

<p style="text-align: center;"><u>AMENDMENT SHEET FOR</u> <u>DEVELOPMENT MANAGEMENT COMMITTEE</u> <u>16th February 2022</u></p>

AGENDA ITEM NO. 2: Page 1

51. MINUTES

Should read: “ Section 106 agreement”

Add: “The extension of time has been agreed until 28th February 2022.”

Item 5: Page 19

Application No.	22/00026/FULPP
Proposal	Erection of 1 x 4-bedroom detached and 2 x 4-bedroom semi-detached dwellinghouses (3 dwellings in total) with associated access, parking, refuse storage, landscaping and ancillary works [re-submission following refusal of planning application 20/00785/FULPP on 21 January 2021]
Address	Development Site, Land at ‘The Haven’ 19 York Crescent Aldershot

Updates to Report :

(a) Correspondence from the Department for Levelling Up, Housing and Communities (DLUHC) :

On 15th February the Council received an email from the Department for Levelling Up, Housing and Communities (DLHC). This advised that a third party had made a request that the application should be called in for determination by the Secretary of State. If this procedure was invoked the application would be determined by the SoS following a public inquiry.

The SoS will not call in an application until it is known whether the Council have resolved to grant planning permission. The Email therefore requests that the issue of a decision notice granting planning permission (should that be the committee’s resolution) following this meeting is held in abeyance until the SoS has determined whether this is a case which should be subject to call-in.

A reply has confirmed the Council’s agreement, asked on what grounds the representation to the SoS suggest call-in would be appropriate, and asked for the SoS’s possible timescale for reaching a conclusion on this. There is therefore an Amended Recommendation set out below:

For Members' information, the extract below is from the most recent ministerial statement (26th October 2012) explaining the approach to the use of call-in powers:

"The Secretary of State for Communities and Local Government has the power to "call in" planning applications for his own consideration. There will be occasions where he considers it necessary to call in a planning application for determination, rather than leave the determination to the local planning authority.

The policy is to continue to be very selective about calling in planning applications. We consider it only right that as Parliament has entrusted local planning authorities with the responsibility for day-to-day planning control in their areas, they should, in general, be free to carry out their duties responsibly, with the minimum of interference.

...The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:

- may conflict with national policies on important matters;*
- may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;*
- could have significant effects beyond their immediate locality;*
- give rise to substantial cross-boundary or national controversy;*
- raise significant architectural and urban design issues; or*
- may involve the interests of national security or of foreign Governments.*

However, each case will continue to be considered on its individual merits."

(b) Amended Plans Received:

Revised versions of the **Proposed Site Plan Drawing P.01 REV.G**; and **Proposed Landscaping Plan Drawing P.09 REV.E** were received by the Council yesterday.

These plans are amended in two respects: (i) the fencing to be used for the wildlife corridor/buffer zone is confirmed to be close-boarded fencing instead of the post & rail fencing shown previously; and (ii) both plans share a common plan base which has been amended to correct a minor inaccuracy. A number of conditions need to be amended accordingly, see below.

(c) Neighbour comments : Page 23:

At the time of writing a total of **40** objections have been received from the occupiers of: Nos. 8 (Corner House), 12, 13, 14, 15, 18, 20, 22, 23 (twice), **24**, 25, 27, 29 (twice), 31, 35 & 47 York Crescent; 1, 3, 4, 5, 7 (twice), 8 (twice) & 9 Green Acre; Hillside Cottage (No.38) (twice) & 40 (twice) Church Lane West; Trelawney House, Cargate Terrace; Flat 5 Sales Court, Cargate Avenue; Aldershot Baptist Church, Upper Elms Road [the owners

of 'The Manse' (No.35) York Crescent]; 62 Coronation Road (representing Aldershot Civic Society); 15 Calvert Close; Hawthorns, Hazel Avenue, Ash Green; 42 Derby Avenue, London N12; County Cllr Crawford (HCC Aldershot North Division); and Cllr Roberts (Aldershot Park Ward). Objection is raised on the following summary grounds:-

In addition, further email comments have been received from the occupiers of 14, 23 & 24 York Crescent re-iterating aspects of their objections as set out in the report.

(d) Amended Recommendation (Page 52):

It is recommended that subject to:

(a) confirmation from the Secretary of State for Levelling-Up, Housing and Communities (DLUHC) that the application will not be subject to call-in; and

(b) the completion of a satisfactory Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by 26 March 2022 to secure the SAMM, SPA and Public Open Space contributions as set out in the report, 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:-

In the event that a satisfactory s106 Agreement is not completed by 26 March 2022, the Head of Economy, Planning and Strategic Housing, in consultation with the Chairman, be authorised to refuse planning permission on the grounds that the proposal does not provide a financial contribution to mitigate the effect of the development on the Thames Basin Heaths Special Protection Area in accordance with The Rushmoor Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy and adopted Rushmoor Local Plan Policy NE1; and does not make appropriate provision for Public Open Space in accordance with the requirements of adopted Rushmoor Local Plan Policy DE6.

(e) Amended Conditions:

2. (Page 53) The permission hereby granted shall be carried out in accordance with the following approved drawings and details – L.01 REV.A; B.01 REV.B; *P.01 REV.G*; P.02; P.03; P.04; P.05; P.06; P.07; P.08; *P.09 REV.E*; Vincent & Rymill SK1 Drainage Scheme; Surface Water Disposal Hierarchy Checklist; Vincent & Rymill Surface Water Storage Calculations; Vincent & Rymill Soakaway Report Letter (Infiltration Tests); Thames Water Asset Map for YC; AEWG Badger Mitigation Strategy Sept 2020; AEWG response to Council Jan 21; AEWG Reptile Mitigation Strategy Feb 2021; AEWG Ecology Consultants Summary Statement; PTP Access Statement (Highways Issues); AEWG Updated Walkover Survey January 2021; AEWG Protected Species Walkover Survey Sept 20; AEWG Reptile Survey Report July 2019; AEWG Biodiversity Net Gain Metric Spreadsheet; SMW Tree Report & Appendices 1-6; Tree Report: Heli-Pile & Rootbridge System Details; Design & Access Statement; and Applicants' Supplementary Supporting Statement.

8.(Page 54) Prior to first occupation of the development hereby approved the ecological enhancements as shown by *Drawing No.P.09 REV.E : Proposed Landscaping Plan* hereby approved shall be implemented in full and retained thereafter. All planting, seeding

or turfing comprised in the approved details of landscaping shown by *Drawing No.P.09 REV.E* : Proposed Landscaping Plan hereby approved shall be carried out in the first planting and seeding season following the occupation of the building or the practical completion of the development hereby approved, whichever is the sooner.

22. (Page 58) No development shall commence until an ecological walk-over survey has been undertaken by a suitably qualified ecologist immediately before the start of any site clearance and works on site to identify the presence of any protected species within the area of the development hereby approved. In the event that protected species are identified within the area of the development hereby approved, no works shall start and a survey report incorporating a scheme of mitigation measures to protect any such protected species as are found shall be submitted to the Local Planning Authority for consideration and approval as appropriate. The scheme of mitigation as may subsequently be approved shall thereafter be implemented in full in accordance with the approved mitigation details prior to and/or during the commencement of works on site as specified in all respects.

24. (Page 58) **No** site clearance and development works of any kind in respect of the implementation of the development hereby approved shall be undertaken until the wildlife corridor/buffer zone and associated segregated link route as shown and identified by the Landscaping Plan Drawing No.P.09 REV.E and described in the AEWB Badger Mitigation Strategy (February 2021) hereby approved has been established, enclosed and provided in full. The completed wildlife corridor/buffer zone and associated segregated link route shall thereafter be retained ~~at all times thereafter~~ for the lifetime of the development.

No development of any sort shall take place within the wildlife corridor/buffer zone and associated segregated link route as shown and identified by the Landscaping Plan Drawing No.P.09 REV.E hereby approved. Furthermore, the wildlife corridor/buffer zone and associated segregated link route shall not at any time form part of the curtilage of the adjoining residential properties hereby permitted and shall not be used at any time for any purpose(s) associated with the residential use and occupation of the adjoining residential properties hereby permitted.

25. (Page 59) No works in connection with the development hereby approved (including ground works and vegetation clearance) shall commence until a Biodiversity Monitoring & Management Strategy for the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The purpose of the Strategy shall be, **for the lifetime of the development**, to safeguard protected wildlife species from harm and disturbance as a result of the development hereby approved; maintain biodiversity enhancements; and to manage the satisfactory retention of the enhancement and mitigation measures approved in respect of the development hereby approved. The content of the Strategy shall, inter alia, include the following:

(a) Aims and objectives of monitoring to match the stated purposes;

(b) Identification of the management and monitoring measures to be adopted and implemented;

(c) Identification of adequate baseline conditions prior to the start of development;

(d) Timing and duration and intervals of monitoring; and

(e) Responsible persons and lines of communication.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at the intervals identified in the Strategy. The **Strategy** shall also set out how contingencies and remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully-functioning biodiversity gain and safeguarding of protected species objectives of the originally approved scheme. The development shall be carried out in strict accordance with the approved monitoring strategy.

Reasons for all the above conditions remain as set out in the report.

Additional item.

AGENDA ITEM NO. 7

EPSH 2209

Esso Pipeline 19/00432/PINS

The Head of Economy, Planning and Strategic Housing will give a verbal update on the above project.