

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	David Stevens
Application No.	23/00019/FULPP
Date Valid	18th January 2023
Expiry date of consultations	8th February 2023
Proposal	Change of use of the building at ground floor (part), 1st floor (part) and 2nd to 5th floors to 30 flats (comprising 12 X one-bedroom, 12 X two-bedroom and 6 X three-bedroom units), together with external alterations to facades including installation of cladding and replacement of windows and doors) removal of western external escape, cladding of northern external escape, and provision of car and cycle parking
Address	<b>Hippodrome House Birchett Road Aldershot</b>
Ward	Manor Park
Applicant	Starlow Charities Limited
Agent	D. Rose Planning LLP
Recommendation	<b>Grant subject to s106 Obligation</b>

## Description

Hippodrome house is located within the wider Aldershot Town Centre area between Birchett Road and Station Road. It is 'L' shape in form, with a parking area to its 'rear', the access point off Birchett Road. The building itself has 5 storeys, with a former basement bowling alley and retail/commercial units above. The majority of the building is currently vacant.

The site is in a visually prominent position within the town centre. Hippodrome House comprises a bulky 1960's block of modern vernacular style externally finished in concrete and mosaic tile panels.

The proposal seeks to convert the 2<sup>nd</sup> to 5<sup>th</sup> floors into a total of 30 residential units, with a mix of 12 X one-bedroom, 12 X two-bedroom and 6 X three-bedroom units, along with alterations to the facades (new external cladding and glazing) and enclosure of existing fire escape staircases. The uses within the first, ground and basement floors would remain in commercial use as existing with the exception of one existing shop unit to be converted to provide secure cycle storage. The proposal also retains 30 on-site car parking spaces.

The applicants have demonstrated that the proposal cannot viably provide affordable housing, and a late review mechanism has been agreed which will be secured by a S106 obligation. Financial contributions are also to be secured for Open Space, and SPA mitigation.

## Consultee Responses

RBC Regeneration Team No comments received.

HCC Highways Development Planning No highways objections.

Environmental Health

More information required :

- Environmental Health would agree that a suitable development is achievable but have some concerns with aspects of the report that may have a bearing on the level of noise insulation actually required.
- There are some issues that will need further consideration but if necessary these can be addressed via condition.
- The noise survey was also undertaken during a period when commercial activity would have been curtailed due to Covid-19 restrictions in place at the time. This should have been addressed within any revised report.
- Environmental Health are not comfortable accepting either set of values for internal noise levels as the original noise survey is not considered representative of the actual ambient noise environment for the reasons given above.
- In addition, there is also no consideration given to the internal transmission of noise from the basement and potential ground/first floor uses. The applicant will need to investigate what mitigation will be required to prevent low frequency (bas) noise from impacting on any residential units above, with consideration of potential structure borne transmission of such noise as well.
- The Environmental Noise Survey and Acoustic Design Statement Report has proposed plant noise limit criteria for all external plant running simultaneously. All such pumps produce noise but there is no information provided showing where these could be located. More information on where such plant is to be located is required as visually it could be quite intrusive.
- Noise from use of the rear loading bay at unreasonable/unsociable hours could cause disturbance and no detail on how this can be controlled is available. If minded to grant permission a condition restricting times of deliveries to daytime hours only should be applied (07:00 – 20:00 hrs)
- There appears to be no provision to vent exhaust air at roof level, so it is likely that any future restaurants/hot food takeaway establishments will require low level discharge which will require a very high level of odour control and significant internal space available within which to fit such odour mitigation equipment. Please apply condition 55EH Extract Details.

RBC Contract Management (Domestic Bin Collection)	<p>Bins required for the proposed development:  4 x 1100L refuse bins  6 x 1100L recycling bins  1 x 240L glass bin  1 x 140L food bin</p> <p>Developer is responsible for purchasing all containers before the property becomes occupied.</p> <p>Bin store for the communal bins must be separate from the shops bin store. Please make sure that the residential bin store is the closest one to the car park entrance (as it is already over 15m from the highway).</p>
Planning Policy	No objection.
Private Housing	No comments to make.
Natural England	No objections subject to a s106 to secure an appropriate SPA mitigation and avoidance contribution.
Thames Water	No objection subject to conditions.
Hampshire & I.O.W. Wildlife Trust	No comments received.
Parks Development Officer	Provides advice on POS projects to which a POS financial contribution should be required and secured with a s106 Planning Obligation.
Ecology Officer	<p>Protected Species: Advises that prior to determination of the current planning application, the Local Planning Authority should require the applicant to submit an additional bat presence/likely absence survey in accordance with best practice survey recommendations.</p> <p>Biodiversity Net Gain: No objections following receipt of amended roof plan received on 31 January 2023 showing provision of a green roof : this would be sufficient to achieve adequate biodiversity net gain as required by Local Plan Policy NE4.</p>
Hampshire Fire & Rescue Service	Provides generic comments and advice concerning fire safety and standards in respect of the proposals.
Neighbourhood Policing Team	No comments received.

### **Neighbours notified**

In addition to posting a site notice and press advertisement, over 250 individual letters of notification were sent to the owner/occupiers of properties surrounding the application property

in Station Road, Birchett Road (including Stratfield House) and Victoria Road, including all properties situated adjacent or opposite the site.

## Neighbour comments

At the time of writing this report a total of 6 comments have been received: 4 objections; 1 neutral; and 1 in support of the proposals:-

62 Coronation Rd,  
Aldershot

Objection : It is appreciated that this is one of the Council's Key sites under the redevelopment plan and welcome any improving action to this Gateway. We notice that there are only 30 parking spaces = 30 flats, but 12 of these are 2 bedroom and 6 are 3 bedroom. There would therefore appear to be a shortfall to the council's standard requirements. Several of our members recall flooding to a considerable depth there in the early 60's, this included sewage. The bowling alley has also flooded in the past. **Officer comments: Concerns were raised regarding the site flooding during the 60s including sewerage. The site is located within Flood Zone 1 and not within an area of known surface water flooding. The Statutory Water undertaker, who manages both waste and potable water, has raised no objection to the proposal. Any matters regarding the topping of water or sewerage should be reported to the relevant authorities.**

Flat 89 Stratfield  
House, Aldershot

Support: Very much support this initiative, hopefully these flats will be open for sale by local residents

Councillor Roberts  
(RBC Member for  
Aldershot Park  
Ward)

Objection : This is a poor decades old office development and little consequence and seeking to turn it into flats is mind blowing as this type of structure it doesn't work and brings forward lots of issues in its new guise Cladding. As someone who advises the Grenfell Group with others what and isn't to the current tougher standards? Updated Fire Safety structure for all buildings re Grenfell implemented. What does this clarify and to commitments to it? EV provisions in the car park arrangement and secured cycled storage as well. The building will have to be heavily gutted to much extent but it would be better it went? Lifts or what for all possible people who live within? Do we really need more poorly designed and committed to lifts? What is the current carbon profile, the level of gutting level carbon and post? Lessons from Grenfell are really needed? Shop keepers retail are needed to be assessed as well? Initial comments only and likely more when some responses come.  
**Officer comment: Fire safety matters are not managed by the Planning System and so cannot be considered as part of this application. There is no policy requirement for the provision of lifts or for schemes to be carbon neutral. As such, this cannot be considered as part of this application.**

23 Friend Avenue,  
Aldershot

Objection : #1 : Conversion to flats? Some years ago I suggested that exactly this take place to both a developer and the council. It was vetoed at that time because of the lack of sewer capacity. Are you now aware of any increase in sewer capacity as there are (were) often vehicles on the corner of the junction of Station Road and Birchett Road carrying out sewer cleaning?

#2: Out of interest I carried various development teams to and from various locations in and around Aldershot. I carried the team from XXXXX a few times and suggested that all that was needed was to replace the facade to make Hippodrome House look better with the interior being configured for housing. It was them who investigated and came back with the answer about the sewers. Remembering of course that when we had a bowling alley this flooded on a regular basis. Having experience of Stafford House perhaps I should have kept my ideas to myself as both these town centre properties have had problems with bad layouts and designs. Lifts that are so ancient that they fail too often and how on earth do top floor flats suffer from floods? Answer : As a direct result of the developer getting too greedy and not doing a good enough job. Both of these properties have had to have the exterior cladding changed twice since the original failed to work properly creating draughts and mould. Are you aware that Aldershot has the oldest Victorian brick built sewers which served as models for Joseph Bazalgettes designs. Eggars Hill has the deepest and oldest.

**Officer comments: The site is located within Flood Zone 1 and not within an area of known surface water flooding. The Statutory Water undertaker, who manages both waste and potable water, has raised no objection to the proposal. Any matters regarding the topping of water or sewerage should be reported to the relevant authorities.**

The Station Corner  
Shop, 11 Station  
Road

Objection : I would like to express my concern about issues relating to the upheaval that would result to the shop businesses situated at the foot of the building. Naturally, should the proposed plan go ahead, there is no doubt that Rushmoor Borough Council would benefit tremendously in the process of raising extra Council Tax revenue from the new occupants. However, typically, such a development may take 3-6 months to be fully carried out and would inevitably result in a nightmare situation in terms of footfall for those shopkeepers, like myself, who would be directly affected by six storeys of scaffolding placed on top of an already congested Station Road. Such scaffoldings intimidate pedestrians into preferring to walk on the other side of the street and obscure the very premises that represent the livelihoods of local businesspeople. How are we supposed to make a living, let alone pay commercial rates to the Council? Your letter makes no mention whatsoever of any compensation or rebate for the event represented by your letter.

**Officer comments: this respondent has been contacted to advise that it is long-standing Government guidance that the impacts of the implementation of a development, such as those described in this representation, cannot be taken into material account by Local Planning Authorities when considering and determining planning applications. Furthermore, the Council has no role in providing any form of compensation in respect of the planning proposals of others - the proposed development is not a project being proposed and promoted by the Council and this is a matter that could only be pursued with the developers.**

County Cllr Alex  
Crawford (HCC)

Comments : there was a lively discussion yesterday evening at the Aldershot Civic Society about this planning application. Members there recalled some history of the site, including flooding and collapse of

Aldershot Division) North diggings preparing for the construction of Hippodrome House and the bowling alley there. The documents attached to the planning application make no mention of any assessment of sewer capacity, so it will be for Thames Water to cover in their response, based on the information that they have about the site.

***Officer comments: Concerns were raised regarding the site flooding during the 60s including sewerage. The site is located within Flood Zone 1 and not within an area of known surface water flooding. The Statutory Water undertaker, who manages both waste and potable water, has raised no objection to the proposal. Any matters regarding the topping of water or sewerage should be reported to the relevant authorities.***

## **Policy and determining issues**

The proposal site is within the designated Town Centre of Aldershot and specifically allocated for development under Local Plan Policy SP1.6.

Adopted Rushmoor Local Plan (2014-2032) Policies SS1 (Presumption in Favour of Sustainable Development); Policy SP1.6 (Hippodrome House); IN1 (Infrastructure & Community Facilities); DE1 (Design in the Built Environment); DE2 (Residential Internal Space Standards); DE3 (Residential Amenity Space Standards); DE4 (Sustainable Water Use); DE6 (Open Space, Sport & Recreation); DE7 (Playing Fields & Ancillary Facilities); DE10 (Pollution); LN2 (Affordable Housing); PC8 (Skills, Training & Employment); NE1 (Thames Basin Heaths Special Protection Area); and NE4 (Biodiversity). The Council's adopted Car and Cycle Standards SPD and Government Planning Policy and Guidance are also relevant.

The main determining matters of this application are; the principle of development, affordable housing, living conditions created, impact upon neighbouring occupiers, highway matters, biodiversity, and THBSPA.

## **Commentary**

### **1. Principle of development (including visual impact) -**

The proposal site is within site allocation SP1.6 - Hippodrome House. This policy states that the Council will support either a comprehensive redevelopment or refurbishment scheme to significantly improve the site as it is a prominent gateway into Aldershot Town Centre, particularly from the train station.

The existing building, consisting of a dominant block of 1960s modernist concrete and grey brick, appears stark, run-down and out-dated within the street scene. The objective of Policy SP1.6 is to significantly improve the appearance of the site, as part of the general objective of the regeneration of Aldershot Town Centre, seeking to create a more inviting gateway.

Whilst it is likely considered preferable to redevelop the site in its entirety, a refurbishment scheme is acceptable in principle provided that it makes a significant improvement to the visual appearance of the site. To achieve this, it is proposed to refurbish the building facades by replacing horizontal bands of glazing with aluminium windows and vertical ribbed cladding boards, along with slender bronze-coloured frames around structural bays. Areas of exposed concrete are to be repaired and painted. The retail frontages have also been enhanced. The mosaic tiles are to be removed allowing for the signage to be recessed into the frame of the

building. The rear of the building is improved through the cladding of the external staircases with vertical fins. No changes are being made to the overall scale and height of the building.

The street scene surrounding the site are varied, but mainly comprise brick or rendered buildings that Victorian or modern in detailing. It is considered that the proposed changes would significantly enhance the visual appearance of the building and the street scene, forming an inviting key view from the arrival point of Aldershot Railway Station.

Policy SP1.6 also sets out that ground floor uses should reflect the town centre designation and retain an active mix of uses, and the upper floors have the potential to provide at least 70 dwellings subject to detailed design.

The proposal is to retain the existing retail uses on the ground floor, existing bowling use in the basement and office use on the first floor, which would satisfy the requirement for ground floor uses to reflect the town centre designation.

Floors two to five are proposed to be converted to residential accommodation in line with the policy, but the proposal is only for 30 dwellings rather than the policy reference to 70 dwellings. Whilst this is a shortfall of the housing quantum set out in the policy, it is not considered that this would have a harmful impact upon the housing land supply for the Borough as a whole, given the relatively small shortfall and quantum of windfall schemes in the borough.

The proposal is therefore considered to accord with Policy SP1.6 and DE1 of the Local Plan.

## **2. Affordable Housing -**

Policy LN2 – Affordable Housing requires, for sites of 11 or more dwellings within Aldershot and Farnborough town centres, to provide a minimum of 20% of dwellings as affordable homes.

The application is supported by a financial viability appraisal by 'S106 Management' which concludes that, on the basis of current market conditions, provision of affordable housing is not financially viable for the proposals. Paragraph 10.21 of the Local Plan sets out that *"where schemes do not meet the policy requirements, the Council will require applicants to submit an open book viability assessment and the Council will commission an independent review of the viability assessment, the cost of which should be met by the applicant."*

The Council have commissioned BPS Surveyors to undertake an independent review of the submitted financial viability assessment. They have advised that the scheme cannot viably provide affordable housing, but have advised that a 'post development viability review' be secured by S106 Agreement to enable the Council to 'claw back' any affordable housing to cover the possibility of the scheme becoming viable in the future. The applicant's agent and the Council's Viability Assessor have yet to agree on a Benchmark Land Value, but regardless of the difference of opinion, the proposed scheme still remains unviable to provide affordable housing. This is important as it provides the basis to measure viability. The Benchmark Land Value matter is to be agreed prior to the completion of the S106 Agreement.

Subject to this, it is considered that the proposals would accord with the requirements of Local Plan Policy LN2.

### 3. Living Environment created -

Internal space standards: Policy DE2 – Residential Internal Space Standards requires proposals for new residential units to ensure that the internal layout and size are suitable to serve the amenity requirements of future occupiers by meeting the minimum standards. In addition to this Policy DE3 – Residential Amenity Space Standards requires all new residential development and conversions to provide good-quality, usable private outdoor space in the form of gardens, balconies and/or roof terraces.

The policy also sets out that, in exceptional circumstances, where site conditions make it impossible to provide private open space for dwellings, additional internal living space equivalent to the private open space requirement may be added to the minimum GIA floorspace of the dwelling outlined in Policy DE2. The applicant seeks to rely on this exceptional circumstance in this case. The residential development proposed are flats and, in a location, where balconies are unlikely to meet acceptable noise levels, and therefore it is considered reasonable to allow such amenity space to be provided internally. All of the proposed flats would meet the Council's minimum space standards plus the additional 5sqm in lieu of the provision of external private amenity space.

Daylight, sunlight and outlook: All units would appear to achieve satisfactory levels of daylight and sunlight, and their habitable rooms would not be harmfully overlooked.

Noise: The proposed residential units would be located in a Town Centre location adjacent to a well trafficked road; and would also be located above commercial occupiers. As such, there is potential for harmful noise pollution. The application is accompanied by an Environmental Noise Survey and Acoustic Design Statement Report. The Council's Environmental Health Officers have reviewed the report and whilst it is clear that residential occupation can be supported in this location, additional information and mitigation is required in order to ensure adequate living conditions can be provided.

The first-floor space within the building is to remain within Use Class E, which includes Offices, but also activities such as cafes, restaurants, light industrial, creches, and gyms that may result in noise and vibrations that could result in harm to residential occupiers. The submitted Noise Report does not give consideration to the internal transmission of noise from the basement and potential ground/first floor uses. Bowling alleys are inherently noisy and require machinery to be in constant movement throughout their operational hours. Also, existing tenants on the first floor include a fitness centre. This and other Class E uses have the potential to have significant impact on future residential amenity due to structure-borne transmission of noise/vibration. Accordingly, it is considered reasonable to impose a condition to require provision of suitable noise and vibrations mitigation for prospective occupiers.

The Environmental Noise Survey and Acoustic Design Statement Report has proposed plant noise limit criteria for all external plant running simultaneously. The Energy and Sustainability Statement indicates that all residential units may be fitted with an air-source heat pump. All such pumps produce noise, but there is no information provided showing where these could or would be located. The current building has a large bank of A/C units and other external plant arranged along the rear wall immediately beneath first floor units. If air-source heat pumps are similarly arranged, then it is considered unlikely that the proposed plant noise limit criteria would be achievable at second floor residential units without additional mitigation being provided. Accordingly, a condition has been recommended to require noise mitigation and the location of such plant.



Class E uses can include restaurants. There appears to be no provision to vent exhaust air at roof level, so it is likely that any future restaurants/hot food takeaway establishments would require low level discharge requiring a very high level of odour control and significant internal space available within which to fit odour control and filtration equipment. A condition has been recommended requiring hot food uses to not operate until details of an appropriate and acceptable extraction system installation has been submitted to and approved by the LPA.

The Council's Environmental Health Officer has advised a number of conditions that would limit the operating hours of food and drink uses, and delivery hours of the existing commercial users on the site. These commercial uses have been operating from the building in some form since the 1960s, and it is considered possible to mitigate any resulting noise and vibrations. It is not unusual for residential units to be located about commercial units. For this reason, it is considered unreasonable to start restricting their use at this stage. It is considered that, subject to appropriate details being submitted, sufficient mitigation can be achieved to ensure that the residential units are not harmfully affected by the activities of such existing users.

Subject to conditions, it is considered that the proposals would accord with Policy DE1 and DE10 of the Local Plan.

#### **4. Impact upon neighbouring occupiers-**

The proposal utilises the existing building envelope that has multiple windows that face onto adjoining and nearby properties from height. The proposal does not add any new windows to the west flank and currently blank elevation.

The most affected neighbouring occupiers would be the properties of Station Road and Birchett Road. There is a gap of 11m between the windows of Hippodrome house and those of Station Road, and a gap of 14 meters between the site with the three-storey block of Birchett Road. These properties are two or three storeys in height with windows facing towards Hippodrome House. Given the height of these properties and the distance apart, it is not considered that the proposal would result in adverse overlooking.

The proposal would not increase the envelope of the building. It is not considered that the proposal would conflict with Policy DE1 in that regard.

#### **5. Highway matters -**

Hippodrome house is located within the Aldershot Town Centre area as defined by the Rushmoor Local Plan. The Council's Car and Cycle SPD states that for residential development within the designated Town Centre that there is a need to provide 1 space for each residential unit.

It is proposed that the existing vehicular access passageway through part of the building is used. Within this area to the rear of the building the proposal would provide 30 car parking spaces. Separate secure cycle storage is to be provided internally. As the site is in a town centre location, visitors to the retail units and residential units can use the existing surrounding car parks.

Retail units are serviced from the courtyard to the rear of Hippodrome house, as per the existing situation. Refuse stores for both the retail and residential uses are also located to the rear, with details to be secured by condition.

Hampshire County Council Highways has raised no objection.

Subject to conditions, it is considered that the proposal would not conflict with Policy IN2 of the Local Plan and the Car and Cycle SPD.

## **6. Public Open Space -**

The adopted Local Plan seeks to ensure that adequate public open space (POS) provision is made to cater for future residents in connection with new residential developments. Policy DE6 allows provision to be made on the site, or in appropriate circumstances, a contribution to be made towards upgrading POS facilities nearby. The proposal would secure, via a S106 Agreement, £63,386.40 towards the off-site provision of public open space comprising landscaping and general infrastructure improvements to include playground and pond habitat improvements at Manor Park, High Street, Aldershot, OR Landscaping and general infrastructure improvements to include playground at Redan Hill Gardens, Redan Hill, Aldershot.

Subject to securing such contributions through S106, that the proposal would not conflict with Policy DE6 in that regard.

## **7. Impact Upon Wildlife & Biodiversity –**

### **(a) Special Protection Area.**

The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17' in April 2018 established the legal principle that a full appropriate assessment (AA) must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA, and that this process cannot take into account any proposed measures to mitigate any likely impact at the assessment stage. This process, culminating in the Council's Appropriate Assessment of the proposals, is overall described as Habitats Regulation Assessment (HRA).

Undertaking the HRA process is the responsibility of the decision maker (in this case, Rushmoor Borough Council) as the 'Competent Authority' for the purposes of the Habitats Regulations. The following paragraphs comprise the Council's HRA in this case:-

HRA Screening Assessment under Regulation 63(1)(a) of the Habitats Regulations : The Thames Basin Heaths SPA is designated under the E.C Birds Directive for its lowland heathland bird populations. The site supports important breeding bird populations, especially Nightjar *Caprimulgus europaeus* and Woodlark *Lullula arborea*, both of which nest on the ground, often at the woodland/heathland edge; and Dartford Warbler *Sylvia undata*, which often nests in gorse *Ulex* sp. Scattered trees and scrub are used for roosting.

Heathland is prone to nitrogen deposition due to increases in Nitrogen Oxide. Calculations undertaken for the Rushmoor Borough Council Local Plan found that there will be no in-combination impacts on the habitats as a result of development in the Local Plan, including an allowance for 'windfall' housing developments. However within the screening process it will need to be ascertained whether development outside the Local Plan within 200m of the SPA will increase vehicle movements to above 1000 extra trips/day or exceed the Minimum Critical Load by over 1% either alone or in-combination with the Local Plan.

The bird populations and nests are very prone to recreational disturbance, with birds vacating the nests if disturbed by members of the public. This leaves the young unprotected and

increases the risk of predation. Dogs not only disturb the adults, but can directly predate the young.

Visitor surveys have shown that the visitor catchment area for the Thames Basin Heath SPA is 5km, with any proposals for residential development within this catchment contributing to recreational pressure on the SPA. The research also evidenced that residential development within 400m of the SPA would cause impacts alone due to cat predation of adult and young birds.

The retained South East Plan Policy NRM6 and adopted New Rushmoor Local Plan (2014-2032) Policy NE1 (Thames Basin Heaths Special Protection Area) and Thames Basin Heaths Avoidance & Mitigation Strategy (2019)], 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 3 net new residential units within the Aldershot urban area. 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 New Rushmoor Local Plan Policy NE1 and Thames Basin Heaths Avoidance & Mitigation Strategy (2019), a permanent significant effect on the SPA due to an increase in recreational disturbance as a result of the proposed new development is likely. As such, in order to be lawfully permitted, the proposed development will need to secure a package of avoidance and mitigation measures.

Rushmoor Borough Council formally adopted the latest version of the Thames Basin Heaths SPA Avoidance & Mitigation Strategy (AMS) in 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 been provided with an allocation of SANGS capacity from the Southwood Country Park SANGS scheme sufficient for the 30 new dwelling units proposed, which would cost the applicants £184,363.80. Furthermore, the applicants are also seeking to secure a financial contribution of £20,503.02 towards SAMM. Both would be secured by way of a s106 planning obligation to be submitted to the Council requiring payment of these SPA financial contributions upon the implementation of the proposed development.

Conclusions of Appropriate Assessment : 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.

## **b) Protected species**

European protected species (EPS) which include bats, have full protection under The Conservation of Habitats and Species Regulations 2017. It's an offence to deliberately capture, injure or kill, or deliberately disturb EPS.

The Council's Ecology Officer has been consulted on the proposals with regards to potential impact upon protected species. They have advised that the property appears to host numerous opportunities for roosting bats such as window fixtures over several storeys and broken windows allowing access to internal disused spaces. Although the property is located in an urban environment with little connectivity to optimal bat foraging and commuting corridors, bats are

known to be present locally at low populations. The proposed development will require significant renovation of the property, which would result in loss or disturbance of active roosts where present. .

The developer submitted a bat survey dated 06/03/2023 prepared by Middlemarch. This survey identifies potential for bat activity within the existing building including in the false ceiling panels and wall cavities, within the basement with direct flight access.

The report advised that proposed works have the potential to disturb or destroy a bat roost, if bats are found to be roosting within Hippodrome House and the Basement. Therefore, a further survey is required to determine the presence/absence of roosting bats within the buildings. This surveys must be carried out in the appropriate season (after 1<sup>st</sup> May 2023) to establish to what extent any mitigation measures would be necessary. The applicant has confirmed in writing that this survey will be carried out before the end of June 2023.

As set out in guidance published by Natural England and DEFRA (last updated 2022) "Protected Species and development: advice for local planning authorities – How to assess a planning application when there are protected species on or near a proposed development site." The statutory responsibility of the Council as planning authority is to ensure that, in granting planning permission, it does not authorise development which would facilitate or cause harm to protected species.

There are a number of potential outcomes arising from a further bat emergence survey, for example:

1. No evidence is found of activity and no mitigation or license is required;
2. Evidence of potential for activity is found which can be mitigated through measures within the proposed building; or
3. Evidence of activity/roosts etc is found which requires a bat mitigation license from Natural England and appropriate mitigation measures within or outside the site.

Local Planning authorities are advised that they must be satisfied that if a licence is needed, it's likely to be granted by Natural England before they grant planning permission.

LPAs are also advised that they should not usually attach planning conditions that ask for surveys because they need to consider the full impact of the proposal on protected species before granting planning permission; and they can add an 'informative' note to a planning permission to make it clear that a licence is needed. The advice further states that a planning condition for additional surveys can be imposed in exceptional circumstances, for instance, to support detailed mitigation proposals or if there will be a delay between granting planning permission and the start of development.

With regard to the current application, the recommendation is subject to completion of a S.106 agreement and therefore, as is customary, it will seek authority for the Executive Head of Property and Growth in consultation with the Chairman, to grant planning permission on completion of that agreement and subject to recommended conditions. The Council will not therefore at this point be granting planning permission for the development. Providing the recommendation secures provision for the applicants to address the results of the further survey, to which they have committed themselves, in relation to the legal requirements regarding EPS, best practice can be followed and the other planning merits of the proposal can be considered.

### c) Biodiversity Net Gain

The Environment Act 2021 introduces a statutory footing for securing measurable net gains for biodiversity, requiring a 10% minimum uplift post-development. Whilst such requirement is not yet in force, the Council encourage applicants to meet this requirement.

This development offers opportunities to provide biodiversity features which will assist the Local Planning Authority in meeting the above obligation. The proposal has been revised to provide a Green Roof to provide a net-gain in biodiversity upon the existing situation on the site. This would be sufficient to achieve biodiversity net gain as required by Local Plan Policy NE4.

### Conclusions -

The proposals are considered acceptable in principle; 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; would provide an acceptable living environment; and subject to further details to be agreed to address the ecology & biodiversity impacts of the proposed development; and, subject to financial contributions being secured in respect of Special Protection Area mitigation & 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. The proposals are therefore considered to be acceptable having regard to the criteria of Policies SS1, SS2, DE1, DE2, DE3, IN2, DE1, DE2, DE3, DE11, IN2, NE1, NE2, NE3, NE4 and NE8 of the adopted Rushmoor Local Plan (2014-2032).

### Full Recommendation

It is recommended that:

- A. On completion of a further bat emergence survey to determine the presence of roosting bats within the building, and preparation and submission of a mitigation plan addressing its conclusions with regard to:
  - i) mitigation measures to address any impact on bat roosts within the site resulting from the proposal, or
  - ii) any required bat mitigation license – such license to be obtained prior to implementation of any works on site, and;
- B. Completion of a Satisfactory S.106 Planning Obligation by 30<sup>th</sup> June 2023 to secure:
  - i) SANG (£184,363.80) and SAMM (£20,503.02) SPA financial contributions;
  - ii) Public Open Space (£63,386.40) contribution
  - iii) an affordable housing 'late stage review'; and
  - iv) implementation and maintenance of any measures required by the submitted mitigation plan to address the impact on protected species;
- C. The Executive Head of Property and Growth, in consultation with the Chairman of the development Management Committee be authorised to **GRANT** Planning Permission.
- D. The Executive Head of Property and Growth in consultation with the Chairman of Development Management Committee, be authorised to add, delete or vary conditions as necessary to secure identified obligations prior to the issue of planning permission.

- E. If by 30<sup>th</sup> June 2023 (or such other timescale to be agreed) a satisfactory s106 Agreement has not been received, the Executive Head of Property and Growth, in consultation with the Chairman, be authorised to **REFUSE** planning permission on the grounds that:
- a. 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;
  - b. The proposal does not make appropriate provision for Public Open Space in accordance with the requirements of adopted Rushmoor Local Plan Policy DE6;
  - c. Insufficient information has been provided to determine the impact upon a protected species, contrary to the provisions of Paragraph 174 of the National Planning Policy Framework 2018, Policies NE4 of the Local Plan and Paragraph 99 of Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

-and the following conditions and informatives:

### **Conditions**

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:

226\_PLN\_2007 REV.F  
226\_PLN\_2001 REV.J  
226\_PLN\_0001 REV.D  
226\_PLN\_1000 REV.D  
226\_PLN\_2000 REV.E  
226\_PLN\_2002 REV.E  
226\_PLN\_2003 REV.F  
226\_PLN\_2004 REV.F  
226\_PLN\_2005 REV.F  
226\_PLN\_2006 REV.F

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

3. Works altering the external wall treatments hereby approved 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. All planting, seeding or turfing comprised in the approved details of green roof shown on approved plan 226\_PLN\_2007 shall be carried out in the first planting and seeding season following the occupation of the buildings or the practical completion of the development, whichever is the sooner and shall be so retained. Reason -To ensure the development makes an adequate contribution to Biodiversity net gain.
5. The development hereby approved shall not be occupied until measures to protect the residential units from traffic or other external noise have been implemented in accordance with a scheme to include, for example, bunds, acoustic barriers and double glazing which has been first submitted to and approved in writing by the Local Planning Authority.

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

6. The development hereby approved shall not be occupied until measures to protect the residential units from noise and vibration between floors including from internal commercial uses have been implemented in accordance with a scheme to include,
  - An updated noise survey to represent post-Covid ambient noise environment
  - Take into account noise from deliveries
  - Revised noise reduction values from thermal double glazing and other noise mitigation
  - Details of any acoustically attenuated ventilation as required
  - Details of between floor mitigation for both noise and vibrations/ structure borne vibrations between commercial and residential floors.

which has been first submitted to and approved in writing by the Local Planning Authority. Such approved measures/ mitigations must be installed prior to first occupation and remain for the lifetime of the development.

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

7. 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, including a plan of their locations on the building, to be first submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to the operation of any such plant and machinery.

Reason - To protect the amenity of neighbouring occupiers and in the interest of visual amenity.\*

8. 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.



9. Prior to the commencement of any hot food use, details of the means of suppressing and directing smells and fumes from the premises have been submitted to and approved in writing by the Local Planning Authority. These details shall include the height, position, design, materials and finish of any external chimney or vent. The development shall be carried out in accordance with the details so approved and thereafter retained.

Reason - To safeguard the amenities of neighbouring property.\*

10. The development hereby approved shall not be occupied until the off-street parking facilities shown on the approved plan 226\_PLN-2001 Rev J have been completed and made ready for use by the occupiers. The parking facilities shall be thereafter retained solely for parking purposes (to be used by the occupiers of the development). \*

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

11. Each dwelling unit hereby approved shall achieve a water efficiency standard of 110 litres/person/day.

Reason: In the interest of sustainability.

12. No development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority that demonstrates that either:-
- Foul water Capacity exists off site to serve the development, or
  - 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
  - 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](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

13. No development shall be occupied until details have been submitted to and approved in writing by the LPA that demonstrates that either:-
- Surface water capacity exists off site to serve the development or
  - 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
  - All Surface 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 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](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

### **Informatives**

1. **INFORMATIVE** - The proposals are considered acceptable in principle; 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; would provide an acceptable living environment; and subject to further details to be agreed to address the ecology & biodiversity impacts of the proposed development; and, subject to financial contributions being secured in respect of Special Protection Area mitigation & 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. The proposals are therefore considered to be acceptable having regard to the criteria of Policies SS1, SS2, DE1, DE2, DE3, IN2, DE1, DE2, DE3, DE11, IN2, NE1, NE2, NE3, NE4 and NE8 of the adopted Rushmoor Local Plan (2014-2032).
2. **INFORMATIVE** – The Agent is encouraged to contact the council with regards to Skill and Employment opportunities during construction.
3. **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.
4. **INFORMATIVE** – Refuse requirements. Bins required for the proposed development:
  - 4 x 1100L refuse bins
  - 6 x 1100L recycling bins
  - 1 x 240L glass bin
  - 1 x 140L food bin

The developer is responsible for purchasing all containers before the property becomes occupied. The bin store for the communal bins must be separate from the shops bin store. Please make sure that the residential bin store is the closest one to the car park entrance (as it is already over 15m from the highway).

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Gaunt

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1:250 @ A3

NOTES:

All dimensions given unless stated otherwise.  
The drawing is to be read with reference to the North arrow.  
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Site Boundary  
Land Ownership Boundary  
OS Information 10003323

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**AYRE  
CHAMBERLAIN  
GAUNT**

PROJECT  
1 Hydroponics House  
Aberdeen

DRAWING TITLE  
Location Plan

REV	DATE	NOTES
A	20/08/20	Issue for the Hydroponics House
B	08/09/20	Issue for the Hydroponics House
C	18/09/20	Issue for the Hydroponics House
D	18/09/20	Issue for the Hydroponics House

DRAWN BY  
OC

CHECKED BY  
MH

JOB NO.  
736

STATUS  
PLANNING

DRAWING NO.  
736 PL 001

REV  
D



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A1

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Ayre Chamberlain Gaunt



NOTES:

All dimensions to be checked on site.  
The client has approved the design and all necessary permissions have been obtained.  
The client has approved the design and all necessary permissions have been obtained.  
The client has approved the design and all necessary permissions have been obtained.



KCC ARCHITECTS.CO.UK

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**AYRE  
CHAMBERLAIN  
GAUNT**

PROJECT  
Name: [Blank]  
Address: [Blank]

DRAWING TITLE  
Proposed 1:500  
North and South

REV DATE NOTES

1	16/05/20	Issue for the High Street
2	18/05/20	Issue for the High Street
3	19/05/20	Issue for the High Street
4	20/05/20	Issue for the High Street

DRAWN BY  
DC

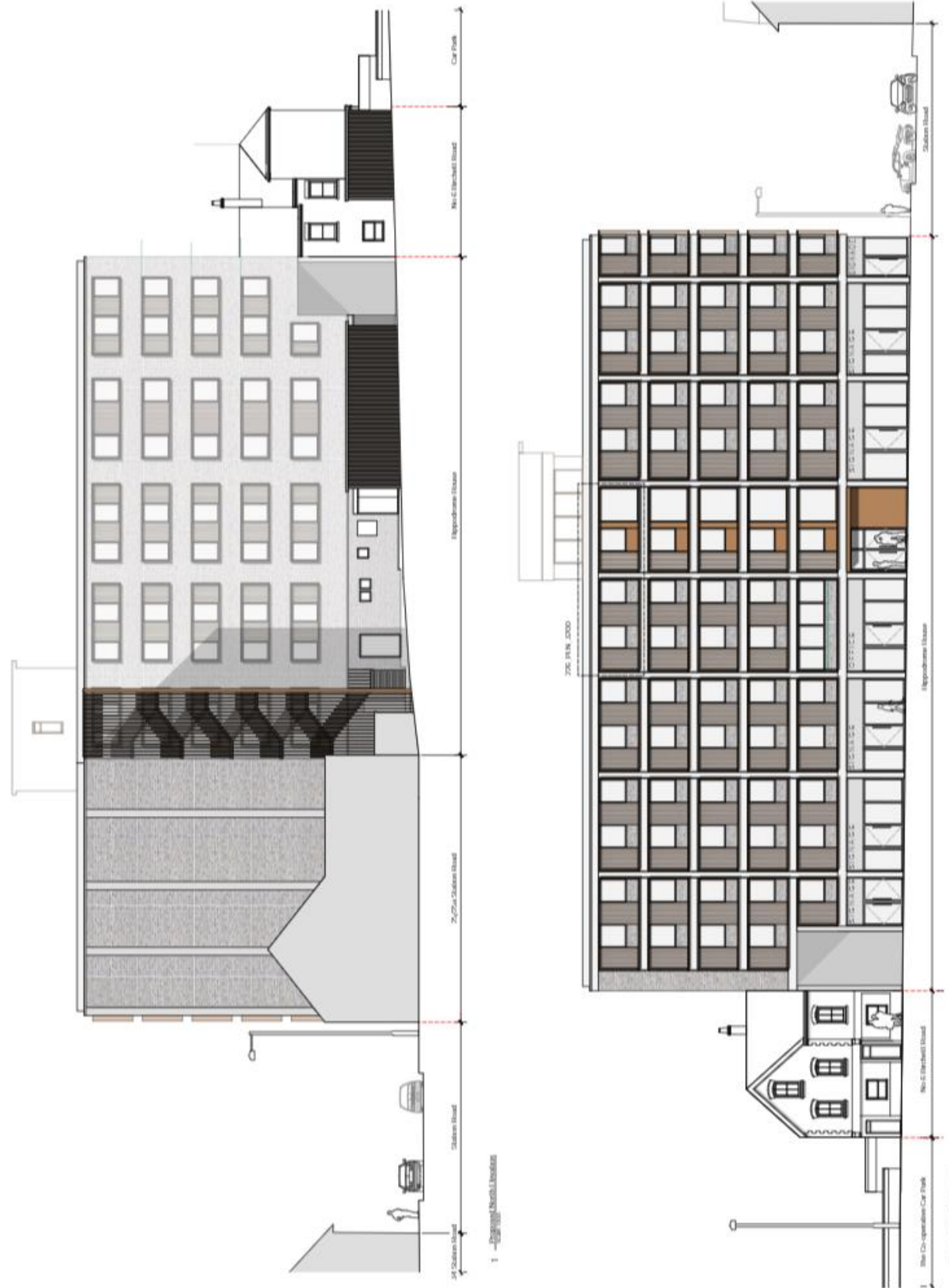
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JOB NO.  
J/C

STATUS  
PLANNING

DRAWING NO.  
J/C 1/16 1/20

REV  
0



1 - Proposed South Elevation

2 - Proposed South Elevation  
1:500 Scale

A1



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Gaunt

**NOTES**

1. All dimensions are to the finished face unless otherwise stated.

2. The building is to be constructed in accordance with the Building Code of Australia (BCA) and the National Construction Code (NCC).

3. The building is to be constructed in accordance with the Australian Standard AS/NZS 1170.1 and AS/NZS 1170.2.

4. The building is to be constructed in accordance with the Australian Standard AS/NZS 1546.

5. The building is to be constructed in accordance with the Australian Standard AS/NZS 1547.

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57. The building is to be constructed in accordance with the Australian Standard AS/NZS 1599.

58. The building is to be constructed in accordance with the Australian Standard AS/NZS 1600.



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**AYRE  
CHAMBERLAIN  
GAUNT**

**PROJECT**  
Apprentices House  
183-187

**DRAWING TITLE**  
Proposed Elevations  
East and West

REV	DATE	NOTES
A	20/04/18	Issue for the client approval
B	05/05/18	Issue for the client approval
C	05/05/18	Issue for the client approval
D	05/05/18	Issue for the client approval

**DRAWN BY**  
DC

**CHECKED BY**  
MH

**JOB NO.**  
230

**STATUS**  
PLANNING

**DRAWING NO.**  
230 PLN 203

**REV**  
D

