

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 Ingram
Application No.	22/00402/FULPP
Date Valid	22nd July 2022
Expiry date of consultations	18th August 2022
Proposal	Erection of a three-storey building with a commercial E-Class use unit on the ground floor and 2No. 2-bed flats on the upper floors with associated parking and refuse storage
Address	244 Farnborough Road Farnborough Hampshire
Ward	Knellwood
Applicant	Mr Uddin
Agent	Mr N Griffin
Recommendation	Grant subject to s106 Planning Obligation

Site Description

The application site is level and undeveloped and located on the eastern side of Farnborough Road in-between Nos.242 and 244 Farnborough Road, to the south of the Clockhouse Roundabout. The application site has a road frontage boundary to Farnborough Road of 7.45m wide to the and is 22m deep.

Adjoining the north site boundary is an 'L' shaped two-storey mixed commercial and residential building fronting the corner of Farnborough Road and the Clockhouse Roundabout : comprising 244-248 Farnborough Road and 1 Salisbury Road on the ground floor; and flats at 244A and 1A Salisbury Road on the first floor. The ground floor uses currently comprise a beauty salon, pharmacy and hot food takeaway.

Adjoining the south site boundary is 242 Farnborough Road, a two-storey building in use as a Funeral Directors. Beyond this is an electricity sub-station enclosed with high brick walls.To the east of the application site is No.3 Salisbury Road, a two-storey detached building used as a dental surgery. Opposite the site, on the western side of Farnborough Road, is the Max House SACO Aparthotel at No.2 Victoria Road.

The application site has a vehicular entrance via the small public car park on the corner of Salisbury Road and Rectory Road. This also serves 242 Farnborough Road and is a

pedestrian right of way for the occupants of flats at 244A Farnborough Road and 1A Salisbury Road. The site was previously used as an informal parking area for offices at 244 Farnborough Road, but has been boarded-up since 2006.

Relevant Planning History

There have been four lapsed planning permissions for a development of a similar design and scale to the one submitted as part of this application since 2006 - namely a two or three storey building built out to the side boundaries, with commercial use at ground floor and either commercial or residential above, served by parking in an undercroft arrangement at the rear.

06/00651/FUL	Erection of a two-storey building for class A2 use (Financial and Professional Services) with associated on site parking at the rear	Permitted 22.11.2006	Not implemented, lapsed
10/00002/FUL	Erection of a three-storey building comprising A2 Use on first and second floors with flexible use of either A1, A2, A3 or A5 (retail/restaurant/café) on ground floor with associated parking in an undercroft arrangement at the rear	Permitted 05.02.2010	Not implemented, lapsed
13/00103/EXTPP	Application to extend the time limit of Planning Permission 10/00002/FULPP for a further three years	Permitted 16.04.2013	Not implemented, lapsed
15/00039/FUL	Erection of a three-storey building with associated parking at the rear in an undercroft arrangement comprising flexible use of either A1, A2 or A3 (coffee shop) use on ground floor, either A2 or B1 (offices/services) use and a one-bedroom flat on first floor, and two studio flats on second floor, and associated parking and refuse storage	Permitted April 2016	Not implemented, lapsed. This was due to inability to modify the extract flue serving the adjoining takeaway at 1 Salisbury Road to discharge further away from the approved flats.

In July 2020, planning permission was refused for a building of a similar scale and design to that approved in 2010, 2013 and 2016, but with larger 2-bedroom flats on the upper floors with habitable rooms re-located to the front of the building to avoid impact from the takeaway extraction flue; 20/00127/FULPP. The reasons for refusal were as follows:-

1. *The proposal does not provide the required number of off-road residential parking spaces under the adopted Rushmoor Borough Council Parking Standards SPD (2017) and would not meet the operational needs of the proposed development. It also fails to demonstrate that adequate cycle storage for the residential use of the site can be provided. It is therefore contrary to Policy IN2 of the Rushmoor Local Plan (2019) and Principles 3, 6 and 18 of the Rushmoor Car and Cycle Parking Standards SPD (2017).*
2. *The proposed development, by reason of lack of available space in the communal*

service yard because it is shared with the adjoining building 244-248 Farnborough Road, 244A Farnborough Road and 1 and 1A Salisbury Road, has failed to demonstrate that it can provide adequate refuse storage areas for the proposed building and this would have a materially adverse impact on occupant amenity and in this regard the proposal is contrary to Policy IN2 of the Rushmoor Local Plan (2019).

- 3. The proposal fails to make provision for an appropriate Special Protection Area Mitigation and Avoidance contribution towards suitable accessible natural green space, and strategic access management measures in order to address the impact of the proposed development upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area. The proposal is thereby contrary to the requirements of the Habitats Regulations, Policy NE1 of the adopted New Rushmoor Local Plan (2014-2032) and saved Policy NRM6 of the South East Plan.*

The appeal against this refusal was dismissed in February 2021, with the Inspector upholding the reason for refusal in respect of the refuse storage area in the shared rear yard of Nos.244 to 248 Farnborough Road and 1 Salisbury Road, stating that there were a number of competing demands that would result in inadequate refuse provision for the development. However, the Inspector did not uphold the Council's refusal on parking grounds.

The Current Application Proposals

The current proposal is seeking permission for a building of the same size, height and overall design as the dismissed appeal scheme (20/00127/FULPP), but there is a different parking and refuse storage arrangement to address the Inspector's concerns; and the room layout of the flats has also been changed.

The proposed new building would be three storeys with a flat roof, with the second floor recessed by 1.5m. The ground floor would be occupied by a commercial unit (Use Class E) and the upper levels would be occupied by a 2-bedroom flat on each floor. The proposed flats would be reached via the external staircase to first-floor level currently serving flats 244A Farnborough Road and 1A Salisbury Road; and then with an internal staircase within the new building to the second floor. One parking space for each flat would be provided in an undercroft area at ground level to the rear of the proposed building. Refuse and cycle storage would also be in this area. The building would have a depth of 17m and a width of 7.45m with a maximum height of 9.4m.

The ground floor commercial unit would have a shop front with display windows and an internal area of 70sqm. The first floor flat would have an internal floor area of 109sqm, and the second floor flat would have an internal floor area 97sqm. External materials would comprise white rendered walls to the front and sides, with grey cladding to the third level.

The application is accompanied by an Acoustic Report and a Design and Access Statement.

Consultee Responses

Ecologist Officer	Recommends receipt of mapped document to demonstrate that there will be no net loss of biodiversity resulting from the development.
Scottish & Southern Energy	No comments received.

Parks Development Officer	No objection subject to stated contribution.
HCC Highways Development Planning	No objection subject to submission of a construction traffic management plan.
Environmental Health	No objection subject to pre commencement condition requiring details of measures to protect building from external noise and odours.
Contracts Management	No objection.
Planning Policy	No objection.
Thames Water	Advises that the development incorporate sustainable drainage systems unless clear evidence that this is inappropriate. Recommends informative around taking care of nearby underground waste-water assets and securing a groundwater risk management permit to demonstrate what measures will be undertaken to minimise groundwater.

Neighbours notified

In addition to posting a site notice, individual letters of notification were sent to 10 adjoining properties on Farnborough Road and Salisbury Road.

Neighbour comments

Five representations have been received, raising objections on the following grounds:

7 Salisbury Road	It is a very small plot that will overlook rear of my property which I already have the pleasure from other flats
242 Farnborough Road (Ford Mears and Partners)	The rear access is too narrow for lorries to go down, the site is too small to develop safely. We are funeral directors we need 24 HOUR ACCESS. The parking allowed in the planning is totally inadequate for the building in the planning two flats plus commercial ground floor. We feel granting this planning would restrict our business from functioning properly.
6 Elsenwood Crescent, Camberley	Writes as owners of Nos.244/244A and 246 to 248 Farnborough Road, and 1/1A Salisbury Road. 1) The joining property has no legal right over the staircase of our properties. 2) The access to the upper development should be from their own property not from ours. 3) It's already being used by two flats occupied by two families consisting eight people.

4) We own 244,246,248 Farnborough Rd and 1 & 1A Salisbury Rd.

1A Salisbury Road, Farnborough I would like to register my objection as the staircase would be overcrowded in case of emergency. I have been informed that the owners of adjoining Land have no legal rights to the staircase.

Flat at 244 Farnborough Road I have 12 years lease of the shop and I live with my family consisting of 4 people. I hereby object to the application to avoid any overcrowding of the staircase. My landlord also informed me that owners of the joining Land do not have any legal rights to the staircase

Policies and determining issues:

The site is located within the defined built-up area of Farnborough. Farnborough Road is a designated Green Corridor. Policies SS1 (Presumption in Favour of Sustainable Development), SS2 (Spatial Strategy), IN1 (Infrastructure and Community Facilities), IN2 (Transport), IN3 (Telecommunications), DE1 (Design in the built environment), DE2 (Residential Internal Space Standards), DE3 (Residential Amenity Space Standards), DE10 (Pollution), LN7 (Retail Impact Assessment), NE1 (Thames Basin Heaths Special Protection Area), NE2 (Green Infrastructure), NE4 (Biodiversity), NE6 (Managing Fluvial Flood Risk) and NE8 (Sustainable Drainage Systems) of the Rushmoor Local Plan (2014-2032) are relevant to the determination of the application. Also of relevance is the Rushmoor Car and Cycle Parking Standards Supplementary Planning Document (SPD), the Shop Front Design Guide (2015) and policy in the National Planning Policy Framework (amended 2021).

The main determining issues of this application are:

1. Principle of development
2. Impact on appearance and character of the site and surrounding area
3. Impact on neighbouring amenity
4. The living environment created
5. Highways and parking considerations
6. Open Space provision
7. Flooding and drainage
8. Impact on wildlife.

Commentary

1. Principle of development -

The site is not located within or adjacent to a Conservation Area; and nor is it near or within the curtilage of a Listed Building.

The Inspector's decision and commentary on refused application 20/00127/FULPP is an important material consideration in the determination of this application. In his decision letter dated 25 February 2022, he considered the main issues of the application to be:

- Whether the proposal makes adequate provision for off-road vehicle and cycle parking
- Whether the proposal makes adequate provision for refuse storage; and
- The effect of the proposed development on the integrity of the Thames Basin Heaths Special Protection area

The previous approvals outlined in the planning history set out earlier in this Report were of a similar design, scale and massing as that proposed in this application, and are also an important material consideration to the determination of the application. It is acknowledged however that since the last approval in January 2016, the Council has adopted the new Rushmoor Local Plan 2014-2032 (in February 2019) and the Rushmoor Car and Cycle Parking Standards SPD in February 2017 replacing the previous development plan which is also a material consideration.

The site proposes a commercial Use Class E unit that could be a retail use. Policy LN7 (Retail Impact Assessments) states that any retail proposal deemed to have the potential to have a significant adverse impact and that is within 500 metres of a town centre or local neighbourhood facility will be required to carry out a retail impact assessment. Paragraph 87 of the NPPF and Policy SS2 of the Rushmoor Local Plan also require a sequential test for main town centres uses outside the town centre boundaries. However, as a result of the small size of the proposed commercial use and its proximity to the town centre, the Council's Planning Policy Manager has commented that a retail impact assessment or a sequential test is not considered necessary in this case.

It is considered that the principle of the proposed development is acceptable in this location subject to satisfactory compliance with development control criteria and resolution of the issues raised by the Planning Inspector with refused application 20/00127/FULPP.

2. Impact on appearance and character of the site and surrounding area -

Policy DE1 (Design in the Built Environment) states that new development, where relevant to the proposal, should include high-quality design that respects the character and appearance of the local area, respects established building lines, takes account of adjacent building heights, fenestration, roof and cornice lines, uses materials sympathetic to local character, includes a level of architectural detail that gives the building visual interest for views both near and far, makes a positive contribution to the public realm facing the street and animating it and demonstrates through a design and access statement that the wider context has been factored into the proposals with regards to scale, massing, layout, surrounding uses and materials.

The main visual impact of the building would be to Farnborough Road. The adjoining building Nos.244-248 is a two-storey flat-roofed building comprising two shop fronts with moulded timber framed display windows and the first-floor elevations have top-hung windows surrounded by a glazed tiled façade. The building has decorative elements such as pilasters and string coursing. No. 242 Farnborough Road abutting the southern site boundary is also a two-storey building with a fully hipped roof and two storey side extension, finished with off white render and a brown concrete tiled roof.

The proposed building is identical in mass and bulk to that previously presented to the Council for determination and approval since 2010. The proposed building would not be attached to Nos.244 or 242 - there would be 0.2m and 0.3m gaps respectively; and the proposed new building would match the front building line. It would be three storeys in height with a flat roof, with the third storey set-back from the front elevation by 1.5m, and clad in a light grey cladding to reduce the visual prominence of the third storey. Overall, the proposed building would be 1.25m taller than the adjoining building to the north and 0.9m taller than the building to the south. The second storey would match the height of Nos.244-248 Farnborough Road. The building would fill a noticeable gap in the street frontage between Nos.244 and 242 Farnborough Road. The submitted plans show that the first-floor windows would match the

first-floor window heights of Nos.244 to 248 Farnborough Road. External materials would be off white render with a light grey cladding on the third storey, which are considered to be acceptable and to provide further consistency with the external appearance of the existing adjoining buildings. Other design details adding interest to the proposed elevations, such as stone coping and roof materials, as well as the details of external materials such as window frames, can be secured by condition prior to commencement. It is also considered that the shop front would benefit from a stall riser to match adjoining building and confirmation of these details can also be secured by condition.

The rear of the building would also be viewed from Salisbury Road through a gap between Nos.1 and 3 Salisbury Road. The building would be set back from the side elevation of 1 Salisbury Road by 3.8m and would not appear disproportionate to the site or overly cramped as seen in this more distant view.

It is noted that this scheme is very similar to the design and scale of the application 20/00127/FULPP. The Inspector did not raise any design concerns in his decision.

It is considered that the proposed scheme would have an acceptable impact on visual amenities of the site and surrounding area in terms of its external design and appearance. It therefore complies with Policy DE1 of the Rushmoor Local Plan (2014-2032) and meets the requirements of the Rushmoor Shop Front Design Guide Supplementary Planning Document (2015).

3. Impact on neighbouring amenity -

The nearest residential properties are the first-floor flats in the building to the north, Nos.244A Farnborough Road and 1A Salisbury Road. These are entered via an external staircase and walking platform attached to the rear of the building at first-floor level. The other nearest residential property is No.7 Salisbury Road, 26m to the southeast.

The proposed building would extend rearwards from the front property boundary by 17m. It is acknowledged that the building will therefore have some impact to the south facing kitchen window in the side elevation of the first-floor flat at 1A Salisbury Road in terms of sense of enclosure and loss of light. However, a building of the general footprint and massing has been approved on the site as two stories since 2006; and as three stories since 2010. When the application for the flat at 1A Salisbury Road was considered in 2007 (07/00630/COU 'External alterations and conversion of existing offices to one 1 bedroom flat and one 2 bedroom flat'), the resultant relationship between the flat and the approved building on the application site was considered to be acceptable and permission was subsequently granted to 1A Salisbury Road. Although the proposed building is now of three storey height, it is considered that the impact on No.1A would not be materially different that of a two storey building. It is also noted that the flat at 1A Salisbury Road has a dual aspect to Rectory Road/Clockhouse Roundabout and, as such, derives daylight from other elevations unaffected by the current proposed development.

The proposed new building would have one obscure window on each side elevation at first floor level serving a bathroom and communal circulation space. These can be conditioned to be obscure glazed in the event of approval.

The first-floor flat above 244-246 Farnborough Road (244A Farnborough Road), which is closest to the application site, has windows in its rear elevation which serve a WC, a bathroom and a hallway with all windows serving habitable rooms overlooking Farnborough Road or

Rectory Road. The proposed new building would extend beyond this flat by 8m. However, given that these windows serve non-habitable rooms, and having regard to the fact that the Planning Inspector did not raise an issue with the impact of the building on neighbouring amenity in February 2022, the resultant relationship between the proposed building and this flat is not considered to result in a harmful loss of amenity to these occupiers that could reasonably justify refusal of the application. There are no windows on the northern elevation to habitable rooms that would result in any overlooking.

There will be some loss of light to the courtyard to the rear of Nos. 244 to 248 and 1 Salisbury, but this serves largely as a commercial refuse and plant storage area for the ground floor units and is not used as residential amenity space.

With regard to the impact on the occupiers of No.242 Farnborough Road, the new building remains located to the north of the existing building and therefore would have little impact upon direct sunlight. It would project 6.5m beyond the rear elevation. However, given the approved building relationship and the commercial use of the premises at ground and first floor level, it is considered that the loss of outlook or amenity resulting from the proposal would not warrant the refusal of planning permission.

The rear elevation of the building would be 9m from the boundary with No.3 Salisbury Road. This building is in use entirely as a dental surgery and there would be no material impact on the amenities of users of this neighbouring non-residential building.

The building would be 26m from the rear garden of No. 7 Salisbury Road. Views from the first and second floor rear windows would be oblique and it is considered that, given the separation distances involved, the impact to neighbouring amenity would also be acceptable in planning terms.

It is considered that the overall impact of the proposed development on neighbouring amenity is acceptable in planning terms and the application therefore accords with Policy DE1 of the Rushmoor Local Plan.

4. The Living Environment created -

The proposed first floor flat has two double bedrooms and an internal floor area of 109sqm, which meets the minimum floor, storage area and bedroom size requirements of Local Plan Policy DE2 'Internal Residential Space Standards' : a minimum of 70sm is required. There is no balcony or other private amenity space for the flat. However, more than the minimum 5sqm additional internal floor space is provided as compensation as is allowed by the Policy. The proposed second floor flat would have an internal floor area of 97sqm and a front terrace area of 7sqm, which would also meet the required policy standards.

The application has been accompanied by a Noise Impact Assessment report that concludes that the proposed glazing would provide a satisfactory internal noise environment for potential occupiers. The Environmental Health Officer is satisfied that this would be the case subject to imposition of a condition to require the submission of details of noise insulation measures to the Council for approval to ensure the internal living environment would be satisfactory.

The rear facing windows serve the combined kitchen/living room/dining rooms. There is a commercial extraction flue at the rear of 1 Salisbury Road that would be 3m from these windows with the potential to cause odour and noise nuisance for future occupants. This is contrary to DEFRA guidance that requires that the vent of such extraction systems must be at

least 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen. The applicant has proposed the installation of a Mechanical Heat and Ventilation Recovery Unit with intake at a high level a suitable distance away from the flue and in principle, subject to further details that can be secured by a condition, this solution is considered acceptable by the Council's Environmental Health Officer.

Refuse storage areas for all uses on the site would be located in the ground floor undercroft area, and not in the rear yard of the adjoining property Nos.244-248 Farnborough Road, overcoming the reason for refusal of application 20/00127/FULPP and the Inspector's dismissal of the appeal.

5. Parking and highways considerations -

The Rushmoor Car and Cycle Parking Standards require 2 spaces be provided for a two-bedroom dwelling. This application proposes 2 parking spaces in the undercroft area to serve the proposed flats and the refuse and secure cycle storage area is also proposed to be situated in the undercroft area.

Refused application 20/00127/FULPP proposed 3 spaces in the undercroft area comprising one space each for the two-bedroom flats and one space for the commercial unit. Although the Planning Inspector dismissed the appeal, the Inspector did not uphold the Council's reason for refusal on the grounds of lack of adequate parking provision. The Inspector concluded that the proposed provision of 1 residential vehicle space per flat would be consistent with policy guidance in the NPPF to encourage the use of public transport and unlikely to have an adverse effect on highway safety or occupant amenity given the proximity of the site to the town centre and train station and the apparent lack of street parking problems in the vicinity. On this basis it is considered that the proposed on-site parking provision is acceptable.

The application has been reviewed by the County Highway Authority. They have concluded that the vehicular trip generation would not have a severe detrimental impact on highway network and have raised no objection to the scheme, subject to the agreement of a Construction Management Plan prior to commencement of development.

It is considered that parking for the commercial use will be able to make use of the existing nearby public parking without have a detrimental impact on highway safety that would warrant a reason for refusal.

The undercroft area would have a total width of 7.2m wide and 7m depth. The marked parking bays are of the acceptable dimensions. The proposed refuse storage area is also considered to be of adequate size. The covered cycle storage area measures 1.52m x 0.9m and can accommodate 4 bikes securely. It is considered that the proposed parking layout satisfactorily demonstrates that the proposed parking can be accommodated without blocking access to the adjacent business to the south.

An objection has been received from the operators of the funeral directors at 242 Farnborough Road to the effect that they consider the rear access is too narrow for construction lorries; the site is too small to be developed safely; and that the parking provided is inadequate. However, it is long-standing Government guidance that planning permissions cannot be refused on account of the impacts arising from the construction period of a development. It is considered that the Construction Management Plan to be required by condition would be able to address such issues as far as is possible given the evident constraints of the site.

Given the Inspector's decision on this site, it is considered that the application is acceptable in highway terms.

6. Open space provision -

The Local Plan seeks to ensure that adequate open space provision is made to cater for future residents in connection with new residential development. Policy DE6 requires a contribution to be made towards the enhancement and management or create of open space, for part or all of the open space requirement.

The Council's Parks Development Officer has reviewed the scheme and considers that a financial contribution towards general park improvements including landscaping, furniture, footpaths and playing ground improvements at Rectory Road Recreation Ground, or Queen Elizabeth Park would be appropriate, to be secured by a s106 Planning Obligation. The applicant is in the process of completing such an agreement. The application is therefore considered acceptable within the terms of Policy DE6 subject to the satisfactory completion of the necessary s106 Planning Obligation.

7. Flooding and drainage issues -

The site is located in Flood Zone 1 i.e. land at least risk of flooding and comprises existing hardstanding. Thames Water have reviewed the application and advise that the development incorporate sustainable drainage systems unless there is clear evidence that this is inappropriate. The method of drainage can be secured through a Permit process with Thames Water and there will be informatives provided in the event of approval to remind the applicant of their obligations.

The application is therefore satisfactory with regards to Local Plan Policy NE8 requirements.

8. Impact on wildlife -

On site biodiversity –

Farnborough Road is designated as a Green Corridor by Policy NE2. The application has been reviewed by the Council's Ecology Officer who has stated the following:

'The proposed development includes some vegetation and brown field habitats that may provide a biodiversity resource in an otherwise fairly urban environment. The footprint appears to occupy the majority of the development site. No information has been presented as to how the existing ecology value of the site will be maintained or enhanced. Paragraph 174 of the NPPF (amended July 2021) makes it clear that "planning policies and decision should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing a coherent ecological network that are more resilient to current and future pressures". Demonstration of no net loss of biodiversity and proposals for biodiversity net gain should be clearly recorded and reported through use of an appropriate metric such as the DEFRA Small Sites Biodiversity Metric. Natural England advises that any net gain should be fully secured and funded for the lifetime of the development. Documentation should be submitted in support of this application that clearly demonstrates that the proposed development will not result in a net loss for biodiversity as an absolute minimum and seeks measurable net gains. An appropriately detailed and mapped document, written by a suitably qualified ecologist to demonstrate that no net loss of

biodiversity will result from the proposed development and that measurable net gains, secure for the lifetime of the development is sought, prior to determination of this application’.

Subject to receipt of the documentation and no objections or further information being required in this respect from the Council’s Ecology & Biodiversity Officer, it is considered that the proposed development would satisfactorily address the requirements of adopted Local Plan Policies NE2 (Green Corridors) NE4 (Biodiversity) and the requirements of the NPPF (amended July 2021).

Thames Basin Heath Special Protection area –

The project the subject of the current planning application would result in a net increase of dwellings within 5 km of a boundary of part of the Thames Basin Heaths SPA. In line with Natural England guidance and adopted New Rushmoor Local Plan Policy NE1 and Thames Basin Heaths Avoidance & Mitigation Strategy, 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 2021. The AMS provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Thames Basin Heaths SPA arising from new residential development. This Strategy is a partnership approach to addressing the issue that has been endorsed by Natural England.

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

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

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

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

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

proposed development.

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

Conclusions -

The proposals, both residential and commercial components, are considered acceptable in principle and in highway terms; would have no material and harmful impact upon the overall visual character and appearance of the area; would have no material and adverse impact on neighbours and would provide an acceptable living environment, subject to condition; and subject to financial contributions being secured in respect of Special Protection Area mitigation and avoidance and Public Open Space with a s106 Planning Obligation, the proposals would have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area and appropriately address the Council's adopted Local Plan Policy DE6 concerning Public Open Space. Subject to receipt of a report confirming no net loss of biodiversity as a result of the development and no further objection from the Council's Ecology Officer the application would not result in harm with regards to biodiversity impacts. The proposals are therefore considered to be acceptable having regard to the criteria of Policies SS1, SS2, DE1, DE2, DE3, DE6, IN2, DE11, NE1, NE2, NE3, NE4 and NE8 of the adopted Rushmoor Local Plan (2014-2032).

Full Recommendation

It is recommended that subject to:-

- a) The completion of a satisfactory s106 Planning Agreement between the applicants and Rushmoor Borough Council by 25 October 2022 or unless otherwise agreed by an extension of time, to secure the required SPA SAMM and Public Open Space financial contributions as set out in the report; and
- b) Receipt of a document produced by a suitably qualified ecologist demonstrating no net loss of biodiversity and the Council's Ecology & Biodiversity Officer confirming they have no objections to the proposal as set out in the report, by 25 October 2022 or unless otherwise agreed by an extension of time, and imposition any additional condition(s) considered necessary in that respect;

the Head 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 no satisfactory s106 Agreement and/or biodiversity submissions are received by 25 October 2022 and no extension of time has been agreed, the Head of Economy, Planning and Strategic Housing 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; does not make appropriate provision for Public Open Space in accordance with the requirements of adopted Rushmoor Local Plan

Policy DE6 and/or results in a net loss of biodiversity in accordance with the requirements of the National Planning Policy Framework (amended July 2021) and Local Plan Policy NE4.

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

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to reflect the objectives of the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy as amended August 2019 and to accord with the resolution of Rushmoor's Cabinet on 17 June 2014 in respect of Planning Report no PLN1420.

- 2 The permission hereby granted shall be carried out in accordance with the following approved drawings Drawing numbers: 101 Rev B Location and Block Plan, 100 Existing Ground floor plan, 101 Existing first floor plan, 102 Existing roof plan, 103 Existing front and rear elevations (adjoining), 104 Existing side elevations (adjoining), 200 Rev C Proposed ground floor plans, 201 Rev B Proposed first floor plan, 202 Rev D proposed second floor plan, 203 Rev C Proposed roof plan, 204 Rev C Proposed front/rear elevations, 205 Rev C Proposed side elevations, 208 Parking Plan.

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

- 3 Notwithstanding any details submitted as part of this application, prior to commencement of the development a schedule and/or samples of the following materials to be used in the proposal shall be 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:

External walls
Roofing materials
Window frames

Reason - To ensure satisfactory external appearance*.

- 4 Surfacing of access driveways, forecourts or other paths and hardsurfaces within the development hereby approved shall not start until a schedule and/or samples of the surfacing materials to be used for 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 and drainage arrangements*.

- 5 Prior to first occupation of the ground floor of the building and notwithstanding any details submitted with the application, details of the shop front shall be submitted in writing to the Local Planning Authority for approval to include a stall riser. Once approved the shop front shall be installed in accordance with these details and thereafter retained.

Reason - In the interests of visual amenity and to ensure compliance with the Rushmoor Shop Front Design Guide SPD (2015).*

- 6 No development shall start on site until a construction traffic management plan has been submitted to and approved in writing by the Planning Authority, which shall include:
- (a) A programme of and phasing of demolition (if any) and construction work;
 - (b) The provision of long term facilities for contractor parking;
 - (c) The arrangements for deliveries associated with all construction works;
 - (d) Methods and phasing of construction works;
 - (e) Access and egress for plant and machinery;
 - (f) measures to mitigate impacts on neighbouring highways; and
 - (g) details of wheel water spraying facilities;
 - (h) Protection of pedestrian routes during construction;
 - (i) Location of temporary site buildings, compounds, construction material, and plant storage areas; Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.*

- 7 The development hereby approved shall not be occupied until measures to protect buildings from traffic or other external noise and odours including extraction flue serving 1 Salisbury Road have been implemented in accordance with a scheme to include, for example, double glazing and MHAV units, which have been first submitted to and approved in writing by the Local Planning Authority.

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

- 8 Should the ground floor commercial unit be occupied by a hot-food preparation business details of the system for the extraction of odours on the premises must be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of that use.

Reason - To safeguard the amenities of the area.*

- 9 The development hereby approved shall not be occupied until the garaging/off-street parking facilities and cycle parking facilities shown on the approved plans have been completed and made ready for use by the occupiers. The parking facilities shall be thereafter retained solely for vehicle and cycle parking purposes (to be used by the occupiers of, and visitors to, the development).

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (2105) (England) as amended, (or any other Order revoking or re-enacting that Order) the ground floor unit shall be used only for the purpose of Commercial E Use Class; and for no other purpose, without the prior permission of the Local Planning Authority.

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

- 11 Notwithstanding the details shown on the submitted plans, the first and second floor windows on the northern and southern elevations of the development hereby approved shall be fitted with obscure glass and fixed closed with the exception of:
- o High level windows with a cill height not less than 1.7m above the internal floor level of the room.
 - o Opening top light windows forming the upper part of a larger window where the horizontal division is no less than 1.7m above the internal floor level of the room, and where the section below the division is obscurely glazed and fixed closed.
- Reason - To prevent overlooking and loss of privacy to neighbouring residential properties.
- 12 Commercial refuse collections shall only take place from the premises between the hours of 0700 to 1900 Monday to Friday.
- Reason - To safeguard the amenities of neighbouring occupiers.
- 13 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.
- 14 Prior to the first occupation of any part of the building, the refuse storage facilities as shown on the approved plans shall be provided and made available for use. The refuse storage facilities shall thereafter be retained for their designated purpose.
- Reason - To preserve the privacy and amenities of neighbouring property.
- 15 Prior to commencement of development details of measures to incorporate Sustainable Drainage Systems (SUDS) into the new built development shall be 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 development and retained in perpetuity.
- Reason - To reflect the objectives of Policy NE8 of the Rushmoor Local Plan (2014-2032). *

Informatives

- 1 INFORMATIVE – The Local Planning Authority’s commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.
- 2 INFORMATIVE – The Council has granted permission because the proposals, both residential and commercial components, are considered acceptable in principle and in

highway terms; would have no material and harmful impact upon the overall visual character and appearance of the area; would have no material and adverse impact on neighbours and would provide an acceptable living environment, subject to condition; and subject to financial contributions being secured in respect of Special Protection Area mitigation and avoidance and Public Open Space with a s106 Planning Obligation, the proposals would have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area and appropriately address the Council's adopted Local Plan Policy DE6 concerning Public Open Space. Subject to receipt of a report confirming no net loss of biodiversity as a result of the development and no further objection from the Council's Ecology Officer the application would not result in harm with regards to biodiversity impacts. The proposals are therefore considered to be acceptable having regard to the criteria of Policies SS1, SS2, DE1, DE2, DE3, DE6, IN2, DE11, NE1, NE2, NE3, NE4 and NE8 of the adopted Rushmoor Local Plan (2014-2032).

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

- 3 INFORMATIVE – This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 4 INFORMATIVE – Your attention is specifically drawn to the conditions marked *. These condition(s) require either the submission and approval of details, information, drawings etc. by the Local Planning Authority BEFORE WORKS START ON SITE, BEFORE SPECIFIC ELEMENTS OF THE PROPOSAL ARE CARRIED OUT or, require works to be carried out BEFORE COMMENCEMENT OF USE OR FIRST OCCUPATION OF ANY BUILDING.

Development started, carried out or occupied without first meeting the requirements of these conditions is effectively development carried out WITHOUT PLANNING PERMISSION.

The Council will consider the expediency of taking enforcement action against any such development and may refer to any such breach of planning control when responding to local searches. Submissions seeking to discharge conditions or requests for confirmation that conditions have been complied with must be accompanied by the appropriate fee.

- 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 – 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.
- 7 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.
- 8 INFORMATIVE – No materials produced as a result of site preparation, clearance, or development should be burnt on site. Please contact the Head of Operational Services for advice.
- 9 INFORMATIVE – The applicant is advised that there may be a need to comply with the requirements of the Party Wall (etc.) Act 1996 before starting works on site. The Party Wall (etc.) Act is not enforced or administered by the Council but further information can be found on the Planning Portal website <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance> and you are able to download The Party Wall Act 1996 explanatory booklet.
- 10 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.
- 11 INFORMATIVE – In order to avoid risk arising from overbuilding of the gas network, the applicant is advised to check their proposals against the information at <https://www.linesearchbeforeudig.co.uk> and contact the Plant Protection Team at Scotland Gas Networks Plc plantlocation@sgn.co.uk Tel: 0800 912 1722
- 12 INFORMATIVE – The applicant is advised to read Thames Water guide on working near or diverting TW pipes <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/workingnear-our-pipes>

The development is located within 15m of underground waste water assets and as such could cause the assets to fail if appropriate measures are not taken. Please read TW guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you are considering working above or near Thames Water pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>

For further information contact developer.services@thameswater.co.uk 0800 009 3921 M to F 0800 to 1700.

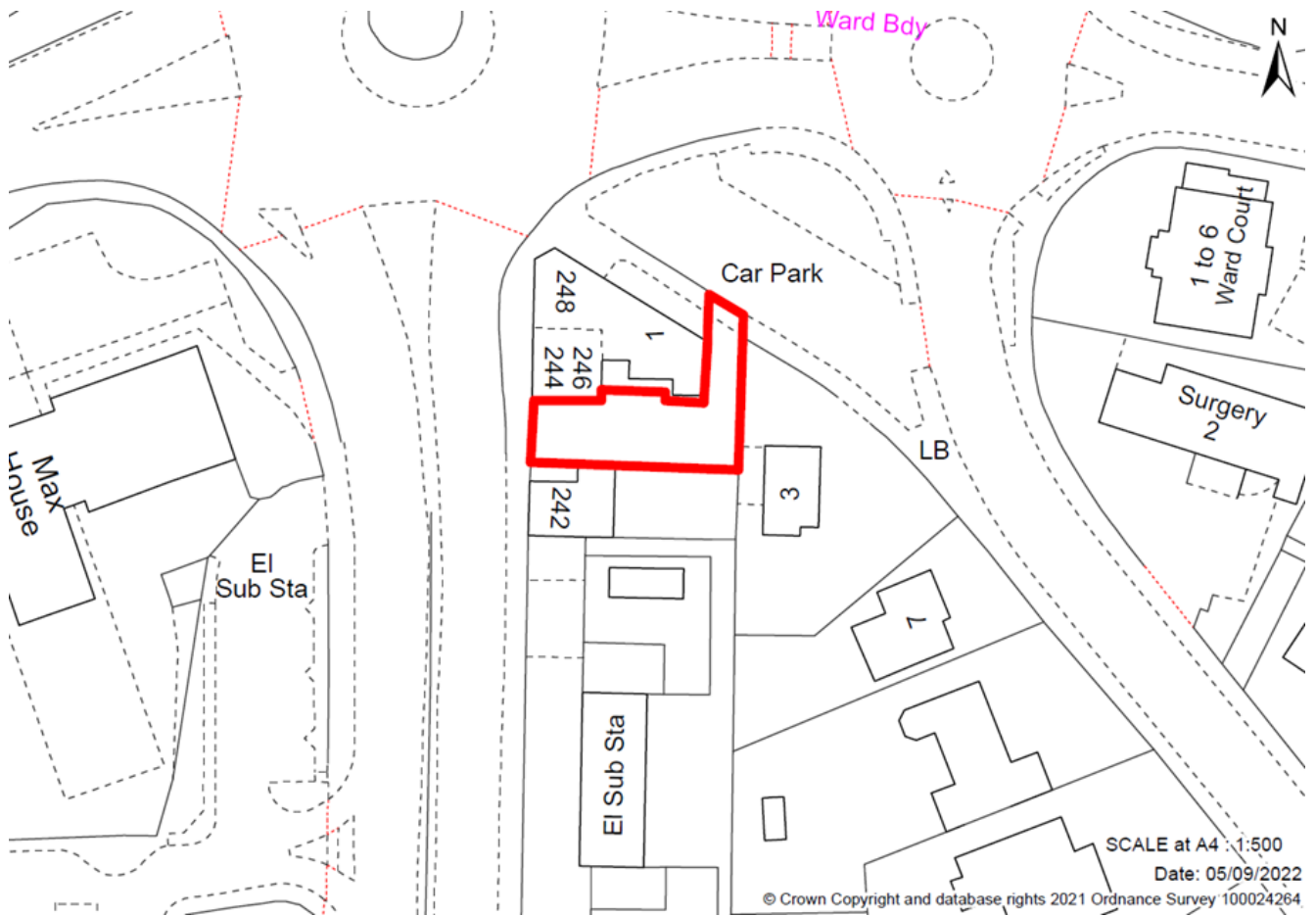
- 13 INFORMATIVE – Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should further information be required please refer to the TW website:

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/workingnear-our-pipes>

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer must demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer. Permit enquiries should be directed to TW Risk Management Team on 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk referring to the Wholesale:Business Customers: Groundwater discharges section.

Water supply within the area is covered by the South East Water Company. Tel 01444 448200.

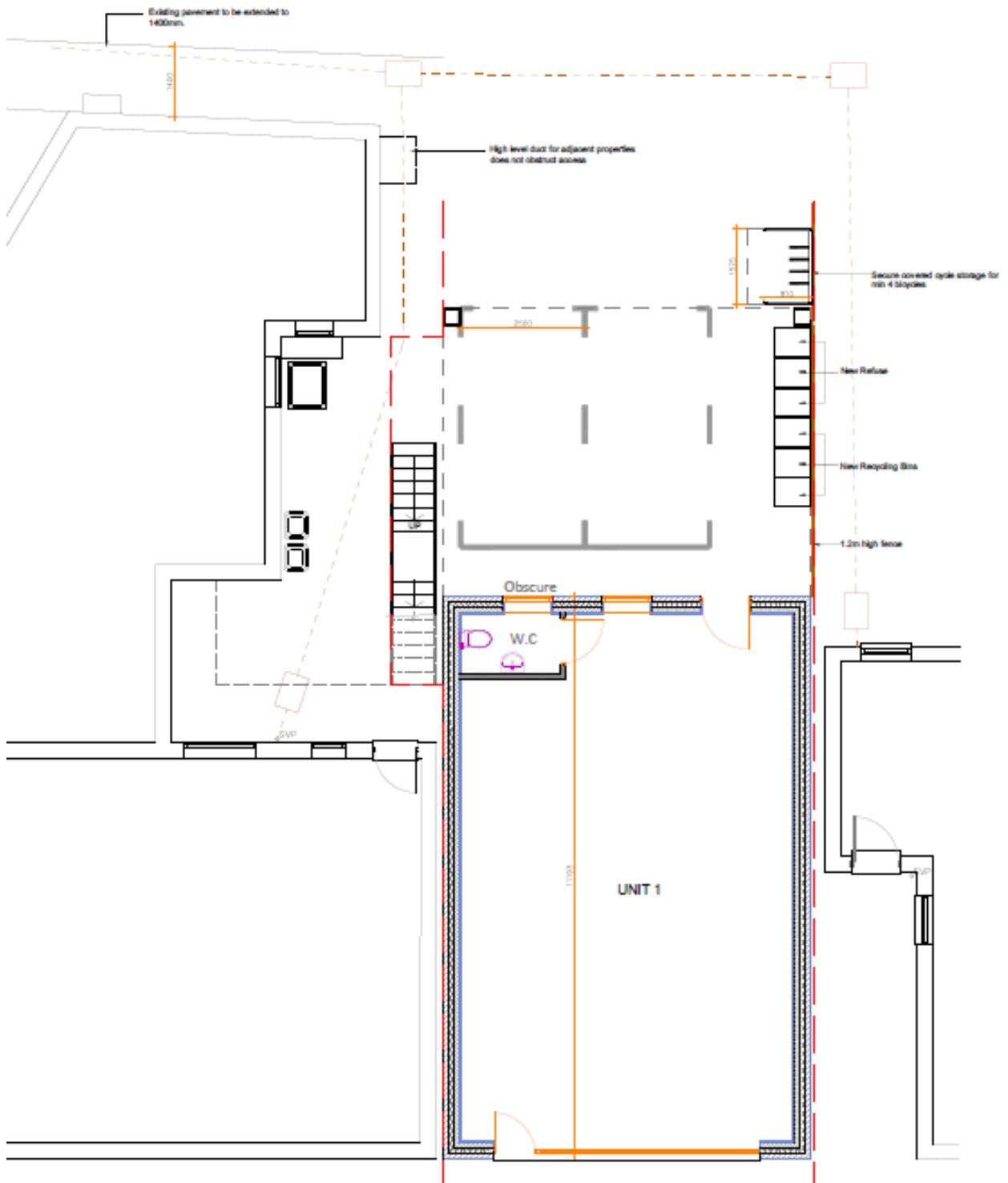
Site Location Plan:



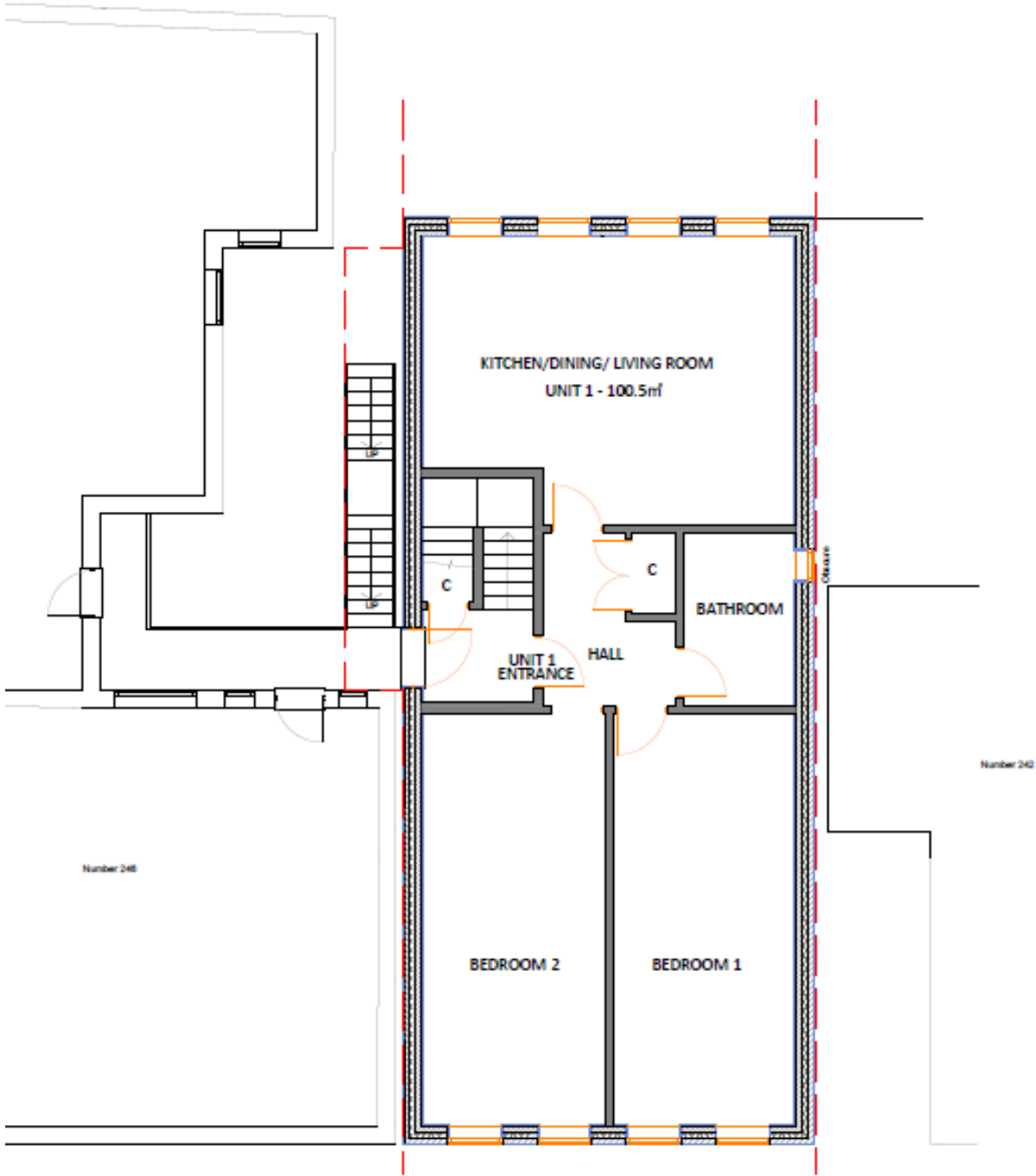
Block Plan:



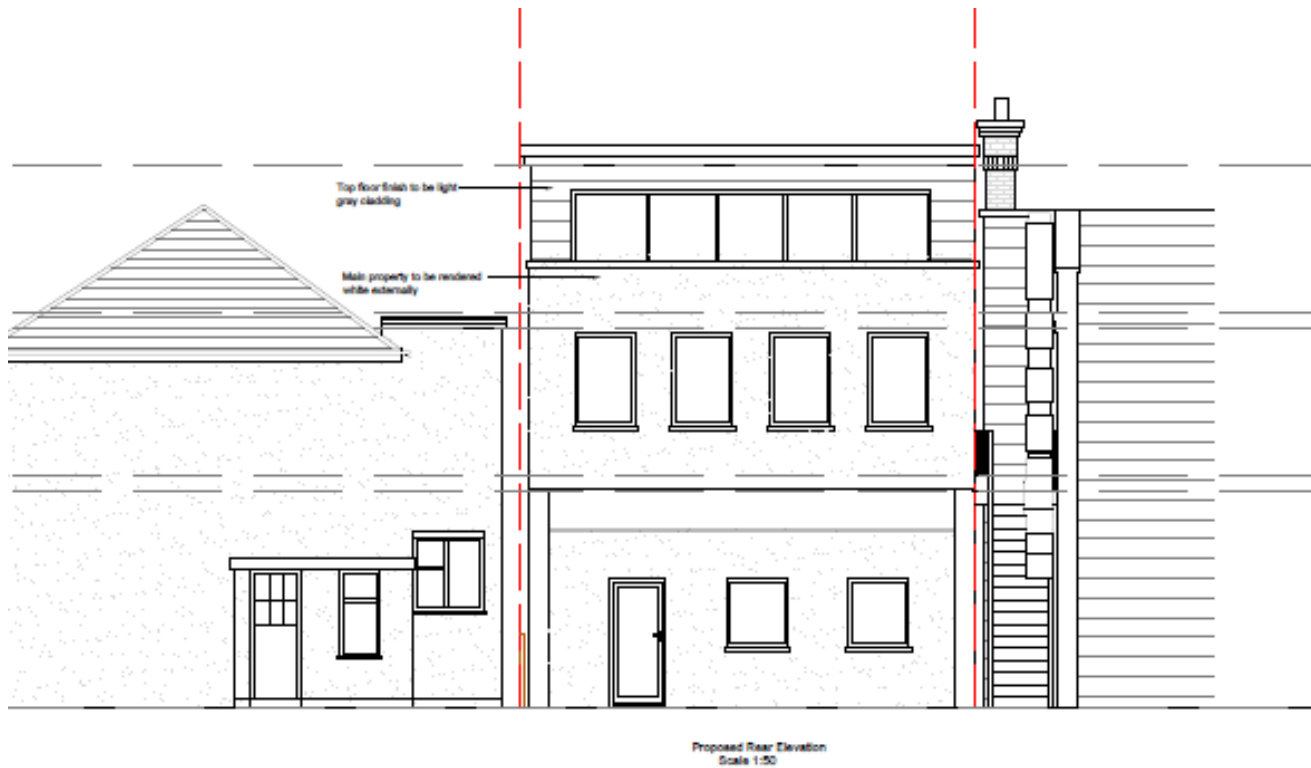
Proposed Ground-Floor Plan:



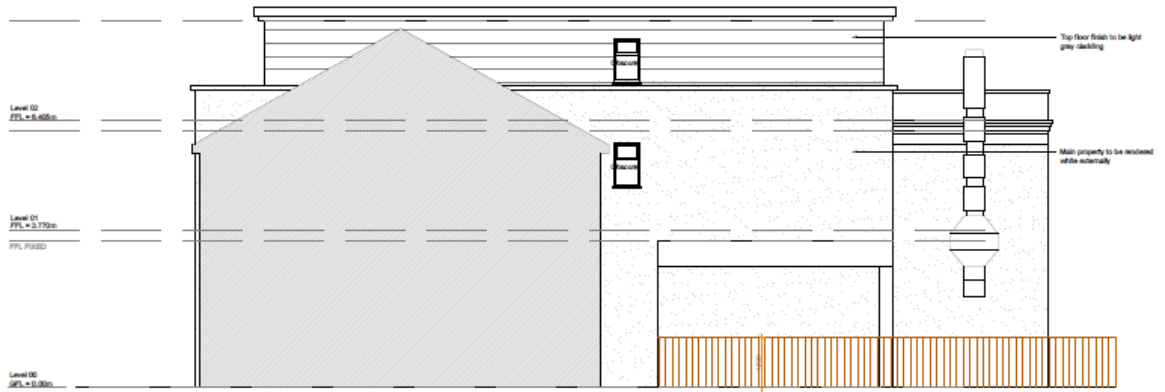
Proposed First-Floor Plan:



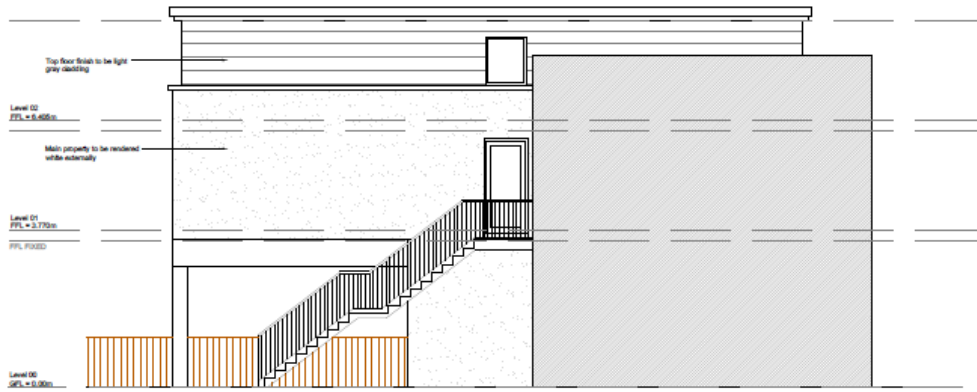
Proposed Front & Rear Elevations:



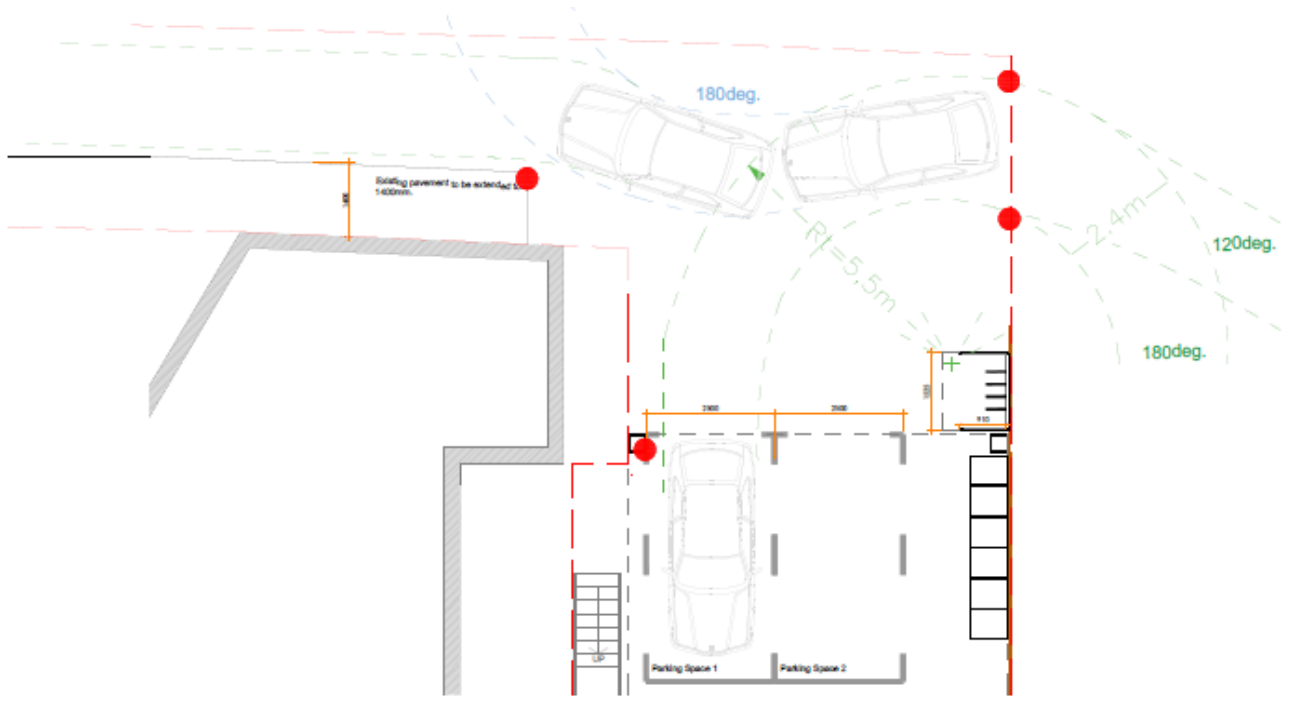
Proposed Side Elevations:



Proposed Side Elevation
Scale 1:50



Parking Plan:



Proposed Parking Plan
Scale 1:50

