Development Management Committee 17th August 2022

Item 9 Report No.EPSH2227 Section C

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. 22/00029/FULPP
- Date Valid 11th January 2022

Expiry date of 17th May 2022

consultations

Proposal Demolition of existing bus station and re-development of site with the erection of a mixed use building comprising three ground floor commercial units with sub-divisible flexible use (Use Class E and sui generis; drinking establishment; Launderette, hot food takeaway); and upper floor residential use (Use Class C3) comprising 32 market residential flats (18 X 1-bedroom, 12 X 2bedroom & 2 X 3-bedroom units) with associated on-site servicing and parking areas [re-submission of development approved with planning permission 16/00981/FULPP dated 26 February 2019]

Address Aldershot Bus Station 3 Station Road Aldershot

- Ward Manor Park
- Applicant Mr Simon Gill
- Agent Mr Charlie Minty

Recommendation **Grant** subject to s106 Planning Obligation

Description

Aldershot Bus Station is adjacent to the west side of the forecourt of Aldershot Railway Station. The application site has a roughly oval shape and measures 0.24 hectares. It is entirely hard-surfaced and enclosed to the north, west and south sides by brick walls, where the site abuts the grounds of residential flats at Ascot Court. Vehicular access is from Station Road adjoining the "Field Gun" roundabout. The site has a small building containing ancillary offices and public toilets. The majority of the site is used for bus manoeuvring and parking. It contains a number of bus stop bays perpendicular to the station forecourt, from which it is separated by a pedestrian pavement. There is an enclosed service compound for the Railway Station in the space between the south of the application site and the Railway Station building.

On the opposite side of the Railway Station forecourt area to the north-east, is the railway Station car park, with Kingsley Court, a block of sheltered flats, situated beyond. To the

north, the opposite side of Station Road contains commercial uses.

This proposal is identical to that which was granted Planning Permission in on the 26th February 2019, following the resolution to grant planning permission subject to the completion of a satisfactory s106 Planning Obligation agreed by the Council's Development Management Committee at their meeting on 5th December 2018. The planning application has been re-submitted by the applicant as this former Planning Permission has lapsed¹ unimplemented.

The proposal is for the re-development of the entire site with a building of up to five-storeys in height. This would provide 32 residential flats (18 X 1-bedroom, 12 X 2-bedroom & 2 X 3-bedroom units) on the upper floors, above up to three ground floor commercial units with flexible use falling within Use Class E indicated to possibly comprise a laundrette, hot food takeaway and/or drinking establishment (sui generis) to front the Railway Station forecourt. The proposed ground floor commercial space is shown to be divided to comprise a single unit of 464 sqm (Unit 1), with a further unit of 152 sqm that could be divided flexibly into two smaller units (Units 2 and 3) or let as a single unit.

Vehicular access to and from the site would remain as existing with only minor modifications. This would lead into an enclosed service and parking area behind and under the proposed building. A total of 32 parking spaces would be provided.

The proposed new building would have a footprint fitting within the curved east boundary of the site adjoining the Railway Station forecourt. Although the proposed building would cover a wide frontage, the main mass, bulk and height of the building would be concentrated towards the south adjoining the Railway Station building. The proposed building would have stepped upper with balconies and amenity terraces. An area of flat roof to the rear is shown fitted with solar panels.

The elevations would be finished with a variety of external materials; including brickwork; stone-like wall masonry; pressed metal walling systems and render.

The application is accompanied by a Design & Access Statement, a Transport Statement, a Biodiversity Assessment and an Economic Viability Report.

The applicants are seeking to complete a s106 Planning Obligation to secure financial contributions in respect of SPA mitigation and avoidance and public open space as required by adopted Development Plan policies.

The application has been the subject to a number of agreed extensions of time for the determination of the application arising from the consideration of issues arising from the reassessment of the Economic Viability Report and other issues where there have been material changes in circumstances since the previous grant of planning permission in 2019.

Consultee Responses

HCC Highways Development	No highway objections subject to conditions:
Planning	

RBC Regeneration Team

No comments received.

¹ The permission was not implemented within the 3 years required under condition 1 of that planning permission (16/00981/FULPP).

Planning Policy	No policy objection subject to confirmation of compliance with the requirements of Policy LN2 following the independent assessment of the Addendum Financial Viability Assessment submitted with the application.
Environmental Health	No objections subject to conditions and informatives.
Contract Management	No objections, but notes that the Council has changed its method of refuse and recycling collections since 2019. All bins must be purchased by the developer before the units become occupied.
Parks Development Officer	No objections and identifies a POS project for which a POS financial contribution will be required.
Aboricultural Officer	No objections subject to conditions on same basis as considered and approved with planning permission 16/00981/FULPP.
Ecologist Officer	No objection.
Natural England	No objections subject to an appropriate SPA financial contribution being secured with a s106 Planning Obligation.
Hampshire & I.O.W. Wildlife Trust	No comments received during the consultation period.
Thames Water	Waste Comments: advises the imposition of a condition.
Lead Local Flood Authorities	More information required.
Neighbourhood Policing Team	No comments received during the consultation period.
Hampshire Fire & Rescue Service	No objections and provides generic fire safety advice.
Housing	No comments received during the consultation period.
Network Rail	No objection
Stagecoach South Western Trains Limited	No comments received.

Neighbours notified

In addition to posting a site notice and press advertisement, 179 individual letters of notification were sent to 2 (plus first, second floor flat); 4; 4A; 6-8; 8 (Hashimi Court, Flat 1,; 2, 3, 4, 5, 6,7); 10; 10A; 12; 12A; 12B; 14 (second floor flat); 14; 14A; 14B; 16 (second floor flat); 16; 16A; 16B; 18 – 20 Station Road (inc Flat 1, 2);The Funky End (including flat),

Station Road; 1, 2; 3; 4; 5; 6; 7; 8; 9; 10; 11, 12; 14; 15; 16; 18, 19, 20, 21, 22; 23; 24; 25; 26, 27; 28; 29, 30; 31, 32; 33; 34; 35; 36; 37; 38, 39, 40;41, 42, 43, 44; 45; 46; 47, 48, 49; 50; 51; 52; 53; 54; 55; 56;57; 58, 59; 60, 61, 62, 63, 64; 65; 66; 67; 68 Kingsley Court 44; 45; 46; 47; 48; 50; 51; 52; 53; 54; 55; 56, 57; 58; 59; 60; 61; 62; 63; 64; 65; 66; 67,68, 69, 70; 71; 72, 73; 74; 75; 76; 77, 78, 79; 80, 81; 82; 84; 85; 86; 87; 88, 89; 90; 91, 92, 93; 94; 95; 96; 97; 98; 99; 100; 101; 102; 103; 104; 105; 106; 107; 108; 109; 110, 111; 112; 113, 114; 115; 116; 117 Ascot Court; Unit 1, 3 Aldershot Railway Station; 27 Eggars Hill.

Neighbour comments

- 4A Station Road. Support letter.

I am pleased to learn that the present land will be redeveloped following its destruction. This, in my opinion, is sound reasoning that might result in more public benefits. As a local resident, I am acutely aware of the Car Parking issue. Along with the market residential apartments, I hope the land will feature a significant amount of accessible parking. I am confident that the new project will increase infrastructure in Aldershot Town and aid in its future growth.

- 27 Eggars Hill Aldershot. Objection

I am complaining about the loss of the bus station, which is at present conveniently placed by the Aldershot train station (integrated transport). It is reasonably safe for people to wait for the buses in the bus station. If people have to walk to other stops in streets around the area, it may be less safe, especially after dark. Many passengers are vulnerable so may feel less safe and some people have mobility issues so would need to sit down whilst waiting. This proposal doesn't make sense.

Policy and determining issues

The site is located within the built-up area of Aldershot. The adjoining original central portion of the Railway Station building is identified by the Council as a Building of Local Importance (BOLI): a locally designated heritage asset. However, the application site is neither located within a Conservation Area nor adjoining a statutory listed building.

Local Plan Policies SS1 (Presumption in Favour of Sustainable Development), SP1.8 (Aldershot Railway Station and Surrounds), IN2 (Transport), HE1 (Heritage), DE2 (Residential Internal Space Standards), DE3 (Residential Amenity Space Standards), DE4 (Sustainable Water Use), DE6 (Open Space, Sport and Recreation), DE10 (Pollution), LN2 (Affordable Housing), PC8 (Skills, Training and Employment), NE1 (Thames Basin Heaths Special Protection Area), NE3 (Trees and Landscaping), NE4 (Biodiversity), NE8 (Sustainable Drainage Systems) of the Local Plan and the Rushmoor Car and Cycle SPD. The Council's Car and Cycle SPD is also relevant.

It is an important material consideration that the Council has previously granted planning permission for identical proposals. Accordingly, it is necessary to consider whether there have been any material changes in circumstances since the previous decision to grant permission was taken in order to consider whether any changes would make a difference to the Council's consideration of the proposals now. In this context, the key determining issues are considered to be:-

1. The Principle of the proposals;

- 2. Design and Visual Impact;
- 3. Heritage Impact;
- 4. Impact on Neighbours;
- 5. The Living Environment Provided;
- 6. Highways Considerations;
- 7. Affordable Housing;
- 8. Impact on Wildlife;
- 9. Drainage Issues;
- 10. Renewable Energy and Sustainability; and
- 11. Public Open Space.

Commentary

1. Principle -

The application site lies within the allocated site of 'Aldershot Railway Station and Surrounds' as per Policy SP1.8 of the Local Plan. This policy explains that the Bus Station is surplus to requirements and such provision can be provided on an alternative site and thar the site can come forward for residential development. In addition, the principle of the loss of the bus station has already been established though the grant of the now lapsed planning permission for the same development.

The Station forecourt regeneration scheme will include the provision of bus stops to serve the station routes, the provision of a new bus layover within the town centre and enhancements to the public realm. The proposals for the regeneration adjoining Railway Station forecourt area are funded and are expected to move forward within a timescale commensurate with the proposed development forming the current planning application. As before, it is considered appropriate to impose a Grampian-style planning condition to require that no development commences until alternative provision to the Bus Station for bus stopping, drop-off stops and facilities in the vicinity of Aldershot Railway Station has been provided and brought into use. This would ensure that adequate interconnectivity between bus services and other modes of transport are maintained for Aldershot.

In the circumstances, given that bus stop facilities are to be re-provided in the vicinity of the Railway Station as part of the public realm improvements works, it is considered that the proposals, involving the provision of new residential units and some small-scale ancillary retail outlets, are acceptable in principle; subject to all usual development management issues being satisfactorily addressed.

2. Design and Visual Impact including impact upon trees -

The site is not located within a Conservation Area and is not located adjoining or in the vicinity of a Listed building.

The vicinity has a mixed, densely urban character, with a variety of land uses and buildings of different types, ages, external materials and extensions and alterations. The Bus Station – located in a prominent position and passed at close quarters by many people daily - is in desperate need for regeneration. A well-designed scheme has the opportunity to transform the visual appearance of the area.

The proposal is of significant mass and height with an eccentric mixture of projections, roof forms and materials. However, this does not necessarily mean that the proposal would result

in harm to the areas character. The scale and height of the building is not dissimilar to those around it, and it would not appear overbearing in relation to the adjacent buildings. The forms and detailing of the building are modern and would be an improvement upon the existing situation. In addition, the design of the building is the same as that of the lapsed planning permission and there has not been a materially significant change in planning policy to justify a change in the design. Accordingly, it would not be sustainable to refuse the planning application on this ground.

Seven individual trees in the vicinity of Aldershot Railway Station forecourt are subject to Tree Preservation Order (TPO) No.450, which was last reviewed and re-served in 2009. At that time all seven trees were re-assessed and considered to merit continued TPO status on account of their physical condition and, in particular, their amenity value at a very public location within the town. This TPO includes three trees [comprising T4 (lime), T5 (horse chestnut) & T6 (lime)] that directly adjoin the Bus Station boundary and are within the ownership of the applicant. As with the previous approved scheme, these three trees are proposed to be removed in their entirety as a result of the proposed development and the Applicants do not seek to justify their loss on grounds of poor condition etc. As such the Council would ordinarily consider that adopted planning policies would justify the refusal of planning permission on the basis of the proposed development failing to appropriately consider and allow for the site constraint of the trees in the scheme design. However, as previously, in this case it is apparent that the applicants followed advice on the proposed redevelopment of the application site and the adjoining Railway Station forecourt area as shown in the Council's adopted Aldershot Town Prospectus SPD (January 2016). The SPD envisages the application site occupied by a new building creating a new continuous frontage along the west side of the Station forecourt area. The existing trees on this side of the Station forecourt are not shown; and provision of new tree planting as part of the wider Railway Station improvement works are indicated. The Council's Regeneration Team have previously confirmed that replacement tree planting is to be incorporated into the new Station forecourt improvement works. Furthermore, s206 of the Town & County Planning Act 1990 imposes an obligation for the provision of new tree planting in the vicinity on a one-for-one basis to replace any TPO tree that is removed – and that the TPO would transfer to the replacement trees. In these specific circumstances, which remain identical to those considered by the Council when planning permission was granted previously in 2019, subject to the imposition of a condition to require the submission of details and provision of the proposed replacement trees that would become the subject of the TPO, it is considered that, on balance, the loss of the three TPO trees from the margins of the application site can be supported.

The Council's Arboricultural Officer considers that no other nearby trees would be likely to be adversely affected subject to the imposition of the usual tree protection conditions.

Subject to a condition for material samples, tree protection and landscaping conditions, that the proposal would not conflict with Policy DE1 of the Local Plan.

3. Heritage Impact -

Although not statutorily listed, the original core of the adjacent Railway Station building is identified by the Council as a Building of Local Importance (BOLI). The significance of this BOLI lies in its age; evidential and community recognition, and visual appearance as a local landmark that retains some original features. There have been no material changes in this respect since the previous planning permission was granted. The proposals would not have a material impact upon the attributes of the BOLI and, as a result, would not result in harm to the heritage asset. There is, therefore, no conflict with Policy HE2 in this regard.

4. Impact on Neighbours -

It is considered that no material changes in planning circumstances arise since the granting of the previous planning permission in 2019. The application site has different neighbours on each side, although most are on the opposite side of streets adjoining the site. To the north and west are the only neighbours that actually adjoin the site, namely blocks of residential flats at Ascot Court. On all other sides the application site does not directly abut neighbouring properties. All of these nearby non-adjacent properties are non-residential. The sheltered flats at Kingsley Court are on the far side of the Railway Station car park. It is not considered that any of the adjoining flats at Ascot Court would be subject to a material and harmful loss of privacy. Although some of the Ascot Court flats are to the north of the application site, they would not be subject to any material loss of light or outlook. It is considered that the resulting relationships between the proposed development and Ascot Court flats would be conventional and typical of an urban environment such as this.

No neighbouring residential dwellings would be subjected to material impacts given the relative orientation and degree of separation of the proposed development from such neighbours.

The demolition and construction phases of the proposed development have the potential to cause significant noise, vibration and dust emissions which could impact on the amenities of existing nearby residential properties. Environmental Health have therefore recommended that a Demolition and Construction Method Statement be submitted prior to ground works commencing setting out measures to be employed to minimise noise, vibration, dust and other emissions from the site. The proposal would accord with Policy DE1 in this regard.

5. Living Environment Provided –

<u>Unit Sizes -</u> All the proposed flats would provide accommodation meeting or exceeding the minimum unit sizes as set out within Local Plan Policy DE2. The proposed development would also provide private amenity space in the form of balconies and terraces and some on-site communal terrace amenity space at first-floor level, thereby according with Policy DE3 of the Local Plan.

<u>Contamination –</u> Since the site has the potential to contain some contaminated ground as a result of its long standing commercial uses (railway sidings and possible use as a goods yard), and the proposed residential use is one that would be vulnerable to contact with contamination in undeveloped areas (such as within landscape planting areas), the Council's Contaminated Land Officer advises that a full intrusive site investigation will be required to identify if there are any risks association with ground contamination. As with the previous planning application, no objection is raised subject to the imposition of planning conditions to require further site investigation work to be undertaken and for any remedial works to be implemented and verified as appropriate.

<u>Noise and vibration</u>: The site is situated beside Aldershot Train Station and will be subject to noise from the passage of trains (engines, vibrations from trains passing, break squeals), the station (e.g. tannoy announcements) and the rail users (chatter, shouting, vehicle noise etc). Other potential noise sources will be road traffic on Station road, the taxi rank opposite, and the Funky End Public House opposite that has live entertainment and music on a regular basis. In addition to this, the site proposes a range of Class E uses potentially comprising hot food takeaway and drinking establishment uses. These venues and the train station will

attract people and traffic to the area late at night, particularly at weekends and this could cause significant disturbance to future occupants of the new flats should adequate mitigation not be provided.

Accordingly, as previously, a comprehensive noise and vibration assessment is required to inform building envelope and possible foundation design, and whether an alternative means of ventilation will be required for habitable rooms. The Noise Impact Assessment and a Vibration Assessment will need to demonstrate that a satisfactory living environment can be achieved within all habitable rooms and balconies, and that any adverse impacts from these potential sources of noise will be adequately mitigated against. This can be secured by condition.

Subject to a condition requiring a Noise impact Assessment, Vibration Assessment and restrictions on opening hours, plant and deliveries, it is considered that the proposal would not conflict with Policy DE1 or DE10 of the Local Plan.

7. Affordable Housing –

Rushmoor Local Plan Policy LN2 requires provision of 30% affordable housing with developments of 11 or more net dwellings, subject to viability. The requirement for the Council's affordable housing policies to be subject to viability arises from clear Government guidance that requires this to be the case.

The application is accompanied by an Economic Viability Assessment carried out on behalf of the applicant making the case that the current proposals cannot sustain affordable housing provision on viability grounds. This submission has been re-assessed independently on behalf of the Council by BPS Chartered Surveyors in the light of the current economic situation. The conclusion is that whilst there are differences in opinion regarding some of the costs involved, it continues to be agreed that the development cannot support the provision of affordable housing on viability grounds.

As any planning permission granted on this site would be valid for two years and could take some time to build-out thereafter, BPS recommend that the development should be subject to a financial re-assessment clause to be secured by the s106 Planning Obligation. This would ensure that the applicant/developer does not benefit from any improvement in the market value of the scheme that could justify provision of affordable housing or an equivalent financial contribution.

This means that, should the financial return from the scheme be found to have increased substantially, an appropriate financial contribution would be made to the Council towards the provision of affordable housing elsewhere in the Borough. This would be up to the ceiling of the equivalent of the full 30% provision (10 dwelling units) required by Policy LN2.

Therefore, subject to this provision being secured with the s106 Planning Obligation, it is considered that the proposed development is fully compliant with the requirements of Policy LN2.

8. Impact on Wildlife –

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 incombination 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 Rushmoor Local Plan Policy NE1 (Thames Basin Heaths Special Protection Area) and Thames Basin Heaths Avoidance & Mitigation Strategy (2018)], 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 32 net new residential flats close to Aldershot Town Centre. 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 Rushmoor Local Plan Policy NE1 and Thames Basin Heaths Avoidance & Mitigation Strategy (2022), 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 2022. The AMS provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the incombination 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. A material change in planning circumstances since 2019 is that the SANG contribution

payment amounts required have increased with inflation.

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 respect, the Rushmoor Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy comprises two elements. Firstly, the provision of Suitable Alternative Natural Greenspace (SANG) at Rowhill Copse in order to divert additional recreational pressure away from the Thames Basin Heaths Special Protection Area (TBHSPA) and secondly the provision of a range of Strategic Access Management and Monitoring Measures to avoid displacing visitors from one part of the TBHSPA to another and to minimize the impact of visitors on the TBHSPA. The proposal meets the criteria against which requests to allocate capacity at the Rowhill Copse SANG will be considered.

In accordance with the strategy, the applicant has agreed to make a financial contribution of £168,825.22 to provide and maintain the SANG at Rowhill Copse (comprising £148,919.32 SANG and £19,905.90 SAMM contributions) that is to be secured by way of a s106 Planning Obligation or a Deed of Variation to the previous s106 Planning Obligation as considered appropriate. Subject to the necessary s106 Agreement/Deed of Variation being completed in this respect, the proposals would have an acceptable impact on the Thames Basin Heaths Special Protection Area in compliance with the requirements of Local Plan Policy NE1.

Conclusions of Appropriate Assessment.

On this basis, subject to the completion of a satisfactory s106 Planning Obligation in this respect, it is considered that 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 Local Plan Policy NE1 and the AMS. Accordingly, it is considered that planning permission can be granted for the proposed development on SPA grounds.

<u>Biodiversity net gain</u> – The site mostly comprises hardstanding and has a low potential for biodiversity. The proposal includes a landscaping scheme that would provide a net gain in biodiversity. The Council's Ecologist has reviewed the proposals and considers that the landscaping plan provided would meet the objectives of the NPPF in terms of biodiversity

9. Drainage –

There have been no material changes in the flood risk classifications of the application site since the previous permission was granted. Adopted Local Plan Policy NE8 (Sustainable Drainage Systems) is relevant and 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 flooding and, as existing, the site remains entirely hard-surfaced and reliant on off-site surface water drainage. The applicants indicate that a SUDS system would be incorporated into the development, however no details are provided. With the previous planning application the Lead Local Flood Authority (Hampshire County Council: the LLFA) identified the information and details that would need to be provided and considered that it would be appropriate in the circumstances of this case to impose a condition in this respect, by which the requirements of NE8 of the Local Plan would be met.

In their consultation response to the current application, the LLFA have suggested that a

condition would not be appropriate and planning permission should not be granted until additional information is provided and confirmed as being satisfactory. Given there has been no material change in circumstances since the grant of planning permission in principle for an identical proposal in 2019 it is not considered that to withhold planning permission pending the submission and approval of details, which can be required by condition, would be reasonable or sustainable. The applicants' agent has been advised of the LLFA consultation response.

10. Public Open Space –

The Local Plan seeks to ensure that adequate open space provision is made to cater for future residents in connection with new residential developments. Local Plan Policy DE6 allows provision to be made on the site, or in appropriate circumstances, a contribution to be made towards upgrading facilities nearby. The policy does not set a threshold of a particular number of dwellings or size of site above which the provision is required. The site is not big enough to accommodate anything other than the development proposed and any associated landscape planting. AS with the SPA financial contribution, the amount required for the POS contribution has increased with inflation since 2019.

This is a circumstance where a contribution [in this case now £68,129.60 towards the off-site provision of the POS comprising freshwater habitat improvement works at Manor Park, Aldershot (£35,563.65); playground refurbishment at Redan Hill Gardens, Aldershot (£26,502.41); and basketball court renovation at Manor Park, Aldershot (£6,063.54)] secured by way of a planning obligation would be appropriate. Subject to the applicant satisfactorily completing the s106 Planning Obligation/Deed of Variation in this respect, the proposal is considered to be acceptable within the terms of Local Plan Policy DE6.

Conclusions –

The proposals are considered acceptable in principle, would have no material and harmful impact upon the visual character and appearance of the area, give rise to no substantial harm to a non-statutory heritage asset, have no material and adverse impact on neighbours, would provide an acceptable living environment and are acceptable in highway terms. On the basis of the provision of a contribution towards the Rowhill Copse SPA mitigation scheme, the proposals are considered to have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area. The proposals are thereby considered acceptable having regard to Policies SS1, SP1.8, IN2, HE1, DE2, DE3, DE4, DE6, DE10, LN2, PC8, NE1, NE3, NE4, NE8 of the Local Plan and the Rushmoor Car and Cycle SPD.

Full Recommendation

It is recommended that subject to the completion of a satisfactory Planning Obligation or Deed of Variation under Section 106 of the Town and Country Planning Act 1990 by 31st August 2022 or such later date as agreed by an extension of time to secure the following:-

(i) The stated financial contribution towards the maintenance of SPA avoidance and mitigation;

(ii) The stated Public Open Space Contribution; and

(iii) Financial viability re-assessment clauses in the event that the implementation and completion of the scheme is protracted and market conditions improve the value of the scheme;

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:-

However, in the event that a satisfactory s106 Agreement is not received by 31st August 2022 or at a mutually agreed alternative date, 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 make satisfactory provision for public open space in accordance with Local Plan Policy DE6; make 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 Local Plan Policy NE1.

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

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and at the discretion of the Head of Planning in recognition of the special circumstances applying in this particular case within which a longer implementation period is considered appropriate as set out in Appendix 4 of the adopted Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy (2022).

The permission hereby granted shall be carried out in accordance with the following approved drawings and details – 128-01-00; 128-02-00; 128-03-10; 128-03-11; 128-03-12; 12-03-13; 128-03-14; 128-05-20; 128-05-21; 128-02-20; Design & Access Statement; Transport Statement; Biodiversity Assessment; and Economic Viability Report.

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

3. Notwithstanding any indication of materials which may have been given in the application, or in the absence of such information, construction of the following elements of the development hereby approved [the external walls, roofing materials, window frames/glazing, rainwater goods, and any new external hard-surfacing materials] shall not start until a schedule and/or samples of the materials to be used in them have been submitted to, and approved in writing by, the Local Planning Authority. Those elements of the development shall be carried out using the materials so approved and thereafter retained.

Reason - To ensure satisfactory external appearance. *

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

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

5. Prior to occupation or use of the development hereby approved, screen and boundary walls, fences, hedges or other means of enclosure shall be installed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed and retained in accordance with the details so approved.

Reason - To safeguard the amenities of neighbouring property. *

6. The development hereby permitted shall not be occupied until the parking spaces, bicycle storage and bin storage areas shown on the approved plans have been constructed, surfaced and made available to occupiers of, and visitors to, the development in accordance with a scheme of allocation that has been submitted to and approved in writing by the Local Planning Authority. Thereafter these facilities shall be kept available at all times for their intended purposes as shown on the approved plans. Furthermore, the parking spaces shall not be used at any time for the parking/storage of boats, caravans or trailers.

Reason - For the avoidance of doubt and to ensure the provision, allocation and retention of adequate off-street car and bicycle parking, servicing, and bin storage within the development. *

7. Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.

Reason - In the interests of visual amenity.

8. Prior to the first occupation of the flats hereby permitted, details for a communal aerial/satellite dish system shall be submitted to and approved in writing by the Local Planning Authority. The new flats hereby permitted shall not be occupied until the approved scheme has been installed and made operational.

Reason - In the interest of the visual amenity of the area by avoiding the unnecessary proliferation of aerial/satellite dish installations on the building.

9. The landscape and planting scheme as set out within plan 128-02-20 shall be installed the first planting season after the first occupation of any part of the proposal hereby permitted. Any plants that fail within 5 years of the implementation of the development shall be replaced with a similar species.

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

11. No works shall start on site until existing trees adjoining the site have been adequately protected from damage for the duration of site clearance and works in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. In this respect no materials or plant shall be stored and no buildings erected within protective fencing to be erected at the margins of the root protection area of each tree/shrub/hedge to be retained as appropriate.

Reason - To ensure that existing trees are adequately protected in the interests of the visual amenities of the site and the locality in general.

12. Prior to first occupation of the development hereby approved details of all external lighting to be installed within the site and/or on the exterior of the building hereby permitted shall be submitted to and approved by the Local Planning Authority. The submitted details shall indicate the purpose/requirement for the lighting proposed and specify the intensity, spread of illumination and means of controlling the spread of illumination (where appropriate). The external lighting proposals as may subsequently be approved shall be implemented solely in accordance with the approved details and retained thereafter solely as such unless otherwise first agreed in writing by the Local Planning Authority. With the exception of lighting identified and agreed as being necessarily required solely for maintaining the security of the site/building during night-time hours, no other external lighting shall be used/operated during night-time hours (2300 to 0700 hours daily) unless otherwise first agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of nearby residential properties; and to ensure that there is no unnecessary use of lighting at the site.

- 13. Prior to the commencement of development a Construction & Traffic Management Plan to be adopted for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The details required in this respect shall include:
 - (a) the provision to be made for the parking and turning on site of operatives and construction vehicles during construction and fitting out works;
 - (b) the arrangements to be made for the delivery of all building and other materials to the site, including construction servicing/delivery routes;
 - (c) the provision to be made for any storage of building and other materials on site;
 - (d) measures to prevent mud from being deposited on the highway;
 - (e) the programme for construction; and
 - (f) the protective hoarding/enclosure of the site.

Such measures as may subsequently be approved shall be retained at all times as specified until all construction and fitting out works have been completed.

Reason - In the interests of the safety and convenience of adjoining and nearby residential properties and the safety and convenience of highway users. *

14. No construction works pursuant to this permission shall take place until measures to incorporate Sustainable Drainage Systems (SUDS) into the new built development have been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full prior to the first occupation of the new building and retained in perpetuity.

Reason - To reflect the objectives of Policy NE8 of the Rushmoor Local Plan. *

- 16. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - i. a desk top study carried out by a competent person documenting all previous and existing uses of the site and adjoining land, and potential for contamination, with information on the environmental setting including known geology and hydrogeology. This report should contain a conceptual model,

identifying potential contaminant pollutant linkages.

- ii. if identified as necessary; a site investigation report documenting the extent, scale and nature of contamination, ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study.
- iii. if identified as necessary; a detailed scheme for remedial works and measures shall be undertaken to avoid risk from contaminants/or gas identified by the site investigation when the site is developed and proposals for future maintenance and monitoring, along with verification methodology. Such scheme to include nomination of a competent person to oversee and implement the works.

Where step iii) above is implemented, following completion of the measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation shall be submitted for 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.*

17. 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.

18. 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.

Reason - To protect the amenity of neighbouring occupiers.*

18. The development hereby approved shall not be occupied until measures to protect the occupiers of the dwelling units within the development hereby approved from noise and vibration from the adjoining commercial units, railway and roads has been implemented in full in accordance with plans and details to be first submitted to and approved in writing by the Local Planning Authority. Such details shall include a noise and vibration impact assessment and details of any requires ventilation systems.

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

20. In the event of a ground floor commercial use being used for purposes falling within

Use Classes E(b) Restaurant; E(d) Indoor Sport and recreation; or Sui-Generis Takeaway; Sui-Generis Pub or Drinking Establishment, the premises shall not be open to customers outside the following times: Mondays to Saturdays: 0900 – 2400 hours;

Sundays: 0900 – 2300 hours.

Reason - To safeguard the amenities of neighbouring and adjacent residential occupiers.

21. In the event of a ground floor commercial use being used for purposes falling within Use Classes E(b) Restaurant; or Sui-Generis Takeaway; Sui-Generis Pub with hot food, the use shall not start until an extraction system appropriate to the nature of any food to be provided to customers has been installed and brought into operation in full accordance with plans and details that have first been submitted to and approved in writing by the Local Planning Authority. The approved extraction system shall be operated thereafter at all times in full working order whilst the Use Classes E(b) Restaurant; or Sui-Generis Takeaway; Sui-Generis Pub with hot food, use is in operation, including during the preparation/cooking of food before or after customer opening times.

Reason - In order to protect the amenities of occupiers of adjoining and nearby residential properties.

22. No sound reproduction equipment, conveying messages, music, or other sound by voice, or otherwise which is audible outside the premises shall be installed on the site.

Reason - To protect the amenities of occupiers of adjoining and nearby residential properties.

24. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting those Orders), the commercial units within the development hereby permitted shall only be used for those uses falling within Class E or Sui Generis drinking establishment or Launderette or hot food takeaway.

Reason - To reflect the nature of the flexible use sought with the application.

25. No deliveries shall be taken at or be despatched from the commercial units hereby permitted outside the hours of 0700 and 2330 hours Mondays to Saturdays or 0800 to 1800 hours on Sundays.

Reason - To protect the amenities of occupiers of residential properties in the vicinity.

26. No goods or materials of any sort shall be stored, stacked or displayed in the open outside of the commercial building hereby permitted.

Reason - In the interests of visual amenity.

- 27. No development shall be occupied until confirmation has been provided that either:-
 - 1. Foul water Capacity exists off site to serve the development, or

- 2. 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
- 3. All Foul water 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. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

28. Prior to first occupation of the development hereby approved details of the species, planning size/maturity, location, timing/schedule for planting, method of planting, means of support, protection and maintenance/aftercare of three trees to be planted in the vicinity of the application site to replace the TPO trees to be removed as a result of the development hereby approved shall be submitted to and approved by the Local Planning Authority. The replacement tree planting as may subsequently be approved shall be implemented at the time specified and retained thereafter solely in accordance with the approved details. No sound reproduction equipment, conveying messages, music, or other sound by voice, or otherwise which is audible outside the premises shall be installed on the site.

Reason - In the interests of the visual character and appearance of the area and in order to comply with the requirements of s206 of the Town & Country Planning Act 1990.

29. No development shall commence on site until alternative provision to the Bus Station for bus stopping and drop-off stops and facilities in the vicinity of Aldershot Railway Station has been provided and brought into use.

Reason - To ensure that adequate interconnectivity between bus services and other modes of transport is maintained.

INFORMATIVES

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

The proposals continue to be considered acceptable in principle, would have no material and harmful impact upon the visual character and appearance of the area, give rise to no substantial harm to a non-statutory heritage asset, have no material and adverse impact on neighbours, would provide an acceptable living environment and are acceptable in highway terms. On the basis of the provision of a contribution towards the Rowhill Copse SPA mitigation scheme, the proposals are considered to have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area. The proposals are thereby considered acceptable having regard to Policies SS1, SP1.8, IN2, HE1, DE2, DE3, DE4, DE6, DE10, LN2, PC8, NE1, NE3, NE4, NE8 of the Local Plan and the Rushmoor Car and Cycle SPD.

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

- 2 INFORMATIVE This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 3 INFORMATIVE Your attention is specifically drawn to the conditions marked *. These condition(s) require the submission of details, information, drawings etc. to the Local Planning Authority BEFORE a certain stage is reached in the development. Failure to meet these requirements is in contravention of the terms of the permission and the Council may take enforcement action to secure compliance. As of April 2008 submissions seeking to submit details pursuant to conditions or requests for confirmation that conditions have been complied with must be accompanied by the appropriate fee.
- 4 INFORMATIVE The applicant is recommended to achieve maximum energy efficiency and reduction of Carbon Dioxide emissions by:
 - a) ensuring the design and materials to be used in the construction of the building are consistent with these aims; and
 - b) using renewable energy sources for the production of electricity and heat using efficient and technologically advanced equipment.
- 5 INFORMATIVE The applicant is advised to contact the Recycling and Waste Management section at Rushmoor Borough Council on 01252 398164 with regard to providing bins for refuse and recycling. The bins should be:
 - 1) provided prior to the occupation of the properties;
 - 2) compatible with the Council's collection vehicles, colour scheme and specifications;
 - 3) appropriate for the number of occupants they serve;
 - 4) fit into the development's bin storage facilities.
- 6 INFORMATIVE Measures should be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway throughout the construction period.
- 7 INFORMATIVE No materials produced as a result of site preparation, clearance, or development should be burnt on site. Please contact the Council's Environmental Health Team for advice.
- 8 INFORMATIVE The applicant is advised that during the construction phase of the development measures should be employed to contain and minimise dust emissions, to prevent their escape from the development site onto adjoining properties. For further information, please contact the Council's Environmental Health Team.
- 9 INFORMATIVE It is a legal requirement to notify Thames Water of any proposed connection to a public sewer. In many parts of its sewerage area, Thames Water provides separate public sewers for foul water and surface water. Within these areas a dwelling should have separate connections: a) to the public foul sewer to carry waste from toilets, sinks and washing machines, etc, and b) to public surface water sewer for

rainwater from roofs and surface drains. Mis-connections can have serious effects: i) If a foul sewage outlet is connected to a public surface water sewer this may result in pollution of a watercourse. ii) If a surface water outlet is connected to a public foul sewer, when a separate surface water system or soakaway exists, this may cause overloading of the public foul sewer at times of heavy rain. This can lead to sewer flooding of properties within the locality. In both instances it is an offence to make the wrong connection. Thames Water can help identify the location of the nearest appropriate public sewer and can be contacted on 0845 850 2777.

- 10 INFORMATIVE The planning permission hereby granted does not authorise the applicant, or his agents, to construct a new/altered access to, or other work within, the public highway. A separate consent for works within the highway must first be obtained from the highway authority who may be contacted at the following address:- Hampshire County Council Highways Sub Unit, M3 Motorway Compound, Hook, Hampshire, RG27 9AA.
- 11 INFORMATIVE The applicant is requested to bring the conditions attached to this permission to the attention of all contractors working or delivering to the site, in particular any relating to the permitted hours of construction and demolition; and where practicable to have these conditions on display at the site entrance(s) for the duration of the works.
- 12 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.
- 13 INFORMATIVE The applicant is reminded that the commercial premises hereby approved should be made accessible to all disabled people, not just wheelchair users, in accordance with the duties imposed by the Disability Discrimination Act 1995. This may be achieved by following recommendations set out in British Standard BS 8300: 2001"Design of buildings and their approaches to meet the needs of disabled people Code of Practice". Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations 2000 "Access to and use of buildings".
- 14 INFORMATIVE In connection with meeting the requirements of Condition No.29, the applicants are advised to remain in dialogue with the Council's Regeneration Team (Fao: Nick Irvine, Regeneration Delivery Manager) at the Council Offices, Farnborough Road, Farnborough concerning progress with the design, approval and implementation of the adjoining Railway Station forecourt improvement works.





















FLOOR PLAN 1:200



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FLOOR PLAN 1:200



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FLOOR PLAN 1:200

