

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.	21/00170/FULPP
Date Valid	27th September 2021
Expiry date of consultations	11th November 2021
Proposal	Erection of six storey building with basement, comprising ground floor flexible retail use under Use Classes E, F.2 and takeaway (Sui Generis) and 31 no. residential apartments above
Address	Land At Former 1 - 5 Firgrove Parade Farnborough
Ward	Empress
Applicant	Mr Suneet Jain
Agent	Mr Matthew Miller
Recommendation	GRANT subject to S106 Planning Obligation

Description

The application site is on the south side of Victoria Road. Whilst the site is now vacant, it formally comprised a three storey pitched roofed building with shop and restaurant uses at ground floor and 5 residential units on the floors above. There is a parking area to the front of the building, part of which is designated parking for the Premier Inn hotel. Vehicular access to the parking at the rear of the building was from the east side of the building. There is a difference in levels across the site from east to west and from north to south.

No.2 Victoria Road lies to the east of the site at the junction of Victoria Road and Farnborough Road, adjacent to the Clockhouse roundabout. This comprises a five storey flat roofed building which is in use as an 'apart-hotel'. This building has surface and undercroft car parking which is entered through the application site. A surfaced car park lies to the south of the site with multi-storey car parking beyond. The site also adjoins the car park at the rear of the McDonalds restaurant occupying the former Tumbledown Dick public house. A six storey Premier Inn hotel and Beefeater restaurant lie to the west of the site. Chudleigh Court and Meadsview Court lie to the north of the site on the opposite side of Victoria Road and comprise flats on three and four floors.

There is recent planning history of proposed residential development on the site.

In 2013 planning permission, 13/00024/FULPP was granted in respect a three storey building at Firgrove Parade which included the site of the completed Premier Inn and Beefeater restaurant. This permission was for comprehensive redevelopment and had two distinct elements. On the land on western side of the site permission was granted for the erection of a part single, part six-storey building to provide a restaurant/bar (177 covers) with an 80-bedroom hotel above. The second element was the demolition of the existing buildings at Firgrove parade and the erection of a three-storey flat-roofed building to provide 490 square metres of retail floor space at ground floor level divided into three units 10 one- and 4 two-bedroom flats on the floors above (2 two-bedroom and 5 one-bedroom flats per floor). Flexible retail uses were approved on the ground floors ie within Use Classes A1 (shop), A2 (financial and professional services) and/or A3 (restaurants). This permission has been implemented by virtue of the construction of the hotel and restaurant.

The Firgrove Parade scheme was altered again in 2018. In 2018 planning permission was granted for the demolition of existing buildings and erection of a new building comprising retail use at ground floor (flexible use of Use Class A1, A2, A3,A4 and/or A5) and 19 dwellings above (8 one-bedroom and 11 two-bedroom flats). This was granted subject to S106 and has been implemented via the demolition of the existing buildings on the site. This includes the payment of Contributions £33,100 towards Public Open Space provision, £43,500 towards maintenance, improvement and monitoring of SPA land, and £4,770 + £1,578 towards strategic access management and monitoring measures, and £10,240 transport contribution. This implemented scheme presents the fallback position for the applicants.



Figure 1: Plan of the 2018 approval

The current proposal is a full planning application that seeks a variation to the 2018 permission. It seeks to erect a six-storey building with basement, comprising ground-floor flexible retail uses under Use Classes E, F.2 (local community uses) and takeaway use (Sui Generis) and 31no. residential apartments above (12x 1-bed units and 19x 2-bed units).

The proposed ground floor would comprise 419.84 m² of retail floor space split between 4 units (Unit 4 108.25m², Unit 3 124.68m², Unit 2 133.35m², Unit 1 53.56m²) along with bin storage (retail and commercial) and an integral substation.

The scheme is within the Town Centre and provides 1:1 parking provision with 31 parking spaces. There is a basement level containing cycle storage and 17 parking spaces entered via a ramp. A further 12 parking bays would be located to the rear of the site.

The bays used for the apart-hotel to the front of the site are retained (12 bays). 8 parking spaces are provided for the retail units. These are at the front and side of the proposed building.

As with the approved scheme, the proposed building would be sited largely on the same footprint as the previously existing Firgrove Parade with a greater building depth. The proposed building remains largely rectangular in footprint with its main frontage to Victoria Road, thereby

reflecting the existing streetscape. Amenity space is proposed in the form of balconies. PV solar panels and air-source heat pumps are proposed, albeit not shown on the plans. Details for these are to be secured by way of condition.

The footprint is proposed to be just over 32 metres wide and 22m deep. Its distance from the adjacent buildings decreases as the building gets taller. From the Apart Hotel the proposal would be 6.14m away at ground to the third floor, 10.2m away at fourth floor, and 13.5m away at the sixth floor. Towards the Premiere Inn the development would be between 11.09m and 17.25m away. The building would not be taller than either adjacent buildings.

The following external finishing materials are proposed: Brick (Cinder Coal (grey) and Lima (crème)); Vertical Zinc Panels slate grey’.



Figure 2: Plan of the current proposal

Contributions towards Public Open Space, Highways and THBSPA are to be secured via a S106 Planning Obligation that is yet to be completed.

The application was submitted with the following documents:-

Planning Design and Access Statement, Site investigation report, Viability Assessment (affordable housing), Daylight and Sunlight report, Ecological Report, Demolition and Construction Traffic Management Plan, Flood Risk Assessment, Energy and Sustainability Assessment, and details of external finishing materials to be used.

Consultee Responses

Hampshire Fire & Rescue Service (Licensing Act 2003)

Access for Fire Service Appliances and Firefighter, are matters covered by Building Regulations. Comments provided. Provided general advice with regards to Fire Protection, including Water Supplies, an access for high-reach appliances.

Thames Water

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for foul water drainage, but have been unable to do so in the time available and as such,

Thames Water request that a condition be added to any planning permission.

Environmental Health	Advises a condition for sound insulation for plant and mitigation for each room. Odour & Noise from ground floor commercial use, extraction details, and construction hours.
Hampshire County Council Planning	No comments received.
Parks Development Officer	No comments received.
RBC Regeneration Team	No comments received.
Hampshire Constabulary	No comments received.
Lead Local Flood Authorities	No agreement from the Public Sewer Network has been provided to clarify that agreement has been had to discharge waste water into their sewer network. The LFFA advises that this should be dealt with through the application process as this may result in a risk of the need to alter the scheme. Officer comment: this is the applicants risk to take, and could require a new planning application.
HCC Highways Development Planning	No highways objections. The implemented scheme has already secured a £10,240 Transport Contribution. The additional units now proposed result in an additional contribution of £6,468 be required.

Neighbours notified

In addition to posting a site notice and press advertisement, 63 individual letters of notification were sent to 1 - 3 Kingsmead; Princeton House 1- 5 Victoria road, Max house 2 Victoria road; 14, 14A, 23 Victoria Road; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 Chudleigh Court, Clockhouse road; 227 Farnborough Road; and Flat 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 27,28, 29, 20, 26 Meadsvew Court.

Neighbour comments

Objections were received from Nos.15 and 8 Chudleigh Court, Clockhouse Road. Their concerns are summarised as follows:-

- Unacceptable height/ twice size of previous building;
- Triple number of occupants/ flats;
- Triple number of cars at busy junction;
- Overlooking;
- Increase in noise and disturbance;
- Blocking light into property;

- We have an environment encouraging wildlife;
- Unsuitable for the location;
- Design is to make as much money from smallest footprint;
- Worse than the development being erected on the Ham and Bird roundabout; and
- The Council has permitted development at Minley, Hartland Village, and have multiple available plots in Westmead with better traffic and facilities.

[Officer comment: With regards to comparison with other schemes, each planning application must be determined on their own merits and, in this respect, the consideration of the planning merits of the current proposals for the application site is set out within this report.]

Policy and determining issues

The application site is located within the defined built-up area of Farnborough, within the Farnborough Town Centre Boundary, Primary Shopping Area and Secondary Frontage.

Adopted Rushmoor Local Plan (2014-2032) Policies SS1 (Presumption in favour of Sustainable Development, SS2 (Spatial Strategy), SP2 – Farnborough Town Centre, IN2 (Transport), DE1 (Design in the Built Environment), DE2 (Residential Internal Space Standards), DE3 (Residential Amenity Space Standards), DE6 (Open Space, Sport and Recreation), DE10 (Pollution), LN2 (Affordable Housing), HE1 (Heritage) and NE6-8 (Flooding & Drainage) are relevant. Also relevant is the Council's Car and Cycle Standards Supplementary Planning Document (SPD) adopted in 2017.

The main planning considerations in the determination of this application are considered to be:-

- The principle of development;
- Affordable housing;
- Impact upon visual amenity;
- Impact upon neighbours;
- Living environment created;
- Highways considerations;
- Flooding and drainage;
- Open Space; and
- Thames Heaths Basin Special Protection Area.

Commentary

1. The principle of development -

The principle of a mixed retail residential development on the site was established by the 2013 and 2018 planning permissions that remain extant and are a viable fallback position. Through the provision of residential and new retail units the proposal would also contribute towards the enhancement of the vitality and viability of the Town Centre, according with the principle of Policy SP2 – Farnborough Town Centre of the Local Plan. As such, the proposals are acceptable in principle, subject to other relevant material planning considerations also being satisfied.

2. Affordable housing -

Policy LN2 of the Local Plan requires that, on sites within Farnborough Town Centre, proposals

of 11 or more dwellings provide 20% of dwellings as affordable homes. On sites of 15 or more dwellings, this provision should be on-site. However, the policy also states that the delivery of affordable housing is subject to viability.

The proposal would result in a net gain of 26 dwellings – 5 existing on site - resulting in a need to provide 5 on-site affordable units¹.

The agents have submitted an affordable housing viability report by Dan Hay of ET Planning. This report argues that the proposal could not be viable if it were to provide affordable housing either on site or as an in-lieu payment.

The submitted viability report was sent to an independent affordable housing viability consultant BPS Chartered Surveyors for their impartial assessment. They advised that their appraisal results in a deficit even without the affordable housing provision and the scheme is not sufficiently viable to provide any affordable housing contribution.

However, given that the scheme was assessed during a time of uncertainty, it is considered that it is reasonable to require a late stage viability review to re-examine the viability of the proposals at a more advanced stage.

As a result, the proposals accord with Policy LN2 – Affordable Housing - of the Local Plan.

3. Impact upon visual appearance -

The site is highly visible with its north, south and west elevations and the re-development of the site would make a contribute to the regeneration of the town Centre.

Like the approved building (18/00506/FULPP), the proposal has a contemporary design approach in terms of the pattern and size of openings and the use of brick, glass and tile as the external materials. The overall form of the building is considered to be visually engaging and would complement the vision of the regenerated Farnborough Town Centre. The tapering of the successive floors up the building also breaks down its bulk and massing. It is no taller than the adjacent buildings and would therefore sit comfortably between the buildings.

As existing the car park for the site adjoins the common boundary with the Tumbledown Dick McDonalds site – a Building of Local Importance. The proposed development maintains this relationship, and whilst taller than the already approved 2019 scheme, it is considered that it would not result in harm to the significance of this heritage asset.

The 2013 permission approved the removal of all the trees on the site. Replacement tree planting on the Victoria Road frontage was undertaken when the hotel and restaurant were built. A landscaping scheme for planting to the rear was secured by the 2018 and this can be secured again in the interest of visual amenity.

The development would contribute to the character of Farnborough Town Centre and promote good design quality, according with this aspect of Policy DE1 Design in the Built Environment, HE1 Heritage and Policy SP2 Farnborough Town Centre.

¹ For clarity, 18/00506/FULPP for 19 units did not provide any affordable housing as it did not trigger the threshold for doing so under the previous Local Plan.

4. Impact upon neighbors -

Daylight and sunlight / outlook and overbearing impacts

The proposal site is adjacent to C1 Apart-Hotel (2 Victoria Road) that offers longer term stay accommodation (up to 6 months) in apartments. The now demolished building was located close to the Apart-Hotels windows serving bedrooms, living rooms and kitchens and would have had an impact upon daylight and sunlight to a number of Apart-hotel rooms.

The current scheme is both taller than the approved scheme, and has the potential to have impacts upon daylight and sunlight of the neighboring buildings. A Sunlight & Daylight Report by T16 Designs has been submitted to assess the likely impact in relation to BRE guidelines. This report assessed the impact of the development upon the flank windows towards the development of both the Apart-Hotel and the Premiere Inn. The report understood the standard BRE calculations for the change in daylight and sunlight to existing buildings; Vertical Sky Component (VSC) for daylight and Annual Probable Sunlight Hours and Winter Probable Sunlight Hours (WPSH) (APSH) for sunlight. The report demonstrates that in terms of VSC all of the assessed windows retained 80% of the current values, and in relation to APSH and WPSH all the assessed windows retained greater than 35% of annual hours and 5% of winter hours. As such, impact of the development would fall within the acceptable limits of the BRE's guidance.

As a result, the development would not result in a harmful impact upon daylight and sunlight to the existing windows.

Given the distance between the buildings and the tapered shape of the building, it is considered that the proposal would not result in any undue overbearing impact upon the adjoining occupiers.

Concern has been raised that the proposal would result in a loss of light to the occupants of Chudleigh Court, Clockhouse Road. However, given the distance between the application site and Chudleigh Court and the relative scale of the proposal, it is not considered that the proposal would result in a harmful loss of daylight and sunlight to this property.

Privacy

The proposal site is located adjacent to C1 Apart-Hotel (2 Victoria Road) that offers longer term stay accommodation (up to 6 months) in apartments.

On the 1st to 4th floor there are bedroom windows served by triangular Oriel windows. These triangular Oriel windows allow light and outlook into the bedrooms of the host property and mean that any views to the adjacent apart hotel and Premier Inn would be oblique only. It would also increase the 'sightline' of any such views to at least 8m. It also means that any views from the Apart-hotel or Premiere inn to the proposed windows would also be oblique.

It is also a material consideration that there was an existing impact upon the Apart hotel as a result of the former building, and that some impact was accepted through the granting of 18/00616/FULPP.

Given the sightline distance, the oblique nature of such line of sight, the fallback position and the former existing situation, it is considered that the proposal would not give rise to adverse harm in that respect.

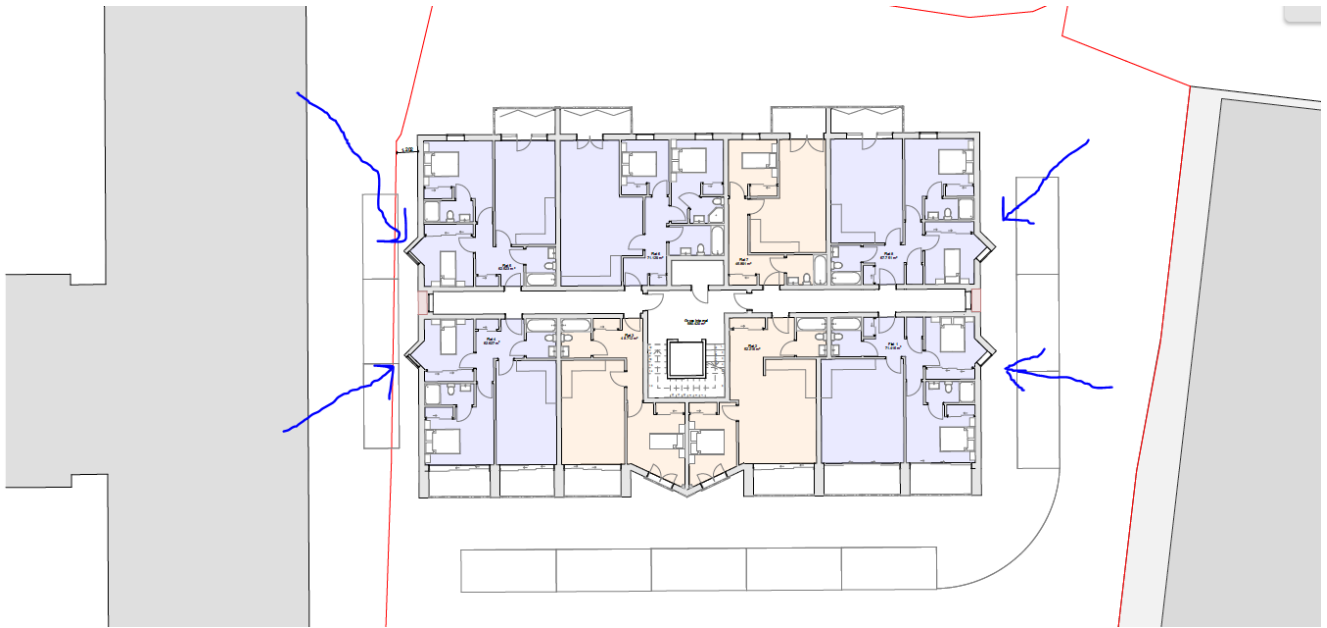


Figure 3: Triangular Oriel windows as proposed

The scheme would provide balconies to the front and rear of the blocks, and a side facing balcony to the fifth floor². These would be approximately 11m from the windows of the Apart-hotel and at this distance it is not considered that any harmful overlooking would occur.

The submission includes an energy statement that describes using PV Panels on the roof and Air Source Heat Pumps for each unit to reduce carbon emissions. There is not an explicit policy requirement for these to be provided. These are not detailed on the plans, and so to avoid these conflicting with the design and form of the building, a condition can be imposed to allow the submission of details to avoid harm upon character.

Retail uses

The applicant is seeking flexible uses on the ground floor (Class E [formerly A1, A2, A3] F2 (Community Use) and takeaway (Sui-Generis). These have the potential to result in noise and odour pollution that could impact upon the amenities of the adjoining and host occupiers. It is understood that measures have been incorporated within the design to ensure that any fumes produced by food outlets on the ground floor would not adversely impact upon the residential units above. A condition requiring details of extraction should any Takeaway (Sui-generis) or restaurant (Class E) use be implemented to make sure that any such extraction equipment is considered sufficient in this regard. With regards to noise, as with the 2018 permission, it is considered appropriate to replicate the hours imposed on the A3 use at 2 Victoria Road.

5. Living environment created -

Policy DE2 of the Local Plan sets out minimum unit floorspace and room size standards for residential development; and Local Plan Policy DE3 sets out amenity space requirements, and advises that where gardens are not suitable, balconies can be provided and should be at least

² The building is six storeys, the ground, first, second, third, fourth, fifth

5sqm in area. The proposal would provide a mix of 12x 1-bed units and 19x 2-bed units. Each unit would provide a balcony of at least 5SQM. The units and balconies would appear to receive adequate levels of daylight and sunlight and outlook. As a result, the proposal would comply with Policy DE2 and DE3 of the Local Plan in this regard.

Unit no.	Bed size	DE2 standard	Balcony	Actual size	Compliance?
Flat 1	2b4p	70	Y	71.4sqm	Y
Flat 4	2b3p	61	Y	62.62sqm	Y
Flat 5	2b3p	61	Y	62.53sqm	Y
Flat 6	2b4p	70	Y	71.12sqm	Y
Flat 9	2b4p	70	Y	71.4sqm	Y
Flat 12	2b3p	61	Y	62.62sqm	Y
Flat 13	2b3p	61	Y	62.52sqm	Y
Flat 14	2b4p	70	Y	71.04sqm	Y
Flat 16	2b3p	61	Y	67.75sqm	Y
Flat 17	2b4p	70	Y	71.42sqm	Y
Flat 19	2b4p	70	Y	74.74sqm	Y
Flat 20	2p3b	61	Y	67.97sqm	Y
Flat 21	2b4p	70	Y	76.36sqm	Y
Flat 22	2b4p	70	Y	76sqm	Y
Flat 25	2b3p	61	Y	68.6sqm	Y
Flat 26	2b4p	70	Y	77.47sqm	Y
Flat 2	1b2p	50	Y	52.21sqm	Y
Flat 3	1b1p	39	Y	48.71sqm	Y
Flat 10	1b2p	50	Y	52.2sqm	Y
Flat 11	1b1p	39	Y	48.71sqm	Y
Flat15	1b1p	39	Y	45.7sqm	Y
Flat18	1b2p	50	Y	62.49sqm	Y
Flat 23	1b1p	39	Y	48.8sqm	Y
Flat 24	1b2p	50	Y	56.8sqm	Y
Flat 27	1b2p	50	Y	66.76sqm	Y
Flat 28	1b2p	50	Y	51.8sqm	Y

Noise impacts

The proposed development will be impacted by noise from traffic using Victoria Road, and from vehicles and other activity to the rear, in the Sainsburys carpark and MacDonald's Drive Thru. No Noise Impact Assessment has been submitted. Nevertheless, the site is located in a town centre central location where a degree of noise, disturbance and activity is only to be expected. To ensure that a satisfactory internal noise environment can be achieved in all habitable rooms, it is important that an appropriate noise assessment is undertaken, that investigates the existing external noise environment, for both day and night-time periods. An acoustic report was submitted with the 2018 application concluding that noise concerns could be addressed by way of suitable acoustic double-glazing. However, as no such report has been formally submitted with this application, such details will be required and mitigations secured by way of condition.

It is also noted that the ground floor commercial units are likely to require external plant and it is important to place limits on the noise from any such plant so that it would not result in harm in that regard. This has been secured by way of condition.

The application was submitted with a Site Investigation Report. The results show no significant contamination on site and this confirms what previous investigations have concluded. No remedial measures are required.

6. Highways -

As advised by Hampshire County Highways, the width and alignment of the existing means of access can satisfactorily accommodate the additional vehicle movements that might be generated by the proposed development without adversely affecting the safety or convenience of users of the adjacent highway.

Developer contributions have previously been secured in respect of the previous schemes for this site. The site has been reviewed utilising the TRICS database and this has shown that an additional 66 multimodal trips would be anticipated per day on the local highway network as a result of the proposals over and above the already approved scheme. Accordingly, it is calculated that an additional contribution of £6,468 is required. This is to be secured by way of S106.

Parking

The Council's Car and Cycle SPD sets out that within the designated Town Centre residential units should have a 1 to 1 parking ratio. The proposal would comprise 31 flats and 31 parking spaces allocated between the basement car park and area to the rear. The proposal does not provide any on site visitor parking, however, there are car parks close by and the principle of using adjacent car parks has been established through the previous consents. As such, the proposal would be acceptable in this respect.

The proposal would also retain the parking to the front of the site for the Apart-Hotel and 8 spaces for the retail units.

Hampshire's Highways Team have raised concern regarding the amount of cycle parking on the scheme. There is a parking area in the basement of the proposal site that could accommodate 14 bikes rather than the required 50. Different cycle storage solutions could be explored that could result in the avoidance of requiring bikes to be stored within individual flats – however, the need to do so would not warrant refusal of the application. A condition has been imposed to require details of cycle storage.

7. Drainage -

The Lead Local Flood Authority have been consulted and note that there is no evidence that Thames Water have agreed for rainwater discharge to enter straight into the local sewerage network at the rates proposed. Thames Water have requested planning permission be subject to a condition for such details. It is understood that the site has a shallow water table that would make the use of soakaways or other SUDs difficult. The suggested condition has been added.

8. Open Space -

Policy DE6 Open Space, Sport and Recreation sets out that new residential development should provide on-site provision of open space, but that if the development is not of a size and

location to provide this, then it should be provided through a financial contribution.

A financial contribution for open space was secured as part of the 2018 permission and has been paid in full. In this circumstance it is considered appropriate to carry over this contribution to this scheme and require a contribution based upon the additional units proposed. The resulting contribution amounts to £24,800.

9. Thames Heath Basin 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 Page 27 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 (2021), 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 31 net new residential units within the Farnborough urban area. 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, 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. 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 Rushmoor Local Plan Policy NE1 and the 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 April 2021. 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 already procured SANG capacity for 19 units as a result of the 2018 permission. This capacity has been carried forward towards this scheme. Capacity has also been secured for the additional units now proposed as part of Rushmoor Borough Council's Southwood Woodland II SANGS scheme. The SANG contribution amounts to £19,477.05.

The attendant SAMM financial contribution can be secured by the applicants entering into a satisfactory s106 Planning Obligation to require payment of £2,218.39 upon the implementation of the proposed development. Accordingly, subject to the necessary s106 being completed, it is considered that the impact upon the SPA will have been satisfactorily addressed.

Summary -

It is considered that subject to the satisfactory completion of an Agreement under Section 106, that the proposal would not adversely affect the character of the area or harm heritage Assets, would not result in harm to the amenities of existing prospective occupiers, and not result in issues of highway safety or for the integrity of the Thames Basin Heaths Special Protection Area.

Full recommendation

It is recommended that, subject to the completion of a satisfactory S106 Planning Obligation to secure financial contributions towards open space, transport, SPA/SAMM mitigation, together with an administration & monitoring fee and securing a late-stage financial review mechanism in respect of affordable housing provision, the Head of Economy, Planning and Strategic Housing, in consultation with the Chairman, be authorised to **GRANT** planning permission subject to the following conditions and informatives;

Conditions

1. Timescale

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

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

the objectives of the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy as amended July 2014 and to accord with the resolution of Rushmoor's Cabinet on 17 June 2014 in respect of Planning Report no PLN1420

2. Approved plans

The permission hereby granted shall be carried out in accordance with the following approved drawings –

- PL-01; PL-02; PL-04; PL-07; PL-08; PL-09; PL-10;; PL – 11; PL-12; PL-13; PL-14; PL-15; PL-16; PL-21 (Materials); PL-22 (Materials)
- Repeat Walkover Survey by the The Ecology Co-op dated 9th November 2020.
- Phase 1 Desk Study and Phase 2 Site Investigation report 20/11835/KJC dated June 2020 by Albury S.I. LTD.
- Energy & Sustainability Statement by Mendick Waring Limited dated February 2021
- Planning Viability Assessment by ET planning Dan Hay dated February 2021
- Demolition and Construction Traffic Management Plan by Motion dated 12/01/2020
- Flood Risk Assessment by Stomor Civil Engineering Consultants ref ST3054/FRA-2103
- Transport Statement by Motion dated 09/03/2021
- Daylight and Sunlight report by T16 Design Ltd job number 3702 dated February 2021.

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

3. Flexible retail use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the ground floor units shall be for Use Classes E, F2 (community use) and takeaway (Sui-generis) only.

Reason - To safeguard the vitality of the town centre, in the interests of the Thames Basin Heaths Special Protection Area and the provision of car parking

4. Deliveries and commercial refuse collection

Deliveries and refuse collection to/from the retail uses shall only take place between the hours of 7am to 8pm

Reason - To safeguard the amenities of adjoining occupiers

5. Details of materials

The development shall be carried out using the materials so approved under plan numbers PL-21 (Materials) and PL-22 (Materials) and thereafter retained: unless alternative material details have been submitted to, and approved in writing by, the Local Planning Authority.

Reason – In the interest of the character and appearance of the area

6. Side facing Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no side facing openings other than the triangular oriel windows as set out on the approved plans.

Reason - In the interest of residential amenity.

7. Discharge of waste water

No development shall be occupied until confirmation has been provided that either:-

- i. Capacity exists off site to serve the development, or
- ii. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
- iii. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

8. Cycle parking facilities

Prior to the occupation of the residential units details of the cycle parking for the residential units shall be first submitted to and approved in writing to the LPA. The cycle parking so approved shall be thereafter retained.

Reason - To promote alternative modes of transport and to encourage cycling to the site

9. Retail/commercial unit opening hours

Any Class E, F2 or takeaway (Sui-generis) use that occupies the ground floor of the proposed residential/retail building hereby permitted shall not be open to customers outside the following times:

1. 7am to 11pm Mondays to Saturdays and 8am to 10.30pm on Sundays.

Reason - To safeguard the amenities of neighbouring occupiers.

10. Bins

Prior to first occupation of any part of the development hereby approved, the refuse bin storage areas relevant to the uses they are to serve shall be provided and made available for use. These facilities shall thereafter be retained for their designated purpose.

Reason - To safeguard the amenities of the area.

11.Noise mitigation 1

The residential development hereby approved shall not be occupied until measures to protect the dwellings from traffic or other external noise have been implemented in accordance with the Acoustics report 1018197-RPT-AS-001 rev A prepared by Cundall dated July 2018 and thereafter retained.

Reason - To protect the amenity of the occupiers of the development.

12.Residential noise 2 (plant)

All plant and machinery shall be enclosed with soundproofing materials and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented prior to the plant and machinery becoming operational and thereafter retained and maintained.

Reason - To protect the amenity of neighbouring occupiers.*

13.Noise and Odour

Notwithstanding any details submitted with the application, prior to the use of any of the ground floor units for Restaurant, and Takeaway purposes odour abatement equipment including an extract system shall be installed in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority. The details shall include the regime for installation, operation, and maintenance, the height of the discharge, and the efflux velocity of the effluent at the point of discharge shall. The installation so approved shall be completed before first occupation of that unit and thereafter permanently retained and maintained.

Reason - In the interests of the amenities of future and adjoining occupiers

14.Construction Management Plan

The Construction Works shall only take place in accordance with the Construction Management Plan so approved.

Reason: In the interest of amenity and highway safety.

15.Lighting

Prior to first occupation of the building details of the location of the lighting columns/luminaires shall be submitted to and approved in writing by, the Local Planning Authority. Once approved the lighting shall be installed and made available for use prior to the first occupation of the building.

Reason - in the interests of amenity

16. Landscaping

No dwelling shall be occupied until a fully detailed landscape and planting scheme (to include, where appropriate, both landscape planting and ecological enhancement) has been submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented in full prior to the first occupation of the dwelling or the first available planting season whichever is the sooner. Any tree/shrub removed, dying or becoming seriously diseased within five years of planting shall be replaced by trees/shrubs of similar size and species to those originally required to be planted.

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

17. Construction Hours

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

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

18. Air source heat pumps and PV Panels

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), Details of PV Panels and Air Source Heat Pumps shall first be submitted to and approved in writing by the LPA.

Reason: In the interest of visual amenity

19. Provision of refuse areas

Prior to the occupation of the development, the bin storage areas shall be provided as shown on the approved plans.

Reason: In the interest of the character of the area.

20. Parking

No dwelling shall be occupied until the off-street parking facilities to serve the proposed flats shown on the approved plans on a 1 space per residential unit basis. The parking spaces shall be thereafter retained solely for parking purposes (to be used by the occupiers of, and visitors to, the proposed flats) and, in the interests of clarity, not used for the storage of caravans, boats or trailers .

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

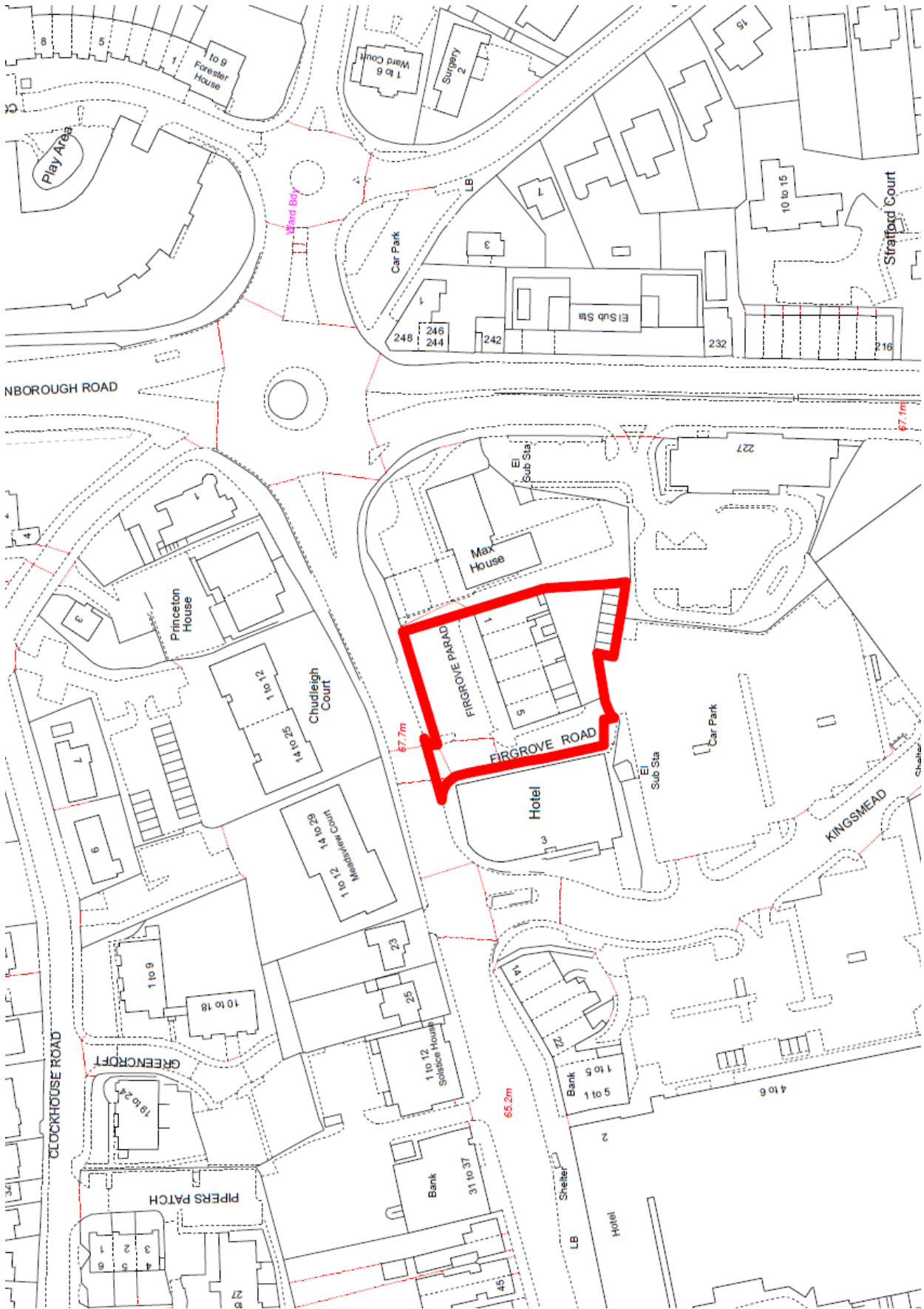
21. Unforeseen contamination

In the event that unforeseen ground conditions or materials which suggest potential or actual contamination are revealed at any time during implementation of the approved development it must be reported, in writing, immediately to the Local Planning Authority. A competent person must undertake a risk assessment and assess the level and extent of the problem and, where necessary, prepare a report identifying remedial action which shall be submitted to and approved in writing by the Local Planning Authority before the measures are implemented. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and is subject to approval in writing by the Local Planning Authority.

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

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 proposals are considered acceptable in principle, would have no material and harmful impact upon the visual character and appearance of the area, have no material and adverse impact on neighbours, and are acceptable in highway terms. The proposals are thereby considered acceptable having regard to Policies SS1, SS2, SP2, IN2, DE1, DE2, DE3, DE6, DE10, IN2, LN2, HE1, and NE6-8 of the adopted New Rushmoor Local Plan (2014-2032). It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.
3. **INFORMATIVE -** Your attention is specifically drawn to the conditions marked *. These condition(s) require either the submission and approval of details, information, drawings etc.by the Local Planning Authority **BEFORE WORKS START ON SITE, BEFORE SPECIFIC ELEMENTS OF THE PROPOSAL ARE CARRIED OUT** or, require works to be carried out **BEFORE COMMENCEMENT OF USE OR FIRST OCCUPATION OF ANY BUILDING.**



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Notes:

1:200



1:200

Proposed Front Elevation



1:200

Proposed Rear Elevation

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Client:

Mera Real Estate

Job Title:

1-5 Firgrove Parade GU14 7RE

Drawing Title:

Proposed Elevations

Drawing Date:

15-05-2020

Status:

PLANNING DRAWINGS

Issue Date:

10/09/2020

Drawn By:

PD @A3

Job No:

8974

Drawing No:

PL-15

Rev:

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Notes:



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architectural
drawing systems

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RICS

Client: Mera Real Estate

Job Title: 1-5 Fingrove Parade GUI14 7RE

Drawing Title: Proposed Ground Floor REVA

Status: PLANNING DRAWINGS

Issue Date: 01/03/2021

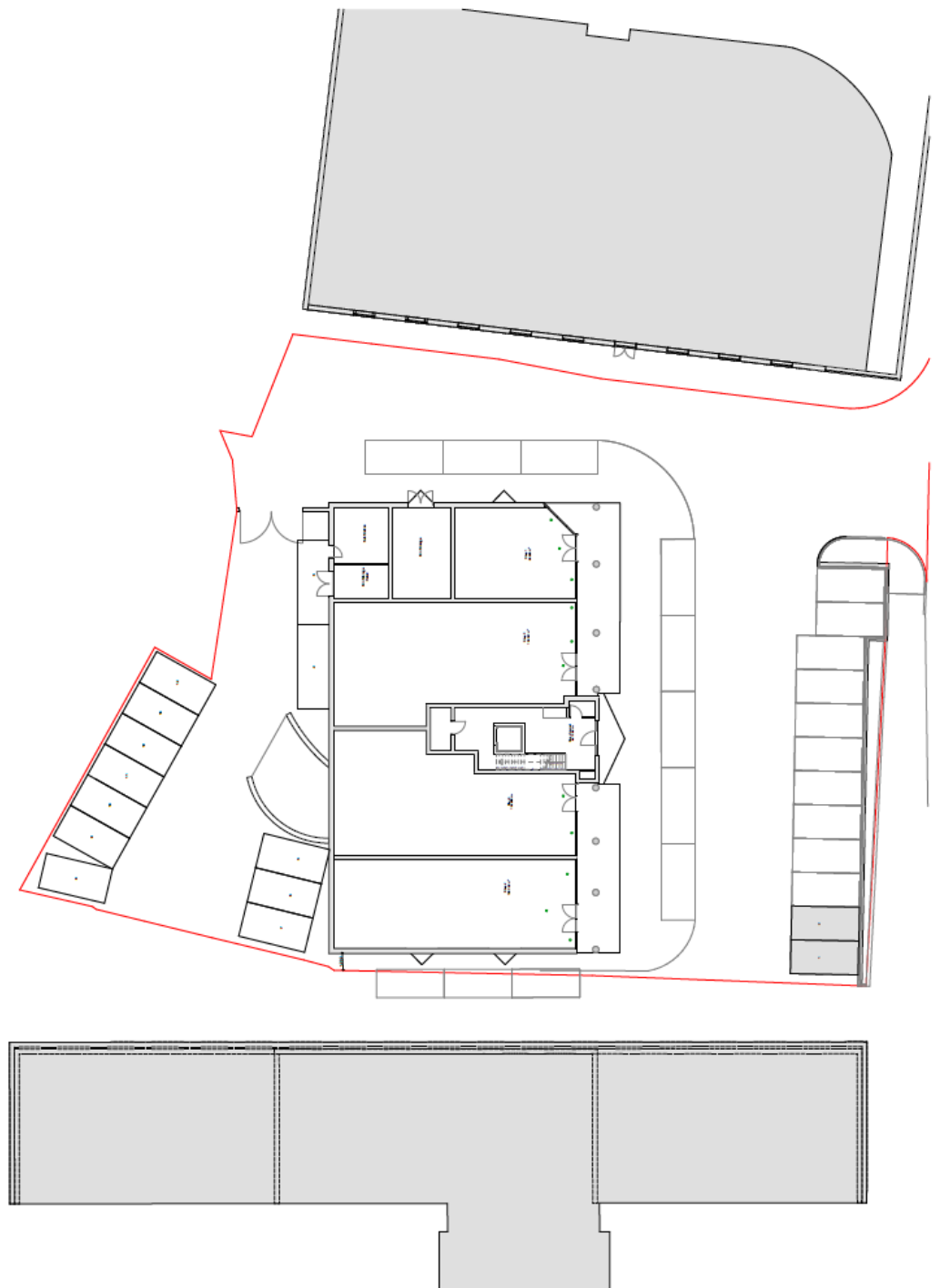
Drawn By: PD

Scale: @A2

Job No: 8974

Drawing No: PL-08

Rev:



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Proposed Ground Floor Plan