

**AMENDMENT SHEET FOR
DEVELOPMENT MANAGEMENT COMMITTEE
20th July 2022**

AGENDA ITEM NO. 3: Page 17

Section B Petitions

Members should note that both planning applications in respect of the Royal Staff Public House have been withdrawn by the applicants.

Item 9: 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:

1. A late objection has been received from the occupier of **54 Gordon Road Aldershot** raising issues already raised by other objectors as set out in the report;
2. A late objection has been submitted by the Chairman of the **North East Hampshire Badger Group**. It raises the following:-
 - The latest AEWG badger survey took place in January 2021 and is now out of date [**Officer Note: this matter is addressed in the report and, indeed, in the independent investigation into the objectors' complaint, which confirmed that the submitted reports remain valid. The latest AEWG survey work took place in September 2021 and explained in a report dated October 2021. This forms part of the submission under consideration in respect of the application. The submitted badger surveys, undertaken by qualified ecology professionals, cover a period of over two years and are not out of date.**]
 - NE Standing Advice recommends that any planning permission granted should be made conditional upon a further badger survey being conducted prior to any works in connection with the proposed development, including demolition and vegetation clearance. They are pleased to note that the Council's Ecology Officer is in agreement with this. [**Officer Note: Condition No.22 set out in the report covers this.**]

- It is also Standing Advice that main sett entrances be monitored (preferably with camera traps) for an extended period (usually a minimum of 21 days) to see if they are active. It is alleged that the surveys undertaken on behalf of the applicants to date have not done this. **[Officer Note: There is an active badger sett located on adjoining land to the rear of the application site – this respondent refers to their visit to the adjoining land this week which observed activity which would confirm this. Planning conditions ensure that this active sett will not be subject to damage or disturbance as a result of the proposed development. The Standing Advice referred to by this respondent would only apply if there was evidence of an active badger sett being located on the application site. There is no evidence of an active badger sett existing on the application site. The Council's Ecology Officer will advise further on this point at the meeting.]**
- The objector suggests the badger sett may be more extensive and extend into land under the application site. In this respect reference is made to a 2012 survey report **[Officer Note: undertaken over 10 years ago, so now out of date; and, in any event, not submitted for consideration with the current planning application by any party]** and also a much more recent survey alleged to have been undertaken by the 'Berkshire Badger Group' on Sunday 13 February 2022. **[Officer Note: when contacted, the respondent was unable to provide a copy of a survey report from this other Badger Group. The Berkshire Badger Group has not contacted the Council in connection with the application to either provide information or express concerns about the proposal. Accordingly, any alleged involvement by them does not amount to a significant material consideration in respect of the application. The Council's Ecology Officer will comment on the issue of the sett located on the adjoining land and its relationship with the application site at the meeting]**
- The description of possible sett holes within the application site as a possible outlier sett is questioned : the respondent suggests that proximity to the active main sett should warrant consideration as either part of the main sett or an annexe to it – and that they may be in active use. It is therefore claimed that holes found previously near the rear boundary of the site have been incorrectly de-classified and are too close to the proposed development. **[Officer Note: What is important is whether there is any evidence of active badger sett holes within the application site. There is no evidence that mammal holes previously identified within the application site boundary are in active use by badgers. There are no field signs of active badger use. Ecological surveys submitted in support of the application have concluded that there is no evidence of active badger use. A site inspection by the Council's Ecology Officer this week indicates that there is still no evidence of active badger sett holes existing within the application site. The Council's Ecology Officer has concluded that the proposed mitigation and avoidance measures proposed with the application, and measures required by condition, constitute an appropriately precautionary approach which will satisfactorily avoid harm and disturbance effects in accordance with current Government guidance and protection**

legislation. The Ecology Officer will expand upon these matters at the meeting.]

- Some suggestions are made for measures to be taken during the construction period to avoid harm and disturbance to badgers. However, it is not considered that the proposed mitigation measures are sufficiently robust and supportable. **[Officer Note: Condition Nos. 9, 21, 22, 23, 24 & 25 as set out in the report variously deal with aspects of this. These conditions are considered to be robust, comprehensive and appropriate to the circumstances of this case.]**
 - It is suggested that any decision to proceed on the basis proposed would be unwise. The Council are urged to either refuse planning permission on the grounds that the badgers' safety cannot be guaranteed; or that the decision on the application be deferred until, on the basis of reasoned evidence-based explanation, the likely disturbance effects on badgers is agreed by all parties to have been satisfactorily addressed. **[Officer Note: It is a matter for the Council to decide whether the relevant legislation and guidance has been followed. In this respect, it is considered that sufficient reasoned evidence and appropriate precautionary assessment of the impacts on badgers has been provided by appropriately qualified consultant ecologists. On this basis the Council is in a position to take an informed and reasonable decision on the application. The Council's Ecology Officer will address this matter at the meeting.]**
3. Although not submitted to the Council in connection with the planning application, a further letter has been sent to the Chairman of the DM Committee by the occupiers of **23 York Crescent**. This correspondence has been circulated to Members of the Committee. The Chairman has shared the letter with officers.

In addition to urging Members to keep an open mind, to visit the site and make an informed decision, reference is made to the possibility of 'illegal' decision making and judicial review, and the escalation of the objectors' complaint to the Local Government Ombudsman. A number of matters which have been raised in previous objections lodged in respect of the planning application are also reiterated. All these issues are explored and considered in the report before the Committee for decision.

Officer Note: The 'threat' of Judicial Review or the existence or otherwise of a complaint to the Local Government Ombudsman should not restrain or divert the Council from its statutory responsibility to consider and determine a planning application. The office of the Local Government Ombudsman investigates possible maladministration in procedure. It does not investigate or adjudicate on matters of professional opinion or the planning merits of proposals. An independent investigation has carefully considered the complaint made to the Council concerning the decision to grant planning permission in February 2022 and concluded that the decision was appropriately informed and soundly and reasonably arrived at.

Item 10: Page 77

Application No. 22/00413/FUL

Proposal Erection of a new play area incorporating natural play equipment (including a zip-line), safer surfacing, paths and 1.2 metre high picket fencing adjacent to rear of Southwood Country Park Visitor Centre

Address **Land adjacent to proposed Visitor Centre, Southwood Country Park, Ively Road, Farnborough**

Update to Report:

An amended Construction & Environmental Management Plan has been submitted to supersede the original submitted version and confirming the construction compound to be used (Option 2). Accordingly...

Amended Conditions 2 & 4:

2 The permission hereby granted shall be carried out in accordance with the following approved drawings Drawing numbers:- 20.6.44_PGPA_100 REV.A; 20.6.44_PGPA_101; FAWNS PHW0272; FAWNS PHW0272_B; Design & Access Statement; Fawns Design Statement; Playground Data & details; Design Option 1 : Oblique View; Design Option 2 : Oblique view; **Agent's email received on 8 July 2022**; and Construction & Environmental Management Plan **v2 received 13 July 2022**.

Reason – as set out in the report.

4 In complying with the working methods set out in the submitted Construction & Environmental Management Plan **v2 received on 13 July 2022** hereby approved for the duration of the site clearance and construction period **(including in respect of the proposed adjacent site compound)**, for the sake of clarity precautionary working methods to avoid ecological harm should follow best ecological practice and should include, but not be limited to:-

- Clearance works should ideally be taken when common reptiles are likely to be fully active i.e. during the April to September period and during optimal weather conditions;
- Clearance of tall vegetation should be undertaken using a strimmer or brush cutter with all cuttings raked and removed the same day. Cutting will only be undertaken in a phased way which may either include:-
 - Cutting vegetation to a height of no less than 30mm, clearing no more than one third of the site in anyone day or;
 - Following removal of tall vegetation using the methods outlined above,

remaining vegetation will be maintained at a height of 30mm through regular mowing or strimming to discourage common reptiles/amphibians from returning.

- Any trenches left overnight will be covered or provided with ramps to prevent common reptiles from becoming trapped.
- Any building materials such as bricks, stone etc. will be stored on pallets to discourage reptiles/amphibians from using them as shelter. Any demolition materials will be stored in skips or similar containers rather than in piles on ground.
- Should any reptiles be discovered during construction, works should cease in this area and a suitably experienced ecologist contacted. Works will need to proceed in line with the advice subsequently provided.
- Should any common reptiles be discovered during construction, which are likely to be effected by the development, works will cease immediately. The developer will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide.
- Mammal holes are present to the south of the development site. The applicant should ensure that construction activities on site have regard to the potential presence of badgers and other terrestrial mammals to ensure that these species do not become trapped in trenches, culverts or pipes. All trenches left open overnight should include a means of escape for any animals that may fall in.
- If badger activity is detected, works should cease and advice from a suitably experienced ecologist sought to prevent harm to this species.

Reason – as set out in the report.

Additional Condition No.5:

- 5 The zip-wire support structures shall be finished and retained thereafter with external materials and finishes that match as closely as possible those used in the remainder of the playground equipment hereby approved.

Reason – In the interests of visual amenity.

Item 11: Page 93

Members will note the correct version of the report has now been circulated.

Application No. 22/00394/FULPP

Proposal Erection of 10 x 3-bedroom 3-storey detached houses with vehicular access from Sorrell Close [re-submission of development approved with lapsed planning permission 21/00066/FULPP dated 26 May 2021]

Address **Briarwood Sorrel Close Farnborough**

Update to Report: The applicant's agents has very recently submitted further revised surface water drainage details for the proposed development (on 15 July 2022) to

respond to the request for more information from the Lead Local Flood Authority (Hampshire County Council : the LLFA) as a result of their 8 July 2022 submissions. The surface water drainage scheme has also been amended to avoid significant incursions into the root protection areas of trees to be retained. The LLFA has, once again, been re-consulted and a response is awaited.

The Council has also received a copy of a letter from Hart District Council confirming that the applicants have acquired the necessary SANG SPA mitigation from the Bramshot Farm SANG.

Finally, the applicant has also confirmed that water to be used for dust suppression at the site during site clearance and construction would be collected for off-site disposal, which is satisfactory. Accordingly....

Amended Recommendation:

It is recommended that **subject** to:

(a) No objections being raised by the Lead Local Flood Authority in respect of the surface water drainage proposals for the proposed development;

~~(b) satisfactory information being received concerning how water to be used on site for dust suppression during the construction period is to be kept free of contamination and/or discharged from the site;~~

~~(c) confirmation from Hart DC that the applicants have acquired adequate SANG SPA mitigation from the Bramshot Farm SANG; and~~

(b) the completion of a satisfactory Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by 2 September 2022 or such later date as agreed by an extension of time to secure the SAMMs SPA and Public Open Space contributions as set out in the report, the Head of Planning in consultation with the Chairman be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

And: Amended Condition No.10:

10. The construction and fitting-out phases of the development hereby permitted shall proceed in full accordance with all means and measures set out in the Construction & Methodology Statement submitted with the application and hereby approved. **Furthermore, water used for dust suppression at the site shall be collected and appropriately stored for safe off-site disposal.**

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

Reason – as set out in the report.

Item 5 Page 147 should correctly be numbered **Item 13**

Application No. 22/00379/FULPP

Proposal Single storey rear extension to cover 3 existing MOT bays and erection of tyre store

Address **183 Ash Road Aldershot Hampshire GU12 4DD**

Update to Report:

The Borough Solicitor has advised that an Enforcement Notice was served regarding the erection of fence sub-dividing residential garden and the unauthorised material change of use of domestic outbuilding to use for commercial purposes at 185 Ash Road, Aldershot on 15 July 2022. The Corporate Manger - Legal has further advised that an enforcement notice to preclude the resumption of the breach of planning control, namely the unauthorised storage of tyres within the rear parking area at 183 Ash Road, Aldershot will be served shortly.

P148 (5th paragraph) and P151 1st line of text: The materials proposed have been confirmed as solid pressed metal panelling sides, not brick as stated in the report.

A late objection has been received from Mr Roger Watkins, who is registered to address the committee, raising comments in addition to those already noted within the report: -

'Polycarbonate roofing on a building of this size it is totally inadequate especially given the flammability and degradation due to exposure to direct sunlight. A more solid roof with solar panels would be more in line with current environmental thinking.

Officer comment: Condition 2 of the recommendation requires the approval of materials, including roofing materials which will ensure appropriate materials are used.

Further comments relating to parking issues, which are covered within the report.

Further comments on fire risk.

Officer comment: Hampshire Fire and Rescue Service were consulted and raised no objection to the proposal.

Are plans still in place to relocate the business?

Is the site destined to become an MOT testing area?

- These matters are not material to the determination of the application.

Amended Condition combining Condition Nos.9 &10:

9. No occupation or use of the development hereby approved shall take place until a scheme of provisions for the control of noise emanating from the site has been implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Any plant and machinery shall be enclosed with soundproofing materials and mounted in a way which will minimise transmission of structure-borne sound. The approved scheme installed shall be thereafter retained.

Reason – to protect the amenity of neighbouring occupiers*

Delete Condition 11 due to repetition with Condition 3

Item 14: Page 163

Application No. 22/00390/FUL

Proposal Conversion of existing 3 bedroom maisonette into 2no. 1 bedroom flats with provision of cycle and bin store

Address **9A Wellington Street Aldershot Hampshire GU11 1DX**

Update to Report:

Update Recommendation (page 163) to read:
Recommendation **GRANT** subject to S.106 Planning Obligation or other suitable mechanism to secure contributions.

Amended Recommendation (page 166) to read:

It is recommended that:

(a) **subject** to the completion of a suitable legal mechanism securing Public Open Space and THBSPA contributions as set out in the report, the Head of Planning in consultation with the Chairman be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

AGENDA ITEM NO. 6: Page 237

Item 1: Page 239

88/90 Queensmead Farnborough

A valid application for “Retention of two condensing units and relocation of 1 condensing unit to the rear” was received on 14th July 2022 Ref: 22/00476/FULPP