

Hippodrome House, Birchett Road, Aldershot : Planning Application
23/00019/FULPP : Post Committee Action

1. Introduction

1.1 Planning Application 23/00019/FULPP was considered by the Council's Development Management Committee meeting on 22 March 2023. This application was in respect of the following proposals: *"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."*

1.2 Members resolved to Grant planning permission subject to the following resolution:-

".....subject to the conditions and informatives set out in the Report if, by 30 March 2023 or any subsequent extension of time as may be agreed, the following had been satisfactorily achieved:-

1. Completion of a further bat emergence survey to determine the presence of roosting bats within the building, and if necessary 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;

2. Satisfactory agreement of the Benchmark Land Value (BLV) with respect to the affordable housing 'late stage review'; and

3. Completion of a Satisfactory s106 Planning Obligation by 30th 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;"

1.3 A further bat emergence survey was undertaken in May 2023 and found no evidence of the presence of roosting bats and the Council's Ecology Officer confirmed that the survey work and conclusions were satisfactory and acceptable such that no protected species mitigation plan was required. As a result requirement 1. of the Committee resolution was satisfied. Then, in the summer of 2023, a benchmark land value had been agreed and the affordable housing late-stage review provisions within the s106 have been confirmed by the Council's

project viability consultants to be satisfactory and in accordance with the agreed BLV, thereby satisfying Requirement 2 of the Committee resolution and enabling the drafting of the s106 Planning Obligation to be completed.

- 1.4 A satisfactory s106 Planning Obligation was completed in February 2024 to secure the provision of the required SANG & SAMM and POS financial contributions; and the incorporation of clauses in respect of the affordable housing late stage review. This involved a significant delay awaiting the signing of the s106 by a representative of a mortgage company – a delay that was not of the making of either the applicants, their solicitors or the Council. The completion of the s106 has, nonetheless, satisfied Requirement 3 of the Committee resolution.
- 1.5 Although an agreed extension of time for the determination of the application existed until 31 July 2023, this was not renewed by the applicants and lapsed. Whilst this could have invoked the second part of the Committee resolution that planning permission be refused in the event that no extension of time for the determination of the application was in place and one or other of the resolution requirements were not met, it was considered that this course of action would have neither been expedient nor have served any useful purpose, likely resulting in the submission of a further identical planning application for the Council to determine. However, the Committee resolution requirements were largely already satisfied and work was progressing on the finalisation of the s106 document. As such, whilst a technical legal difficulty concerning the need for a mortgagee to be a signatory of the s106 Planning Obligation subsequently arose, it was considered that it was appropriate to allow work on the s106 to continue to completion and, thereby, to satisfy all three requirements of the Committee resolution and enable planning permission to be granted.
- 1.6 On this basis, in agreeing that the requirements of the 22 March 2023 Committee resolution had been satisfied, the Chairman also agreed on 23 February 2024 that it would have neither been expedient nor served any useful purpose to invoke the second part of the Committee resolution and refused permission in the circumstances of this case. As such, that it was appropriate to for the planning permission to be granted.

2. Recommendation

- 2.1 It is recommended that the report be **NOTED**.

Tim Mills
Executive Head of Property and Growth

Background Papers : Planning Application ref.23/00019/FULPP