeness Members will be aware that a planning application has recently been considered by, and a resolution to grant planning permission subject to the prior completion of a s106 Planning Obligation agreed by the

Council's Development Management Committee, for The Galleries regeneration scheme for part of Aldershot Town Centre (20/00508/FULPP). These are proposals identified as an allocated development site by the adopted New Rushmoor Local Plan (November 2019) for which the planning application was submitted in July 2020. Whilst this scheme proposes the provision of some ground-floor flexible commercial/community use floorspace, none of the 13 proposed units of this space are considered to be large enough, individually or combined, to accommodate a discount foodstore even having regard to flexibility of format. Additionally, none of the proposed units are designed with service bays and would have to be serviced directly from the street, which is considered to be an impractical and, indeed, undesirable, arrangement for a foodstore. Accordingly, it is not considered that The Galleries scheme is a new potential sequentially preferable location for a discount foodstore to be considered by the applicants in the context of justifying their proposals for BSP.

As a result of the objection recently received on behalf of Lidl, it has been suggested that there is a further sequentially preferable site for the applicants to consider at **Units 3 & 4 Horizon Retail Park**. This has not been considered by the applicants to date because it was only recently been identified. As a result of the Lidl objection in this respect, the applicants' agent has responded to assert that:- "*Horizon Retail Park does not present a genuine sequential alternative to BSP.*" Nevertheless, this suggested fourth possible sequentially preferable site is also considered further in this report as follows below.

Block 3 Kingsmead Square : Block 3 Kingsmead Square : This was granted planning permission in June 2018 as part of the next phase of the North Queensmead redevelopment scheme and works have started on site this year to implement the approved development. It has been suggested that the ground floor retail floorspace within this scheme could be re-configured for use as a discount foodstore. Furthermore, the retail unit so created would be of comparable floorspace to that proposed at BSP and would benefit from adjacent customer car parking in a busy prominent commercial frontage within Farnborough Town Centre.

The applicants have concluded, and maintain, that this site it is not available, suitable and viable as an alternative to their proposed development despite having regard for the need for flexibility of format and scale. In this respect, it is argued that Sainsbury's has a long leasehold interest in the two adjacent customer car parks such that they effectively 'own' them, although their management must be in line with the Car Park Management Plan (CPMP) set out within the agreed lease. Whilst the CPMP allows for Sainsbury's customers to benefit from two hours parking (which is refunded subject to a minimum purchase within the store), this free parking would not be available to an additional food retailer also trading adjacent to the car park. Given the nature of the proposed retailer (i.e. deep discounter) customer parking charges are not acceptable. The CPMP also sets out a minimum number of car parking spaces and that trolley bays must be provided at a ratio of 1 per 50 car parking spaces. This means that the provision of dedicated trolley bays for a discount foodstore retailer Aldi (or any other compatible retailer) would not be possible as this would result in the loss of car parking. The inability to provide dedicated trolley bay(s) is a fundamental requirement for the proposed operator [Aldi], and other similar retailers. Without such provision, it is asserted that a discount food retailer would not trade from this location.

A further requirement of the CPMP is for all signage to be in Sainsbury's corporate livery. This means that any additional foodstore operator would not be able to have their own corporate signage. Again, such a position would be commercially unacceptable for a discount foodstore operator.

It is also understood that there is a restrictive covenant within the current lease in favour of Sainsbury's, that prevents Kingsmead premises being occupied by retailers that are used

predominantly for the sale of food.

The Applicants also advise that their discussions with the commercial agent dealing with the Block 3 development has indicated that much of the permitted floorspace is, in any event, already under offer. This includes MSU1, which is to be reduced in size to make the residential core larger as approved by the Council with a non-material amendment to the original approved scheme. Unit MSU1 is understood to be under offer from a coffee operator, and the adjacent unit (MSU2) is also understood to be under offer from a restaurant occupier. Consequently, the residual ground floor commercial floorspace within the scheme would be too small and could not now be re-configured or amalgamated to accommodate the proposed discount foodstore development, or a flexible interpretation of it, as may have previously been the case from an inspection of the original approved plans for the Block 3 scheme.

It is further noted that, although notified of the BSP application, the Block 3 developers have not made any comments or raised objections to them on the basis that their forthcoming development would be a suitable sequentially preferable alternative for a discount foodstore retailer. Since the 'base consented' scheme for Block 3 dates back to June 2018, there has now been ample time for any interest in this location to have come to the attention of, and be explored by, discount food retailers, especially as it is well known that discount foodstore operators have been seeking to provide outlets in Farnborough for some time.

It is considered that these observations underline the basic unsuitability of the Block 3 development as a location for a discount foodstore (having regard to considerations of flexibility) and, as such, it is accepted that this is not an alternative sequentially preferable location for the proposed BSP foodstore.

Civic Quarter south of Queensmead : A further potential sequentially preferable site for the location of a foodstore within Farnborough Town Centre identified at the time that the previous withdrawn application was submitted relates to the emerging proposals for the Farnborough 'Civic Quarter'. Here the Council's Regeneration Team had advised that the Rushmoor Development Partnership were considering the possibility of incorporating a foodstore of approximately 20,000sqft [1858 sqm] with dedicated car parking in a location adjacent to the south end of Queensmead. However, this is not a provision mentioned in Local Plan Policy SP2.3 (Farnborough Civic Quarter). Furthermore, the timescales for the delivery of this offer are optimistically indicated to be 4-5 years at the earliest. It is considered that this is too distant to be a reasonable prospect to consider as a sequentially preferable site at the present time. In the circumstances this tentative future proposal is not currently sufficiently well advanced to be considered a viable sequentially preferable site for the purposes of considering the current application.

Units 3 & 4 Solartron Retail Park : Proposals for the amalgamation of these two existing retail units to specifically create a retail space configured for a discount foodstore retailer emerged at a relatively late stage in the Council's consideration of the previous withdrawn application for the proposed foodstore at BSP, 19/00517/FULPP. Being within the defined boundary of Farnborough Town Centre, SRP is clearly in a sequentially preferable location compared to BSP. It is not within the primary retail frontage, but is within 300 metres of it and, therefore, comprises an **edge of centre site**. Nonetheless it is self-evidently sequentially preferable to the application site, which is out of centre and with no real prospect of customers being able to link to the town centre.

The Units 3 & 4 SRP site had not previously been considered as a potential sequentially preferable alternative site in connection with the BSP scheme because it did not exist as a

prospect when the original retail impact assessment work was undertaken. Indeed, the possibility of a site being available at SRP was, in making their previous application, rejected by the BSP applicants on the basis that the two known vacant units there (Unit 3 : the former Bathstore; and Unit 7 : the former Maplins store) both have insufficient floorspace for the proposed foodstore and, indeed, do not adjoin each other to make an amalgamation of floorspace possible. The change in circumstances for SRP as a potential alternative site arose because the current occupiers of Unit 4 (Carpetright) have more recently agreed to re-locate into the vacant Unit 7, thereby making an amalgamation of floorspace of Units 3 and 4 for a discount foodstore of a comparable size to that under consideration physically possible.

With the current application, the applicants updated their retail impact analysis to take account of the SRP proposals in order for their assessment to properly address current Government guidance and adopted Development Plan policies. Similarly, they also lodged detailed objections against the SRP proposals the under consideration by the Council on the grounds that they considered the SRP proposals to be undeliverable, unsuitable for any discount foodstore retailer and, fundamentally prejudicial to their own proposals for a foodstore at BSP. As a rival scheme potentially competing for the same discount foodstore tenant, the owners of SRP have lodged counter-objections against the BSP proposals noting that SRP is in a sequentially preferable location because it is located within the town centre area for retail planning policy purposes. They have also responded to the other objections raised by BSP.

Members will recall that the planning application in respect of the Solartron Retail Park proposals (20/00287/FULPP) was considered at the 24 June 2020 meeting of the Council's Development Management Committee. Despite the objections raised on behalf of BSP, it was resolved that planning permission be granted subject to the completion of a s106 Deed of Variation and a s106 Planning Obligation to secure Travel Plan evaluation and monitoring contributions. This planning permission was subsequently granted on 4 September 2020 following the completion of the required legal documents.

As a result of a letter received by the Council in support of the SRP proposals submitted shortly before, and reported to, the 24 June 2020 Committee meeting, Lidl revealed their support for the SRP proposals and the suitability of the floorspace and site arrangements to meet their needs. Lidl also clearly confirmed that they had board agreement to occupy the proposed SRP unit. Indeed, Lidl stated that *"Should planning consent be granted this week Lidl are fully committed in partnership with the applicants to deliver this town centre retail scheme at the earliest opportunity."* Nevertheless, in re-affirming their objections to the BSP proposals, a more recent statement made by Legal & General's agents on 20 July 2020 has clarified that *"the owner of the Retail Park has agreed 'Heads of Terms' with Lidl but as yet, a formal Agreement for Lease is not in place."* Furthermore: *"Until there is certainty that a tenant has been signed then the unit [at SRP] is 'available'"* More recently, on 17 September 2020 agents acting for Legal & General noted that: *"The position is unchanged in that there is no formal agreement signed with a specific tenant for the unit"*.

The Council has commissioned independent retail planning advice from Lichfields, who have already advised the Council in connection with the previous withdrawn BSP proposals (19/00517/FULPP). Advice was specifically sought to consider the retail planning implications of the BSP proposals in the light of the Council, at that time, recently resolving to grant planning permission for a discount foodstore at SRP. The conclusions of the resulting Lichfields advice in respect of the Sequential Test are as follows:-

"4.9 Potential sequentially preferable sites within or on the edge of Farnborough, Camberley, Frimley and North Camp town centres should be considered. Other centres would not serve

the same catchment area as the application proposals.

4.10 The small food and beverage unit proposed could in theory be accommodated within a town centre. However, a unit of this size would primarily serve existing customers at BSP, as an ancillary use and could be considered to have a locational specific need at BSP, and therefore only the discount food store should be considered when applying the sequential test.

4.11 At this stage, the proposed store at SRP appears to be available to any discount food operator within a similar timeframe. There is no reason why SRP would not be a cost efficient location for a discount food store in Farnborough. The servicing, parking, congestion and other highways matters were considered acceptable when the SRP application was assessed.

4.12 The SRP ground floor plans indicate the proposed unit is not too small to meet Aldi's space requirement, nor does it provide an irregular or constrained internal layout. The configuration of the two proposed stores at BSP and SRP do not appear to be significantly different. Furthermore, the SRP opportunity's ability to accommodate a discount food store in general should be considered, rather than specifically an Aldi store. If there is scope for only one new discount food store in Farnborough then this need can be met by either Aldi or Lidl, and this store should be located at SRP if the opportunity is available and suitable.

4.13 If the SRP opportunity is considered to be available and suitable then it should be given the best chance of being implemented and occupied before a similar proposal at BSP is approved.

4.14 Based on the information provided the SRP opportunity appears to be suitable and available. The NPPF (paragraph 90) states that where an application fails the sequential test it should be refused."

As a result of the granting of planning permission for the SRP scheme, the Council clearly accepts that this scheme is in a sequentially preferable location; and it is considered that Lidl's stated interest in occupying this proposed foodstore unit is clear evidence that it is suitable for a discount foodstore operation and can be implemented within a reasonable period of time, notwithstanding the continuing BSP objections in these respects. Whilst the proposed approved SRP unit is marginally smaller than the proposed development, it is, nonetheless, of a broadly similar scale such that it is comparable to the application proposals mindful of the requirement upon an applicant to demonstrate 'flexibility'. In the context of the sequential test as set out in the NPPF and adopted Rushmoor Local Plan policy this leaves the question of whether or not the SRP unit is 'available'.

The applicants' have responded to the Council's decision to grant planning permission for the SRP discount foodstore scheme and the earlier announcement by Lidl that they were interested in occupying the SRP unit by letters on 6 August, 1 October and 17 December 2020 seeking to address the implications for their clients proposals for BSP. In respect of the sequential test, they argue and reiterate that, given Lidl's stated interest in occupying the SRP unit, this means that it is not 'available' to any other potential discount foodstore retailer; and that it would be unreasonable and perverse for the Council to disregard, and not take at face-value, the clear statement made by Lidl in connection with the SRP scheme. In this respect, the Applicants argue that the SRP foodstore unit cannot be considered to be 'available' within the usual everyday meaning of that word. They cite the High Court case *Sainsburys Supermarkets Limited v. the London Borough of Hillingdon EWHC 2571* as re-affirmed by more recent High Court decisions, including *Asda v. Leeds City Council [2019]*

EWHC 3578, in support of their position on this point.

On the meaning of the word 'available' in the context of the sequential test, the Lidl objection cites a different High Court case *Aldersgate Properties Ltd. v. Mansfield District Council and ANOR* [2016] EWHC 1610; and the subsequent cases of *Tesco Stores Ltd. v Dundee City Council* [2012] UKSC 13 and *Mid-Counties Co-operative Ltd. v. Forest of Dean DC* [2017] EWHC 2056. It is argued by Lidl that these cases represent the current unchallenged legal interpretation of 'availability' in the context of retail sites being considered in respect of the sequential test. In fact in the Hillingdon case cited by the applicants, the Judge made it clear that "available" is to be given its ordinary meaning and that it was a matter of judgment on the facts of each case whether or not a site was indeed available. The Judge observed at paragraph 44:-

"The debate which occurred during the course of argument about the meaning of "available" generated, in my view, far more heat than light. Ultimately, "available" is a simple English word whose meaning does not require any further qualification or explanation, and its application will require fact-sensitive judgment in each case."

Notwithstanding the recent further comments made on behalf of the applicants, the Mansfield Case is clear that, in applying the sequential test, the fact that another retailer may already own a site does not make it 'unavailable' for the purposes of the sequential test. The unit in question remains 'available' for retail use irrespective of whether or not any individual retailer is unable to acquire and use the premises because the property is owned or under offer to another retailer. It should be applied on a 'retailer blind' basis. Accordingly, whether or not Lidl have legally secured the SRP foodstore unit (the argument asserted by the current applicants) is not material : to conclude otherwise would be to give rise to a different outcome had the applicant in this case been Lidl. What matters is whether that alternative site has passed the point when it is realistically not available to **any retailer**, i.e. the point at which the proposed SRP foodstore unit ceases to be available will be when a retailer has implemented the planning permission and occupied the unit. Since this has clearly not yet happened, the proposed SRP foodstore unit therefore remains 'available' for the purposes of the sequential test to be applied to the proposed BSP foodstore.

The Council has obtained legal advice that confirms that the position set out by the Mansfield Case is determinative of the question of the 'availability' of retail sites to be applied with the sequential test. The SRP unit remains 'available' for retail use on a retailer blind basis as an alternative sequentially preferable location for the proposed retail use the subject of the current application. In the circumstances, at the present time, it has to be concluded that the proposed SRP foodstore remains a suitable, available and viable alternative sequentially preferable site for a discount foodstore and, as such, the BSP proposals fail the sequential test. Consequently, in accordance with the advice at Para.90 of the NPPF it is considered that there is no option but to recommend that planning permission be refused on sequential test grounds.

Units 3 & 4 Horizon Retail Park : In this respect, Lidl raises a further matter in respect of the sequential test in support of their objections to the BSP proposals. There are no current proposals for the amalgamation of these adjoining bulky-good retail units, which are currently occupied by Oak Furniture Land and Harveys respectively. They are located within the town centre area of Farnborough as identified by the adopted Rushmoor Local Plan. Indeed, they are located closer to the town centre core than the SRP site. The site has not been considered by the Applicants because it was not identified as a prospect until raised very recently by Lidl in their objections.

Lidl has identified these units as a further potential sequentially preferable site to the proposed BSP foodstore on the basis of their advice to the Council that they were recently contacted by a property agent (Avison Young) asking whether Lidl would be interested in taking on these units if they were to be amalgamated, since this would create a unit of similar size (1,783 sqm) to the SRP unit. Lidl have explained that the continued occupation of the units by the existing tenants is considered to be 'uncertain'. The Harveys unit is currently indicated to be 'available' on another commercial property agent's web-site : Completely Retail. Both of the existing tenant retailers have entered into CVAs (Company Voluntary Arrangements, often also known as 'Pre-Pack Administration' deals) to avoid insolvency this year. Oak Furniture Land entered into a CVA in June 2016 that is reported to have attracted significant new investment into the business and has enabled all of its existing retail outlets nationwide to continue trading and, indeed, to re-open during the summer following the lifting of the first Covid-19 lockdown. Harveys is also reported to have entered into a CVA during the summer and also continues to trade at Unit 4 Horizon Retail Park.

The applicants have offered no analysis or consideration of the Horizon Retail Park units, other than to say that they consider that it is not a genuine 'site' to be considered. Nevertheless, at this stage it is considered that it is too early to know whether or not this is a suitable and available sequentially preferable site for a discount foodstore within the town centre that could be provided within a reasonable period of time and, as such, should be favoured over the proposed BSP foodstore site. Planning permission would be required in order to allow sale of foodstuffs through the relaxation of a planning condition imposed by the planning permission relating to the units that currently restricts the use to bulky non-food goods retailing only : currently Condition No.21 of planning permission 17/00174/REVPP. The outcome of any planning application seeking to relax the terms of this condition is uncertain. Furthermore, it is not clear whether the existing servicing arrangements would be suitable for a foodstore operation with or without modifications; or, indeed, what other alterations would need to be undertaken to Horizon Retail Park to facilitate the introduction of a discount foodstore. Nevertheless, at the present time it is potentially a change in circumstances to be given consideration in respect of the application of the sequential test for the current application. The applicants must consider and demonstrate conclusively that this further suggested prospective retail site would not be suitable and available within a reasonable time period as a sequentially preferable alternative to the proposed BSP foodstore. In the current absence of such examination by the applicants it is therefore considered that the sequential test is also failed in this respect.

Whilst no other site(s) have been identified as possible sequentially preferable alternatives to the proposed BSP discount foodstore at the present time, given that the circumstances within which Units 3 & 4 Horizon Retail Park have been suggested to be available has arisen due to the significant decline in retail activity caused by Covid-19 lockdown, it is considered conceivable that such sites could arise in the very near future.

Retail Impact

In this respect, the policy test is to determine whether the current proposal would have a significant adverse impact on in-centre investment (that is investment within the primary shopping area) and the overall vitality and viability of any defined centre. In so doing, it is now necessary to take account of the Council's recent granting of planning permission for the SRP scheme – indeed, whether or not there would now be cumulative impacts arising from the Council also permitting the proposed discount foodstore at BSP. The cumulative impact of two discount foodstores is considered to be a material consideration for the determination of the current application. It is considered that the key questions for the Council to consider in respect of the current application are therefore:-

- (a) Would the BSP discount foodstore proposal be likely to have any significant adverse impact upon the viability (and thereby deliverability) of the approved town centre SRP discount foodstore scheme? Could the proposed BSP foodstore jeopardise the implementation of the proposed SRP foodstore?
- (b) Would the BSP discount foodstore combined with the approved SRP discount foodstore cumulate significant adverse impact through diversion of convenience goods turnover from the existing established Town Centre foodstores (predominantly Asda and Sainsburys)? And
- (c) Would the BSP discount foodstore proposal have any other significant adverse impacts upon the vitality and viability of any defined centre?

The conclusions of the Council's further Lichfields advice in terms of retail impact in these respects are as follows:-

"4.1 Quod argues there is no policy requirement to assess cumulative impact, in this case the implementation of two discount food stores in Farnborough. However, cumulative impact is a relevant material consideration that the decision-taker may take account and attach weight to.

4.2 In terms of retail impact, the key concern is the impact of the convenience goods (food and grocery) sales within the proposed discount food stores. Farnborough town centre is expected to be the most affected centre.

4.3 Lichfields review of Quod's assessment suggests cumulative trade diversion and impact on Farnborough town centre has only been marginally under-estimated. Quod's figures suggest an impact of -8.2%, whilst Lichfields' sensitivity analysis suggests a cumulative impact of -9.4%.

4.4 Most of the cumulative trade diversion will come from the Asda and Sainsbury's stores, but these stores will continue to trade within the range stores can trade viably, and we would not expect the Asda or Sainsbury's stores to close. The reduction in turnover of the remainder of convenience goods outlets in the town centre is unlikely to cause small convenience shops to close and would not result in a significant adverse impact in terms of the loss of customer choice or the increase in the shop vacancy rate.

4.5 The two proposed discount food stores are expected to marginally increase the comparison goods turnover of the town centre because the proposals will result in a net reduction in the comparison goods turnover of BSP and SRP. The combined (direct and indirect) comparison goods impact are not expected to be significant.

4.6 The impact on planned investment within the town centre needs to be considered. Quod disputes the SRP scheme is 'in-centre' investment. However, SRP is within the Farnborough town centre boundary and, as covered by Policy SP2, is planned investment within a designated town centre. The impact on this planned investment is a material consideration.

4.7 The key issue is whether Lidl considers that a new store at SRP would trade at an appropriate and viable level with the added competition from the Aldi store at BSP. The retail capacity figures suggest there is a convenience goods expenditure deficit in Farnborough, which will increase with the implementation of two new stores by 2024. It is possible Lidl may decide not to occupy the proposed store at SRP if Aldi implements their proposals at BSP, but this is difficult to quantify.

4.8 Even if Lidl were to withdraw from the SRP scheme, then the significance of this impact on the vitality and viability of the town centre needs to be considered. In terms of consumer choice, the town centre would still retain its existing choice of food stores and in our view, it would be difficult to demonstrate Lidl's withdrawal from the SRP scheme would cause significant adverse harm to the vitality and viability of the town centre as a whole. However, if Lidl has no interest in the SRP scheme then the opportunity clearly becomes available to Aldi, which is a sequential test issue."

The applicants' agents responded to the Lichfields advice in respect of retail impact issues to argue that the Lichfields further critique is too narrowly focussed and that, in reality, there is sufficient capacity in terms of projections of retail expenditure for food for both the BSP and SRP discount foodstores and without impacting significantly upon other town centre foodstores. Indeed, the spare capacity for foodstore expenditure is argued to be the reason why both Aldi and Lidl are targeting the area for new investment. It is argued that the evidence for potential harm to town centre retail investment arising from the BSP scheme identified by the Lichfields advice to the Council is not compelling and does not appear to demonstrate sufficient material harm to justify the refusal of planning permission on retail impact grounds. The evidence that has been provided and obtained by the Council indicates that the impact in terms of trade diversion (9.4%) is not significant; and existing town centre foodstores would continue to trade within the range they can trade viably. It is also noted that the proposals would marginally increase town centre turnover in durable (i.e. non-food) goods due to the reduction in the extent of durable retail floorspace at BSP as a result of the proposals. In terms of the potential impact upon the planned investment in a new discount foodstore at SRP, Quod assert that there is no evidence demonstrating that the proposed SRP unit would be so significantly impacted by the BSP scheme that the SRP would not proceed – indeed, the evidence that Lidl are in the process of acquiring a lease on the SRP foodstore unit is considered to indicate otherwise.

However, the opposing position asserted by Lidl with their objections to the BSP foodstore scheme is that granting planning permission for the BSP scheme, thereby enabling Aldi to locate at BSP, may well prejudice the implementation of the permission for the foodstore unit at SRP – which is planned investment within Farnborough Town Centre. This is on the basis that the applicants' agents for the BSP scheme themselves argue that the BSP scheme is likely to be implemented (and thereby Aldi would commence trading and become established) before Lidl would be able to do so at SRP. Lidl support this argument on the basis of the need for Carpetright to re-locate from Unit 4 to Unit 7 SRP before works can begin on the new foodstore unit; and because substantial works still need to be undertaken at SRP to create the new foodstore unit. Accordingly, Lidl argues that the improvements to the retail offer of the Town Centre that would accrue from the implementation of the SRP unit would be likely to be lost, to the detriment of the vitality and viability of the Town Centre.

Whilst existing under-trading at Sainsburys and Asda would be exacerbated by the existence of two discount foodstores in Farnborough, this negative impact is not considered to be to the extent that these existing stores would be lost. Nevertheless, notwithstanding the applicants' suggestions otherwise, the Lichfields advice to the Council is that there is insufficient estimated market capacity in terms of customer convenience retail expenditure to support the introduction of two discount foodstores; i.e. at both SRP and BSP. The positions adopted by the applicants and Lidl in respect of retail impact issues are unsurprisingly polar opposites in these circumstances : both are competing to be the one discount foodstore that can be supported within Farnborough. Nevertheless, the SRP foodstore is already approved and is clearly in the sequentially preferable location, being situated within the defined Farnborough Town Centre area. BSP is, by contrast, an edge of town site and, as such, not the favoured location according to established planning policy. Lidl has provided a very clear statement

with reasons explaining why they would reconsider the viability of their intended investment in the SRP foodstore unit should the proposed BSP foodstore unit be approved. The SRP foodstore permission constitutes planned investment in the town centre and the possibility of the implementation of that consent being frustrated through development on a competing out-of-centre site is not what is envisaged by current national and local planning policies : indeed, the intention is that this be resisted. As such, it is considered that the proposed BSP foodstore would have a material and adverse retail planning impact. Whilst the applicants have garnered some support for their proposals for a foodstore at BSP Government and local planning policy favours town centre retail development over out of centre locations. On this basis, particularly given the current uncertainties in economic conditions, it is considered that the SRP foodstore scheme should be given the best chance of being implemented. In the current circumstances this means that planning permission be refused for the BSP proposals on retail impact grounds.

2. Visual Impact -

It is considered that the proposals would have limited and localised visual impact. The proposals seek to re-use floorspace to provide a new retail foodstore and a mixed A1/A3 outlet within an existing substantial building and retail park containing existing retail outlets. The physical changes to the existing building are the provision of some new shopfronts and provision of trolley storage/dispensing bays to the front; and provision of a recessed lorry unloading dock to the rear of the building. None of these features are considered to be unusual or inappropriate in the visual context of the Shopping Park. The proposed alterations to the vehicular access to the Shopping Park would result in minimal loss of some adjoining landscape planting. It is considered that the proposals would have no material and harmful visual impact.

3. Impact on Neighbours -

The immediate neighbours to the proposals are the commercial occupiers of the retail outlets, the Costa coffee shop and the drive through McDonalds within the Shopping Park. There will be an impact in relation to the proposed widening of the Shopping Park's vehicular access, but this is not considered likely to be negative, since it is intended to ease traffic movements leaving the Shopping Park.

The introduction of the proposed Aldi foodstore is expected to attract additional customers to the Shopping Park and, as such, potentially also visiting the existing retail outlets, which could be viewed as a benefit of the proposals. Nevertheless, in addition to the potential for vehicle congestion within the car park, there would also be other management issues for the Shopping Park management relating to the servicing requirements of a foodstore, the nature and volume of refuse and recyclables requiring disposal and the management of shopping trolleys.

Noise emanating from the service bay and the adjoining air-conditioning and cooling plant for the proposed foodstore has the potential to cause nuisance to neighbours. Whilst there is already servicing activity and the operation of various externally located plant associated with the existing retail outlets, the proposed foodstore would be expected to have more frequent lorry deliveries and refuse collections. Furthermore, air-conditioning and chiller plant would be more numerous and may need to be operated around the clock. The applicant's submitted Noise Assessment report focusses on the noise impacts of lorry deliveries and unloading of full freight cages and the loading of empty cages. In this respect it is noted that the proposed foodstore would need to receive deliveries on Sundays, in the evening and early in the morning to ensure that fresh food is on the shelves whilst the foodstore is open.

The current permitted delivery hours for the Shopping Park are 0700-1900 hours Mondays to Saturdays with no deliveries allowed on Sundays and Bank Holidays. It is, therefore proposed that permitted delivery hours for the foodstore be extended to 0600 to 2300 hours Monday to Saturday (including Bank Holidays) and 0700 to 2000 hours on Sundays. The submitted Noise Assessment considers the impact of these proposed additional delivery times and recommends that, notwithstanding the nearest residential properties (in Ringwood Road) being approximately 95 metres distant on the far side of the adjoining motor vehicle repair works, it would be appropriate to replace the existing mesh boundary fence on the Shopping Park boundary with a 2 metre high acoustic fence.

The Council's Environmental Heath Team consider that, without suitable mitigation, there would be likely to be some adverse noise impact to some Ringwood Road residents on Sunday mornings : those properties that are not shielded by the large motor vehicle repair workshop building. However, the recommended acoustic fence would, provided it is of suitable construction and long enough, adequately mitigate noise at these residential properties to a level that should not cause undue disturbance. This is also provided that delivery vehicle refrigeration plant is switched-off during deliveries and general best practice in terms of noise control is employed. It is considered that the proposed acoustic fence would also have the added benefit of minimising noise from other activities on site not related to the application site i.e. commercial waste collection noise that is not considered by the submitted Noise Assessment report. It is additionally considered that it would be possible to install acoustic screening for any external plant. Subject to an appropriately-worded condition in respect of means and measures of noise suppression and prevention (including the installation and retention at all times of the proposed acoustic fence) it is considered that the proposed extended servicing hours for the proposed foodstore would have an acceptable impact on the nearest residential neighbours.

Although there are other nearby residential properties at Lancaster Way and on Farnborough Road north of the Shopping Park and the link-road, these are located further away from the likely noise sources arising from the current proposals. As such, it is not considered that any material and adverse noise nuisance impacts would arise in respect of these properties.

In the circumstances, it is considered that noise emissions from the site could be adequately controlled to prevent any undue noise nuisance affecting nearby residential properties.

4. Air Quality –

The Government has identified the A331 as being non-compliant with the statutory annual mean EU limit value for Nitrogen Dioxide [The UK Plan for tackling roadside nitrogen dioxide concentrations (2017)]. Rushmoor, along with Surrey Heath Borough Council, and Hampshire and Surrey County Councils, have been served with a Ministerial Direction to develop and implement measures to bring about compliance in the shortest possible time. The Blackwater Valley's Local Air Quality Plan was approved by the Secretary of State earlier this year, and in June the speed limit between a point just south of the Coleford Bridge Junction and the Frimley Road junction was reduced from 70 mph to 50 mph. In addition, improvements to the Bradfords (Hawley) roundabout are planned that aim to reduce congestion and queuing for northbound vehicles exiting the A331, thereby improving flows from the A331 onto the local highway network. With these measures in place, it has been shown that compliance with the annual mean NO₂ EU limit value along the A331 will be achieved by 2021.

With respect to the current planning application, the question that arises is whether or not the proposals would undermine or prevent achievement of the air quality improvement objective

as a result of the anticipated additional traffic generation on roads in the vicinity, including the A331 and A325 Farnborough Road in the vicinity of the Bradford's (Hawley) Roundabout. The margins are very small. The concern is that any significant increases in traffic in these locations could negate any reduction in emissions that measures within the Air Quality Local Plan are designed to bring about. Environmental Health are currently monitoring and evaluating the effectiveness of the measures introduced and are required to regularly report on progress in achieving compliance to Defra and DfT's Joint Air Quality Unit. Given the importance the Government has placed in meeting its air quality responsibilities, it is vital to demonstrate that emissions that may arise as a result of any new development would not impede achieving compliance.

The Council's Environmental Health Team consider that sufficient detail has been provided in the submitted Air Quality Assessment (AQA) to assess the impact of the proposed development on measures being implemented to improve air quality along the A331. The submitted AQA has considered air quality in 2020 at a number of receptor locations, with and without the development in place. Four of these receptor locations are along the A331 and, as such, are relevant to considering impact upon the Bradford's (Hawley) Roundabout improvement works that were specifically funded with the aim of improving air quality along the A331. The AQA report has used trip traffic data from the applicant's Transport Assessment, which states that the development is expected to generate an additional 247 AADT (Additional Average Daily Traffic) movements when compared with the existing use of the site. Environmental Health advise that traffic movements would need to be at least 4-5 times higher than this figure to begin to have any adverse impact on air quality by the measure adopted by the Government. Accordingly, based on the provided data, the submitted AQA report concludes that there would be negligible impact on air quality along the A331 the subject of the ministerial direction as a result of the proposed development.

Environmental Health accept the conclusions of the applicants AQA report and raise no objections to the proposals on air quality grounds.

5. Highway Considerations -

Blackwater Shopping Park is located adjoining busy road junctions that are prone to traffic congestion : the Bradford's (Hawley) Roundabout on Farnborough Road (A325) and the A331 Blackwater Valley Relief Road approximately 800 metres south of Junction 4 of the M3 motorway. All of these routes are major strategic road links used by both through-traffic, but also by significant local traffic daily, both on workdays and at weekends. The Shopping Park has a single vehicular access onto the link-road connecting Farnborough Road and the A331 serving all customer, staff and delivery vehicle traffic in and out of the Park. This includes significant traffic frequenting the McDonalds restaurant and drive-through and Costa Coffee. The Shopping Park has in excess of 14,000 sqm of floorspace and a car park containing 547 customer parking spaces : it is a busy well-frequented place. The interaction between traffic approaching and departing the Shopping Park with traffic using the surrounding roads clearly has the potential to impact significantly upon traffic congestion on the important strategic road intersections in the vicinity.

The Shopping Park vehicular junction with the link-road has limited functionality : it is not an "all ways" junction. Vehicles seeking to enter the Shopping Park must do so by filtering and/or turning left from the west-bound side of the link-road from the A331 junction, in doing so receiving traffic from both the north- and south-bound sides of the A331, but also from Frimley to the east and Farnborough and beyond via the Bradford's (Hawley) roundabout to the west. Vehicles leaving the Park must turn left onto the west-bound side of the link-road to approach the Bradford's (Hawley) Roundabout with the option of then turning left, going

straight ahead into Hawley Lane (B3272), turning right or turning completely around to travel back along the link-road towards the A331. Vehicles entering or leaving the Shopping Park will often have to change traffic lanes in potential conflict with other traffic. Traffic movements associated with the vicinity of the Shopping Park are, therefore, busy and complex; with opportunities for impacts upon traffic flow through conflicting vehicle movements, queuing and congestion.

It is clear Government guidance that denying planning permissions on highways grounds is only justified and appropriate where it is demonstrated to give rise to 'severe' harm to the safety and/or convenience of highway users. As a consequence, refusal on highway grounds is required to exceed a high threshold. In this case it can be argued that weekend impacts are less severe than on weekdays due to the reduced impact that any highways issues would have upon people seeking to get to and from work and, by extension, the consequential impact upon business costs to the economy.

The proposed Aldi foodstore is expected to attract a significant additional quantum of customers to the Shopping Park, either simply to use the foodstore, but also by attracting and encouraging an amount of linked shopping trips to benefit other retailers within the Park. The submitted Transport Assessment considers that the proposed Aldi foodstore would generate an additional 247 AADT (Additional Average Daily Traffic) movements compared with the existing use of the site, covering both McDonalds and the remainder of the Shopping Park. Although the applicants note that the Shopping Park is accessible by a range of different modes of transport, the predominate mode of traffic used to travel to and from the site is by private car. Servicing of the Shopping Park is also entirely by road transport using the same sole vehicular access point. The proposals therefore have the capacity to cause highway safety and convenience impacts. Accordingly a key consideration for the Council in determining this planning application is to determine the likely extent of additional traffic that might be attracted to the Shopping Park (both customers and delivery vehicles); and whether or not this would be likely to exacerbate any existing highway safety and convenience impacts upon adjoining and nearby public highways to the extent that this amounts to severe harmful impact. The parking provision available within the site is also a factor in terms of highway safety and convenience impact since inadequate on-site parking provision could give rise to queues both entering and leaving the site if demand for parking spaces exceeds the number of parking spaces that are available for use at any one time.

The various elements of the proposals conceivably impacting upon highways issues in this location and, indeed, issues raised by objectors, are considered in the following paragraphs:-

Proposed Vehicular Access Improvement : It is proposed that the outbound portion of the Shopping Park vehicular access be modified to become of two-lane width along its entire length. This involves only a minor re-alignment of the adjoining pedestrian pavement and loss of landscaping adjacent. At present the outbound access is partially two-lane, but narrows slightly for a short section. It is considered, and Hampshire County Council Highways agree, that this element of the proposals would enable more efficient flow of traffic leaving the Shopping Park. This element of the proposals is considered acceptable in highway terms and to be welcomed.

Parking : As existing, the Shopping Park has 547 customer parking spaces to serve a total floorspace of 16,015 sqm including the new Halfords unit; an existing overall parking ratio of 1 space/29 sqm of floorspace. This ratio of parking falls below the Council's current adopted maximum Parking Standard for general and non-food retail, (which is the predominate use of the existing floorspace) and is 1 space/20 sqm, but is, nevertheless, the current lawful quantum of parking provision of the Shopping Park. This reflects the addition of significant

additional floorspace into the Shopping Park since it was originally permitted in 1994, plus losses on parking spaces arising from the new Halfords unit and the alterations to the car park to improve vehicle circulation. The Shopping Park was originally permitted with 10,330 sqm and 652 parking spaces and, as such, had an overall parking:floorspace ratio of 1 space/15 sqm initially.

The current proposed development would result in the loss of 17 existing parking spaces to provide space for the Aldi foodstore trolley bays, comprising the loss of 10 staff parking spaces in the service yard and 7 customer parking spaces. The overall complement of customer parking spaces would be reduced to 540 spaces. But the proposals would also result in the loss of 1532 sqm of existing mezzanine retail floorspace, such that the resultant overall parking ratio would marginally improve to 1 space/27 sqm of floorspace. As a consequence, it is not considered that the physical aspects of the proposals would have any material and harmful impact upon the level of parking provision within the Shopping Park.

Notwithstanding the additional parking demand implied by the Council's adopted Parking Standard of 1 space/14 sqm required for a foodstore, this is not a facsimile for parking usage, rather an estimate used to assess whether planning permission should be granted for a development with a certain proposed floorspace and quantum of parking spaces provided. However, this does not necessarily reflect the level of actual parking usage that would occur. In such instances it is usual for parking surveys to be undertaken to establish how actual usage of the car park compares with the parking standards and, as such, to establish the extent of actual spare capacity within the car park, from which to consider whether parking provision would be adequate with the introduction of the proposed new foodstore retail use.

The applicants have undertaken parking surveys at the Shopping Park, initially in support of their previous withdrawn planning application 19/00517/FULPP, but also following the submission of the current application. A Technical Note submitted to the Council by the applicants on 4 May 2020 summarised the overall findings of the parking surveys as follows:-

"The car park survey information shows that the peak occupancy in January occurred on Saturday 4th January 2020 when 522 vehicles were within the Shopping Park between 15:00-16:00. There were only two other hours in the month when parking demand exceeded 500 spaces. On normal weekdays (not including bank holidays), the parking demand within the Park never exceeded 400 spaces throughout January.

Throughout February 2020, there were only three hours when the parking demand exceeded 500 spaces. Two of these hours occurred on Sunday 29th February 2020, and it is likely that the parking levels reflected increased buying patterns in response to the COVID-19 pandemic. There was one hour on Sunday 2nd February 2020 when the parking levels reached 513 spaces. On weekdays throughout February the parking demand did not exceed 400 spaces on any occasion.

Throughout January and February the car park operated well within capacity at all times, and the peak weekday demand never exceeded 400 spaces on any occasion."

The parking surveys indicate that usage of the car parking has generally, at most times, fallen well below the total number of customer parking spaces that are available for use (547 currently, and 540 spaces as proposed), although at peak times lasting for perhaps a few hours on some weekends that may have been exceptional circumstances, the usage of parking spaces within the Shopping Park may have been close to effective full capacity. This is the pattern of car park usage that has been observed, particularly during various visits to the Shopping Park over the last year during the consideration of the current and previous

withdrawn applications, and may also be familiar to Members if they have visited the Shopping Park.

The applicants have agreed a suitably robust methodology with Hampshire County Council Highways for the calculation of predicted changes in parking demand considered likely to arise as a result of the proposed discount foodstore, which includes assumptions concerning the likely additional traffic that may be attracted to the site, peak shopping times at foodstores and the likely dwell times for foodstore shoppers. The applicants' therefore predict that the peak weekday parking demand within the Shopping Park (on a Friday, as it is usually the peak weekday foodstore shopping day) could increase by up to 60 vehicles. However, the parking surveys of existing parking usage demonstrate that the typical weekday parking demand currently never exceeds 400 spaces, such that there should normally be spare parking capacity retained within the Shopping Park at any time on weekdays of some 80 spaces (540-460). It is considered that this is sufficient margin that the weekday operation of the proposed foodstore would not be likely to result in parking demand exceeding what is available.

The applicants have also considered the impact of the proposed development on a Saturday, being the peak weekend day for parking demand. In this respect, given the increased likelihood of linked shopping trips then, the applicants predict the maximum increase in parking demand at weekends to be 20 vehicles in the morning period and 10 vehicles in the afternoon period. It is argued that, since the parking survey results demonstrate that the existing peaks in parking demand occur in the afternoon, the additional vehicle parking demand in both the morning and afternoon periods would not be likely to result in the existing capacity of the Shopping Park being exceeded at any time. Whilst this analysis does not take account of more occasional and exceptional peaks in parking demand that have been observed, it is considered that these events are relatively infrequent and, as such, cannot be considered to amount to a severe on-going impact through potential queuing in and out of the Shopping Park that would justify and sustain a highways reason for refusal.

Changes to the access, circulation and management arrangements for the car park approved with the new Halfords unit planning permission and subsequently implemented are intended to encourage use of parking spaces to be spread more evenly across the whole extent of the car park, rather than being concentrated in those sections nearest the retail outlets. However, a possible negative consequence of this change is that any available parking spaces are spread across the whole car park and, at busy times, they can be more difficult for people to find and utilise. Poor or inconsiderate parking can also result in a proportion of empty parking spaces being unusable by all but the smallest cars or more skilful/determined drivers. Vehicles manoeuvring into or out of tight parking spaces can be seen to hold up traffic seeking to move around the car park, sometimes resulting in the creation of some queues within the car park. The additional sections of roadway within the car park area introduced with the new Halfords unit parking area amendments increase the capacity of the Shopping Park to accommodate queuing on site and, thereby, reduce the likelihood of significant queuing on the adjoining public roads. Whilst queuing on site is certainly inconvenient for customers and a problem for the Shopping Park management and retailers, it is not, in itself, dangerous when confined within the Shopping Park.

Shopping trolleys are not used within the Shopping Park in any significant numbers as existing, yet they are a specific and essential requirement for a foodstore. Empty trolleys can compromise parking provision if discarded carelessly away from designated trolley storage bays. However, it is possible that trolleys can be fitted with coin/token redemption devices to ensure most trolleys are returned to the trolley bays by customers and, whether or not such measures are used, trolleys are clearly a matter that will require on-going management by

the owners and operators of the Shopping Park.

It is considered that it would be appropriate to impose a suitably worded planning condition to require the submission of details of parking management measures to be operated within the Shopping Park to deal with both trolleys, poor/inconsiderate parking and to help customers find parking space at the busiest periods.

Traffic Generation and Impact upon Road Congestion : The applicant's TA seeks to assess the traffic impact of the proposed foodstore, but also taking into account the additional parking demand of the new Halfords retail outlet, together with the number of vehicle trips theoretically 'lost' as a result of the proposed removal of the mezzanine floorspace from Units 2A and 3. The estimates of traffic generation are derived from a calculation of the parking requirements for the floorspace involved based on examples of similar developments nationwide. The traffic generation figures are considered then in the context of a survey of existing traffic associated with the Shopping Park.

The applicants' TA has provided manual traffic counts for just two days: Thursday 31st January 2019 and Saturday 6th April 2019. Weekday traffic flows on the link-road were observed to be 1299 and 1438 vehicles in the AM and PM peaks respectively. Traffic generation of the existing retail outlets was 128 and 324 vehicles in the weekday AM and PM peaks respectively. The weekday peak for the Shopping Park was between 1300 and 1400 hours, with 503 vehicle movements. The Saturday peak was between 1400 and 1500 hours with 648 vehicles. This suggests that the Shopping Park can contribute approximately a third to a half of the traffic on the link-road.

However, as specifically noted by HCC Highways, no traffic modelling of the adjacent road network had originally been carried out to assess the impact of the proposed foodstore on the adjoining roads in terms of overall traffic movements and traffic queuing. Although the TA indicates that the impact of the additional traffic flows on the operation of the local road network had been modelled, it was not considered that this assessment was convincing or, indeed, that the methodology used was appropriate. As a consequence HCC Highways requested that micro-simulation be undertaken of the operation of the Shopping Park vehicular access with the Link Road. This work was submitted by the applicants on 10 June 2020 and HCC Highways re-consulted. The following response was subsequently received from HCC Highways:-

"The applicant has submitted a Transport Technical Note along with a VISSIM Transport Model Assessment Report which is dated June 2020. This follows the highway authority's last correspondence dated the 15th April which suggested that microsimulation is a logical method for modelling dynamic traffic phenomenon. This would give a more accurate model for the anticipated development impact on the local highway network (Bradford's Roundabout and site access) than the previous traffic modelling that had been carried out.

The VISSIM model assessment report and the technical note have been reviewed. Figure 1.1 in the assessment report displays the model extents which includes the retail park access and Bradford's Roundabout which was agreed with the highway authority prior to this work taking place.

Having reviewed the validation and calibration information in the assessment report the highway authority is satisfied that model meets the required Geoffrey E. Havers (GEH) and journey time statistics for the flows. It appears that mostly default settings have been followed which is acceptable.

Table 5.1 displays that Bradford's Roundabout east approach arm operates within capacity in the VISSIM model during the Saturday peak hour (11:00 - 12:00). Likewise Table 6.1 displays that this arm of the roundabout also operates within capacity during the weekday PM peak (17:00 - 18:00). The development flows have been applied onto the base year without any further background growth.

For the Saturday peak with the development flows added there is no or very little change to the queue length and delays for the east approach and retail park access. The model shows that the PM peak operates no worse than the base scenario. The travel time performance is slightly higher with the development but this would not constitute a severe impact.

Table 6.1 shows that Bradford's Roundabout experiences poor performance on some arms with a Level of Service (LOS) rating of E and F. The performance of the east approach and car park access however, is acceptable and this also correlates with the previous ARCADY modelling work carried out by the applicant.

Overall the VISSIM model that has been presented by the applicant demonstrates that the proposed development traffic would not result a significant increase in queue length or journey times on the Bradford's Roundabout or car park access. The Highway Authority is satisfied that the development would not result in a severe detrimental impact on the operation or safety of the local highway network. For this reason the remaining highway objection can be removed and a recommendation of no objections subject to the following condition [relating to submission of a construction method statement] given”.

HCC Highways are now clearly satisfied that the projected increase in trip rates would not result in a material or harmful impact on the operation of the local highway network and, indeed, that no ‘severe’ impact would arise in this respect.

Transport Contribution : It would be usual for an increase in traffic generation arising from a proposed development to trigger a requirement for a Transport Contribution provided that there is an appropriate highway improvement scheme to which the contribution could be used. However, in this case HCC Highways do not indicate a requirement for a Transport Contribution.

Servicing Arrangements : The proposed foodstore and separate A1/A3 unit would be serviced from the existing generously proportioned service yard area to the rear of the building. In the case of the proposed foodstore, this is shown to have an unloading dock recessed into the ground in order to facilitate movement of goods trolley cages and pallets with direct level access into the foodstore storage warehouse : a ‘dock-leveller’. The proposed dock-leveller is provided for a single lorry to be unloaded at any one time and necessitates lorries to manoeuvre precisely when approaching and leaving the dock in order to get in and out of it. Indeed, when leaving the dock, it will be necessary for lorries to drive further down the service yard to a turning area adjacent to the rear of Unit 5 in order to be able to leave the site in a forward gear. Tracking diagrams have been submitted that demonstrate that these manoeuvres are possible without impacting upon the operation of the remainder of the servicing facilities for the Shopping Park.

It is considered that deliveries would be managed and, indeed, an element of the applicants’ request for less restricted servicing times is to enable deliveries to be made outside times of peak traffic flow into and out of the Shopping Park. It is considered that the proposed revised service yard arrangements are acceptable subject to the imposition of a condition to require the submission of details of the proposed management of the service yard and foodstore delivery times.

Travel Plan : The application was submitted with a Framework (i.e. draft) Travel Plan (FTP) in order to introduce measures to . HCC Highways has confirmed that the necessary Travel Plan financial contributions would total £5,750.00 payable to HCC. This can be secured with a s106 Planning Obligation to be completed with HCC.

HCC has also requested that, in the event of planning permission being granted it should be subject to the imposition of a condition requiring the submission of a Construction Method Statement. In principle this is considered to be a reasonable request given that the site is in a busy location and BSP outlets would continue to trade during the construction period. However, the suggested condition appears to be the standard wording used to deal with large-scale multiple phase developments involving significant site clearance and demolition prior to any building works being commenced. Given that the current proposals involve relatively minor works limited to discrete areas of the Shopping Park it is considered that any such condition should be modified to be proportionate to the scale and scope of the proposed development works involved.

Conclusions : Whilst some objections have been raised concerning the highway impact of the proposed development it is considered that, for the reasons set out in the previous paragraphs, this would be likely to be limited to the weekend peak periods and not amount to severe highways impact overall sufficient to justify refusal on highways grounds. The proposals are therefore considered to be acceptable in highway terms.

6. Flood risk and the water environment -

The application is supported by a brief flood risk assessment on account of the east side of the Shopping Park being at moderate risk of flooding. However, the portion of the Shopping Park the subject of the current application is on land at low risk of flooding and the proposals do not make any changes to the extent of the site that is hard surfaced. In the circumstances it is considered that the proposals are acceptable having regard to Policies NE6-8.

7. Access for People with Disabilities –

The proposed development should provide access for people with disabilities at least in accordance with Building Regulation requirements. It is considered that adequate means and measures would be incorporated into the development to achieve a good standard of access for people with disabilities, including provision of mobility accessible parking bays.

Conclusions –

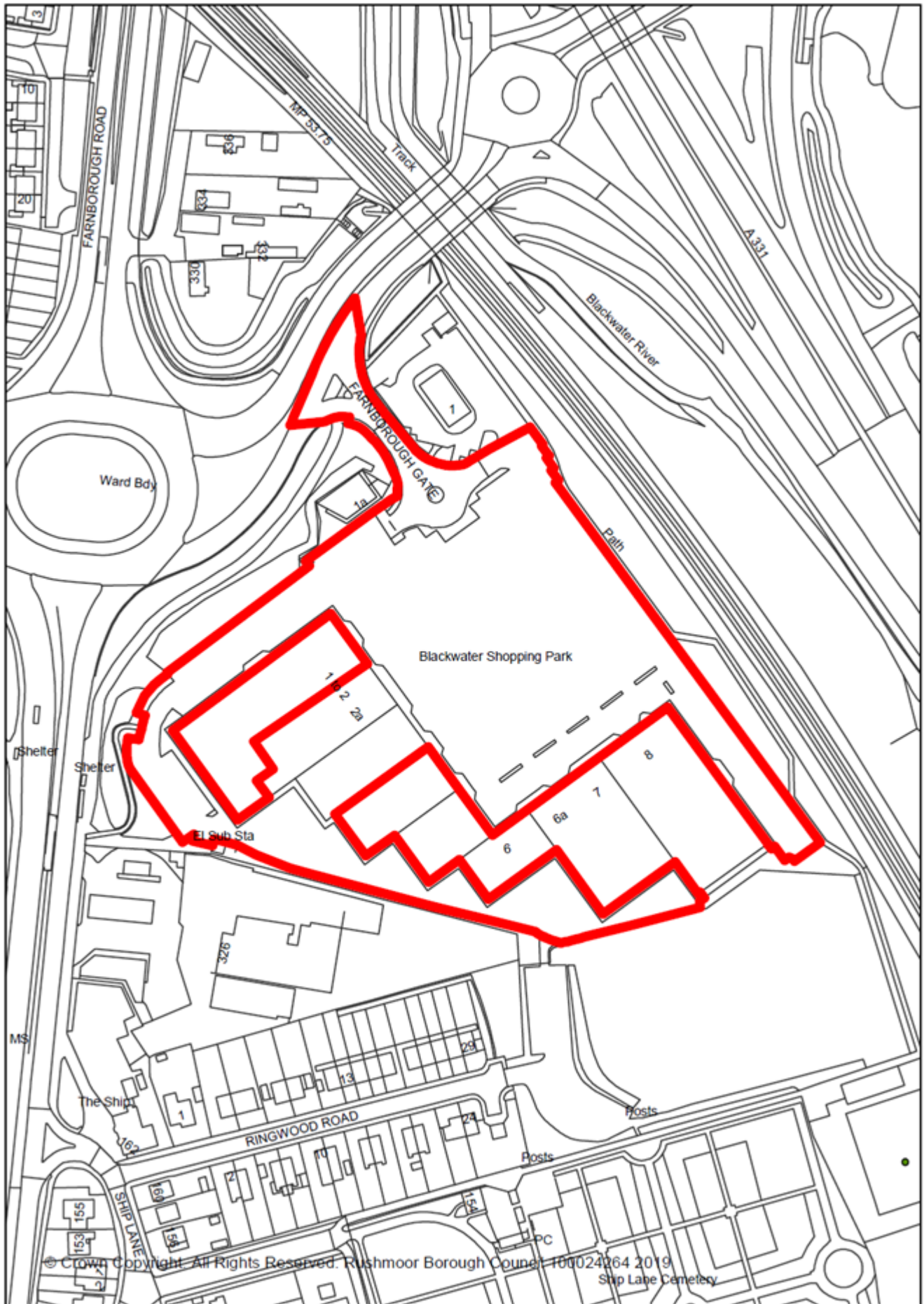
The Council must determine planning applications in the light of the relevant planning circumstances that exist at the point that those applications are determined. In this respect, whilst it is considered that the current proposals are acceptable in all other respects, they relate to an out of centre location and fail the sequential test because it is considered that there is currently an available site for a discount foodstore located in a sequentially preferable location within Farnborough Town Centre. *“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”*. In these circumstances, Para 90 of the NPPF continues by stating: *“Where an application fails to satisfy the sequential test.....it should be refused”*. In addition, it is also considered that the proposals fail the retail impact test and would, if approved, be likely to result in the loss of planned convenience retail provision at SRP in Farnborough Town Centre, to the detriment of the vitality and viability of the Town Centre.

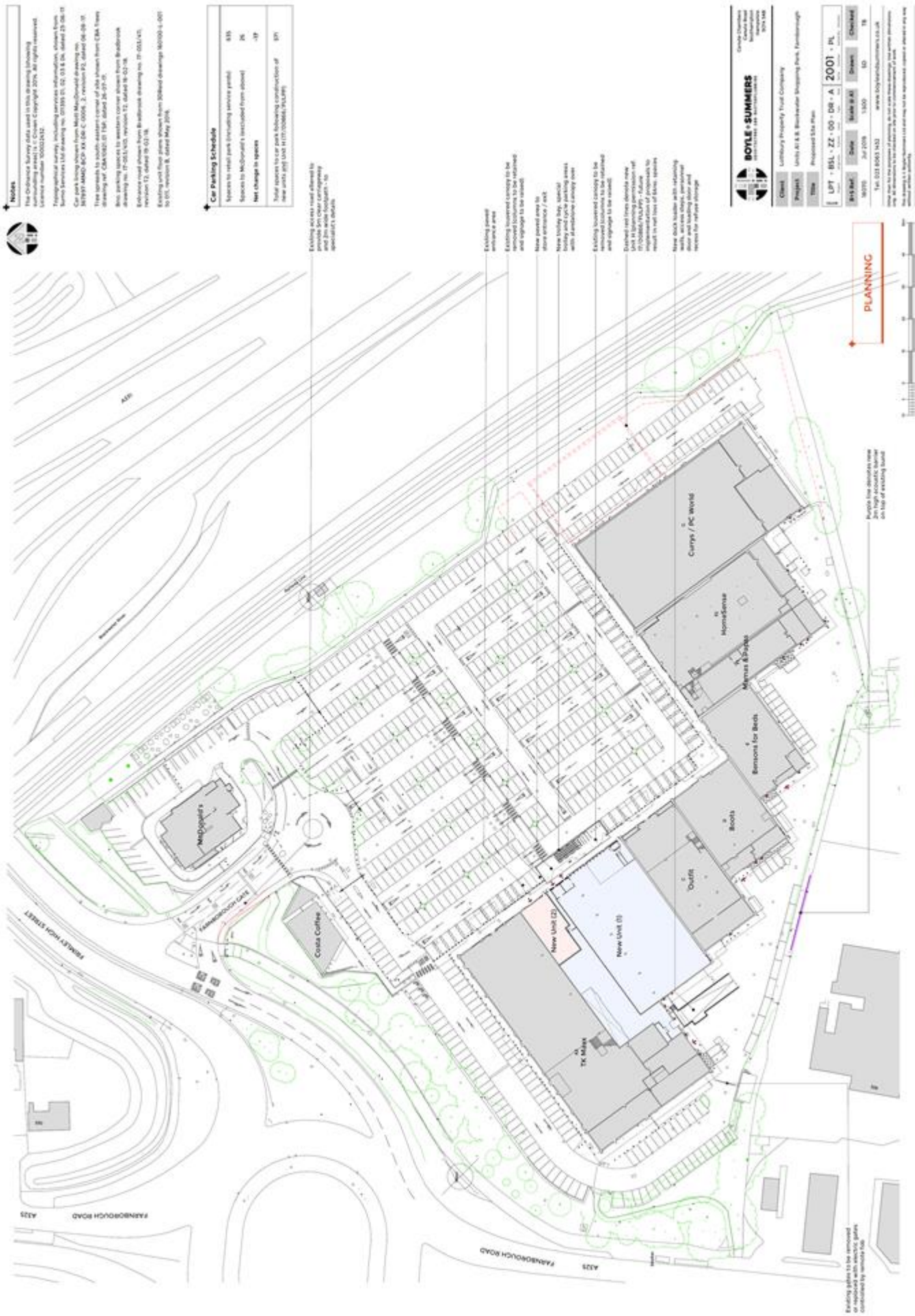
Since the current circumstances indicate that planning permission should be refused, it is also necessary to cite the failure to secure the required s106 financial contributions for the implementation and monitoring of a Travel Plan as a further reason for refusal. However this matter could be resolved by the applicants entering into a s106 Unilateral Undertaking to secure the appropriate financial contributions in this respect.

Full Recommendation

It is recommended that planning permission be **REFUSED** for the following reasons:-

1. It is considered that there is a sequentially preferable suitable and available town centre location which could accommodate the proposed development. There are also conceivably other similar available opportunities within Farnborough Town Centre that have not been investigated. Development in this out of town location would therefore be contrary to the objective of regenerating Farnborough town centre and would adversely impact upon the vitality and viability of the town centres within the Borough. As such the proposal conflicts with Policies SS1, SS2, SP1, SP2 and LN7 of the adopted New Rushmoor Local Plan (2014-2032), the advice contained in the National Planning Policy Framework and the objectives of the Supplementary Planning Documents on Farnborough Town Centre (July 2007) and accompanying Prospectus.
2. The proposal fails to make the appropriate financial contributions for the implementation and monitoring of a Travel Plan. The proposals are thereby fail to meet the requirements of Policy IN2 of the adopted New Rushmoor Local Plan (2014-2032).





Notes

1. New unit floor plans shown from 3D model drawings 1601005-L-001 to 1601005-L-004 dated 24.05.19.

2. All dimensions are in millimetres unless otherwise stated.

3. All dimensions are in millimetres unless otherwise stated.

4. All dimensions are in millimetres unless otherwise stated.

5. All dimensions are in millimetres unless otherwise stated.

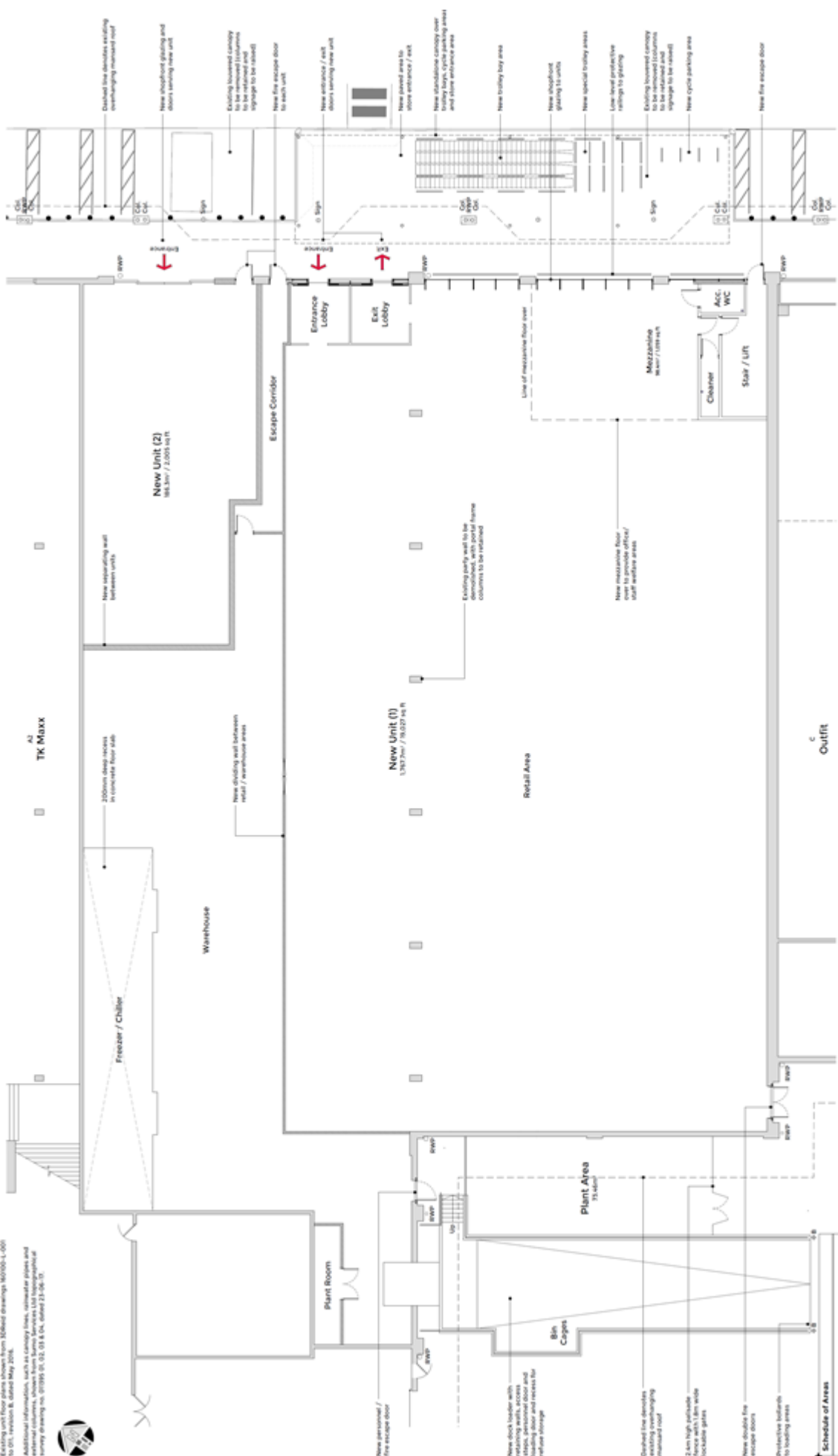
6. All dimensions are in millimetres unless otherwise stated.

7. All dimensions are in millimetres unless otherwise stated.

8. All dimensions are in millimetres unless otherwise stated.

9. All dimensions are in millimetres unless otherwise stated.

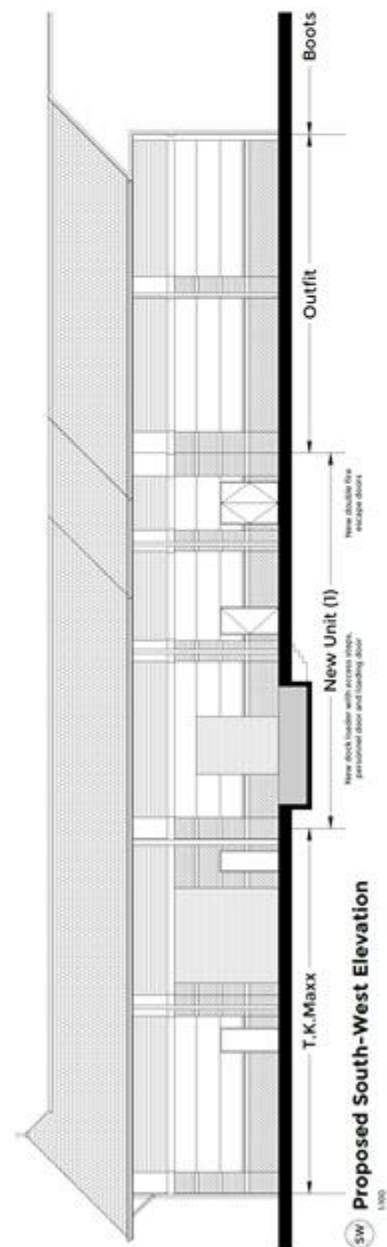
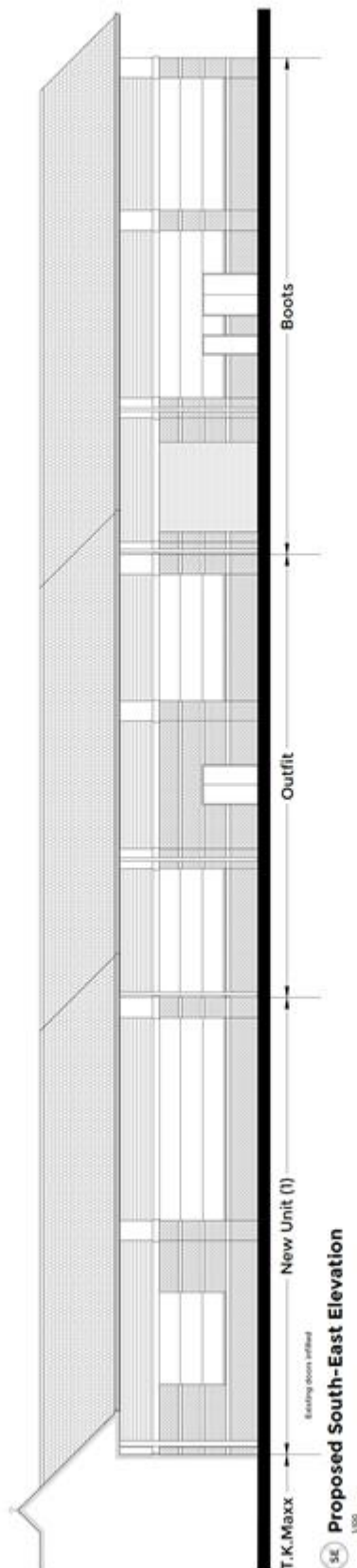
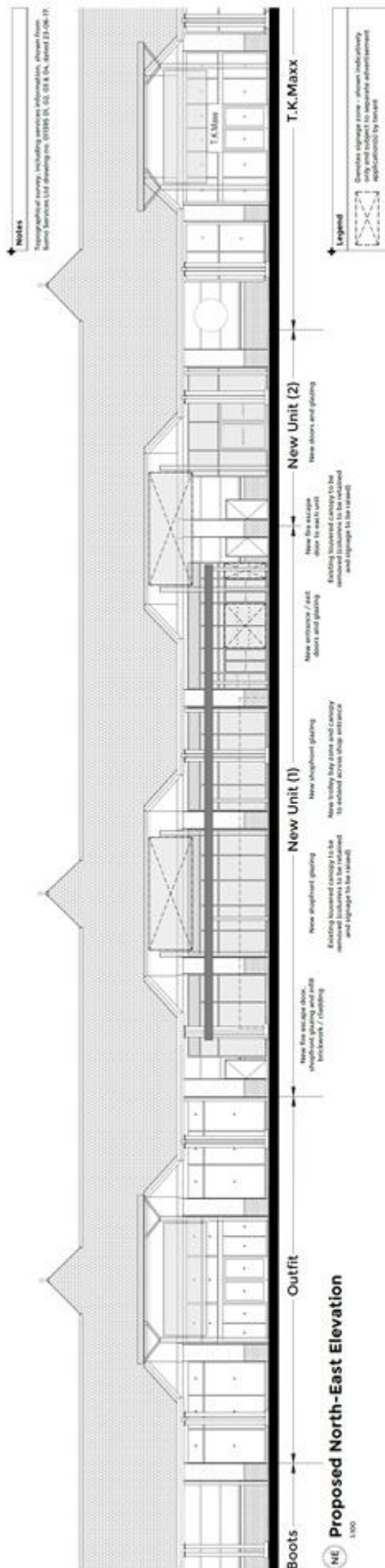
10. All dimensions are in millimetres unless otherwise stated.



PLANNING

BOYLE SUMMERS ARCHITECTS AND INTERIORS 1601005-L-001		Client: Lockbury Property Trust Company Project: Units A1 & B, Blackwater Shopping Park, Farnborough Title: Proposed Floor Plan		Tel: 012 854 1312 www.boylesummers.co.uk When planning for the use of a building, it is not sufficient to simply use the information provided in the planning application. It is essential to consult the relevant planning authorities for the latest information.	
LPT - BSL - ZZ - 00 - 01 - A - 3001 - PL 1601005-L-001	Date: 24.05.19 Scale: 1:100	Date: 24.05.19 Scale: 1:100	Date: 24.05.19 Scale: 1:100	Date: 24.05.19 Scale: 1:100	Date: 24.05.19 Scale: 1:100

Schedule of Areas	
New Unit (1)	1,767.2m ² / 19,027 sq ft
Ground Floor G/A	98.4m ² / 1,059 sq ft
Messanine G/A	1,668.8m ² / 18,044 sq ft
Total	1,767.2m ² / 19,027 sq ft
New Unit (2)	1,767.2m ² / 19,027 sq ft
Ground Floor G/A	98.4m ² / 1,059 sq ft
Messanine G/A	1,668.8m ² / 18,044 sq ft
Total	1,767.2m ² / 19,027 sq ft
NB: All areas given are approximate only and based on available floor plan survey data.	





BOYLE & SUMMERS
SOLICITORS AND ESTATE AGENTS

Complete Chambers
Current Year
Chambers
2014-15

Client **Valleybury Property Trust Company**

Project **Units A1-B & Blackwater Shopping Park, Farnborough**

Title **Proposed Erection**

APP	DATE	STATUS	CHANGED
B-8 Ref	DATE	STATUS	CHANGED
180700	2nd 2018	1,000	120
Tel: 01323 665132 www.boylesummers.co.uk			

For full details of the proposed planning, visit our website at www.boylesummers.co.uk
 Boyle & Summers is a Chartered Surveyor and Planning Consultant. We are a member of the Institution of Surveyors and the Institution of Planning Consultants. We are a member of the Institution of Planning Consultants.

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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.	20/00785/FULPP
Date Valid	22nd October 2020
Expiry date of consultations	26th November 2020
Proposal	Erection of 1 x 4-bedroom detached and 2 x 4-bedroom semi-detached dwellinghouses with associated access, parking, refuse storage, landscaping and ancillary works
Address	Development Site, Land at 'The Haven', 19 York Crescent Aldershot
Ward	Rowhill
Applicant	Mr S and H Sandhu
Agent	Harwood Savin Ltd
Recommendation	Refuse

Description & Relevant History

The application site is located at the eastern end of York Crescent furthest (approximately 100 metres) from York Road. York Crescent is an unmade privately-owned road having two junctions with York Road.

The plot is of an irregular shape elongated in excess of 60 metres east to west; and measures approximately 0.16 hectares. It has a street frontage onto York Crescent of 12 metres, but broadens out to a maximum of 30 metres wide north to south towards the rear of the site. The site is formed from the curtilage of a detached bungalow ('The Haven', No.19 York Crescent) previously occupying the majority of the plot, which was demolished approximately 20 years ago, together with the rear portion of the rear garden of the adjoining property to the south, 'Tragorden', No.21 York Crescent. The application site is also adjoined to the south to the rear of the truncated curtilage of 'Tragorden' by 'Hartgill Cottage', No.23 York Crescent, which is a detached bungalow located set-back in a large plot away from the York Crescent frontage. To the north, the application site adjoins Nos.1-4 Green Acre, which are a terrace of three-storey town-houses forming part of a small cul-de-sac development of similar town-houses off York Crescent. Nos.16, 18 and 20 York Crescent are located opposite the site frontage. The eastern (rear) boundary of the site abuts the lower slopes of a wooded hillside (part of Cargate Hill), beyond which properties in Cargate Terrace, notably

including the Hamilton Court flats, are situated. The hillside is thickly wooded and contains a number of mature trees the subject of a Tree Preservation Order (No.387), some of which are located on the rear boundary of the application site. The site road frontage is currently enclosed with temporary Heras wire mesh fencing.

There has been a history of planning applications relating to 'The Haven', but also larger sites created in combination with 'Tragorden' and also 'Hartgill Cottage' since the early 1980s. Planning permission was granted in October 1981 for the demolition of 'The Haven' and erection of a detached house, RSH03274. However, a planning application for the conversion and extension of 'The Haven' bungalow to create 4 flats was refused in December 1982, RSH03274/1. Planning permission was then granted in April 1985 for the demolition of 'The Haven' and erection of a pair of semi-detached houses, RSH03274/2. Neither the 1981 nor the 1985 permissions were implemented and lapsed unused.

An outline planning application for the redevelopment of a combined site of 'The Haven', 'Tragorden' and 'Hartgill Cottage' for a 2- and 3-storey building comprising 32 sheltered housing units was refused in December 1988 and dismissed at appeal in January 1990, RSH05914. In the late 1990s there were a sequence of planning applications submitted on behalf of Barratt Homes in respect of a site formed from the combined curtilages of 'The Haven' and 'Hartgill Cottage' for the demolition of both dwellings and the erection of a 2- and 3-storey building comprising 15 X 1- and 2-bedroom flats, culminating in the refusal of 98/00360/FUL in October 1998. In late 2002 the Council served a s215 (Untidy Site) Notice to require the site owner to clear waste building materials from the land. Since then the site has been either partially or wholly cleared of waste materials on a number of occasions and the site frontage was, for a number of years enclosed with painted timber hoardings. The site was last used between 2013 and 2015 as a builders' compound whilst works were undertaken to extend 'Tragorden' on the adjoining land, following which the site was almost entirely stripped to bare earth. Since then the land has been allowed to re-vegetate and has largely remained unused and undisturbed to the present.

The proposal is for the erection of 3 X 4-bedroom three-storey houses on the site, comprising a detached house located in a frontage position adjoining the north side of 'Tragorden'; and a pair of semi-detached houses (Plots 2 & 3) located further towards the rear of the site. A tarmac private vehicular drive would be constructed to the north side of the proposed Plot 1 house from York Crescent to serve a shared turning area to the front of the Plot 2 & 3 houses behind Plot 1. The Plot 1 house would be provided with a rear garden area measuring 85 sqm; and the Plot 2 & 3 houses both with substantial side and rear garden areas totalling in excess of 200 sqm each.

The proposed new houses would have a conventional appearance with transverse-ridged hipped roofs reaching a maximum height of approximately 10 metres at the ridge; each with projecting subsidiary roof gable features to the front. In the case of the frontage (Plot 1) house the second floor would be partially within the roof. It is indicated that the external materials would be a mixture of facing brickwork and upper-storey painted render for the Plot 1 house; and facing brick and upper-storey timber cladding for the Plot 2 & 3 houses. It is indicated that interlocking concrete roofing tiles and uPVC window frames would also be used.

It is proposed to provide new boundary enclosures to the site; together with screen/boundary hedgerow planting. It is indicated that the road frontage boundary of the site to the front of the Plot 1 house parking would be planted to form a partial landscape screen.

The application is accompanied by a Design & Access Statement; Access Statement (i.e.Transport Report); Development Tree Report; Protected Species Walkover Survey Report; and a Badger Mitigation Survey Report.

The applicants are seeking to complete a s106 Planning Obligation to secure the necessary SPA mitigation and avoidance financial contribution to address SPA impact.

Consultee Responses

HCC Highways Development Planning	No highway objections: The planning application seeks the erection of three new four-bedroom dwellings. The dwellings would be entered from a new access off York Crescent which is a private unadopted road. In line with Rushmoor Borough Council (RBC) adopted parking standards I can confirm that the development provides 9 car parking spaces and sufficient turning within the curtilage of the site to meet the required standards. Cycle storage will also be provided within the site. The RBC refuse collection team should review the proposals and determine if a bin collection point will be required. Access sight lines have been demonstrated as 2.4 metres by 43 metres which is suitable for roads with a 30mph limit. From a highway perspective the potential traffic generation from three additional dwellings would not have a severe detrimental impact on the operation or safety of the local highway network.
Environmental Health	No objections subject to conditions and informatives.
Contract Management (Domestic Refuse Collection)	No objections. The developer will be required to purchase bins and boxes to store refuse and recyclables on each proposed house plot. However, as with the remainder of York Crescent and Green Acre, due to the uneven roadway surface, refuse and recyclable collections will be made from York Road, requiring residents to bag up their waste and move it to the collection point for collection days.
Aboricultural Officer	No objections : This proposal would have no adverse implications for amenity trees worthy of retention provided that the development is carried out in accordance with the submitted tree protection measures.
Ecologist Officer	Objection : The proposals fail to provide adequate survey information concerning protected species, notably badgers and bats. Furthermore, the proposals fail to provide adequate mitigation for biodiversity loss. The proposals thereby fail to comply with adopted Local Plan Policies NE2 and NE4 and Government Planning Policy & Guidance concerning ecology and biodiversity matters. More survey information and proposals for appropriate mitigation measures are required.
Natural England	No objections subject to an appropriate SPA mitigation and avoidance financial contribution being secured with a s106 Planning Obligation.
Hampshire & I.O.W. Wildlife Trust	No comments received within the consultation period, thereby presumed to have no objections.

Thames Water	No comments received within the consultation period, thereby presumed to have no objections.
South East Water	No comments received within the consultation period, thereby presumed to have no objections.
Scottish & Southern Energy	Refers the Council to their web-site for network information.
Hampshire Fire & Rescue Service	No objections and provides generic fire safety and precautions advice.
Neighbourhood Policing Team	No comments received within the consultation period, thereby presumed to have no objections.
Parks Development Officer	No objections and provides details of the POS projects for which a s106 POS financial contribution is required.

Neighbours notified

A total of 70 individual letters were posted on 5 November 2020 (with a reply date to the notification period of 26 November 2020) to: Nos.1, 3, 5, 7, 7A, 7B, 8, 9, 9A, 10, 11, 11 Bottom Flat, 12, 13, 13A, 14, 15, 16, 17, 17 First-Floor, 18, 20, 21, 21A, 21B, 22, 23, 24, 25, 27, 29, 31, 33, 35, 37, 43, 45 & 47 York Crescent; Nos 1-17 inclusive Green Acre; Nos.1-12 inclusive Hamilton Place, The Patch & Oakwood Cargate Terrace; and No.34 Church Lane West. This includes all properties directly adjoining the application site and all properties in York Crescent and Green Acre.

The Council subsequently agreed to an email request from the Residents of York Crescent Association 2020 to extend the notification period until 17th December.

Neighbour comments

At the time of writing a total of 32 objections have been received from the occupiers of: Nos.8, 10, 12, 14, 15, 16, 18, 20, 22, 23 (twice), 24, 27, 29, 33 & 35 York Crescent; 1, 2, 5, 7 (twice), 8, 9, 13 & 17 Green Acre; The Coach House, Cargate Terrace; Hillside Cottage (No.38) Church Lane West; 8 Amberley Grange; 18 Martingale Court; and 442 Selborne Avenue; and Cllrs Sheehan (Rowhill Ward) and Roberts (Aldershot Park Ward). Objection is raised on the following summary grounds:-

- (a) Gross excessive overdevelopment in an already over-populated area : the proposals reflect the level of greed of the developer, not what is thought best for the site and local residents. The proposals would generally exacerbate existing problems experienced by neighbours and place an unreasonable burden on York Crescent residents. If at all, the site is only considered appropriate for the erection of a single detached 2-storey frontage house;
- (b) Aldershot has seen massive increases in residential development – with no consideration for existing residents. Existing infrastructure is/would be unable to cope;
- (c) Further depletion of water supplies in an area that the Environment Agency identify

as being under water supply stress;

- (d) The proposed development is not wanted or needed : the Council's targets for new housing are already met elsewhere – or should be met elsewhere. There are more suitable sites for high density housing elsewhere. This is unnecessary town cramming;
- (e) The proposals are not good quality design : the design of the proposed houses is poor and unimaginative;
- (f) Unacceptable backland development;
- (g) The proposed development is unsustainable development according to Government guidance and advice;
- (h) Loss of green space;
- (i) The land at the application site should be classified as 'brownfield' land [*Officer Note: the application site is brownfield previously developed land, having previously been the site of a residential dwelling known as 'The Haven'*];
- (j) Proposals would appear stark and out of character with the area and neither follow the existing aesthetic nor pattern of development in the vicinity due to lack of properly enclosed front garden areas with buildings set back appropriately from the road. There is no space for landscaping and proposed landscaping proposals inadequate. These failures contravene Government guidance on various Government sites;
- (k) The proposed houses are substantial in size, yet would have limited size plots. The garden areas would be minimal, small and dominated by hard surfaces, including car parking; and unduly shaded by TPO trees. A poor living environment would be provided for residents contrary to Government policy, guidelines and standards; nor conform to Council standards. There would be likely 'future resident pressure' for drastic pruning works to be undertaken to adjoining mature TPO trees - to their detriment;
- (l) The windows in the proposed houses are too small (it is suggested that this is to avoid undue overlooking of neighbours), resulting in inadequate light and air for residents : an unacceptably dark and cramped accommodation would be provided;
- (m) No space available within the proposed house plots for the houses to be extended or altered in the future to meet residents' needs;
- (n) The proposed houses are not designed to promote well-being of occupants in their home environment : health & safety and mental health impacts in this respect have become more important as a result of Covid pandemic;
- (o) The proposed houses are too tall and bulky – 3-storeys are out of character with the area, where bungalows and 2-storey houses predominate. Although 'Tragorden' (No.21) York Crescent is of 3-storey height this is not an example to follow : there are no other 3-storey buildings in York Crescent;
- (p) The site is located adjoining the Cargate Avenue Conservation Area and, as such, should (but does not) maintain a certain style;
- (q) Inadequate on-site parking provision, including parking spaces that block each other, lack of visitor parking space(s) and turning space provisions contrary to Council policy, thereby likely to lead to additional overspill on-street parking in York Crescent & Green Acre; obstruction of access to existing neighbours; and problems with emergency, tradesmen and delivery vehicle access;
- (r) More parking provision, beyond current standards, is needed now due to the impact of Covid;
- (s) A bonus room in the Plot 1 house should trigger a requirement for provision of additional on-site parking for this unit that is not provided;
- (t) The road frontage of the site is already blocked by overspill parking (including commercial vehicles) alleged to be by occupiers of the adjoining property (No.21 York Crescent); and also occupiers of properties in surrounding streets such as York Road, Ayling Lane and Church Road West. Displacement of this parking contrary to Council

policy and would, in any event, simply result in this street parking having to overspill somewhere else in the road;

- (u) The proposed vehicular access onto York Crescent would be unsafe due to poor visibility on bend, speeding vehicles, and adjoining parked cars;
- (v) Surrounding roads are already heavily congested;
- (w) A Transport Contribution is required according to Council policy – and in the absence of this permission should be refused;
- (x) No cycle parking provision;
- (y) Future residents of the proposed development would have no right of access to their houses, or to park in the York Crescent, because it is privately owned. A deed of grant would be required from other owners of the roadway for right of access [*Officer Note: these are not matters for the Council in the consideration of this application : it is a private property matter between the applicant and the other owners of the road. Furthermore, enforcement of any on-street parking restrictions that frontage owners of the road may wish to introduce would also be a matter for them. It is noted that at least one nearby section of York Crescent road frontage is already subject to private parking management*];
- (z) Increased traffic volumes using York Crescent : danger due to the bend at the end of the Crescent and because there are elderly/vulnerable residents in the road. Also children/young adults often play in the road. York Crescent is narrow, has an uneven surface and has no pavements, so pedestrians walk in the roadway. York Crescent cannot cope with any further intensification in traffic;
- (aa) Further damage would be caused to the un-made road surface of York Crescent – which is a private un-adopted road in a poor state of repair, with potholes and raised ironworks. It is not fit for purpose, has no streetlights and is compromised by excessive use and traffic speed/vehicle weight. The water supply (the pipes of which are buried in the road) is often cut-off. Other services buried in the roadway are also vulnerable to damage. The applicants do not repair/do not adequately repair the roadway. The ownership of the roadway is split between York Crescent residents : other residents have to foot the bill for repairs to the roadway on an on-going basis [*Officer Note: these are private property matters that can only be resolved between the applicants and the other private owners of the road : they are not matters for the Council in the consideration of this application*];
- (bb) Because the York Crescent roadway is privately owned, the Council has no right to grant planning permission for the proposed development, thereby increasing the usage and wear and tear on the roadway. [*Officer Note: the granting of planning permission does not superseded private property rights and, as such, if there are private legal reasons why the proposed development cannot proceed relating to the use of/potential damage to the roadway, this is a separate matter between the applicants and the other owners of the roadway*];
- (cc) The existing width of the York Crescent roadway at the site frontage is significantly narrower than is shown on historic documents such that some of the parking for the proposed frontage house (Plot 1) is located within what should be the legal extent of the roadway [*Officer Note: this is a private property matter for other owners of the roadway to take up with the applicants - in which the Council cannot become involved. The extent of the roadway shown on the submitted plans reflects the existing width of the roadway adjoining the frontage of the application site as has existed for some time*];
- (dd) The provision for refuse/recycling bins for the proposed houses is inadequate. Due to the existing state of York Crescent refuse/recycling bin collections for all existing properties in York Crescent and Green Acre by the Council are made from York Road, with residents required to pile up bin bags there for collection day : this is

- inconvenient and unhygienic. Bin bags are prone to attack by animals, causing litter;
- (ee) Loss of light and outlook to neighbouring and nearby properties – such as Nos.1-5 Green Acre. The adjoining property at No.21 would be hemmed-in by taller buildings and car parking;
 - (ff) Undue loss of privacy due to overlooking of neighbouring properties in York Crescent, Greenacre and Church Lane West;
 - (gg) Increased pollution, noise and disturbance. The occupiers of No.23 York Crescent specifically object to the parking proposed for the Plot 2 house being located in proximity to their rear garden patio area as a result of car fumes and possible cigarette smoke. Air quality issues generally due to dust being raised from the roadway by traffic;
 - (hh) Loss of, or threat to, mature trees, including TPO trees. Proposed dwellings would be located too close to trees. Trees are important in many ways and help combat pollution and soften views of development. There should be no felling of existing trees. Government guidance on TPO trees would be contravened. Some trees shown to be removed to accommodate the proposed development belong to the owners of neighbouring properties and written permission has not been obtained from them to do this [*Officer Note: this is a private property matter for the applicants to seek to resolve with the owners of the trees concerned*]. Unnecessary loss of wildlife habitat and greenery;
 - (ii) Environmental concerns : increased global warming during a climate emergency;
 - (jj) Concerns that the proposed houses are thought likely to be built and used as Houses in Multiple Occupation – with even further problems with population density, overspill parking, noise, disturbance and activity in the area. The proposed houses are considered to have too many wcs to be genuine houses. How can this be stopped?;
 - (kk) Adverse/Illegal impact on Badgers and an active Badger Sett on site : Badgers are comparatively rare in an urban context and would be put at risk by the proposed development during site clearance, construction and occupation thereafter. This would be a contravention of the Protection of Badgers Act 1992. The submitted Badger Survey was not undertaken at the optimum time and the recommendations are considered inadequate in terms of both assessing the extent of the impact and prescribing appropriate mitigation measures to correctly protect badgers and their habitat. The impacts on badgers of the construction period are not taken sufficiently into account and there is no confidence that mitigation would be provided and retained. A fox den and other wildlife on or near the site would also be adversely affected;
 - (ll) Damage to SSSI's [*Officer Note: this comment did not specify what the damage would be; however the application site is not, and does not adjoin, a SSSI*];
 - (mm) Light pollution from the proposed houses if built and occupied would be likely to disturb badgers, thereby putting occupiers in breach of the Protection of Badgers Act 1992;
 - (nn) Increased risk of flooding, soil erosion and land instability. Land to the front of No.23 York Crescent already has boggy poor drainage. The York Crescent roadway is already damaged due to the erosion of surface water flows – which can wash material out onto York Road. Permeable paving is not appropriate on sloping ground and the application lacks appropriate drainage proposals;
 - (oo) The proposals are in contravention of the Rushmoor Housing & Homelessness Strategy; the National Building Specification and a 2016 report on High Density Housing in London [*Officer Note: None of these documents are Government or Council planning policy or guidance documents adopted for the purposes of considering and determining planning applications : as such, these documents cannot be taken into material account in the consideration of the planning application*];

- (pp) The proposed development fails to comply with covenants prohibiting buildings being located within 15ft of the York Crescent roadway [*Officer Note: This is a private legal matter in which the Council cannot become involved. Covenants are private legal restrictions placed on land that the Council has no rights to enforce : they are only enforceable privately. As a result, the existence of covenants can have no bearing on the Council's consideration and determination of planning applications on their relevant planning merits*];
- (qq) Substantial noise, disturbance, heavy vehicle traffic and activity (thought likely to damage the roadway and underlying services) during the construction period [*Officer Note: it is long-standing Government guidance that the impacts of the construction period of a development cannot be taken into account in determining planning applications. In any event, these matters are also private property matters between the applicants and the other owners of the roadway*];
- (rr) The applicants have not engaged with local residents;
- (ss) Loss of property value [*Officer Note: this is not a matter that can be taken into account in considering a planning application*];
- (tt) The applicants have used the application site for the dumping of materials and the site is potentially contaminated – and this should be assessed;
- (uu) Concerns regarding the identity of the applicants, including their character, past behaviour, likely future behaviour, workmanship, demolition of the original dwelling built on this site, and ownership of the adjoining property at No.21 York Crescent [*Officer Note: planning law cannot allow allegations regarding the applicants or their likely future behaviour to affect consideration of planning applications on their merits*]; and
- (vv) Concerns regarding the applicants' ownership, development and use of No.21 ('Tragorden') York Crescent : Firstly, it is alleged that it is an unregistered HMO; and secondly, that it does not resemble the original plans approved in 2012, is 'now a three-storey development' and that this has happened 'without challenge by RBC'. It is also alleged that the property has inadequate parking provision; that there are existing overspill street parking problems associated with the use/occupation of No.21; that the property is poorly built/extended/maintained by the applicants; there are existing problems with noise and disturbance associated with the use/occupation of No.21.; and the rear yard of No.21 is not grassed/planted with vegetables as shown with the survey plan submitted with the current application. The applicants neglect to remove ivy from trees and to replace/repair dilapidated fences at No.21.

[Officer Note: The Council must consider the acceptability or otherwise in Planning terms of the proposals the subject of the current planning application : the planning status of the adjacent property at 'Tragorden' is not under consideration with the current application. Furthermore, the current application is not the appropriate 'vehicle' with which to investigate any issues associated with the use/occupation of No.21. There is no requirement for an applicant to accurately portray properties beyond the defined application site when making a planning application.

To date no breach of planning control on the site has been brought to the Council's attention and gone unchallenged in respect of 'Tragorden'. This adjoining property has a lengthy planning history which includes the following:-

- *In 1991 'Tragorden' was the subject of enforcement action against unauthorised change of use to two flats;*
- *This was the subject of an appeal which was allowed in 1992 since it was established that the flat conversion had already existed for many years at that*

time;

- *In 2001 an enforcement investigation was carried out by the Council in respect of alleged unauthorised HMO use. The property was inspected and found to be in its existing long-standing lawful use as two flats;*
- *In May 2012 planning permission was granted by Committee for extensions to the property (including a second floor element) to facilitate creation of a third flat, 12/00286/FULPP : this approved the third-storey of the existing building;*
- *This 2012 permission was implemented and followed by applications in 2013, 2014 and 2015 (13/00406MMAPP, 14/00612/NMA & 15/00328/NMA respectively) seeking retrospective approval for minor or non-material changes to aspects of the property and parking layout, all of which were considered and approved;*
- *The development as approved in 2012 featured a second storey element and there is no record of any subsequent complaint regarding the use, or development, of the property in any manner contrary to the 2012-2015 planning approvals. 'Tragorden' is, as it currently exists, as approved by the Council in 2012-2015;*
- *The allegations made prompted by the current application concerning unregistered HMO use have been investigated, however the property continues to be used and occupied as three self-contained flats as approved in 2012. The property is not registered as an HMO because it is not an HMO;*
- *The allegations concerning inadequate retained parking provision at No.21 also prompted by the current application have also been investigated. The 2015 permission regularised and approved the provision of a total of 5 on-site parking spaces comprising a garage (which has been built), together with a further 4 on-site parking spaces including a forecourt space in front of the garage. As a result of a number of visits to the application site, it appears that 5 vehicles are regularly associated with the use/occupation of No.21. Furthermore the spaces within the site as approved in 2015 remain available for the parking of vehicles, albeit that it appears that the occupiers may prefer to generally park only 3 vehicles on site, with the other 2 vehicles parked on street adjacent. A further 4-5 vehicles habitually seen from visits to be parked in the vicinity are not associated with the occupiers of No.21. No breach of planning control has been found to be taking place in respect of parking provision at No.21 and, indeed, as a result of occupiers of No.21 apparently preferring to park 2 of their vehicles in the street;*
- *The applicants/owners of No.21 are not obliged to maintain their property/trees/fences etc at the behest of the Council and/or neighbours : there is no breach of planning control in this respect.]*

Policy and Determining Issues

The site is located within the built-up area of Aldershot. The site is not located within a Conservation Area and it does not contain a Listed Building or is near one. The adjoining railway embankment is a 'green corridor'

Policies DE1 (Design in the Built Environment), DE2 (Residential Internal Space Standards) and DE3 (Residential Amenity Space Standards), DE6 (Open Space, Sport & Recreation), IN2 (Transport), NE1 (Thames Basin Heaths Special Protection Area), NE2 (Green Infrastructure), NE3 (Trees), NE4 (Biodiversity) and NE6-NE8 (Flood Risk and Drainage) of the adopted New Rushmoor Local Plan (2014-2032) are relevant to the consideration of the current application.

Also relevant is the Council's adopted Supplementary Planning Document (SPD) "Parking Standards" adopted in 2017. Since the SPD was subject to extensive public consultation and consequent amendment before being adopted by the Council, some significant weight can be attached to the requirements of this document. The advice contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) is also relevant.

The proposals the subject of the application are too small in scale to require the submission of an Environmental Impact Assessment as an 'urban development project' under Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.

In this context, the key determining issues are considered to be:-

1. The Principle of the proposals;
2. Visual Impact;
3. Impact on trees;
4. Impact on Neighbours;
5. The Living Environment Provided;
6. Highways Considerations;
7. Impact on Wildlife & Biodiversity;
8. Drainage Issues; and
9. Public Open Space.

Commentary

1. Principle -

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

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

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

create sustainable, inclusive and mixed communities.

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

Whilst objection has been raised on the grounds that the proposed development is not needed for the Council to meet its adopted Local Plan targets for new housing development, Government guidance does not set this as the absolute limit of housing development to be built within the Borough within the Local Plan period (2014-2032). Furthermore, a proportion of the housing target set out within the Local Plan is based on assumptions about the provision of new housing on so-called 'windfall' or unallocated sites such as the current application site.

The current scheme proposes the provision of three new dwellinghouses. New Rushmoor Local Plan Policy LN2 requires 30% affordable housing on schemes of 11 or more dwelling units, subject to viability. However, since the scheme proposes fewer dwelling units than this threshold, the requirements of this policy clearly do not apply in this case.

The application site has previously been subject to unauthorised tipping/disposal of waste materials thought to have been derived from building sites elsewhere. The site has also been used for burning of other materials on large bonfires from time to time. The extent, nature and content of this material is unknown; as is the extent to which this material was or was not removed from the land when it has, occasionally, been cleared. Accordingly, given this previous history of the site, the Council's Environmental Health Team request that site investigation is undertaken to establish the existence/nature of any contamination and, if so, appropriate remediation. This can be required by imposition of standard planning conditions.

In the circumstances, the proposals are considered acceptable in principle (subject to all usual development control issues being satisfactorily resolved in detail), since the proposals are clearly in line with Government objectives and the Council's own adopted planning policies in principle.

2. Visual Impact -

It is Government planning guidance that, in assessing impact of proposed development upon the character and appearance of an area, this should be considered in the light of the impact upon the area as a whole. As a result, the existence of differences from neighbouring buildings are not likely to be sufficient to identify material harm on the character and appearance of an area. Indeed, it is extremely rare for the character and appearance of an area to be narrowly defined by a particular building type, age, size, height and overall appearance : the character of most urban landscapes is usually defined by an eclectic mixture of features and characteristics. In this case, the character of the area is mixed, comprising a range of conventional dwelling types, ages, designs, styles, heights, external finishing materials and, indeed, extent of alterations. Furthermore, the application site has been vacant, neglected and enclosed in a purely temporary and utilitarian fashion for a considerable period of time.

This existing character includes the presence of three-storey buildings which are located to both sides of the application site at 'Tragorden' and Green Acre. The difference in heights between them are solely due to the difference in the ground heights where each are built, since ground levels rise from 'Tragorden' across the site to Greenacre, which is built on the

highest ground. In this respect, the roof ridge of the Plot 1 house would be approximately 0.5 metres higher than that of 'Tragorden' and approximately 1 metre lower than the ridge height of Nos.1-4 Greenacre. With respect to the proposed Plots 2 & 3 houses, these are also of the same building height as the Plot 1 house and, although shown to be slightly-dug into the existing ground levels rising towards the rear of the site, would be built from a ground level approximately 1.5 metres higher than the proposed Plot 1 house in front. Consequently the proposed Plot 2 & 3 houses would be approximately 2 metres taller than 'Tragorden' and 0.5 metres taller than 1-4 Greenacre. However, it is considered that none of these differences in relative building heights would be at all significant and give rise to any material harm to the character and appearance of the area as a whole.

In part this is because the proposed houses would, where seen from within York Crescent, be viewed against the backdrop of the treed hillside behind. Furthermore, despite limited opportunities for the screening on the road frontage boundary of the application site, it is not considered that the application site makes a particularly significant contribution to the character and appearance of the area in any event. The site is located at the far end of a private road where it does not become readily visible until close to the corner at the end of the Crescent and, if at all visible, the site is generally only partially seen; and from some distance away along either arm of the Crescent. In this context, it is considered that the proposed development would have a limited visual impact and is otherwise of an acceptable design. As such the proposed development is not considered to give rise to material harm to the overall visual character and appearance of the area.

Objection has specifically been raised on the basis that part of the development comprises backland development. However proposed development is not intrinsically unacceptable simply because elements of a proposed scheme are located away from a road frontage behind other development and can be described as being 'backland'. Indeed, it is noted that there are other examples of dwellings similarly located behind the road frontage in the vicinity. In any event, it is not considered that any material planning harm arises in this case from the layout of the proposed development and how it relates to existing adjoining and nearby development.

Whilst the rear boundary of the application site abuts part of the boundary of the Cargate Avenue Conservation Area, the application site would not be readily, or at all visible, from publicly accessible locations within the Conservation Area. The application site is located at a notably lower ground level beyond a substantial treed slope from publicly accessible parts of the Conservation Area. As a result it is not considered that any material and adverse harm to the visual character and appearance of the Conservation Area would arise.

The design and external appearance of the proposed houses is considered to be entirely conventional and acceptable. It is considered that the proposed development would be appropriately sympathetic to the already varied pattern of development and built form of the area.

It is not considered that the proposed development would materially and harmfully affect the visual character and appearance of the area and trees worthy of protection. It is therefore considered that the proposals are acceptable in visual terms.

3. Impact on Trees -

A Development Tree Report has been submitted with the application that examines and assesses the quality of all trees on or adjoining the site, the likely impact of undertaking the

construction of the proposed development, tree protection measures to be in place for the duration of the site clearance and construction period of the development, and the potential for impact on the trees in the longer term due to possible 'future resident pressure' once the proposed houses are occupied, including any specific elements of the design of the current scheme that would mitigate such impacts.

The side and rear margins of the application site are partially screened by trees, including a stand of substantial mature trees situated on the east (rear) boundary the subject of a TPO. The TPO trees have root protection areas and canopies that extend some way into the site and are either Category A or B trees. There are also a small number of younger non-protected Category C or R trees located along the side boundaries of the site to the north and south, some of which are located outside the ownership of the applicants; and the canopies and rooting areas of these other trees are smaller and extend less into the site.

The proposed development has been designed to provide adequate separation from all trees and no protected trees are proposed to be removed as a result of the proposals. It is proposed that special foundation construction be used for those parts of the proposed construction of the Plot 2 & 3 houses that slightly impinge into the rooting zones. Combined with the implementation of tree protection measures for the duration of the construction period, it is considered that no undue harm should arise to trees to be retained as a result of the construction of the proposed development.

Although the submitted Site Layout Plan indicates that two younger trees located to either side of the site would be removed, the removal of these trees is not necessary to enable the development to proceed since the canopy and rooting zones would not be affected by the proposed construction. Nevertheless, whether or not they are actually removed, it is not considered that these trees make any material contribution to the character and appearance of the area nor, indeed, that they are considered worthy of retention, or could be retained. They are not subject to a Tree Preservation Order and nor would they be worthy of such protection. To a degree they would undoubtedly help soften and screen the proposed development from the adjoining neighbours at Nos.4 Green Acre and 23 York Crescent. As such, in planning terms it is considered that any potential concern regarding the impact of the possible loss of these boundary trees solely arises from the potential loss of screening and the implications that this may have for the impact on the neighbouring properties concerned : this is to be considered in the next section of this report.

In the case of the No.4 Green Acre tree indicated to be removed, this appears to be owned by this neighbouring property. However this tree overhangs the boundary of the application site such that, in civil law, it is understood that the applicants would be entitled to remove the overhanging parts provided that they offered the cuttings back to the owner of No.4. Any damage to the roots of this tree arising from the construction of the proposed development, or generally to the health and stability of the tree arising from any cutting back, would also be solely a private property matter between the applicant and the owner(s) of No.4 Green Acre.

It is considered that the potential for 'future resident pressure' longer-term impact upon the health and stability of trees following the occupation of the proposed development has also been satisfactorily addressed by the design of the scheme. The proposed Plot 2 & 3 houses are both provided with private amenity space in significant excess of what is required according to adopted planning policy requirements to compensate for the potential shading impact of the trees. Furthermore, the houses are spacious internally and designed to have dual aspect to the main living rooms. In the circumstances, it is not considered that any concern about future resident pressure is sufficient to justify the refusal of planning

permission in this case.

The Council's Arboricultural Officer is satisfied that the existing trees would be adequately protected from harm during the construction period. Furthermore, whilst it can be a matter of concern that 'future resident pressure' may arise where existing trees are located adjoining or within proposed new house plots, whereby undue pressure would be brought to bear on the Council to allow inappropriate works to trees in the future, the Council's Arboricultural Officer raises no objections to the proposals. The most significant trees concerned are, in any event, protected by the TPO such that it would be an offence for future occupiers of the Plot 2 & 3 houses to undertake any works to these trees without the prior written consent of the Council following the submission of an application for TPO consent. Subject to the imposition of conditions requiring the proposed special foundation construction be implemented in full, and the prescribed tree protection measures are implemented and retained as specified for the duration of the construction period of the proposed development, it is considered that the proposals are acceptable having regard to Policy NE3.

4. Impact on neighbours -

The existing long-standing disuse and utilitarian enclosure of the application site, unresolved status, in addition to uncertainty about the future development and use of the site, have been matters of concern to local residents for many years.

A number of amenity concerns have been raised by objectors, predominantly in respect of loss of light and outlook; the potential for loss of privacy due to undue overlooking of adjoining and nearby residential properties in York Crescent, Green Acre and Church Lane West; and also concerns about undue noise, disturbance, activity and fumes.

When considering impacts upon neighbours, the basic question for the Council to consider is whether or not the impacts of the proposed development on the residential amenities of neighbouring properties would be both materially and harmfully impacted in planning terms. The correct test in this respect is whether or not existing neighbouring properties would, as a result of the proposed development, maintain acceptable amenities to meet the needs of residential occupation. It is not the role of the Planning system to defend neighbours against the loss of any private views from their properties where these views are derived from over adjoining land not in their ownership. In terms of privacy concerns, a degree of mutual overlooking often exists between neighbours and this is considered both normal and acceptable. It is necessary for the Council to consider whether or not occupiers of neighbouring properties would be subjected to unacceptable undue overlooking rather than any overlooking at all. Overall, it is the role of the Planning system to consider and decide whether or not neighbouring and nearby residential properties would continue to possess an acceptable living environment for occupiers in planning terms as a result of a proposed development.

In this context, whilst the application site is surrounded by existing residential property, most is somewhat removed from the proposed development by any combination of separation distance, orientation, different ground levels and intervening screening vegetation and other means of enclosure. As a result, it is considered that, with the exception of Nos.21 & 23 York Crescent to the south side, Nos.16, 18 and 20 York Crescent on the opposite side of the bend at the end of the Crescent, and Nos.1-4 Green Acre to the north side, no other neighbouring properties could be materially and harmfully affected by the proposals.

The impacts upon those nearest and/or adjoining residential properties identified as being

conceivably materially impacted by the proposed development are considered in the following paragraphs:-

'Tragorden' (No.21) York Crescent: This adjoining property is in authorised planning use as three flats and the proposed Plot 1 house would be located alongside to the north with a conventional relationship, with both properties having windows facing the front and rear. No windows are proposed for the side elevation of the Plot 1 house facing the side elevation of No.21 such that this relationship is considered to be acceptable. The proposed Plot 2 & 3 houses would be separated by in excess of 20 metres from the rear elevation of No.21, such that no material and undue overlooking would arise from this direction. The provision of parking for the Plot 1 house does not impinge upon the parking area required to be retained for provision of on-site parking to the front of No.21. It is considered that the proposed development would have an acceptable impact upon No.21 in planning terms.

No.23 York Crescent: This neighbouring property occupies a large triangular-shaped plot to the south of the application site and the dwelling is an extended bungalow situated set back from the York Crescent frontage behind the buildings on the adjacent plots to either side at Nos.21 and 25 York Crescent. Ground levels within No.23 site rise towards the rear in a similar to the change in levels within the adjacent application site. The bungalow is, however, dug into the slope such that the dwelling itself on this plot is at a lower level than land at the application site. The bungalow is also sited facing at an angle away from the boundary with the application site. The No.23 plot borders the application site to the rear of No.21 and, as such, shares a boundary with the proposed Plot 2 house. As such, it is considered that No.23 could not be materially affected by the proposed Plot 1 & 3 houses, since these do not directly adjoin and are somewhat distant.

In terms of the relationship with Plot 2, the closest separation building-to-building between the two dwellings would be approximately 22 metres at an oblique angle, with No.23 at a noticeably lower level. Although there are some secondary ground floor windows serving living rooms in the side elevation of the bungalow, it is not considered that any windows in the proposed Plot 2 house would materially overlook them due to the separation distance, and proposed/existing boundary enclosures and trees. Since the bungalow at No.23 is located within a large plot to the south and faces at an angle away from the application site, it is not considered that the proposed development could give rise to any material and adverse impacts upon amenity in terms of loss of light and outlook. There is existing fencing and some trees located along the lower half of the shared boundary providing a degree of mutual ground level privacy between the properties, however there is no effective fencing on the shared boundary further up the garden. Nevertheless, new boundary fencing is to be provide with the development and a planning condition can be used to require provision and retention of new or existing boundary enclosures to provide an adequate and acceptable level of mutual ground level privacy for occupiers of both properties. This is considered to be the case whether or not the current intervening trees and shrubbery partially screening the boundary with the neighbours were to be wholly or partially removed or damaged as a result of the proposed development.

Although the occupiers of No.23 have specifically objected to the provision of the parking spaces for the Plot 2 house in proximity to an existing patio area at their property as a result of potential nuisance and health effects from vehicle fumes it is considered that this concern is unlikely to be so persistent, significant and unusual within a residential context as to justify the refusal of planning permission.

It is considered that the proposed development would have an acceptable relationship with

No.23 York Crescent | planning terms.

Nos.16, 18 & 20 York Crescent: These neighbouring properties are opposite the application site frontage to the west and, as such, the amenities of occupiers could only conceivably be materially affected by the front of the Plot 1 house and the use of the driveway serving the proposed development. In this respect the closest building-to-building relationship between the front windows of the Proposed Plot 1 house would be with No.16 York Crescent, at a separation distance of approximately 24 metres, with Nos.18 & 20 even more distant. It is also noted that these properties are enclosed behind substantial hedging. In the circumstances, it is considered that no undue and material impacts on the amenities of occupiers of these neighbouring properties would arise.

Nos.1-4 Greenacre: These are a terrace of three-storey townhouses that are situated to the north side of the application site on ground at a slightly higher level than the application site. These houses have their rear elevations with the rear gardens (and in the case of Nos.1 & 2, an electricity sub-station enclosure) in-between facing the north side boundary of the site. There is a semi-mature tree located close to the rear boundary of No.1 Green Acre providing a degree of screening of this property to/from the application site. Nos. 2 & 3 Green Acre would face directly towards the blank flank elevation of the Plot 1 house with a building-to-building separation distance of approximately 17 metres with the internal driveway serving Plots 2 & 3 in-between. No.4 Green Acre has a more oblique relationship with the Plot 1 house with a slightly increased building-to-building separation. An even more oblique and distant relationship would arise between Nos.1-4 Green Acre and the Plot 3 house. It is not considered that these relationships would give rise to any undue loss of amenity to occupiers of Nos.1-4 Green Acre as a result of loss of light and outlook. Because the majority of the windows in both the Plots 1 & 3 houses would face towards the front and rear perpendicular with the Green Acre properties it is not considered that any material and undue overlooking of these neighbouring houses and gardens would occur. Although the side elevation of the Plot 1 house would have small first- and second-floor windows serving the stairway in the side elevation facing towards the Green Acre properties, it is considered that any possibility of overlooking from these windows can be eliminated by requiring that the windows be permanently obscurely glazed. There is an existing 'patchwork' of boundary fencing enclosing the north side boundary of the application site shared with Green Acre properties, although the applicants indicate that new fencing would be erected. This can also be required by imposition of a suitably-worded condition. It is considered that the relationships of the proposed development with Nos.1-4 Green Acre would be acceptable in planning terms. This is considered to be the case whether or not the current intervening trees and shrubbery partially screening the boundary with the neighbours were to be wholly or partially removed or damaged as a result of the proposed development.

Concerns have also been expressed more generally by objectors about the possibility of increased noise, disturbance and pollution arising from the proposed residential development. However it is considered that the type and nature of activity in York Crescent resulting from the proposed development would be conventional and typical of that which occurs in residential roads nationwide. In the circumstances, whilst it is appreciated that the proposals would result in change for existing residents, the resulting activity would neither be undue nor unacceptable in planning terms. As such, objectors' concerns in this respect would be insufficient justification for the refusal of planning permission.

Given the location of the application site it is considered appropriate that a condition be imposed to require submission of a Construction Method Statement to set out the measures to be employed during the construction phase to minimise noise, vibration, dust and other

emissions to, as far as practicable, limit impacts upon the amenity of neighbours. Likewise the parking and traffic generation impacts of the demolition, construction and fitting-out periods of the development. Although planning applications cannot be refused on account of the likely construction phase impacts, it is considered reasonable to require the submission of details of construction management measures given the scale of the development and the clear potential for this to give rise to nuisance and inconvenience to neighbours in this location – if only to alert the developer to the need to have regard to such matters.

In conclusion it is considered that the proposed development would have an acceptable impact upon neighbours.

5. The living environment created -

The proposed houses would provide accommodation meeting the Government minimum internal floorspace standards appropriate for their level of occupancy. The proposed development is also able to provide on-site amenity space for residents in the form of private rear gardens exceeding the requirements of New Local Plan Policy DE3 for all of the proposed new dwellings. It is also considered that the proposed dwellings would have acceptable relationships with all neighbours in terms of light, outlook and privacy.

The internal layout of a development is a functional matter between a developer and his client and is to some extent covered by the Building Regulations. Notwithstanding the various objections raised criticising the living environment created for future occupiers of the proposed development, it is a matter for prospective purchasers/occupiers to decide whether they choose to live in the proposed development. Nevertheless, it is considered that the living environment created would be acceptable in planning terms.

6. Highways considerations -

It is current Government guidance that denying planning permissions on highways grounds is only justified and appropriate where any highways concerns are demonstrated to give rise to '**severe**' harm to the safety and/or convenience of highway users. It is not sufficient to merely identify concern about a highway matter. Furthermore, clear evidence of wider highway harm(s) being caused with severe impact(s) must be identified. As a consequence, refusal on highway grounds must exceed a high threshold. This is a material change in planning circumstances that has emerged in recent years that, in the context of York Crescent, has overturned the Council's historic approach that even relatively modest developments should generate a requirement for improvements to be undertaken to the York Crescent roadway – such as re-surfacing etc. Furthermore, it is also long-standing Government guidance that it is neither appropriate nor reasonable for developers to be required to resolve existing highway problems in the vicinity of their site in order to secure planning permission that they are neither responsible for, nor would materially exacerbate as a result of their proposals.

It is proposed that the vehicular access for the development utilise the existing private roadway of York Crescent for vehicular access to/from the public highway at York Road. York Crescent would, as now, remain an un-made shared surface roadway where pedestrians are not segregated from vehicular traffic. This is an arrangement that encourages slow incoming and outgoing traffic. It is considered that the current proposal would only result in a modest increase in traffic using York Crescent. As a consequence of the need to demonstrate **severe** harm to highway safety and convenience of highway users, it is therefore considered that the developer cannot reasonably be required by the Council/Highway Authority to make improvements to York Crescent as a condition of

granting planning permission.

As has been noted with the Officer comments on the objections summarised earlier in this Report, this is not to say that frontage owners of York Crescent other than the applicants may not have a different view about this and might wish to require the applicants/developers to undertake improvement works to York Crescent. However, this is a private property matter that other owners would have to pursue with the applicants and/or developer directly. The granting of planning permission does not supersede land ownership rights. Accordingly, irrespective of the Council/Highway Authority consideration of the acceptability of the proposals from Planning/Highways perspectives, even if planning permission were to be forthcoming from the Council, it would remain open to other owners of York Crescent to seek improvements to the roadway; and, indeed, to seek to enforce parking restrictions and obligations for the repair and maintenance of the roadway with the developer on a private basis. These are all matters in which the Council cannot become involved.

The Highway Authority (Hampshire County Council) has raised no objections to the proposed development on the grounds of traffic generation and any alleged inadequacy in the capacity of York Crescent to serve the traffic associated with the proposed development; and in respect of the proposed vehicular access from the development into York Crescent. In this respect, the proposed development is small in scale, comprising just 3 new dwellinghouses. Additionally, no concerns are expressed about the safety or capacity of the junctions of York Crescent with York Road. The long-established sightlines and junction arrangements here are considered to be conventional and acceptable. There is good visibility along the proposed driveway within the site and ample space provided for passing manoeuvres to take place, albeit it would be traffic associated with the occupation of just two houses such that incidences of vehicles meeting each other are likely to be rare. The driveway is considered to be of an acceptable width and overall standard to serve the proposed development. Turning spaces would be provided so that vehicles at all of the proposed houses could both enter and leave the site in forward gear. The overall arrangement and position of parking internally within the development is therefore also considered to be acceptable.

The proposed development makes satisfactory provision for on-site parking comprising three parking spaces for each proposed 4-bedroom house. Specific objections are raised on the grounds that (a) the Plot 1 house has a 'Bonus Room' that could be used as a 5th bedroom, thereby requiring more parking provision; and (b) no visitor parking spaces are shown to be provided with the scheme. However the Council's adopted Parking Standards SPD requires provision of 3 on-site spaces for **4-bedroom + dwellings**; and the visitor parking requirement for the proposed development (according to Principle 9 of the SPD) is 3/5ths of a parking space. Even rounded-up to a whole number, provision of a single additional visitor or unallocated parking space could be met with parking on the road frontage of the application site or by temporary parking adjoining the allocated spaces at each of the proposed houses without inconveniencing occupiers of the other dwellings within the scheme. It is considered that the proposals comply acceptably with the Council's adopted car parking requirements and, in any event, the proposed development would meet its own functional car parking needs without materially exacerbating any existing issues.

No cycle parking is shown to be provided with the scheme, although it is considered that this is easily done by provision of sheds with each of the proposed house plots, which can be required by condition. The proposals would thereby meet the Council's adopted parking standards in full and, as such, the proposed development makes appropriate and acceptable provision for parking on-site to support itself.

All of the proposed house plots are shown to be provided with adequate space for the storage of refuse/recycling bins and this can be secured and retained with the imposition of the usual planning condition. Whilst objectors consider the proposed bin collection arrangements for the development to be unacceptable, the proposed arrangements are conventional, would be consistent with the existing collection arrangements applicable to existing properties in York Crescent and Green Acre, and no objections are raised by the Council's Operations Manager (Domestic Bin Collection).

No Transport Contribution has been requested by the Highway Authority, Hampshire County Council, in this case.

It is considered that the proposals are acceptable in highways terms.

7. Impact Upon Wildlife & Biodiversity –

(a) Special Protection Area.

The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17' in April 2018 established the legal principle that a full appropriate assessment (AA) must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA, and that this process cannot take into account any proposed measures to mitigate any likely impact at the assessment stage. This process, culminating in the Council's Appropriate Assessment of the proposals, is overall described as Habitats Regulation Assessment (HRA).

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

HRA Screening Assessment under Regulation 63(1)(a) of the Habitats Regulations : The Thames Basin Heaths SPA is designated under the E.C Birds Directive for its lowland heathland bird populations. The site supports important breeding bird populations, especially Nightjar *Caprimulgus europaeus* and Woodlark *Lullula arborea*, both of which nest on the ground, often at the woodland/heathland edge; and Dartford Warbler *Sylvia undata*, which often nests in gorse *Ulex* sp. Scattered trees and scrub are used for roosting.

Heathland is prone to nitrogen deposition due to increases in Nitrogen Oxide. Calculations undertaken for the Rushmoor Borough Council Local Plan found that there will be no 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.

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

It is considered that there is sufficient information available with the planning application provided by the applicants with which the Council can undertake the HRA process. In this case the proposed development involves the creation of 3 net new residential units within the Aldershot urban area. As such, the proposed development is located within the 5km zone of influence of the SPA but outside the 400-metre exclusion zone. The proposed development is neither connected to, nor necessary to the management of, the Thames Basin Heaths SPA. Furthermore, the proposed development would not result in a net increase in traffic movements in excess of 1000 vehicular movements per day in proximity to the SPA.

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

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

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

Rushmoor Borough Council formally adopted the latest version of the Thames Basin Heaths SPA Avoidance & Mitigation Strategy (AMS) in May 2019. The AMS provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Thames Basin Heaths SPA arising from new residential development. This Strategy is a partnership approach to

addressing the issue that has been endorsed by Natural England.

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

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

- (a) secure an allocation of SPA mitigation capacity from either the Council's SANGS schemes, or from another source acceptable to Natural England and to the Council; and
- (b) secure the appropriate SANG and/or SAMM in perpetuity by making the requisite financial contribution(s) by entering into a satisfactory s106 Planning Obligation that requires the payment of the contribution(s) upon the first implementation of the proposed development.

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

In this case the applicants have provided written evidence that they have acquired SANGS capacity from the Hart District Council Bramshot Farm SANGS scheme sufficient for the 3 new dwelling units proposed, costing the applicants £34,581.24 that has already been paid to Hart DC. Furthermore, the applicants are also seeking to secure a financial contribution of £2,421.00 towards SAMM by way of a s106 planning obligation submitted to Rushmoor BC requiring payment of this additional SPA financial contribution upon the implementation of the proposed development.

Conclusions of Appropriate Assessment : On this basis, the Council are satisfied that, subject to the receipt of a satisfactory completed s106 Planning Obligation, the applicants will have satisfactorily mitigated for the impact of their proposed development on the Thames Basin Heaths SPA in perpetuity in compliance with the requirements of New Rushmoor Local Plan Policy NE1 and the AMS. Accordingly, it is considered that planning permission could then be granted for the proposed development on SPA grounds.

(b) Site Specific Protected Species.

As a result of the long-term vacancy and disuse of the application site, the land has become somewhat overgrown with natural vegetation. The steep wooded hillside to the rear of the site is undeveloped, contains a number of mature trees and functions as a local wildlife refuge and corridor. As a consequence there is known clear potential for the application site to contain, or be frequented by, protected wildlife species, most notably in respect of badgers and bats.

Local Plan Policy NE4 (Biodiversity) seeks new development to avoid significant harm to biodiversity and, if not possible, to ensure that adequate mitigation is proposed that clearly demonstrates that there would be no adverse effect on the conservation status of priority species. This policy states, inter alia:-

"Development proposals will be permitted if significant harm to biodiversity ... resulting from

a development can be avoided or, if that is not possible, adequately mitigated such that it can be clearly demonstrated that:

1. *There will be no adverse effect on the conservation of priority species*
5. *There will be no loss or deterioration of a priority habitat type, including irreplaceable habitats; and*
6. *There will be no adverse effect to the integrity of linkages between designated sites and priority habitats."*

Additionally, Paragraph 175 of the National Planning Policy Framework (2018) (NPPF) explains that if significant harm to biodiversity cannot be avoided, mitigated or compensated for then permission should be refused. Government Circular 06/2005 (Biodiversity and Geological Conservation) Paragraph 99 states that:-

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted."

Taking a precautionary approach, in granting planning permission with or without conditions relating to wildlife protection and mitigation, the Council must be able to ascertain and be satisfied on the basis of the consideration of adequate evidence that any conditions to be imposed would be appropriate and effective; and that badgers, bats and other protected species will not be materially harmed or disturbed as a result of the proposed development.

The planning application is supported by two ecological survey reports : a Protected Species Walkover Survey Report; and a Badger Mitigation Survey Report, both dated September 2020. The Walkover Survey report describes the results of a preliminary daytime walkover survey of the site conducted by a qualified ecologist on 27 July 2020 to assess, as a snapshot, the current potential presence of any protected species, habitat suitability, ecological issues and impacts that would be generated by the proposed development. The report has also considered records of notable and protected species within 2km of the site recorded by the Hampshire Biodiversity Records Centre obtained in 2019; and refers back to previous surveys undertaken at the site. The report notes that the dense vegetation on the application site makes some parts inaccessible and, as such, that they could not be surveyed. In noting the limitations of the survey, it is recommended that follow-up survey work be undertaken.

The report refers to the discovery of an active established main **Badger** sett in woodland beyond the rear of the gardens of Nos.21 and 23 York Crescent in 2012. A 2017 Survey then identified suitable habitat for badger within the application site boundary and *"an outlying badger sett with one partially used entrance and three disused entrances....identified within the boundary treeline."* A 2019 badger survey found six holes within the low tree-lined bank along the eastern (rear) boundary of the current application site, plus signs of mammal activity in the vicinity, confirming the presence of an outlier sett within the site, albeit thought to be used occasionally at most. The current application site, being in proximity to an active sett and containing an outlier sett, was considered to be a regular destination for foraging badgers and/or route for badgers passing through the site. The 2020 Walkover Survey found most of the previous sett holes and has confirmed that the findings of the earlier badger surveys remain valid. Clear potential was also found for bat roosting and good foraging and

commuting habitat for bats in the trees to the rear of the application site. A number of bat species have been recorded in the locality. Additionally, the application site is considered to provide habitat suitable for breeding birds within the denser areas of vegetation and trees. The continued overgrowth of the site and the presence of some piles of rubble are also considered to offer potential refugia for reptiles. Additionally, the site offers suitable foraging habitat for hedgehogs.

The applicants' 2020 Walkover Survey report concludes that, without mitigation and management measures, there is potential for disturbance to badgers, which would constitute an offense under the Protection of Badgers Act 1992. As such, the report recommends that a detailed mitigation document and method statement be produced to be submitted to and agreed with the Council, to contain the specific details of the mitigation strategy and any management measures to be implemented. It is additionally indicated that some proposals for enhancements or suitable habitat management for badgers may be required.

The main recommendation of the 2020 Badger Survey report in terms of mitigation is that the eastern boundary of the application site be preserved as a wildlife corridor ostensibly seeking to protect both the outlier sett within the application site and the main sett beyond. However, it is difficult to see how this is achieved with the site layout of the proposed development. Indeed, the submitted plans show that the land containing the sett is simply to be incorporated into the residential curtilages of the proposed Plot 2 & 3 houses. If this were to be permitted residents would be likely, wittingly or unwittingly, to regularly disturb and frighten badgers from the land with normal domestic activity, noise, lighting, barbecues, and disturbance. The mitigation proposals effectively amount to an exclusion and displacement of badger activity from the application site; and thereby a reduction in the range and foraging opportunities for badgers in the area. Although the rear garden areas of the Plot 2 & 3 houses are of adequate size from the perspective of residential amenity, they are not particularly deep, with the Plot 3 house being sited just 10 metres from the bank at the rear margin of the site. Given such proximity to the sett, it is also difficult to see how disturbance of badgers can be avoided during the construction period of the development; or, indeed, once the proposed dwellings are occupied. The Council's Ecology & Biodiversity Officer objects to the proposals on this basis and it is considered that the proposed development would provide inadequate protection for badgers and their setts. Indeed, how it would be possible for domestic occupation to co-exist with badgers in such proximity to each other. In the circumstances it is concluded that the Council is unable to evidence that granting planning permission, even subject to conditions requiring further information and mitigation and management proposals, would provide the level of enforceable protection required by the Protection of Badgers Act 1992

Bats are protected under the Wildlife & Countryside Act 1981 and Conservation of Habitats and Species Regulations 2018, which apply to all bat species. The mature trees along the eastern boundary of the site form part of a significant tree belt which is considered likely to be important foraging habitat for any bats present; and the applicants' own ecologist notes that the trees bordering the rear boundary of the application site and significantly overhanging the rear gardens of the proposed Plot 2 & 3 houses, contain numerous features that are potential roosting opportunities for bats. The presence of bats and bat roosts is therefore considered to be highly likely and, moreover, bats would be placed in proximity to proposed residential dwellings. In such situations, it is Natural England's standing advice that survey work must be undertaken to ascertain the extent of bats and bat roosts. However, the 2020 Walkover Survey report argues that there are no issues with their identified roosting potential of the mature trees to the rear of the site and that no actual bat survey work is required (and none has been undertaken) because these trees are to be retained. Further, a

mature ivy-clad apple tree shown to be removed on the submitted plans can be made be subject to pre-felling inspection by a licensed bat ecologist and their advice implemented required by planning condition. However, it is considered that the approach recommended by the applicants' ecologist is inadequate; and misses the point and the requirements of the relevant protection legislation. A survey of the tree cover is necessary to properly determine the habitat status of the site. At present it is considered that due to lack of survey, the Council are unable to ascertain the extent of any impact on bats arising from the proximity of the proposed housing to the significant tree belt on the east boundary of the application site.

The submitted tree report states that there is significant dead wood within the eastern tree-line. The Council's Ecology & Biodiversity Officer notes that the proposed Plot 2 & 3 houses would be built close to the tree line and therefore it is far more likely that dead wood and ivy (both often providing roosting opportunities for bats) would be removed for health & safety and cosmetic reasons : a clear way in which the future residents (if not the developer) could wittingly or unwittingly kill, injure or disturb bats. The proximity of the new housing is also likely to lead to increased light levels within what is currently a dark corridor. Although the applicants' Walkover Survey report advises that lighting (during and post-development) can have significant negative impacts on commuting bats, such that lighting at the eastern end of the application site should be avoided or kept to the minimum necessary, there is no indication how light emissions from the proposed development would be minimised and managed. Indeed, it is considered that any such restrictions and measures would be unenforceable. In addition to this the tree line will now be within the curtilage of the residential properties and thus it is considered that potential bat roosts would be more at risk of general disturbance arising from normal domestic activities as already described in respect of impact on badgers that could not be subject to any adequate and enforceable controls.

Specific recommendations are also made in the applicants' Walkover Survey report concerning measures to mitigate impacts upon breeding birds and other mammals, including hedgehogs, which are considered to be adequate and can be dealt with by imposing conditions. However, despite noting that there is clear potential for reptiles to be present at the application site, the applicants' ecologist does not recommend that reptile surveys are undertaken and concludes that no measures in respect of reptiles considered necessary. This conclusion is not accepted and considered to be a further example of non-compliance with wildlife protection legislation and Government policy and guidance.

There is significant potential for protected species to be present within or immediately adjoining the site that are likely to be adversely impacted by the proposed development. Indeed, the applicants' own survey reports submitted with the application do not offer a contrary view. It is considered that delaying the consideration of means and measures to mitigate and/or avoid the impacts upon wildlife by using planning conditions to require the submission of mitigation and protection measures prior to development commencing would not be an appropriate approach; and is advised against by Circular 06/2005. This matter would require resolution prior to the issuing of any planning permission. Consequently, it is considered that the proposed development currently has the capability to cause unmitigated significant harm to protected wildlife species; and the proposals fail to satisfy adopted Local Plan Policy NE4.

(c) Biodiversity.

In addition to Policy NE4, Local Plan Policy NE2 (Green Infrastructure) requires that development provides green infrastructure features within the development and maximises

opportunities for improvement to the green infrastructure network, including restoration of fragmented parts of the network. This approach is also supported by the NPPF. In this respect, development proposals should seek to secure opportunities to enhance biodiversity and include proportionate measures to contribute, where possible to a net gain in biodiversity, through creation, restoration, enhancement and management of habitats and features, including measures that help to link key habitats.

In respect of the proposed development, the Council's Ecology & Biodiversity Officer recommends that the proposals should include measures to improve the biodiversity of the site and to offset any loss of habitat resulting from the removal of the existing vegetation at the site. In this respect the submitted Walkover Ecological Survey notes that the site contains largely semi improved grassland, dense scrub and ruderal vegetation with scattered sub-mature and mature trees. It is considered that the loss of these habitats, with the exception of the ruderal vegetation, will require mitigation on site. However, although the proposed hedgerow habitat creation and the tree planting indicated by the application is welcomed, it is limited and therefore unlikely to provide enough mitigation to counteract the losses, let alone provide any net gain. In the circumstances the applicant has been advised that they should submit a biodiversity offsetting calculation using the Defra matrix to establish what mitigation will be required to offset the loss in order to comply with the requirements of Local Plan Policies NE2 and NE4.

(d) Conclusions on Ecology & Biodiversity

The applicants' agent has been contacted concerning the objections and advice of the Council's Ecology & Biodiversity Officer and they have responded to suggest that there are misunderstandings about the nature of the proposals; and that they would like to discuss and work with the Council to resolve any issues of concern. Nevertheless, it is considered that the concerns that have been identified are more fundamental than the applicants having to undertake some follow-up surveys of the site. It is considered that there are concerns that may mean that a different form of development more removed from the rear margin of the site may need to be considered instead.

8. Surface Water Drainage -

Adopted Local Plan Policy NE8 (Sustainable Drainage Systems) requires that developments include the implementation of integrated and maintainable Sustainable Urban Drainage Systems (SUDS) in all flood zones for both brownfield and greenfield sites. The site is located on land at lowest risk of fluvial flooding and low risk of surface water flooding. Nonetheless, the site slopes down towards York Crescent and the proposals would involve the introduction of significant hard-surfacing to the site, where the existing site has only a limited amount of hard-surfacing. Despite being specifically identified to the applicants at the pre-application stage, the application has not been submitted supported by a Surface Water Drainage Strategy; and minimal information concerning surface water drainage is provided with the application submissions. The possible use of grey-water recycling is mentioned; and it is indicated that permeable paving would be used for the private parking spaces and turning area within the site. The application forms also indicate that soakways and a mains sewerage connection would be used, although it is not known whether either would be possible. The nearby front garden area of No.23 York Crescent appears to suffer from poor drainage indicating ground conditions may not be suitable for soakaways. Furthermore, it is not known whether it would be legally possible for the applicant to connect the proposed new houses into the mains sewer drains in the street and, in any event, this is not necessarily the appropriate approach given the requirements of Local Plan Policy NE8 are to seek on-site

disposal as far as possible. In the circumstances it is considered that the proposals fail to provide adequate details of surface water drainage contrary to the requirements of adopted Local Plan Policy NE8.

9. Public open space -

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

This is a circumstance where a contribution (in this case the Parks Development Officer identifies a POS project requiring £6,600.00 towards public open space comprising refurbishment/renewal of play facility at Kingsway Playground, Kingsway Aldershot) secured by way of a s106 Planning Obligation would be appropriate. which the applicant is in the process of completing. Subject to the completion of this Obligation the proposal is considered to be acceptable within the terms of Local Plan Policy DE6.

Other Matter -

Objectors have raised concerns that the generous size of the proposed dwellings would lend them to the future possibility of being converted into Houses in Multiple Occupation (HMO). Planning permission would be required in any circumstance for the change of use to an HMO occupied by 7 or more persons such that any attempted change of use to a large HMO would be a clear breach of planning control. However, it is currently 'permitted development' (i.e. an automatic planning permission granted by secondary planning legislation) to change the use of a dwellinghouse (Use Class C3) to a small HMO occupied by up to 6 persons (Use Class C4) and visa versa. Minimal communal facilities would need to be provided and such a change of use could not require the provision of any additional on-site parking despite the average occupancy of a C4 small HMO being approximately 3 adult persons more than the average occupancy of a C3 dwellinghouse. Given the nature of the development and the finite space available on site for parking it is, however, considered that this is a circumstance where it would be reasonable for the Council to impose a planning condition removing permitted development rights for the change of use of the proposed houses to C4 use. In this way it is considered that the Council would also retain control over the possible future change of use of the proposed houses to small HMOs.

Conclusions -

The proposals are considered acceptable in principle and in highways terms; would have no material and harmful impact upon the overall visual character and appearance of the area and trees worthy of retention; would have no material and adverse impact on neighbours; would provide an acceptable living environment; and, subject to financial contributions being secured in respect of Special Protection Area mitigation & avoidance and Public Open Space with a s106 Planning Obligation, the proposals would have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area; and appropriately address the Council's adopted Local Plan Policy DE6 concerning Public Open Space.

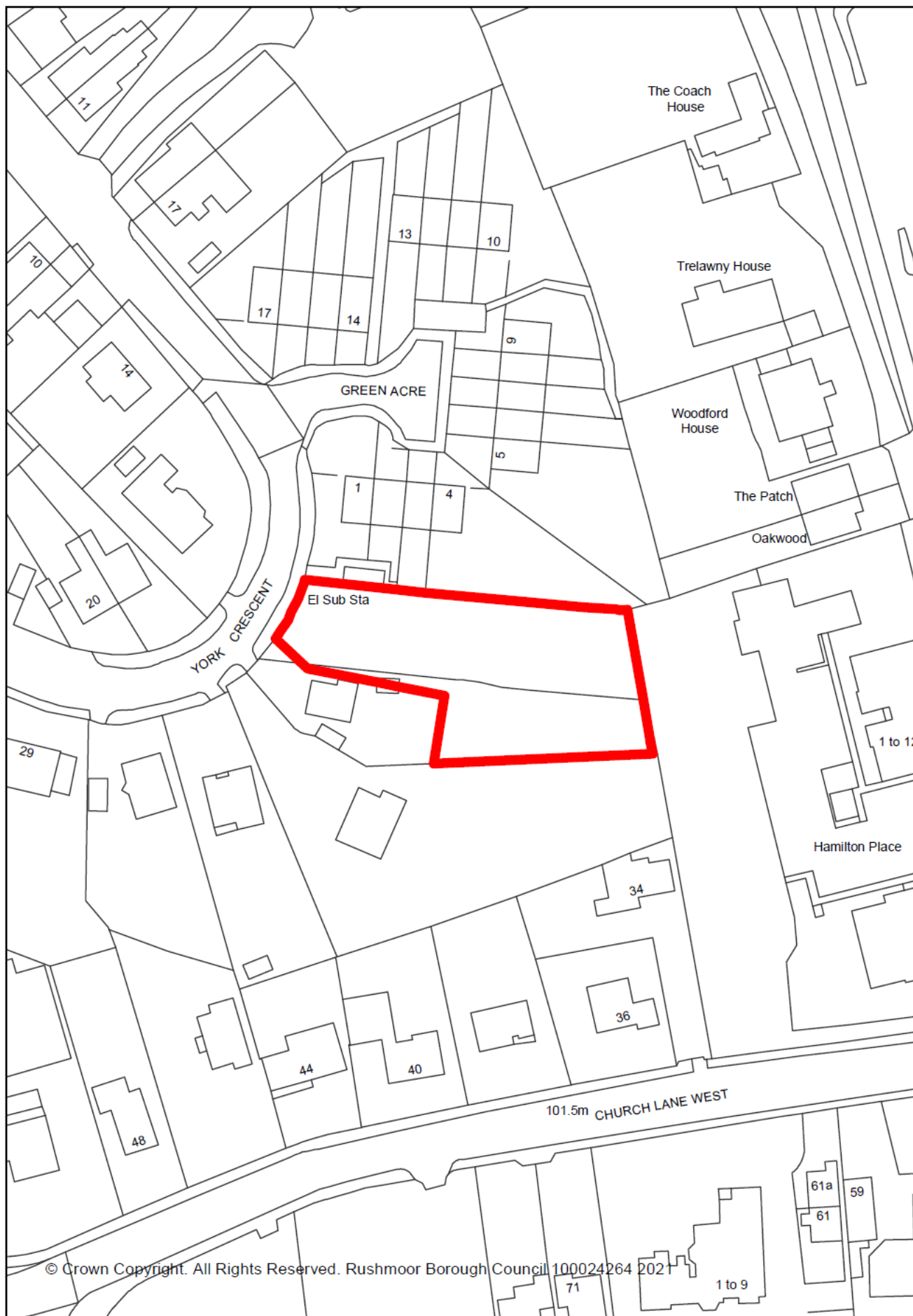
Nevertheless, it is considered that the proposals have failed to satisfactorily address the ecology & biodiversity impacts of the proposed development; and to provide any coherent and considered proposals for the surface water drainage of the site; in both cases where it

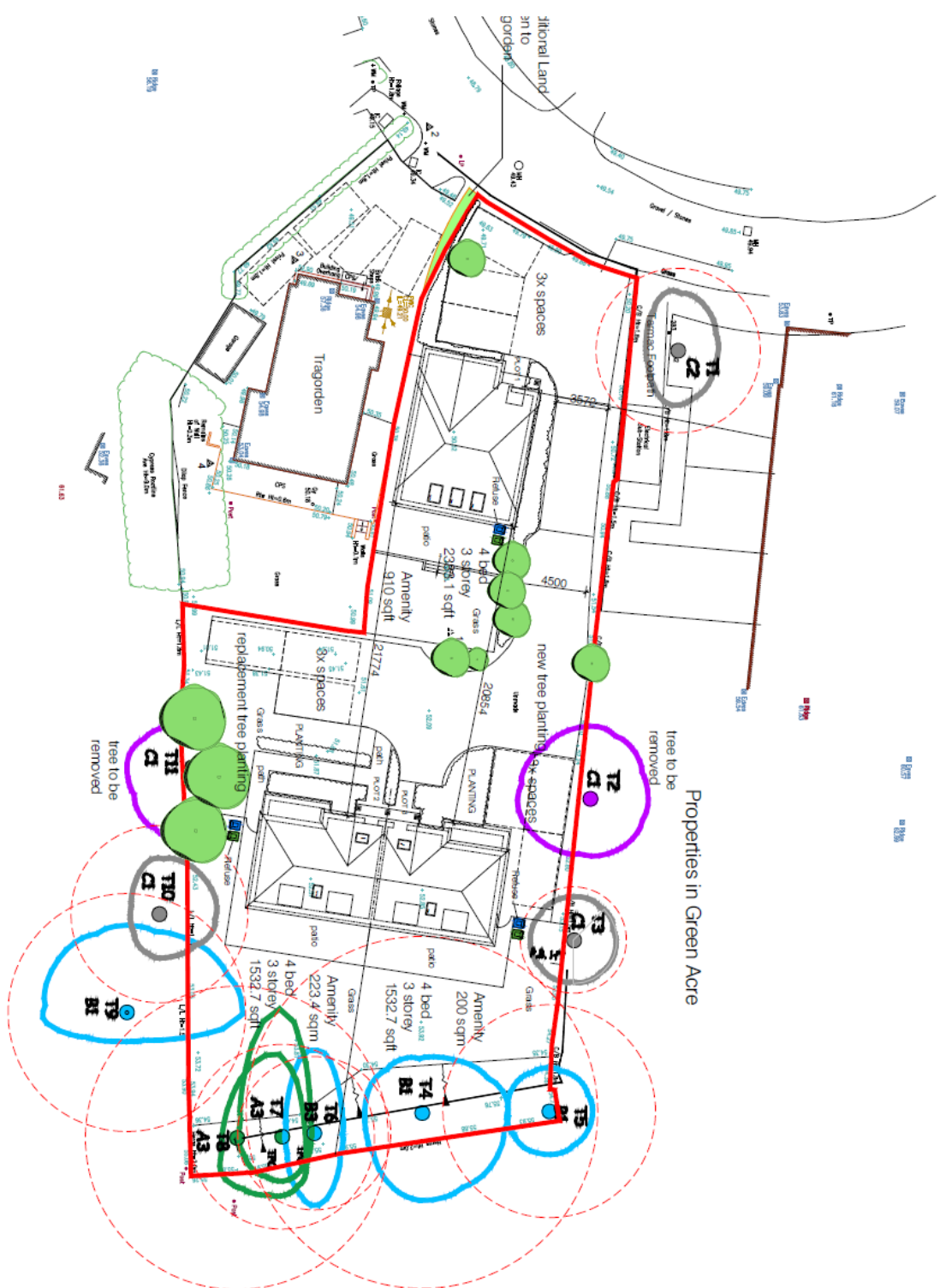
would not be appropriate to deal with the matter by the imposition of conditions. On this basis it is considered that planning permission should be refused for these reasons. This being the case, it would also be necessary to identify reasons for refusal in respect of the failure to address SPA impact and provide an appropriate Public Open Space financial contribution unless that applicants are able to complete a s106 Planning Obligation in these respects before the decision is made.

Full Recommendation

It is recommended that planning permission be **REFUSED** for the following reasons:-

1. The proposal has failed to demonstrate, through adequate surveys of the application land and appropriate proposals for mitigation and management measures, that there would be no adverse impact on protected wildlife species and biodiversity having regard to the requirements of adopted Rushmoor Local Plan (2014-2032) Policies NE2 and NE4.
2. The proposals fail to provide adequate details of surface water drainage measures for the proposed development to take account of the significant additional hard-surfaced area that is proposed contrary to adopted Rushmoor Local Plan (2014-2032) Policy NE8.
3. In the absence of a s106 Planning Obligation, the proposed development fails to make provision to address the likely significant impact of the additional residential units on the objectives and nature conservation interests of the Thames Basin Heaths Special Protection Area. The proposals are thereby contrary to the requirements of retained South East Plan Policy NRM6 and adopted Rushmoor Local Plan (2014-2032) Policies NE1 and NE4.
4. In the absence of a s106 Planning Obligation, the proposal fails to make provision for public open space in accordance with the requirements of Policy DE6 of the adopted Rushmoor Local Plan (2014 to 2032)





Properties in Green Acre

tree to be removed

Category A Tree
Canopy shown N.E.S.W

Category B Tree
Canopy shown N.E.S.W

Category C Tree
Canopy shown N.E.S.W

Tree to be removed

Root Protection Area

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REV	DATE	DESCRIPTION	BY	CHKD	INSTR
PLANNING					



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DRAWN		Samo Construction Ltd	
PROJECT		The Haven, 19 York Crescent, Adersdorf, GU11 3UN	
TITLE		Proposed Site Layout	
SCALE		1:200 @A2	
DATE		28.08.20	
BY		AC	
CHECKED		20.7.97	
P.01		-	

1.4 GREEN ACRE

PLOT 1

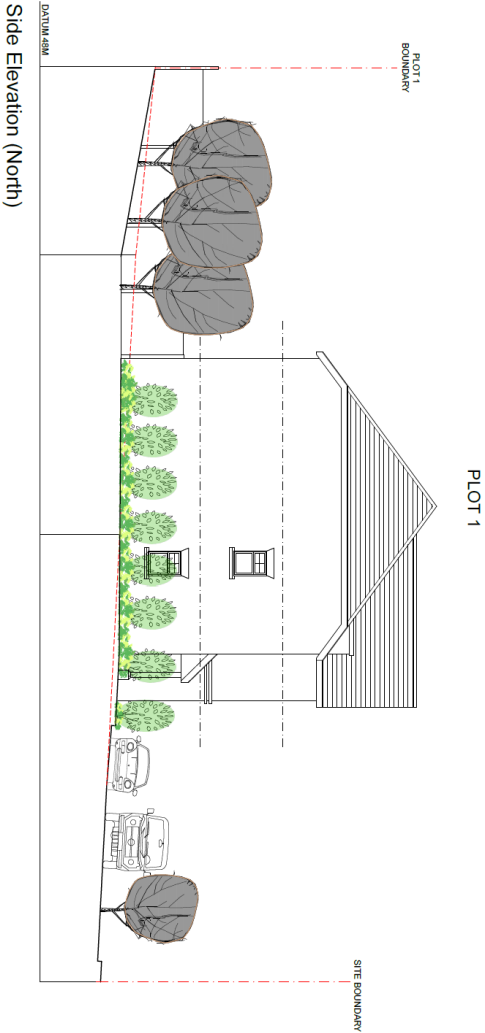
TRAGORDEN



Proposed Street Scene
(West)



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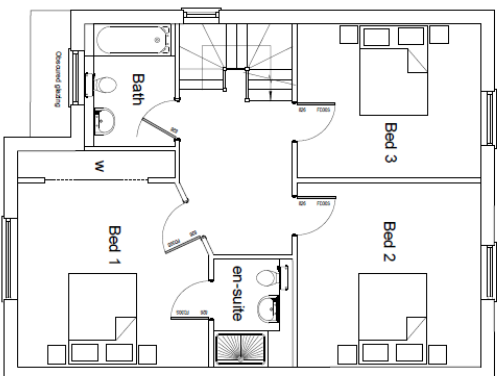


REV	DATE	DESCRIPTION	NOTES	STATUS
PLANNING				

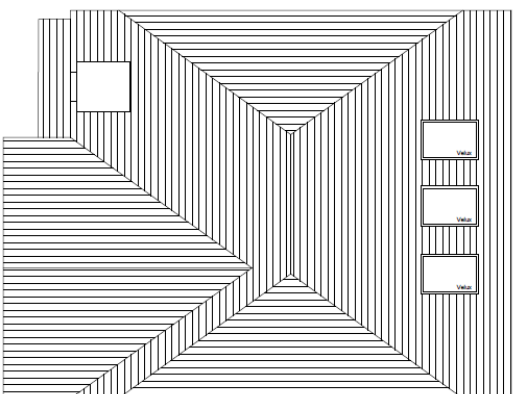


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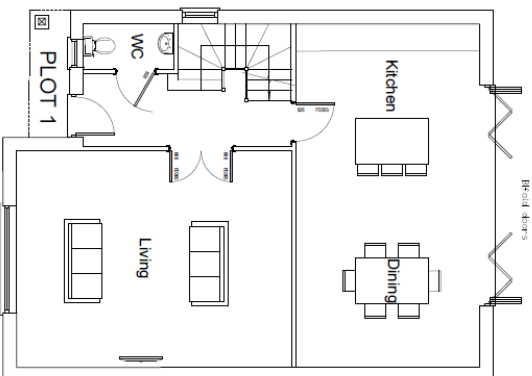
CLIENT		Sanco Construction Ltd	
PROJECT		The Haven, 19 York Crescent, Aldershot, GU11 3JN	
TITLE		Plot 1 Proposed Front and Side Elevations	
SCALE		1:100 @A2	
DATE		28.08.20	
DRAWN		AC	
CHECKED		P 03	



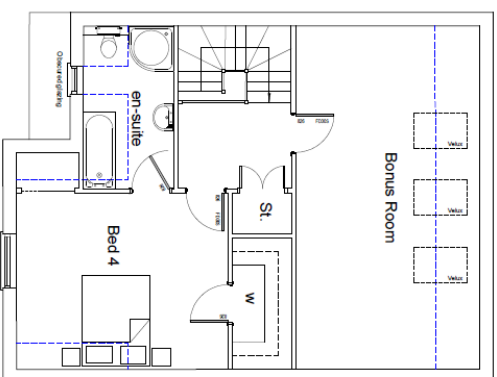
First Floor Plan
73.8 sqm / 794.3 sqft



Roof Plan
221.4 sqm / 2383.1 sqft



Ground Floor Plan
73.8 sqm / 794.3 sqft



Second Floor Plan
73.8 sqm / 794.3 sqft
2.1m head height

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REV	DATE	DESCRIPTION	INITIALS	CHANGED
PLANNING				



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CLIENT

Samco Construction Ltd

PROJECT

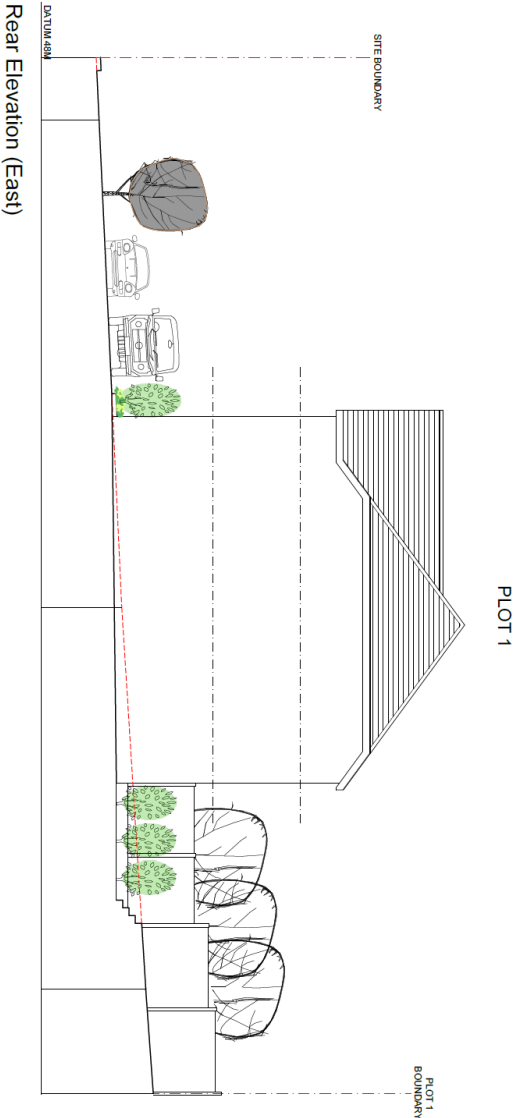
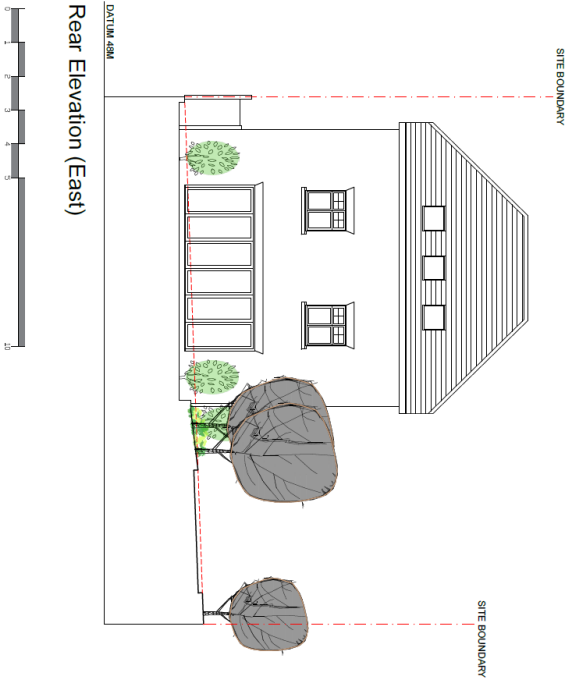
The Haven, 19 York Crescent, Adershot, GU11 3JN

TITLE

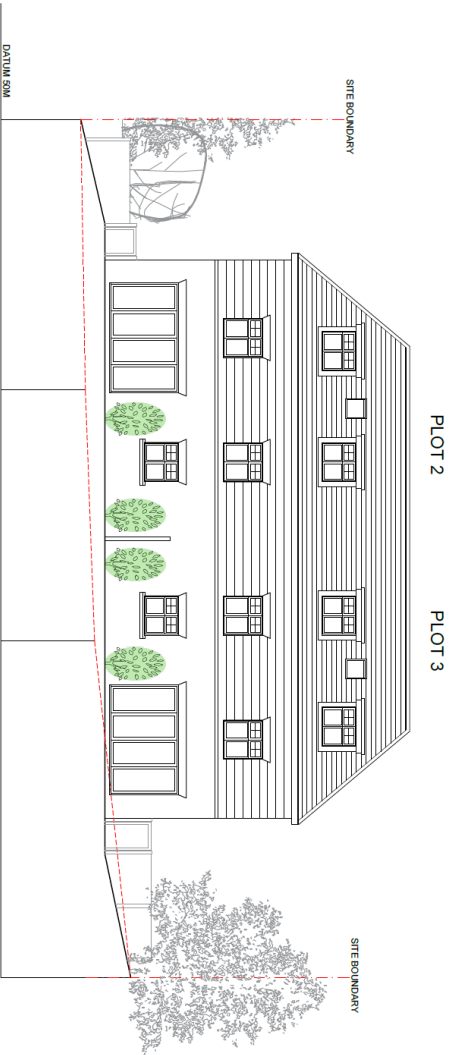
Plot 1 Proposed Plans

SCALE	DATE	PROJECT NO.	P.02
1:100 @A3	28.08.20	20.797	-
AC			

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REV	DATE	DESCRIPTION	INITIALS	CHECKED
PLANNING				



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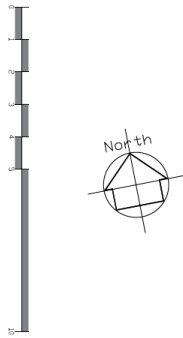
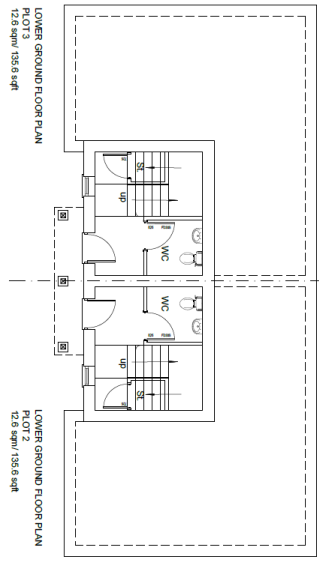
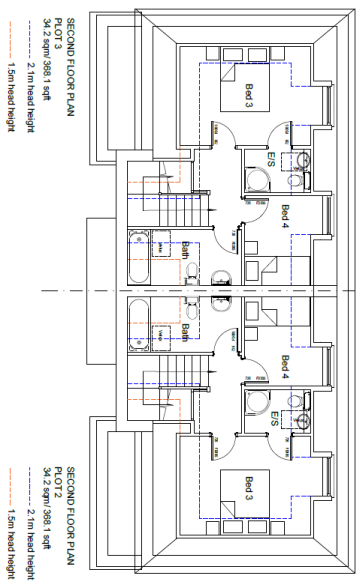
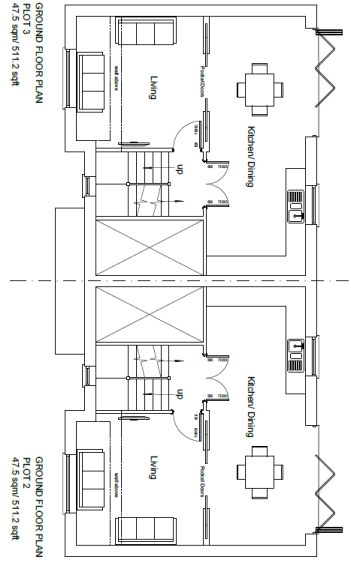
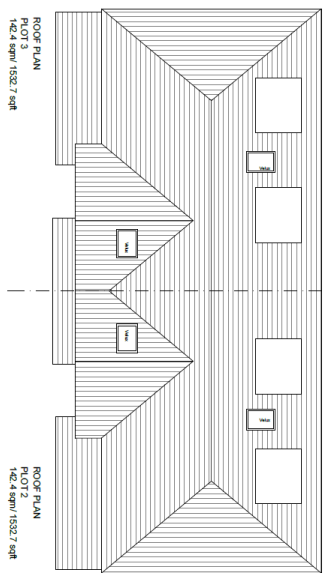
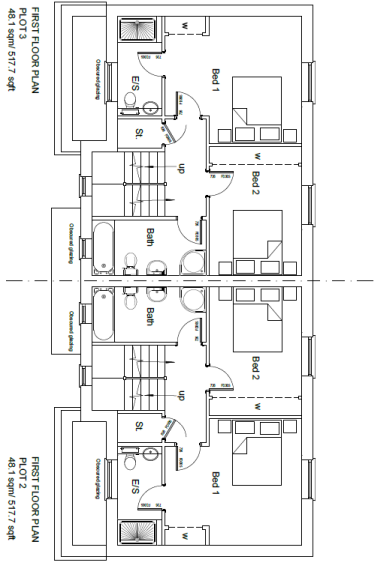
REV	DATE	DESCRIPTION	PROJECT	ISSUED
PLANNING				



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CLIENT	Sarnco Construction Ltd		
PROJECT	The Haven, 19 York Crescent, Aldershot, GU11 3JN		
TITLE	Plots 2 & 3 Proposed Front and Rear Elevations		
SCALE	DATE	DATE	DATE
1:100 @A2	28.08.20		
AC	PROJECT NO.		
	20/7/97	P.06	-

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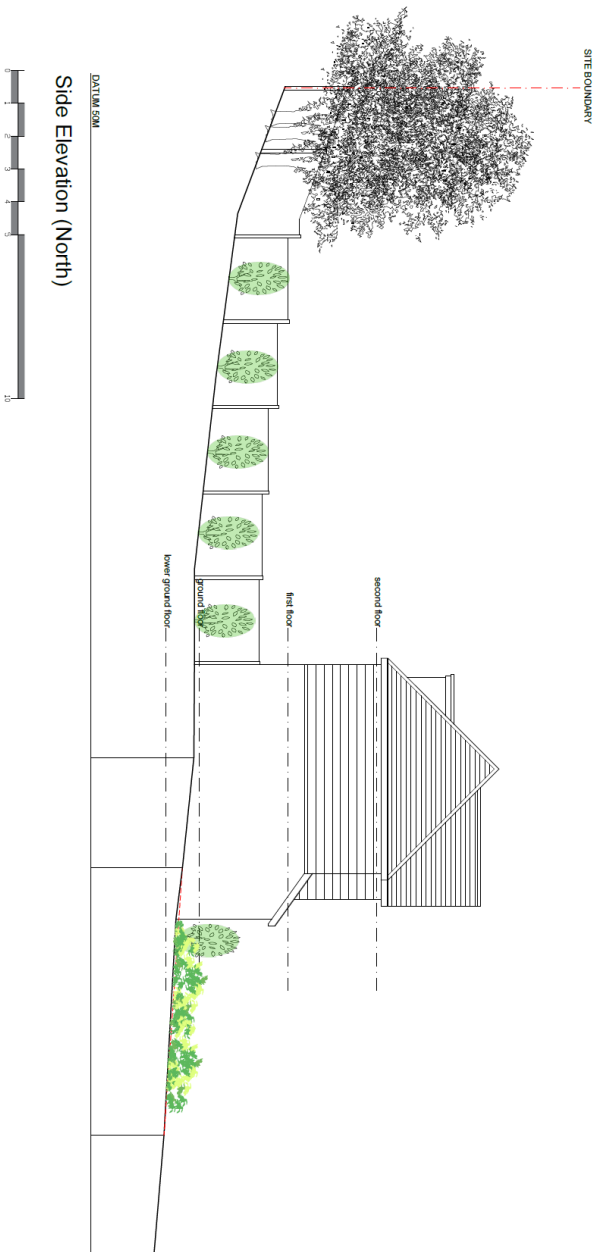
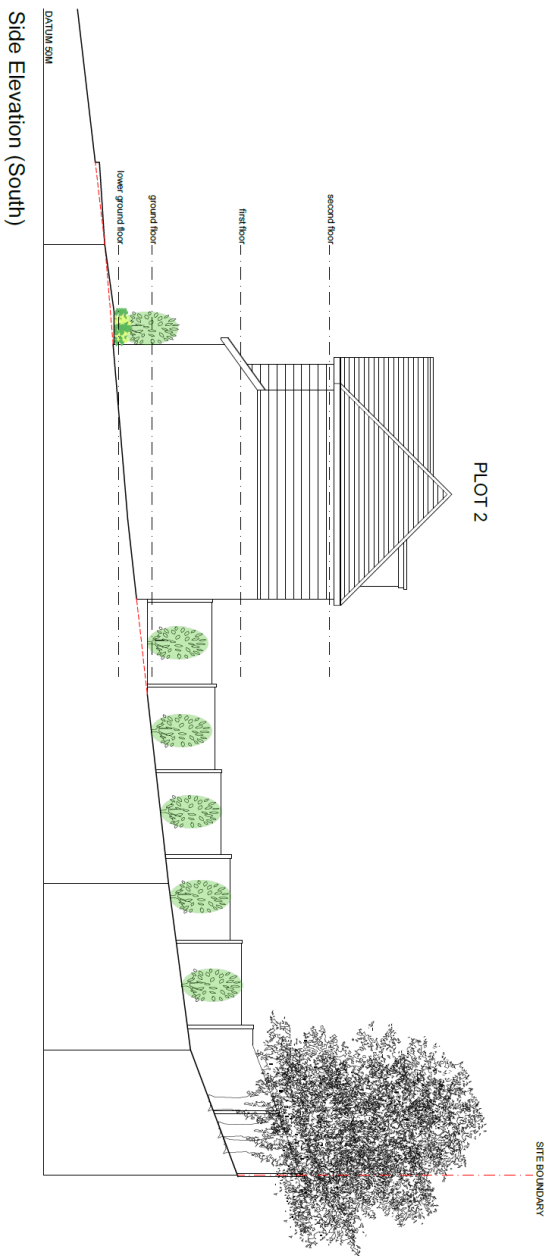


NO.	DATE	DESCRIPTION	INITIALS	DESIGNED
PLANNING				



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CLIENT		Sanco Construction Ltd	
PROJECT		The Haven, 19 York Crescent, Aldershot, GU11 3JN	
TITLE		Plots 2 & 3 Proposed Plans	
SCALE	1:100 @A2	TITLE	28.08.20
DRAWN	AC	PROJECT NO.	20.797
		P.05	-



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REV	DATE	DESCRIPTION	APPROVED	DATE
1	20/07/17	ISSUED FOR PERMIT		



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CLIENT	Samco Construction Ltd
PROJECT	The Haven, 19 York Crescent, Aldershot, GU11 3JN
TITLE	Plots 2 & 3 Proposed Side Elevations
SCALE	1:100 @A2
DATE	28.09.20
DESIGN	AC
REVISION	20/7/17
DATE	20/7/17
BY	P 07
DATE	-

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 Herrington
Application No.	20/00916/RBCRG3
Date Valid	11th December 2020
Expiry date of consultations	1st January 2021
Proposal	Erection of single storey extension and containerised cremator within the rear service yard for a temporary period
Address	Aldershot Park Crematorium Guildford Road Aldershot Hampshire GU12 4BP
Ward	Aldershot Park
Applicant	Rushmoor Borough Council
Agent	Mr Graham King
Recommendation	Grant Planning Permission

Description

The application site is the Park Crematorium located adjacent to Aldershot park.

The proposal comprises the erection of a containerised cremator within the service yard of the crematorium with an extension linking it to the Crematorium building.

The location and containerised nature of the proposal reflects the significant constraints and difficulties with removing a defunct cremator from within the building whilst keeping the facility operational. The existing building houses three cremators and it would not be possible to remove one unit only from the set.

The proposed cremator is to be positioned within the servicing yard for operational and aesthetic reasons. It would be surrounded by the existing walls of the yard and would allow suitably discreet accessibility between the unit and the body of the crematorium.

It is intended that this is a temporary solution, and as such temporary planning permission has been sought.

Consultee Responses

Environment Agency	No comments received.
Ecologist Officer	No comments received.
Environmental Health	No objection.

Neighbours notified

In addition to posting a site notice 21 individual letters of notification were sent to 117, 117A, 119, 119A, 121, 121A, 123, 123A, 125, 127, 127A, 125A, 129, 129A, 131, 131A, 133, 133A, 135, 135A, Gloucester Road; Meadowcroft Whitchurch Close.

Neighbour comments

None received.

Policy and determining issues

The following policies are material to the determination of this application; SS1 Presumption in Favour of Sustainable Development; IN1 Infrastructure and Community Facilities; IN2 Transport; DE1 Design in the Built Environment; DE10 Pollution.

The main material considerations in the determination of this application are; visual appearance, impact upon neighbours, environmental impacts, and highways impacts.

Commentary

- Visual appearance

The proposal would be housed within a metal container with plant on its roof and flank. This would comprise a chimney stack, a ladder for maintenance access, relevant piping/venting and associated housing. The proposal includes a small extension linking the body of the crematorium to the cremator.

The cremator would be located within the service yard which is surrounded by a wall and trellises that would obscure the structure. The chimneys and plant housing would be visible, but as it is located close to the existing chimneys of the crematorium, it would not appear out of place. For clarity, the height of the chimney stack is required for environmental purposes¹.

The proposal is not considered to result in harm to the character or appearance of the area, in accordance with Policy DE1 of the Local Plan.

¹ Including better draft/ suction

- Impact upon neighbours

The proposal is located around 150m from the closest residential occupier, and as a result the proposal would not result in harm by way of overlooking, effect on daylight and sunlight or other visual impact.

- Environmental Impacts

The Council's Environmental Health Officer has no objection to the proposal provided that the installation complies with Environmental Regulation requirements as set out within crematorium PG5/12 guidance, but warn that there is a small risk that the chimney stack may need to be higher. Whilst this is noted, as the height of the stack is dictated by regulations outside the Planning System², it would not be sustainable to delay or refuse the application on this ground. The applicant is aware of this potential issue and if it was the case that a taller chimney stack was required then this could be addressed through a further planning submission.

With regard to noise, the Council's Environmental Health Officers raises no objection. The noise of plant associated with the containerised cremator would not have a harmful impact upon the nearest neighbouring occupier located some 150m away from the site.

As a result, the proposal is considered to accord with Policy DE10 of the Local Plan.

- Highways

The proposal does not increase the capacity of the crematorium and as a result there are no highways or parking implications arising from the proposal.

- Conclusion

The proposal would not result in harm to the character and appearance of the street scene or area, would not result in harm to neighbouring amenity, would not result in harmful environmental impacts, and would not result in highways issues. As a result, the proposal is considered to accord with policies DE1, IN1, IN2 and DE10 of the Development Plan and is recommended for approval.

Full Recommendation

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

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 2 years and 6 months from the date of this permission.

Reason - Given the impact of the character and appearance of the structure, reconsideration in the light of prevailing circumstances at the end of the specified period would be appropriate in the interest of amenity.

² under the LAPPC regime

2. The permission hereby granted shall be carried out in accordance with the following approved drawings Drawing numbers:

4705-1001 C1

19-2009 13

19-2009 12

19-2009-11

19-2009-10

8124-0001 P2

Details within noise report 5007-1600-1001

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

3. The external walls of the extension hereby permitted [excluding the containerised cremator] shall be finished in materials of a similar colour and type as those of the existing building. The development shall be completed and retained in accordance with the details so approved.

Reason - To ensure satisfactory external appearance.

Informatives

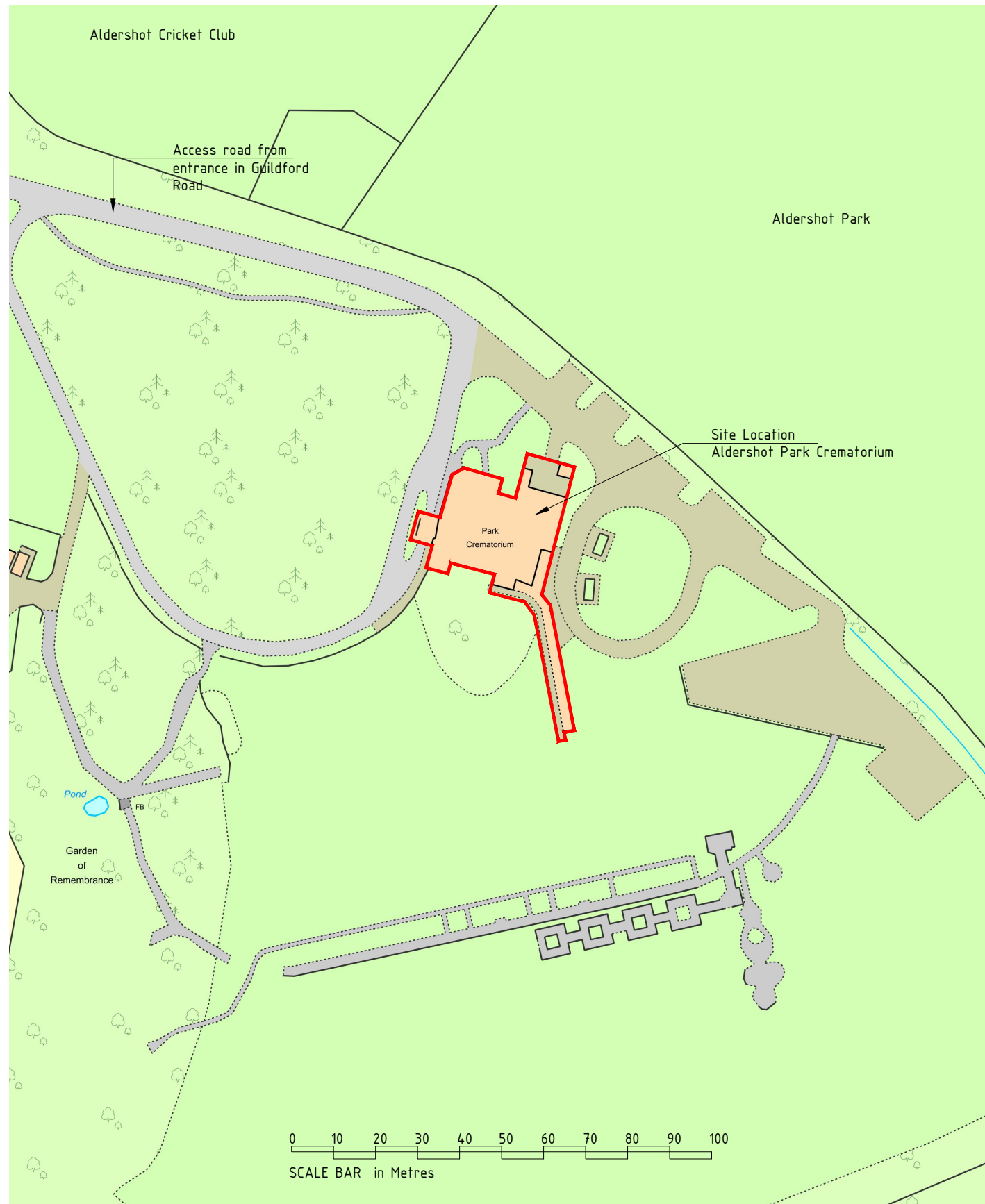
- 1 INFORMATIVE – The Local Planning Authority's commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.
- 2 INFORMATIVE - REASONS FOR APPROVAL- The Council has granted permission because the proposal would not result in harm to the character and appearance of the street scene or area, would not result in harm to neighbouring amenity, would not result in harmful environmental impacts, and would not result in highways issues. As a result, the proposal is considered to accord with policies DE1, IN1, IN2 and DE10 of the Development Plan and is recommended for approval.

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.

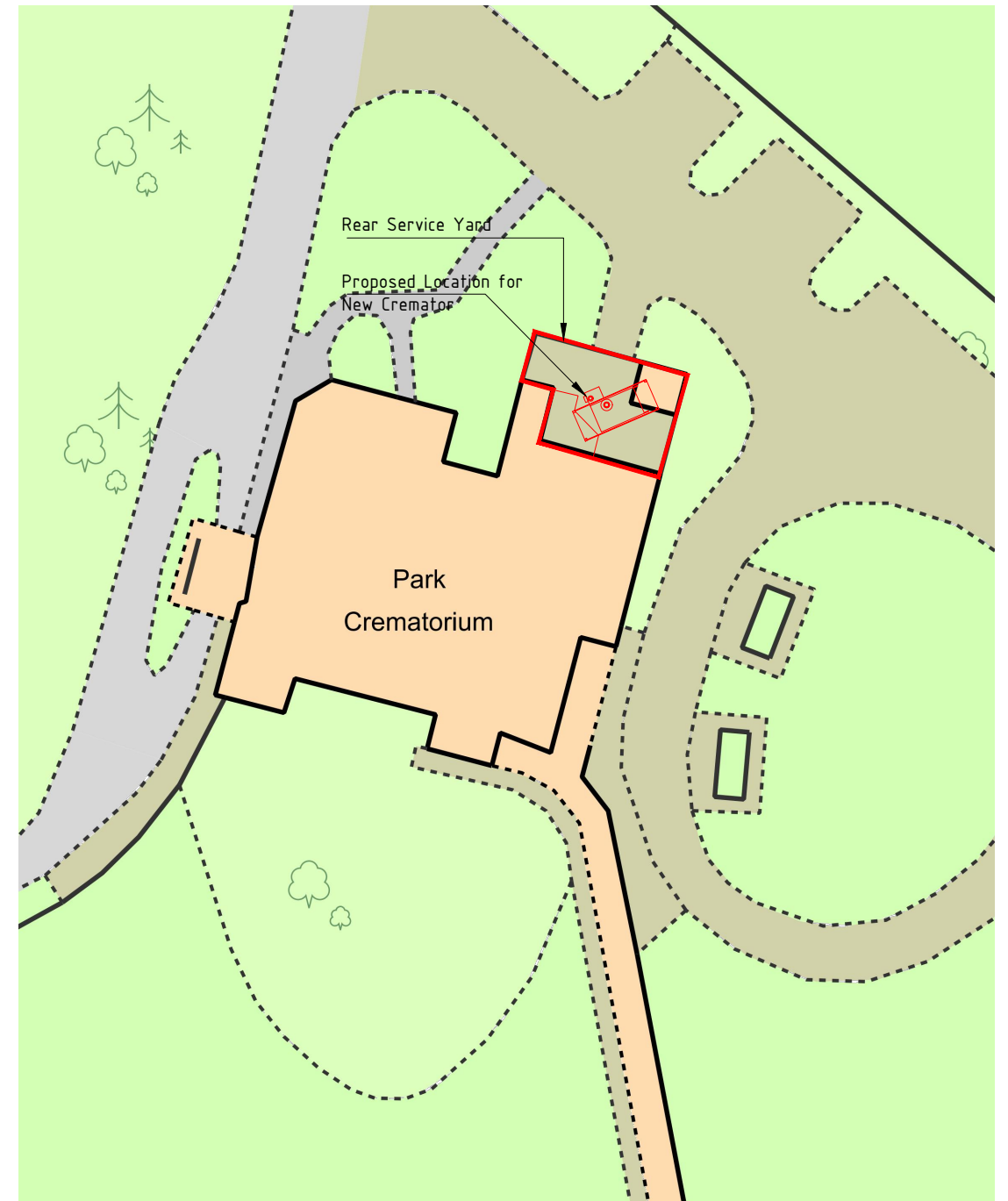
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Page 97




Site Location Plan, scale 1:1250

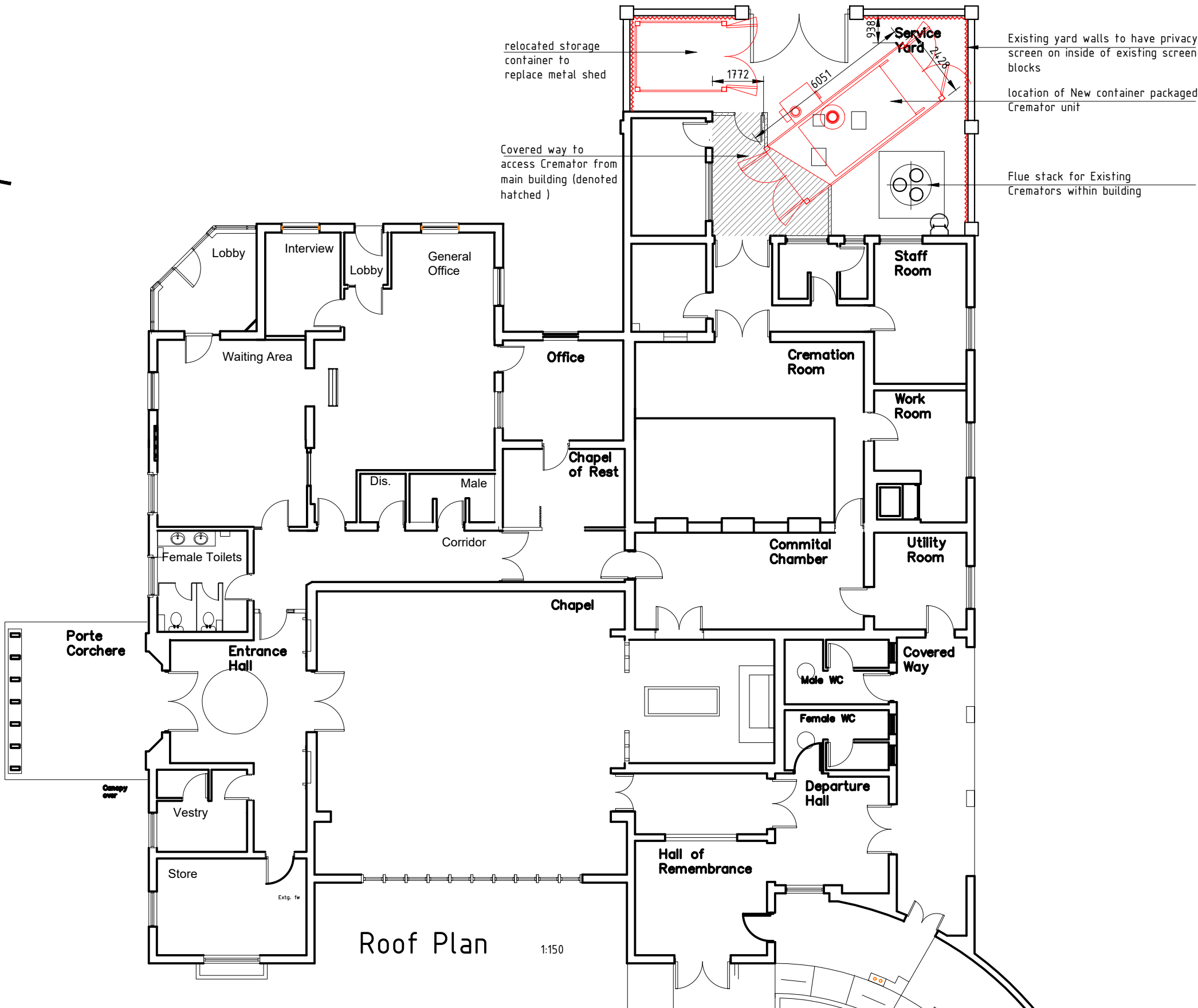


Site Block Plan, scale 1:500

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				CLIENT <div></div>		<div>Cooper & Withycombe CONSULTING ENGINEERS</div> <div><div>Norwich House 14-15 North Street Guildford Surrey, GU1 4AF</div><div>tel 01483 457373 Fax 01483 568116</div></div>				
				PROJECT Aldershot Park Crematorium, GU12 4BP Proposed new Cremator						
				TITLE Site Location Plan and Block Plan showing location of new Cremator		ARCHITECT			DWG. STATUS	
REV	DESCRIPTION			DRAWN	DATE	PROJECT No		DRAWING No.	REV	PRELIMINARY
DRAWN BY DATE		BFS Dec 2020		CHECKED BY DATE		LP Dec 2020		APPROVED BY DATE		TENDER
BASE DRAWING SCALE 1: 1250,500@ A3				SCHEDULE SHEETS		19-2009		10	-	CONSTRUCTION
										RECORD

North



NOTES

- 1.0 GENERAL:
- 1.1 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT PROJECT DRAWINGS TOGETHER WITH THE PROJECT SPECIFICATION.
 - 1.2 DO NOT SCALE OFF THIS DRAWING, WORK TO FIGURED DIMENSIONS ONLY.
 - 1.3 ANY DISCREPANCIES NOTED BETWEEN DRAWN INFORMATION ARE TO BE REPORTED PROMPTLY TO THE CONTRACT ADMINISTRATOR.
- 2.0 STEELWORK
- 2.1 EXCEPT FOR HOLLOW SECTIONS ALL STEELWORK TO BE S275 GRADE HOLLOW SECTIONS TO BE S355 GRADE
 - 2.2 ALL STEELWORK TO BE SHOT BLAST CLEANED AFTER FABRICATION AND TREATED IN ACCORDANCE WITH THE SPECIFICATION

REV	DESCRIPTION	DRAWN	DATE
DRAWN BY	BfS	CHECKED BY	APPROVED BY
DATE	-	DATE	DATE
BASE DRAWING SCALE		SCHEDULE SHEETS	
1: 100 @ A3			

CLIENT		RUSHMOOR BOROUGH COUNCIL	
PROJECT		Aldershot Park Crematorium, GU12 4BP	
		Proposed new Cremator	
TITLE		Ground Floor plan showing location and details of new Cremator	

Cooper & Withycombe			
CONSULTING ENGINEERS			
Norwich House 14-15 North Street Guildford Surrey, GU1 4AF		tel 01483 457373 Fax 01483 568116	
ARCHITECT		DWG. STATUS	
PROJECT No		PRELIMINARY	
DRAWING No.		TENDER	
19-2009		CONSTRUCTION	
11		RECORD	
REV			
-			

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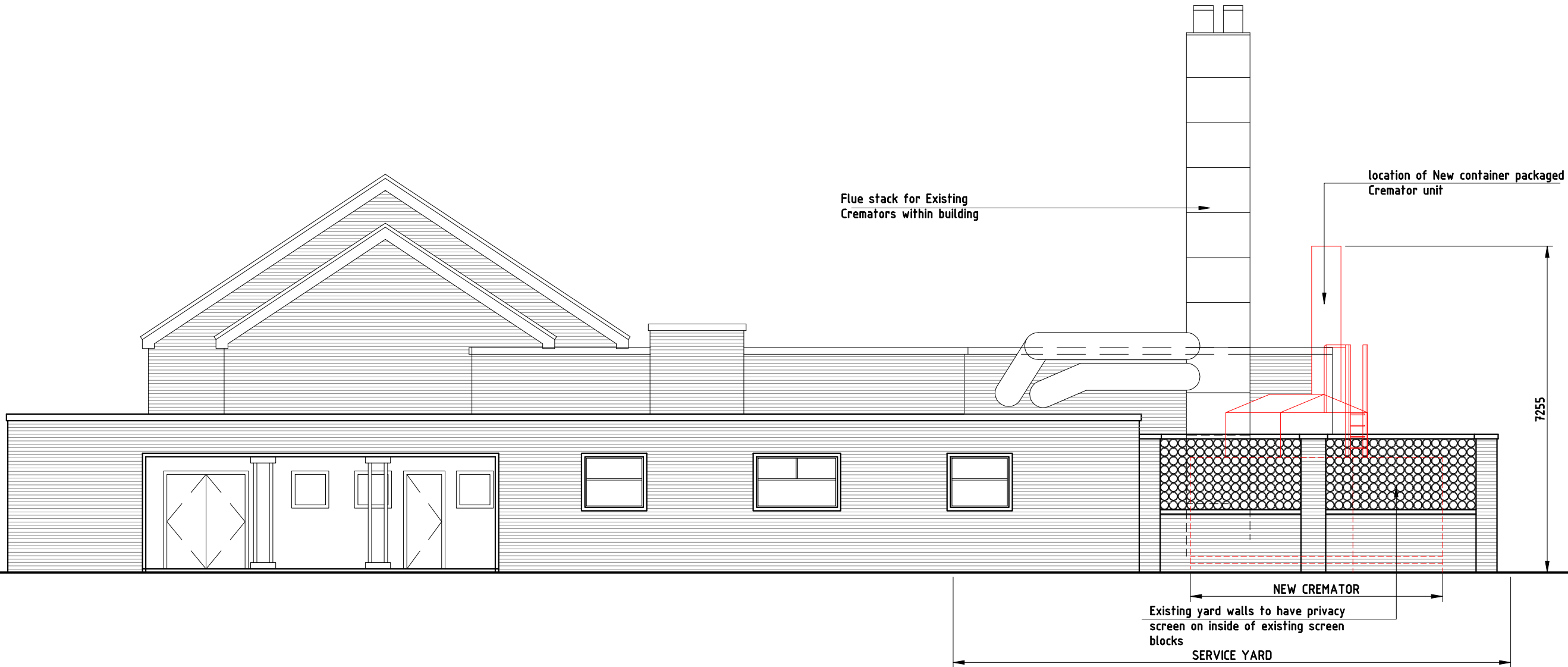
E

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East Elevation 1:100

NOTES

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REV	DESCRIPTION	DRAWN	DATE
DRAWN BY	BFS	CHECKED BY	APPROVED BY
DATE		DATE	DATE
BASE DRAWING SCALE		SCHEDULE SHEETS	
1: 100 @ A3			

CLIENT	RUSHMOOR BOROUGH COUNCIL
PROJECT	Aldershot Park Crematorium, GU12 4BP Proposed new Cremator
TITLE	Existing East Elevation showing position of New Cremator

Cooper & Withycombe CONSULTING ENGINEERS			DWG. STATUS
Norwich House 14-16 North Street Guildford Surrey, GU1 4AF			PRELIMINARY
PROJECT No	DRAWING No.	REV	TENDER
19-2009	12	-	CONSTRUCTION
			RECORD

F

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West Elevation

1:100

NOTES

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DRAWN BY	BFS	CHECKED BY	APPROVED BY
DATE	-	DATE	DATE
BASE DRAWING SCALE		SCHEDULE SHEETS	
1: 100 @ A3			

CLIENT
RUSHMOOR
BOROUGH COUNCIL

PROJECT
Aldershot Park Crematorium, GU12 4BP
Proposed new Cremator

TITLE
Existing West Elevation
showing position of New Cremator

Cooper & Withycombe CONSULTING ENGINEERS Norwich House 14-16 North Street Guildford Surrey, GU1 4AF tel 01483 457373 Fax 01483 566116			
ARCHITECT			DWG. STATUS
PROJECT No 19-2009			PRELIMINARY
DRAWING No. 13			TENDER
REV -			CONSTRUCTION
			RECORD

1

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Flue stack for Existing
Cremators within building

location of New container packaged
Cremator unit

NEW CREMATOR

Existing yard walls to have privacy
screen on inside of existing screen
blocks

SERVICE YARD


North Elevation

1:100

NOTES

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REV	DESCRIPTION		DRAWN	DATE
DRAWN BY	BFS		CHECKED BY	APPROVED BY
DATE			DATE	DATE
BASE DRAWING SCALE		SCHEDULE SHEETS		
1: 100 @ A3				

CLIENT	
PROJECT	Aldershot Park Crematorium, GU12 4BP Proposed new Cremator
TITLE	Existing North Elevation showing position of New Cremator

Cooper & Withycombe CONSULTING ENGINEERS			
Norwich House 14-16 North Street Guildford Surrey, GU1 4AF		tel 01483 457373 Fax 01483 566116	
ARCHITECT	PROJECT No	DRAWING No.	DWG. STATUS
	19-2009	14	PRELIMINARY
			TENDER
			CONSTRUCTION
			RECORD

1

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80mm

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South Elevation

1:100

NOTES

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DRAWN BY	BFS	CHECKED BY	APPROVED BY
DATE	-	DATE	DATE
BASE DRAWING SCALE		SCHEDULE SHEETS	
1: 100 @ A3			

CLIENT	RUSHMOOR BOROUGH COUNCIL
PROJECT	Aldershot Park Crematorium, GU12 4BP Proposed new Cremator
TITLE	Existing South Elevation showing position of New Cremator

Cooper & Withycombe CONSULTING ENGINEERS			DWG. STATUS
Norwich House 14-16 North Street Guildford Surrey, GU1 4AF			PRELIMINARY
PROJECT No	DRAWING No.	REV	TENDER
19-2009	15	-	CONSTRUCTION
			RECORD

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Section D

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

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

Application No	20/00212/ENQ106	Ward: Manor Park
Applicant:	Ryan Naidoo	
Decision:	Conditions complied with	
Decision Date:	11 November 2020	
Proposal:	Confirmation obligations of S106 dated 20th October 1998 have been complied with, relating to application 98/00209/FUL	
Address	Former Highfield Manor Girls School Highfield Avenue Aldershot Hampshire	

Application No	20/00394/FULPP	Ward: Knellwood
Applicant:	Mrs Rekha MAHARAJ	
Decision:	Permission Granted	
Decision Date:	11 November 2020	
Proposal:	Continued use of premises as a C2 Children's home	
Address	145 Alexandra Road Farnborough Hampshire GU14 6RR	

Application No	20/00474/CONDPP	Ward: Cove And Southwood
Applicant:	CALA Homes (Thames) Limited	
Decision:	Conditions details approved	
Decision Date:	11 November 2020	
Proposal:	Submission of details pursuant to Condition No.7 (revised details for refuse bin storage for flat blocks A, B & C) of planning permission 16/00837/FULPP dated 19 March 2019	
Address	The Crescent Southwood Business Park Summit Avenue Farnborough Hampshire	

Application No	20/00568/TELE	Ward: Knellwood
Applicant:	BT Payphones	
Decision:	No Objection	
Decision Date:	02 November 2020	
Proposal:	CONSULTATION FROM BT- Removal of payphone	
Address	Telephone Box Boundary Road Farnborough Hampshire	
Application No	20/00576/FULPP	Ward: Wellington
Applicant:	Grainger (Aldershot) Ltd And Secretary Of	
Decision:	Permission Granted	
Decision Date:	08 January 2021	
Proposal:	Redevelopment of site to provide 80 Allotment Plots with vehicular access, parking and boundary treatment	
Address	Land At Government Road Aldershot Hampshire	
Application No	20/00607/CONDPP	Ward: Knellwood
Applicant:	Stephen Carne	
Decision:	Split decision	
Decision Date:	10 November 2020	
Proposal:	Submission of details pursuant to condition 3 (external materials), condition 4 (surfacing materials) and Condition 6 (Details of SUDs) of planning permission 19/00796/FUL dated 14/02/2020 for the erection of a new dwellinghouse	
Address	33 Canterbury Road Farnborough Hampshire GU14 6QP	
Application No	20/00619/FULPP	Ward: Empress
Applicant:	Ms B Longley - BMO Property Growth An	
Decision:	Permission Granted	
Decision Date:	24 November 2020	
Proposal:	Formation of a shopfront, re-alignment of car parking spaces and change of use from B8 to B8 use with ancillary A1 trade counter	
Address	5A Invincible Road Farnborough Hampshire GU14 7QU	

Application No	20/00624/FULPP	Ward: Cove And Southwood
Applicant:	Mr Battarbee	
Decision:	Permission Granted	
Decision Date:	18 November 2020	
Proposal:	Erection of conservatory to rear	
Address	18 Merlin Way Farnborough Hampshire GU14 0PF	
<hr/>		
Application No	20/00625/CONDPP	Ward: Cove And Southwood
Applicant:	CALA Homes (Thames) Limited	
Decision:	Conditions details approved	
Decision Date:	11 November 2020	
Proposal:	Submission of details pursuant to Condition No.26 (road/footpath construction details) of planning permission 16/00837/FULPP dated 19 March 2019	
Address	The Crescent Southwood Business Park Summit Avenue Farnborough Hampshire	
<hr/>		
Application No	20/00631/FUL	Ward: St Mark's
Applicant:	Miss A Brash	
Decision:	Permission Granted	
Decision Date:	18 December 2020	
Proposal:	Replacement of wooden framed windows with UPVC windows	
Address	27A Southampton Street Farnborough Hampshire GU14 6AU	
<hr/>		
Application No	20/00649/FULPP	Ward: St John's
Applicant:	Mr John Doherty	
Decision:	Permission Granted	
Decision Date:	03 November 2020	
Proposal:	Erection of a single storey rear extension and convert existing single storey flat roof to match proposed pitched roof with roof lights	
Address	112 Cripsey Road Farnborough Hampshire GU14 9QE	

Application No	20/00653/FULPP	Ward: Fernhill
Applicant:	Springer Foster Properties Ltd.	
Decision:	Permission Granted	
Decision Date:	27 November 2020	
Proposal:	Demolition of garage and outbuildings and erection of one three-bedroom detached dwelling with associated parking, access and amenity space on land to the west of 1 Cold Harbour Lane	
Address	1 Cold Harbour Lane Farnborough Hampshire GU14 9AH	

Application No	20/00665/ADVPP	Ward: Empress
Applicant:	Lothbury Property Trust Company Limited	
Decision:	Permission Granted	
Decision Date:	09 November 2020	
Proposal:	ADVERTISEMENT CONSENT: Display of various non-illuminated directional and warning signs within the customer car par area; on the fence beside the pedestrian access ramp from Farnborough Road; and the entrance to the service yard	
Address	Blackwater Shopping Park Farnborough Gate Farnborough Hampshire	

Application No	20/00671/CONDPP	Ward: Rowhill
Applicant:	Mr Lee Tilbury	
Decision:	Conditions details approved	
Decision Date:	05 November 2020	
Proposal:	Submission of details pursuant to Condition 4 (Materials) and Condition 5 (Surface Water Drainage) of planning application 19/00701/FULPP dated 28th November 2019	
Address	Land To The Rear Of 211 Weybourne Road Aldershot Hampshire GU11 3NE	

Application No	20/00678/ADVPP	Ward: St Mark's
Applicant:	Gulfstream Aerospace, Ltd	
Decision:	Permission Granted	
Decision Date:	02 November 2020	
Proposal:	Retrospective application for the display of one internally illuminated fascia sign on south elevation and one internally illuminated freestanding monument sign to eastern boundary	
Address	Land To The South Of Templer Avenue Farnborough Hampshire	
Application No	20/00685/CONDPP	Ward: Cove And Southwood
Applicant:	CALA Homes (Thames) Ltd.	
Decision:	Conditions details approved	
Decision Date:	11 November 2020	
Proposal:	Submission of details pursuant to Condition No.28 (Electric Car Charging Point details) of planning permission 16/00837/FULPP dated 19 March 2019	
Address	The Crescent Southwood Business Park Summit Avenue Farnborough Hampshire	
Application No	20/00690/FULPP	Ward: Manor Park
Applicant:	Mr Stephen Crowder	
Decision:	Permission Granted	
Decision Date:	19 November 2020	
Proposal:	Erection of part single and part two storey extension to rear elevation and extend dropped kerb	
Address	28 Boxalls Lane Aldershot Hampshire GU11 3QJ	
Application No	20/00694/FUL	Ward: Cherrywood
Applicant:	Mr Wayne Arnold	
Decision:	Permission Granted	
Decision Date:	17 November 2020	
Proposal:	Erection of single storey side and rear extension	
Address	33 Oaken Copse Crescent Farnborough Hampshire GU14 8DS	

Application No	20/00699/FUL	Ward: Knellwood
Applicant:	Mr Graham Elliott	
Decision:	Permission Granted	
Decision Date:	10 November 2020	
Proposal:	Retention of log cabin in rear garden	
Address	5 Pirbright Road Farnborough Hampshire GU14 7AB	
<hr/>		
Application No	20/00702/FULPP	Ward: Cove And Southwood
Applicant:	Mr David Harris	
Decision:	Permission Granted	
Decision Date:	03 November 2020	
Proposal:	Erection of a single storey side and rear extension and relief of condition 16 of Planning Permission 93/00008/FUL dated 07.10.93 to allow the conversion of garage to form a habitable room	
Address	8 Southern Way Farnborough Hampshire GU14 0RE	
<hr/>		
Application No	20/00703/FULPP	Ward: Knellwood
Applicant:	Mr Daniel Sammarco	
Decision:	Permission Granted	
Decision Date:	17 November 2020	
Proposal:	Excavation works to existing front garden to provide an off road parking space and replacement of existing retaining wall	
Address	25 Monks Close Farnborough Hampshire GU14 7DB	
<hr/>		
Application No	20/00709/COND	Ward: Cove And Southwood
Applicant:	Kiera Jenkinson	
Decision:	Split decision	
Decision Date:	14 December 2020	
Proposal:	Confirmation that condition 9 of application 91/00070/OUT dated 16th May 1991 has been complied with	
Address	Halifax Close Farnborough Hampshire	

Application No	20/00711/FULPP	Ward: West Heath
Applicant:	MR THOMAS HONEY	
Decision:	Permission Granted	
Decision Date:	13 November 2020	
Proposal:	Erection of a two storey rear extension	
Address	17 Middleton Gardens Farnborough Hampshire GU14 9PH	
<hr/>		
Application No	20/00712/PDCPP	Ward: Knellwood
Applicant:	Mr and Mrs Dutton	
Decision:	Development is Lawful	
Decision Date:	16 November 2020	
Proposal:	CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT: Erection of outbuilding for use as a garden room	
Address	190 Farnborough Road Farnborough Hampshire GU14 7JL	
<hr/>		
Application No	20/00714/REXP	Ward: Rowhill
Applicant:	Mr Zaidi	
Decision:	Prior Approval Required and Granted	
Decision Date:	03 December 2020	
Proposal:	Erection of a single storey rear extension measuring 6m in length from the original rear wall, 3m to the eaves and 3m in overall height	
Address	64 Kings Road Aldershot Hampshire GU11 3PQ	
<hr/>		
Application No	20/00721/PDC	Ward: Manor Park
Applicant:	Mr Crowder	
Decision:	Development is Lawful	
Decision Date:	19 November 2020	
Proposal:	Lawful Development Certificate for Proposed Use: Formation of a hip to gable roof with dormer window to rear roof slope and 2 roof light windows to front roof slope to facilitate a loft conversion	
Address	28 Boxalls Lane Aldershot Hampshire GU11 3QJ	

Application No	20/00727/TPO	Ward: Cove And Southwood
Applicant:	Lynda Burrows	
Decision:	Permission Granted	
Decision Date:	13 November 2020	
Proposal:	4 x Conifers - remove 4 conifers at the rear of the property due to Ganoderma (Trees within G2 and G3 of TPO115A)	
Address	39 Southwood Road Farnborough Hampshire GU14 0JG	
Application No	20/00729/ADVPP	Ward: Cherrywood
Applicant:	Miss Holly Arthur - Workman Group	
Decision:	Permission Granted	
Decision Date:	24 November 2020	
Proposal:	Replacement of existing totem sign	
Address	Hawley Trading Estate Hawley Lane Farnborough Hampshire GU14 8EH	
Application No	20/00730/FULPP	Ward: Fernhill
Applicant:	Mr Krzysztof Stobieniecki	
Decision:	Permission Granted	
Decision Date:	24 November 2020	
Proposal:	Demolition of existing detached garage and erection of outbuilding to house personal gym	
Address	24 St Davids Close Farnborough Hampshire GU14 9AQ	
Application No	20/00732/FULPP	Ward: Empress
Applicant:	Mr P Hankin And Ms H Phillips	
Decision:	Permission Granted	
Decision Date:	11 November 2020	
Proposal:	Erection of a part two storey and single storey side and rear extension	
Address	60 Ship Lane Farnborough Hampshire GU14 8BH	

Application No	20/00733/CONDPP	Ward: Wellington
Applicant:	Mr Jarrod Spencer	
Decision:	Permission Granted	
Decision Date:	02 November 2020	
Proposal:	Submission of details pursuant to condition 1 (balcony details) of reserved matters condition approval 20/00513/CONDPP dated 10th August 2019	
Address	Gun Hill House And Water Tower Gun Hill Wellesley Aldershot Hampshire	

Application No	20/00735/FULPP	Ward: Aldershot Park
Applicant:	Natalie Durovi	
Decision:	Permission Granted	
Decision Date:	03 November 2020	
Proposal:	Demolition of existing rear conservatory and erection of a single storey rear extension	
Address	104 Gloucester Road Aldershot Hampshire GU11 3SH	

Application No	20/00736/TPO	Ward: St John's
Applicant:	Mr Matthew Kern	
Decision:	Permission Granted	
Decision Date:	13 November 2020	
Proposal:	T1 Oak - reduce lateral branches growing towards property and neighbours, by no more than 3metres and crown lift to no more than 5metres. T2 Oak (twin stem) - reduce lateral branches growing towards property by no more than 3metres and crown lift to 5metres (trees within G13 of TPO358A)	
Address	104 Fleet Road Farnborough Hampshire GU14 9RG	

Application No	20/00738/TPOPP	Ward: West Heath
Applicant:	Martin Fenge	
Decision:	Permission Granted	
Decision Date:	24 November 2020	
Proposal:	One Alder tree (part of group G2 of TPO 282 as per submitted plan) reduce foliage and branches back to boundary	
Address	132 Fernhill Road Farnborough Hampshire GU14 9DY	
Application No	20/00739/FULPP	Ward: Rowhill
Applicant:	Mr. & Mrs. Whitehead	
Decision:	Permission Granted	
Decision Date:	21 December 2020	
Proposal:	Front extension and new pitched roof to replace existing flat roof	
Address	Trees 73 Church Lane West Aldershot Hampshire GU11 3LW	
Application No	20/00743/TPO	Ward: Empress
Applicant:	Mr Joseph James Kean	
Decision:	Permission Granted	
Decision Date:	13 November 2020	
Proposal:	One Oak (T20 of TPO 443A) reduce canopy on house aspect at 1 Napoleon Avenue by no more than 2 metres and crown lift to no more than 5 metres from ground level	
Address	305 Farnborough Road Farnborough Hampshire GU14 8AX	
Application No	20/00747/FULPP	Ward: Cove And Southwood
Applicant:	Mr Mark Jefferies	
Decision:	Permission Granted	
Decision Date:	05 November 2020	
Proposal:	Erection of a first floor front/side extension with 1 roof light, a single storey side and rear extension with 5 roof lights, 2 roof lights to main roof, alterations to front door and porch, installation of a front bay window and new boundary treatment (Increase in first floor extension to front, previously approved under planning permission 20/00380/FULPP)	
Address	10 Westglade Farnborough Hampshire GU14 0JE	

Application No	20/00748/FULPP	Ward: Fernhill
Applicant:	Mr Nigel Cheeseman	
Decision:	Permission Granted	
Decision Date:	26 November 2020	
Proposal:	Erection of a single storey side extension and part conversion of existing garage	
Address	14 The Potteries Farnborough Hampshire GU14 9JR	

Application No	20/00749/TPO	Ward: Cove And Southwood
Applicant:	Mr Hall	
Decision:	Permission Granted	
Decision Date:	13 November 2020	
Proposal:	One Oak (T3 of TPO 414) thin canopy by no more than 20% and raise canopy to no more than 5 metres from ground level	
Address	26 Broadmead Farnborough Hampshire GU14 0RJ	

Application No	20/00750/TPOPP	Ward: Manor Park
Applicant:	Mr Christopher Harris	
Decision:	Permission Granted	
Decision Date:	12 November 2020	
Proposal:	Hornbeam - Thin crown by no more than 15% and remove deadwood to 25mm or 1m in length (T2 of TPO349). Hornbeam - Thin lower canopy by no more than 15%, prune back to provide a clearance from the house of no more than 1.5metres and and remove deadwood to 25mm or 1m in length (T3 of TPO349)	
Address	6 Churchlands Aldershot Hampshire GU11 3SR	

Application No	20/00751/FULPP	Ward: Empress
Applicant:	Mr & Mrs J Wright	
Decision:	Permission Granted	
Decision Date:	06 November 2020	
Proposal:	Erection of a single storey rear extension	
Address	3 Charlotte Mews Farnborough Hampshire GU14 8BB	

Application No	20/00753/FUL	Ward: St John's
Applicant:	Mr Brad Mason	
Decision:	Permission Granted	
Decision Date:	27 November 2020	
Proposal:	Erection of single storey rear extension with render finish and use of matching render to the side facing elevation of the existing single storey rear extension approved under planning permission Ref: 18/00256/FUL	
Address	34 Woodlands Road Farnborough Hampshire GU14 9QF	

Application No	20/00754/FULPP	Ward: Manor Park
Applicant:	Lynda & Mike Austin	
Decision:	Permission Granted	
Decision Date:	04 December 2020	
Proposal:	Retrospective alterations to outbuilding to convert into ancillary use office/maintenance store for Lana House, erection of new boundary wall treatment fronting High Street, erection of new boundary wall treatment to rear, erection of replacement bicycle store and bin store, retention of existing pre-fabricated metal storage container, and associated alterations to car parking layout and landscaping.	
Address	Lana House Wyndham Street Aldershot Hampshire	

Application No	20/00755/FULPP	Ward: Empress
Applicant:	Mr Nomuoja	
Decision:	Permission Granted	
Decision Date:	02 December 2020	
Proposal:	Erection of a two storey rear extension and a first floor side extension	
Address	59 Prospect Avenue Farnborough Hampshire GU14 8JT	

Application No	20/00756/FULPP	Ward: Wellington
Applicant:	Future Leisure Ltd	
Decision:	Permission Granted	
Decision Date:	07 January 2021	
Proposal:	Change of use of ground floor from Betting Office (sui generis) to Adult Gaming Centre (sui generis)	
Address	8 Union Street Aldershot Hampshire GU11 1EG	

Application No	20/00757/ADVPP	Ward: Empress
Applicant:	Mr Ben Richardson	
Decision:	Permission Granted	
Decision Date:	16 December 2020	
Proposal:	Erection of 2 no. internally illuminated fascia sign, 1 no. non illuminated entrance sign, 7 no. non illuminated freestanding trolley signs, 6 no. non illuminated disabled parking signs to existing posts, 2 no. non illuminated parent & child signs to existing posts, 1 no. non illuminated folded trolley sign (internal), 2 no. vinyl patched to totem sign	
Address	B&Q Invincible Road Farnborough Hampshire GU14 7ST	

Application No	20/00758/TPOPP	Ward: Knellwood
Applicant:	Mr Williams	
Decision:	Permission Granted	
Decision Date:	12 November 2020	
Proposal:	One Oak (T10 of TPO 396A) remove damaged limb and crown lift to no more than 6 metres from ground level and remove epicormic growth from the main stem	
Address	75 Avenue Road Farnborough Hampshire GU14 7BG	

Application No	20/00759/FUL	Ward: Aldershot Park
Applicant:	Mr S Sandhu	
Decision:	Permission Refused	
Decision Date:	07 December 2020	
Proposal:	Change of use of outbuildings and forecourt from C3 (residential) to B8 (storage) use	
Address	99 - 101 Brighton Road Aldershot Hampshire GU12 4HN	
Application No	20/00760/TPO	Ward: Knellwood
Applicant:	P W Currie	
Decision:	Split decision	
Decision Date:	08 December 2020	
Proposal:	T70 Beech Tree - Fell, tree has become too large for its location, is breaching the retaining wall, is a danger to pedestrians and drivers due to the falling branches and has many weak joints from crossed branches (T70 of TPO429A)	
Address	56 Church Avenue Farnborough Hampshire GU14 7AP	
Application No	20/00761/FULPP	Ward: Empress
Applicant:	Mr & Mrs Sheppard / Maillard	
Decision:	Permission Granted	
Decision Date:	11 November 2020	
Proposal:	Erection of first floor front extension, part two storey and part single storey side extension, porch to front, single storey side extension, single storey rear extension to garage and alterations to fenestration	
Address	31 Leopold Avenue Farnborough Hampshire GU14 8NL	
Application No	20/00766/FUL	Ward: Cherrywood
Applicant:	Jason Ralph-Smith	
Decision:	Permission Granted	
Decision Date:	08 December 2020	
Proposal:	Construction of mezzanine first floor to create an ancillary office area	
Address	Unit 6 108 Hawley Lane Farnborough Hampshire GU14 8JE	

Application No	20/00767/ADJ	Ward: Out Of Area
Applicant:	Hart District Council	
Decision:	No Objection	
Decision Date:	05 November 2020	
Proposal:	Adjacent Authority Consultation: Creation of wetland and alterations to existing footpaths to enhance visitor facilities in the Suitable Alternative Natural Greenspace (SANG)	
Address	Bramshot Farm Country Park Bramshot Lane Fleet GU51 2RU	
Application No	20/00768/FULPP	Ward: Cove And Southwood
Applicant:	Amanda Swindell	
Decision:	Permission Granted	
Decision Date:	27 November 2020	
Proposal:	Erection of a single storey front extension following removal of existing conservatory	
Address	44 Elmsleigh Road Farnborough Hampshire GU14 0ET	
Application No	20/00769/TPO	Ward: Empress
Applicant:	Mr Parker	
Decision:	Permission Granted	
Decision Date:	24 November 2020	
Proposal:	T1 - Sweet Chestnut Tree - repollard back to previous points (T12 of TPO444A)	
Address	The Chestnuts 5 Revelstoke Avenue Farnborough Hampshire GU14 8NG	
Application No	20/00772/PDCPP	Ward: Manor Park
Applicant:	Zoe McCaig	
Decision:	Development is Lawful	
Decision Date:	24 November 2020	
Proposal:	Certificate of Lawfulness for Proposed Development: Formation of a hipped to gable and dormer within rear roof elevation and two roof lights within front roof elevation	
Address	44 Jubilee Road Aldershot Hampshire GU11 3QE	

Application No	20/00773/TPOPP	Ward: Knellwood
Applicant:	Mr Martyn Baxter	
Decision:	Permission Granted	
Decision Date:	24 November 2020	
Proposal:	T1 Beech - Remove. Mature beech with severe die back and one half of crown already dead (Cause unknown).T2 Beech - Crown reduction of no more than 4m overall as, large extensive basal decay to 2m on stem from old fire wound. Tree has swept stem but decay is on tension side of trunk. Reduction work would be to alleviate weight on crown (T4 and T5 of TPO207)	
Address	Windrush 38 Ashley Road Farnborough Hampshire GU14 7HA	

Application No	20/00775/FUL	Ward: Empress
Applicant:	Ms L Wilcox	
Decision:	Permission Granted	
Decision Date:	22 December 2020	
Proposal:	Erection of a first floor rear extension	
Address	182 Rectory Road Farnborough Hampshire GU14 8AL	

Application No	20/00776/AEA	Ward: Knellwood
Applicant:	Oliver Alexander	
Decision:	Permission Granted	
Decision Date:	02 November 2020	
Proposal:	Application for Additional Environmental Approval to 1st May 2021 of planning permission 17/00250/FULPP granted 19th May 2017, to extend the expiry date	
Address	Park View Residential Home 7 - 10 Church Circle Farnborough Hampshire GU14 6QH	

Application No	20/00777/PDC	Ward: Manor Park
Applicant:	MR JIM BAWN	
Decision:	Development is Lawful	
Decision Date:	13 November 2020	
Proposal:	Certificate of Lawfulness for Proposed Development: Erection of a single storey rear extension	
Address	36 Highfield Gardens Aldershot Hampshire GU11 3DE	

Application No	20/00779/FULPP	Ward: West Heath
Applicant:	Mr Neil Oliver	
Decision:	Permission Granted	
Decision Date:	19 November 2020	
Proposal:	Formation of loft conversion with dormer on original rear roof slope , 1 roof light in front roof slope and storage area into new roof section	
Address	70 Horn Road Farnborough Hampshire GU14 8RL	

Application No	20/00783/FULPP	Ward: Empress
Applicant:	Mr and Mrs Bailey	
Decision:	Permission Refused	
Decision Date:	07 January 2021	
Proposal:	Erection of a side facing dormer window	
Address	52 Marrowbrook Lane Farnborough Hampshire GU14 0AE	

Application No	20/00784/FULPP	Ward: St Mark's
Applicant:	British Telecom	
Decision:	Permission Granted	
Decision Date:	22 December 2020	
Proposal:	Installation of 4 no. aluminium ventilation louvres within existing window openings on the first floor north elevation and 2 no. aluminium ventilation louvres within existing window openings on the first floor south elevation	
Address	Telephone Exchange 1 Reading Road Farnborough Hampshire GU14 6NA	

Application No	20/00786/FULPP	Ward: Rowhill
Applicant:	Mr David Armitage	
Decision:	Permission Granted	
Decision Date:	04 December 2020	
Proposal:	Replacement of seven existing white Upvc framed windows within the front facing elevation of property with white Upvc wood grain effect sliding sash windows	
Address	16 Lansdowne Road Aldershot Hampshire GU11 3ER	
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Application No	20/00788/FUL	Ward: Fernhill
Applicant:	Mrs Melanie Cottrill	
Decision:	Permission Granted	
Decision Date:	04 December 2020	
Proposal:	Erection of a single storey side/rear extension and garage	
Address	St Austell 25 Sandy Lane Farnborough Hampshire GU14 9EU	
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Application No	20/00790/TPO	Ward: Cove And Southwood
Applicant:	Ms Linda Caudy	
Decision:	Permission Granted	
Decision Date:	03 December 2020	
Proposal:	T23 Oak - Cut back by no more than 3 metres to fence (T23 of TPO415A)	
Address	40 Southern Way Farnborough Hampshire GU14 0RE	
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Application No	20/00791/FULPP	Ward: Manor Park
Applicant:	Mr And Mrs David And Jill Neve	
Decision:	Permission Granted	
Decision Date:	21 December 2020	
Proposal:	Insertion of two velux windows to the front and one dormer window and 'juliet railing' to the rear, insertion of a first floor window to the side and change of roof from hip end to gable end to facilitate a room in roof	
Address	36 Boxalls Lane Aldershot Hampshire GU11 3QJ	

Application No	20/00792/TPOPP	Ward: Knellwood
Applicant:	Canbury Property Management	
Decision:	Permission Granted	
Decision Date:	03 December 2020	
Proposal:	One Oak (T38 of TPO 429A) reduce back two lower lateral branches by no more than 1.5 metres growing over conifer hedge into neighbouring garden	
Address	Stratford Court Salisbury Road Farnborough Hampshire GU14 7HA	
Application No	20/00793/FULPP	Ward: St John's
Applicant:	Miss Kirsty Lewis	
Decision:	Permission Granted	
Decision Date:	14 December 2020	
Proposal:	Erection of a single storey front extension	
Address	38 Whetstone Road Farnborough Hampshire GU14 9SU	
Application No	20/00795/FULPP	Ward: Manor Park
Applicant:	Mr B Direito	
Decision:	Permission Granted	
Decision Date:	30 November 2020	
Proposal:	Partial demolition of existing lean to and erection of a single storey rear extension	
Address	6 Evelyn Avenue Aldershot Hampshire GU11 3QB	
Application No	20/00796/PDCPP	Ward: Aldershot Park
Applicant:	Mr Kaleem Anjum	
Decision:	Development is Lawful	
Decision Date:	30 November 2020	
Proposal:	Lawful Development Certificate for Proposed Development : Formation of rooms in roof space with erection of dormer roof extension in rear roof slope and installation of 3 velux-type rooflights in front roof slope (enlargement of proposed roof extension declared lawful development with 20/00541/PDCPP dated 30 September 2020)	
Address	146 Tongham Road Aldershot Hampshire GU12 4AT	

Application No	20/00797/TPOPP	Ward: Rowhill
Applicant:	Mr Patrick Lally	
Decision:	Permission Granted	
Decision Date:	03 December 2020	
Proposal:	One Oak (T1 of TPO 170) remove epicormic growth from the main stem and also from the lower canopy where growth is encroaching on the BT cables and street light. Remove two lower limbs overhanging numbers 18 and 19 Chetwode Terrace Aldershot	
Address	18 Chetwode Terrace Aldershot Hampshire GU11 3NR	

Application No	20/00799/PDC	Ward: Knellwood
Applicant:	Mr & Mrs Burgess	
Decision:	Development is Lawful	
Decision Date:	23 December 2020	
Proposal:	CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT: Loft conversion to include rear dormer with two front rooflights	
Address	1 King George Close Farnborough Hampshire GU14 6PW	

Application No	20/00800/FULPP	Ward: Aldershot Park
Applicant:	Mr Colin Simpson	
Decision:	Permission Granted	
Decision Date:	02 December 2020	
Proposal:	Erection of a single storey side extension	
Address	14 Calton Gardens Aldershot Hampshire GU11 3TB	

Application No	20/00801/TPOPP	Ward: Knellwood
Applicant:	Mr Campbell	
Decision:	Permission Granted	
Decision Date:	03 December 2020	
Proposal:	One Oak (T11 of TPO 396A) reduce canopy to suitable lateral growth points by no more than 1.5 metres. Crown lift over road to give no more than 6 metres clearance from ground level	
Address	29 Pirbright Road Farnborough Hampshire GU14 7AB	

Application No	20/00809/FULPP	Ward: Rowhill
Applicant:	Mr Steven Livingstone	
Decision:	Permission Granted	
Decision Date:	17 December 2020	
Proposal:	Erection of a single storey side extension and single storey rear extension	
Address	74 Ayling Lane Aldershot Hampshire GU11 3ND	

Application No	20/00812/TPOPP	Ward: Knellwood
Applicant:	Mr Jim Antszak	
Decision:	Permission Granted	
Decision Date:	02 December 2020	
Proposal:	Oak Tree - Dismantle tree down to ground level. This Oak is in severe decline, on inspection there are only a couple of limbs that are alive and the bark is falling off the trunk (T7 of TPO396A)	
Address	58 Avenue Road Farnborough Hampshire GU14 7BG	

Application No	20/00813/TPO	Ward: Empress
Applicant:	Mr Brian Jupp	
Decision:	Permission Granted	
Decision Date:	02 December 2020	
Proposal:	Two Oak trees (part of group G21 of TPO 444A) as per submitted sketch in application form, crown reduce all round by no more than 3 metres	
Address	31 Leopold Avenue Farnborough Hampshire GU14 8NL	

Application No	20/00814/TPO	Ward: St Mark's
Applicant:	Mr Palmer	
Decision:	Permission Granted	
Decision Date:	02 December 2020	
Proposal:	One Oak (T5 of TPO 375) near front door as per submitted application form plan, remove deadwood, crown lift to give no more than 2 metres clearance over roof and 5.2 metres clearance over the road	
Address	35 Reading Road Farnborough Hampshire GU14 6UG	

Application No	20/00816/EDCPP	Ward: Rowhill
Applicant:	Maria Lally	
Decision:	Development is Lawful	
Decision Date:	22 December 2020	
Proposal:	Application for Lawful Development Certificate for an existing outbuilding to the rear of the property	
Address	59 Ayling Lane Aldershot Hampshire GU11 3LZ	

Application No	20/00817/TPOPP	Ward: Empress
Applicant:	Mrs Byrne	
Decision:	Permission Granted	
Decision Date:	09 December 2020	
Proposal:	T1 Silver Birch - Reduce in length by no more than 2 metres the lateral growth extending towards the front aspect of the property leaving a retained branch length of approximately 4 metres, thin the remaining crown by no more than 20% and lift the crown to no more than 6 metres. These works are to gain a clearance from the front aspect of the property, allow more light into the front of the property and reduce debris, (T2 of TPO412A)	
Address	13 The Chase Farnborough Hampshire GU14 8BY	

Application No	20/00818/FULPP	Ward: St John's
Applicant:	Mr Darren Pryce	
Decision:	Permission Granted	
Decision Date:	23 December 2020	
Proposal:	Erection of single storey side extension, and first floor side extension above garage	
Address	5 Nightingale Close Farnborough Hampshire GU14 9QH	

Application No	20/00820/TPO	Ward: St John's
Applicant:	Mr Matthew Kern	
Decision:	Permission Granted	
Decision Date:	23 December 2020	
Proposal:	Oaks 1-5 Crown lift to no more than 5 metres over garden and reduce lateral branches by no more than 3 meters over garden, trees encroaching on property. Oak saplings 6,7,8,9 and Sycamore sapling 10 - fell, poor specimens and suppressed (Trees within G2 of TPO406).	
Address	1A Conway Drive Farnborough Hampshire GU14 9RF	

Application No	20/00821/PD CPP	Ward: Manor Park
Applicant:	Christopher & Angela Linda Hastings & D	
Decision:	Development is Lawful	
Decision Date:	02 December 2020	
Proposal:	Lawful Development Certificate for Proposed Use: Formation of a hip to gable roof with dormer window to rear roof slope and 1 roof light window to front roof slope and 1 window in side elevation to facilitate a loft conversion	
Address	12 Jubilee Road Aldershot Hampshire GU11 3QF	

Application No	20/00824/PD CPP	Ward: Fernhill
Applicant:	Mr and Mrs Roy	
Decision:	Development is Lawful	
Decision Date:	01 December 2020	
Proposal:	Certificate of Lawfulness For Proposed Development: Erection of a single storey rear extension	
Address	84 Cotswold Close Farnborough Hampshire GU14 9ET	

Application No	20/00826/FULPP	Ward: Cove And Southwood
Applicant:	Mr. Indra Rana	
Decision:	Permission Granted	
Decision Date:	23 December 2020	
Proposal:	Demolition of existing side conservatory and erection of a two storey side extension	
Address	22 Highfield Close Farnborough Hampshire GU14 0HW	
Application No	20/00828/FULPP	Ward: Cove And Southwood
Applicant:	Mr & Mrs Paine	
Decision:	Permission Granted	
Decision Date:	07 December 2020	
Proposal:	Erection of a conservatory to rear following removal of existing conservatory	
Address	28 Larch Way Farnborough Hampshire GU14 0QN	
Application No	20/00830/FULPP	Ward: Empress
Applicant:	Mr J Dapre	
Decision:	Permission Refused	
Decision Date:	07 January 2021	
Proposal:	Erection of detached garage to front	
Address	68 Pierrefondes Avenue Farnborough Hampshire GU14 8PA	
Application No	20/00839/FULPP	Ward: West Heath
Applicant:	MRS M BENNELL	
Decision:	Permission Granted	
Decision Date:	22 December 2020	
Proposal:	Erection of a single storey rear extension	
Address	3 Mason Road Farnborough Hampshire GU14 9DZ	

Application No	20/00840/TPOPP	Ward: Knellwood
Applicant:	Mr Michael Hewlett	
Decision:	Permission Granted	
Decision Date:	09 December 2020	
Proposal:	Two pine trees - (highlighted as G9 on the TPO map) reduce the crowns to the house aspect by no more than 2m (G9 of TPO432A)	
Address	35 Cedar Road Farnborough Hampshire GU14 7AU	

Application No	20/00843/FULPP	Ward: Empress
Applicant:	Mrs Refilwe Waugh	
Decision:	Permission Granted	
Decision Date:	08 December 2020	
Proposal:	Erection of a single storey rear extension, new roof to existing rear extension and internal alterations	
Address	11 High View Road Farnborough Hampshire GU14 7PU	

Application No	20/00844/FULPP	Ward: St John's
Applicant:	Mr & Mrs Jacobs	
Decision:	Permission Granted	
Decision Date:	22 December 2020	
Proposal:	Erection of single storey rear extension after demolition of existing rear extension	
Address	14 Nightingale Close Farnborough Hampshire GU14 9QH	

Application No	20/00845/NMA	Ward: Knellwood
Applicant:	Mr Stephen Gibbons	
Decision:	Permission Granted	
Decision Date:	11 November 2020	
Proposal:	Non Material Amendment to planning permission 19/00497/FUL dated 30/8/19 (Erection of two storey side and rear extension and single storey side extension) to allow changes in ground floor north side elevation windows	
Address	134 Farnborough Road Farnborough Hampshire GU14 7JH	

Application No	20/00846/ADVPP	Ward: Wellington
Applicant:	Freya Dolan - Pure Gym	
Decision:	Permission Granted	
Decision Date:	23 December 2020	
Proposal:	Display of two internally illuminated fascia signs and externally applied window graphics	
Address	Units 6 And 7 Westgate Aldershot Hampshire	
Application No	20/00851/FULPP	Ward: West Heath
Applicant:	Mr S Amor	
Decision:	Permission Granted	
Decision Date:	16 December 2020	
Proposal:	Replace existing unit with anthracite grey pvcu framed conservatory	
Address	120 Prospect Road Farnborough Hampshire GU14 8NU	
Application No	20/00853/TPOPP	Ward: Empress
Applicant:	Mr Andrew Harris	
Decision:	Permission Granted	
Decision Date:	23 December 2020	
Proposal:	One Norway Maple, T1 on submitted plan (T27 of TPO 443A) reduce by no more than 2 metres all lateral limbs on southern side of tree, shaping accordingly and giving no more than 3 metres clearance to house. One Sweet Chestnut, T2 on plan (T28 of TPO 443A) re-pollard at original pollard points	
Address	27 Napoleon Avenue Farnborough Hampshire GU14 8LZ	
Application No	20/00857/FULPP	Ward: Fernhill
Applicant:	MR SPENCER HUNT	
Decision:	Permission Granted	
Decision Date:	22 December 2020	
Proposal:	Erection of a single storey front extension	
Address	32 Sidlaws Road Farnborough Hampshire GU14 9JN	

Application No	20/00860/PDCPP	Ward: Knellwood
Applicant:	Mr and Mrs Cartwright	
Decision:	Development is Lawful	
Decision Date:	16 December 2020	
Proposal:	Lawful Development Certificate: Erection of a single storey side extension	
Address	29 Chalfont Drive Farnborough Hampshire GU14 6SJ	
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Application No	20/00863/TPOPP	Ward: St John's
Applicant:	Mr Michael Heath	
Decision:	Permission Granted	
Decision Date:	24 December 2020	
Proposal:	One Sycamore tree (T17 of TPO 410) remove four lowest limbs which are overhanging boundary of 21 Howard Drive, crown lift to give no more than 6 metre clearance from ground level, crown thin by no more than 20% and deadwood	
Address	22 Howard Drive Farnborough Hampshire GU14 9TQ	
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Application No	20/00864/FULPP	Ward: Cove And Southwood
Applicant:	Mr And Mrs King	
Decision:	Permission Granted	
Decision Date:	17 December 2020	
Proposal:	Erection of single storey front and rear extensions	
Address	6 Grasmere Road Farnborough Hampshire GU14 0LE	
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Application No	20/00865/TPO	Ward: Knellwood
Applicant:	Mr Coppock	
Decision:	Permission Granted	
Decision Date:	23 December 2020	
Proposal:	One Beech (T4 of TPO 350A) reduce height by no more than 2.5 metres and sides by no more than 2 metres and thin by no more than 15%	
Address	38 Albert Road Farnborough Hampshire GU14 6SH	

Application No	20/00866/TPO	Ward: Empress
Applicant:	Mr Corkhill	
Decision:	Permission Granted	
Decision Date:	23 December 2020	
Proposal:	One Sweet Chestnut (T10 of TPO 442) reduce lateral branches near fence line back to previous points	
Address	5 St Michaels Road Farnborough Hampshire GU14 8ND	
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Application No	20/00867/COND	Ward: St Mark's
Applicant:	Southbridge Developments Ltd.	
Decision:	Conditions details approved	
Decision Date:	27 November 2020	
Proposal:	Submission of details pursuant to Condition 5 (communal aerial) of planning permission 18/00573/COU dated 6th September 2018	
Address	7 Queens Road Farnborough Hampshire GU14 6DJ	
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Application No	20/00869/FULPP	Ward: Fernhill
Applicant:	Mr Peter Conway	
Decision:	Permission Granted	
Decision Date:	07 January 2021	
Proposal:	Conversion and extension to front of existing garage to facilitate a habitable room	
Address	19 Ashbury Drive Blackwater Camberley Hampshire GU17 9HH	
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Application No	20/00872/PDCPP	Ward: Knellwood
Applicant:	Mr and Mrs David Urry	
Decision:	Development is Lawful	
Decision Date:	17 December 2020	
Proposal:	Certificate of Lawfulness for Proposed Development: Conversion and alterations of garage to form a habitable room	
Address	3 The Grove Farnborough Hampshire GU14 6QR	

Application No	20/00873/PDCPP	Ward: Cove And Southwood
Applicant:	Ms Lisa Paterson	
Decision:	Development is Lawful	
Decision Date:	17 December 2020	
Proposal:	Certificate of Lawfulness for Proposed Development: Erection of a single storey rear extension	
Address	5 Derwent Close Farnborough Hampshire GU14 0JU	
Application No	20/00878/FULPP	Ward: St John's
Applicant:	Mr And Mrs Tyler	
Decision:	Permission Granted	
Decision Date:	07 January 2021	
Proposal:	Erection of a single storey side and rear extension	
Address	30 Howard Drive Farnborough Hampshire GU14 9TQ	
Application No	20/00882/NMA	Ward: Rowhill
Applicant:	Mr Christopher Harvard	
Decision:	Permission Granted	
Decision Date:	14 December 2020	
Proposal:	Non material amendment to planning application Ref 19/00217/FULPP dated 01 May 2019 (Erection of a single storey front and rear extension) to allow insertion of small window within the south facing side elevation of the single storey front extension	
Address	74 Rowhill Avenue Aldershot Hampshire GU11 3LP	
Application No	20/00903/FULPP	Ward: St John's
Applicant:	Mr and Mrs David and Elfriede Turner	
Decision:	Permission Granted	
Decision Date:	07 January 2021	
Proposal:	Erection of a single storey rear extension	
Address	3 Limes Road Farnborough Hampshire GU14 9TS	

Application No 20/00906/FULPP Ward: St John's

Applicant: Mr Fraser Robb

Decision: **Permission Granted**

Decision Date: 07 January 2021

Proposal: Erection of a single storey side and rear extension

Address **61 Cripsey Road Farnborough Hampshire GU14 9PY**

Application No 20/00912/FULPP Ward: St Mark's

Applicant: Ms Anita Boorer

Decision: **Permission Granted**

Decision Date: 07 January 2021

Proposal: Erection of a single storey rear extension and alterations

Address **122 Peabody Road Farnborough Hampshire GU14 6DZ**

Application No 20/00921/NMAPP Ward: St John's

Applicant: Mrs Brooks

Decision: **Permission Granted**

Decision Date: 23 December 2020

Proposal: Non Material amendment to planning application (20/00476/FULPP) to re-orientate the approved outbuilding.

Address **Endelig 167 Fleet Road Farnborough Hampshire GU14 9SL**

Development Management Committee
20th January 2021

Planning Report No. EPSH2103

Appeals Progress Report

1. New Appeals

- 1.1 Four new appeals have been received and 'started' by the Planning Inspectorate since the last Committee meeting.
- 1.2 **The Chestnuts, 34 Church Circle, Farnborough Hants:** Against the refusal of planning permission for: Formation of a dormer window to the front of the garage roof to facilitate a habitable room. The decision was made under delegated powers and the Appeal will be considered by way of the written method.
- 1.3 **244 Farnborough Road, Farnborough Hants:** Against the refusal of planning permission for: Erection of a three-storey building comprising flexible use of either A1/A2 use on ground floor with 2 x two-bedroom residential units to the upper floors and associated parking. The decision was made under delegated powers and the Appeal will be considered by way of the written method.
- 1.4 **Land Adjacent to 1 Pickford Street, Aldershot Hants:** Against the refusal of planning permission for: Erection of a five-storey building to comprise 14 two-bedroom flats with associated parking for 1 Pickford Street, Enterprise House, 84-86 Victoria Road and the proposed development. The decision was made under delegated powers and the Appeal will be considered by way of the written method.
- 1.5 **16 Churchill Avenue, Aldershot, Hants:** Against the refusal of planning permission for: Alterations and extensions to existing dwelling to form 2 three-bedroom semi-detached dwellings and 1 three bedroom detached dwelling house with parking and additional dropped kerb. The decision was made at the Development Management Committee on 14 October 2020 and the Appeal will be considered by way of the written method.

2. Appeal decisions

2.1 162 Fleet Road, Farnborough, Hants

Appeals (A and B) by two separate parties against an enforcement notice issued on the 6th July 2020 requiring removal of a partially open sided outbuilding and reduction in height of a front boundary fence and gates to 1m, and (Appeal C) against refusal of planning permission for 'Retention of a 2m high timber fence with access front gate to front property and covered car port'.

Planning permission Ref 20/00056/FUL to retain the development was refused in a decision notice dated 11 March 2020 for the following reason;

1. *The timber fencing, access gates and open sided outbuilding sited along the front boundary of the property appears stark, bulky and incongruous in the street scene, adversely harming the character of the street scene. Therefore, the development conflicts with Policy DE1 (Design in the Built Environment) of the Rushmoor Local Plan 2014 - 2032 Adopted February 2019, and the Guidance within the Home Improvements and Extensions SPD 2020, and the NPPF.*

The Enforcement notice issued on the 6th July 2020 set out that;

The breaches of planning control as alleged in the notice are, without planning permission, the erection of:

- (a) Front boundary fencing,*
- (b) Gates, and*
- (c) Open sided outbuilding.*

The requirements of the notice are:

- (a) Remove the partially open sided outbuilding.*
- (b) Reduce the height of the front fence and gate to 1m.*

The period for compliance with the requirements is three months.

Appeals A & B against the enforcement notice

The appeals proceeded on ground (f), that the steps set out in the notice exceed what is necessary to remedy the breach of planning control.

The Inspector found that the steps required by the enforcement notice to remedy the breach of planning control are not excessive, and determined that the appeal on ground (f) failed. The enforcement notice was upheld and compliance is required by 6th May 2021.

DECISION : Appeals A & B Dismissed

Appeal C against Refusal of Planning Permission to retain the development

The Inspector considered that the fence is in stark contrast to its street scene context, and its height, length and solid appearance combine to present a harsh and incongruous boundary treatment that is unduly dominant and harmful to the verdant character of the street scene.

The car port/open sided outbuilding utilises part of the front and side of the fencing and has a flat roof of approximately the same height. The Inspector recognised that it is only the roof which is visible from outside of the site, but determined that the siting appears incongruous given the lack of any significant structures forward of the dwellings in the street. The harm is compounded by its somewhat crude and rudimentary appearance.

The Inspector considered the applicants' suggestions for mitigation. However, due to the combined size, design and extent of the fence and gates, it was considered that the harm would not be satisfactorily overcome by painting the fence, growing creepers, or moving the fence and/or gate back. Removal of the car port/open sided outbuilding was considered likely to remove that particular harm, but that arising from the fence and

gates would remain.

The Inspector concluded that the front fence and gates, and open sided outbuilding/car port significantly detract from the character and appearance of the appeal property and street scene, contrary to Policy DE1 of the Rushmoor Local Plan 2014-2032. This was also found to conflict with the guidance contained within the Rushmoor Local Plan, Home Improvements and Extensions Supplementary Planning Document.

DECISION : Appeal C Dismissed

3. Recommendation

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

Tim Mills
Head of Economy, Planning and Strategic Housing

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