

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	Louise Davies
Application No.	24/00662/FULPP
Date Valid	31 October 2024
Expiry date of consultations	28 November 2024
Proposal	Erection of additional (5th-storey) extension above existing building, erection of 5-storey rear extension with glazed link and elevational alterations to facilitate conversion and change of use of extended/altered building into 42no. flats (Use Class C3) above and behind retained ground floor bank together with associated parking, landscaping with access from Victoria Road
Address	31 - 37 Victoria Road Farnborough
Ward	Empress
Applicant	Fishron Securities Ltd
Agent	Ms Jenna Stalker
Recommendation	GRANT subject to the completion of s106 Agreement

Description

Background & Site:

1. The site is currently occupied by a detached four-storey 1970s building with the ground floor in use as a bank (NatWest) and the upper floors used as offices and accessed through a separate access from the ground floor. The building fronts the north side of Victoria Road. There is car parking on the site to the rear of the building accessed by a service road to the east of the site. It should be noted that the ground floor bank use is not included within the consideration of this application for conversion and will remain in separate commercial use.

2. To the east of the access road is Solstice House, a modern (2017) mixed development of ground floor commercial units with residential above. To the west of the site are smaller 2/3 storey properties in commercial use. To the rear (north) of the site are residential flats at Pipers Patch and Greencroft. There are some trees to the boundaries, some which are subject to TPO orders.

Recent Planning History

3. Application 20/00275/FULPP was granted in August 2020 for the conversion and extension of the existing building to create a 39-suite aparthotel with the retention of the ground floor bank and remains extant.
4. Application 23/00644/FUL was granted in January 2024 for Change of Use from Class E to Use Class C3 to create 12 no. residential dwellings (comprising 6 x studio, 3 x one-bedroom, and 3 x two-bedroom flats) with retention of bank use to ground floor. This permission also remains extant.
5. Application 24/00224/FULPP for the Removal of ATM's & Night Safe Bezel, existing signage and reinstate materials where required was granted in May 2024.

Current Proposal

6. It is proposed to construct an additional (fifth) floor to the existing building; together a 5-storey rear extension over part of the existing parking area. The proposal would change the use of the building to provide 42 flats, comprising 19 x 1-bedroom 1-person occupancy, 16 x 1-bed 2-person occupancy and 7 x 2-bedroom 3-person occupancy units. Of these, 12 units would be provided within the existing building; and 30 units provided within the proposed extensions. The proposed development is shown to be provided with a communal roof terrace, communal roof top lounge area and a communal gym. 11 flats are shown to be provided with private balcony amenity spaces.
7. The site layout takes account of the parking, bin and cycle store facilities that need to be retained for the use of occupiers of Solstice House and the retained ground floor use. Some of the existing parking area would be retained under the proposed rear extension, which would be built on stilts. As a result, a total of 47 parking spaces are shown to the rear of the site, of which 5 spaces are allocated to NatWest Bank. A further 2 spaces are shown to be provided for Solstice House in order to maintain the parking provision with which this development was approved.

Notification

Application Publicity & Neighbours Notified

8. In addition to posting a site notice and a press advertisement, 40 letters of notification were sent to neighbouring owner/occupiers. The consultation period expired on 28 November 2024. No representations have been received.

Consultees & Other Bodies

HCC Highways Development Planning	No objections.
Parks Development Officer	Cove Green Recreation Ground and/or Victoria Road Cemetery and/or Queen Elizabeth Park, Farnborough - General infrastructure improvements, playground refurbishments and habitat improvements. (£107,867.08)
Ecology Team	No objections.
Contract Services (Bins)	The bin store is suitable in size to hold the required bins.
Aboricultural Officer	No comments received.
Hampshire Fire & Rescue Service	No comments received.
Neighbourhood Policing Team	No comments received.
Environmental Health	<p>No objections subject to conditions and informatives.</p> <p>No Noise report has been submitted. At the pre-app stage, EH advised that details would be required of glazing and other sound insulation measures to ensure a satisfactory internal noise environment, but noise is not mentioned at all as far as I can see. There is also a gym proposed on the fifth floor, which raises concerns due to potential transmission of low frequency structure borne noise and tangible vibration to the residential units below, due to treadmill and free weight use, and other impact generating activities. Env Health would like to see details of what mitigation will be in place to prevent disturbance to residential amenity. If the Council is minded to grant permission prior to this information being forthcoming then Environmental Health would recommend pre-commencement condition 61EH be applied regarding Sound Insulation/mitigation.</p> <p>The submitted desk top study report concludes that an intrusive site investigation should be undertaken, which is not unexpected. Please apply conditions 56EH and 57H.</p>

	<p>Environmental Health would also like to see the submission of a construction method statement that sets out measures to be employed to minimise noise, vibration and dust emissions throughout demolition and construction phase.</p> <p>In addition, please apply Condition 26CN re Construction hours.</p>
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Policy & Determining Issues

9. The site is located within the defined urban area of Farnborough close to, but outside of, the defined Town Centre area. The site is not within an identified primary or secondary shopping frontage and is not within a Conservation Area and there are no Listed buildings or other heritage assets located close enough to be materially and adversely impacted by the proposals. Policies SS1 (Presumption in Favour of Sustainable Development), SS2 (Spatial Strategy), IN1 (Infrastructure & Community Facilities), IN2 (Transport), DE1 (Design in the Built Environment), DE2 (Residential Internal Space Standards), DE3 (Residential Amenity Space Standards), DE6 (Open Space, Sport & Recreation), LN1 (Housing Mix), and NE1 (Thames Basin Heaths Special Protection Area) of the adopted Rushmoor Local Plan (2014-2032) are relevant.

Also relevant is the Council's adopted Supplementary Planning Document (SPD) "Parking Standards" adopted in March 2024. The advice contained in the National Planning Policy Framework (December 2024 : NPPF) and National Planning Policy Guidance (NPPG) is also relevant.

10. The main determining issues are considered to be:-

- a) The principle of the development;
- b) Impact on the visual character and appearance of the area;
- c) Impact on adjoining properties e.g. noise, overlooking, overshadowing and outlook;
- d) Living environment created;
- e) Highway considerations;
- f) Public open space; and
- g) Nature conservation.

Commentary

5 Year Housing Land Supply

11. The NPPF (para. 78) states that local planning authorities 'should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old'. Known as the 'Five-Year Housing Land Supply', local planning authorities must demonstrate that they

have a sufficient supply of sites to deliver at least five years' worth of housing. Rushmoor's Local Plan was adopted in February 2019 and is more than five years old. The NPPF (para. 78, fn. 39) confirms that where 'local housing need' is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the 'standard method' set out in National Planning Practice Guidance.

12. The Government updated the 'standard method' in December 2024, which has increased Rushmoor's 'local housing need' and five-year housing requirement. Moreover, the NPPF (para. 78) now requires a buffer of 5% to be added to the supply of deliverable sites 'to ensure choice and competition in the market for land'. The Council can currently demonstrate a five-year supply of housing land, but this position is considered to be borderline. The NPPF (para. 11, fn. 8) confirms that where a local planning authority is unable to demonstrate a Five-Year Housing Land Supply, the Presumption in Favour of Sustainable Development applies for planning applications involving the provision of housing. Whilst the Council is confident that it can demonstrate a Five-Year Housing Land Supply, an assessment has been undertaken which applies the Presumption in Favour of Sustainable Development to this planning application for the purposes of decision-making should it be found later that the Council is unable to demonstrate a Five-Year Housing Land Supply.

Principle of development

13. The application is seeking the use of an existing commercial property in the built-up area to residential.
14. The site is located centrally within the defined urban area of Farnborough, but outside the defined Town Centre area where Local Plan Policy SP2 (Secondary Frontage in Farnborough Town Centre) would apply. The application property is not located within any form of protected commercial frontage, or business zone. As a result, the loss of the commercial use would not conflict with the Development Plan in this instance.

Affordable Housing

15. Policy LN2 requires that on sites within Aldershot and Farnborough town centres of 11 or more dwellings, a minimum of 20% of dwellings should be provided as affordable homes, subject to site viability. The proposed scheme does not provide any dwellings as affordable homes. 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 as part of the planning application submission, and this will be made available in the public domain. In such cases, the Council commission an independent review of the viability assessment, the cost of which should be met by the applicant. A viability assessment has been provided and the viability case has been supported by an independent review and accepted by the Council stating that there is no liability for affordable housing provision, but it has been stated that a late stage review should be undertaken once the build has progressed and this requirement along with the appropriate trigger will be included within

any s106 pursuant to the granting of planning permission.

Visual Impact upon the character and appearance of the area

16. Policy DE3 requires that new development makes a positive contribution towards improving the quality of the built environment. It will, where relevant to the proposal: a. Include high-quality design that respects the character and appearance of the local area. The vicinity of the site has a mixed character, with a variety of land uses and buildings of different types, ages, designs, external materials and extensions and alterations.
17. The site is located in a readily visible location. The application property is already a substantial building that is readily visible in this part of Victoria Road. The existing original building would be seen to be retained intact with the addition of a further storey on top. Any public view of the proposed rear extension would be seen obliquely at some distance down the access road from Victoria Road; or from Sarah Way (a service road) to the west at a longer distance. Whilst the property can also be seen from the rear, these are private views, albeit they are only thinly softened by trees and vegetation.
18. The proposed external design of the extended building is considered appropriate to the vicinity. The site is not within a Conservation Area and there are no Listed buildings or other heritage assets located close enough to be materially and adversely impacted by the proposals. There are also examples of some similarly tall and large-scale buildings in the vicinity. Accordingly, from a visual perspective, it is considered that the visual impact upon the character and appearance of the area as a whole would not be subject to material and undue harm as a result of the current proposed development. It is also noted that the form of this development in terms of footprint and built form has been considered acceptable by the council under permission 20/00275/FULPP for use as an aparthotel. In the circumstances, it is considered that the proposals are acceptable in visual terms.

The living environment created

19. The proposal is for 19 x 1-bed 1-person flats, 16 1-bed 2-person flats and 7 x 2-bed 3-person flats. 11 flats have a balcony, but 9 of the flats proposed do not have any additional internal amenity space as per Policy DE3 of the Local Plan. However, it is noted that the scheme does provide a communal rooftop lounge of 110sqm, and communal lounge space of 35sqm and a communal gym of 55sqm to the rooftop area and due to this provision it is considered that alternative amenity space is provided. All rooms meet or exceed the national floorspace standard.

Impact upon surrounding residential amenity

20. The proposed development seeks to add a considerable volume/bulk of new building to the site in closer proximity to neighbours; but also to introduce a new use to the site, which is a form of residential use. As such, there is clearly both the issues of (a) potential loss of daylight/sunlight and outlook as a result the

substantial mass, bulk and height of proposed new building; and (b) noise, activity and nuisance issues to consider. The existence of a multiplicity of windows to the proposed units, most notably facing sideways towards Solstice House, also needs to be considered in terms of potential loss of privacy. The consideration of impacts upon neighbours is clearly important in this case. The potential for undue overlooking is addressed through the use of directional windows. Although there are other windows at third- and fourth-floor levels, all would be either too oblique and distant, or too perpendicular, to give rise to the possibility of material and undue overlooking to and from the existing residential properties to the rear.

21. The proposed rear extension would be 5-storeys tall and project from the rear of the existing building (Lawrie House). Lawrie House already overshadows Solstice House towards sun-down generally and, although it is also proposed to add a further storey above, it is not considered that this would significantly detract further from this effect.
22. The proposed rear extension would project rearwards within the site towards the rear boundary of the site shared with residential dwellings at Pipers Patch, with some dwellings being located with limited separation from the shared boundary with the site and with minimal boundary screening. However, the design of the proposed rear extension is such that the rear elevation would have minimal windows (serving a stairway that can be obscurely glazed) and, as such, no material and undue overlooking would arise.
23. Although the proposed rear extension would introduce additional mass and bulk, it is not considered that this would impinge significantly upon daylighting/sun lighting to the closest existing properties to the rear on Pipers Patch due to the existing tree screening to the shared boundary along with the degree of separation between them. It is noted that the sun would be sufficiently high in the sky when to the south for most of the year that it would not be blocked by the proposed rear extension to the extent that this would justify the refusal of planning permission.
24. In considering the scale, bulk and mass of the proposed extensions it is considered that no other neighbours to the proposed development would be materially and harmfully physically impacted by the proposed development. It is also noted that the principle of the impact of the scale, bulk, mass and design of development has already been deemed acceptable under 20/00275/FULPP and it is noted that no material change in policy has occurred in this respect.

Highways considerations

25. The rear extension will be built on stilts to facilitate parking underneath at ground floor level in the position of the current parking provision.
26. Policy IN2 – Transport sets out development will be permitted that provides appropriate parking provision, in terms of amount, design and layout, in accordance with the adopted 'Car and Cycle Parking Standards' supplementary planning document (SPD). Principal 6 of the SPD sets out that that residential

development should provide the number of car parking spaces set out in Appendix A of the SPD, which would be 1 space per unit as the site falls within Zone A Sustainable Parking Zone. This would therefore require 42 spaces for the proposed development. The proposed development provides 42 spaces.

27. Additionally, as per Principal 9 there is a requirement for 9 visitor spaces. However, paragraph 5.6 sets out that in town centres it may be acceptable for visitor parking to use town centre public car parks. The site is located less than 50m from a public car park which could accommodate the visitor parking requirement.
28. As per Appendix A of the SPD, 49 cycle parking spaces are required. The proposed drawings indicate the location of a large bike with separate access from the rear parking area for 32 cycles which includes 12 spaces for Solstice House. 4 cycle parking spaces are shown for the retained ground floor use. 29 cycle spaces are located within communal stores in the second, third and fourth floor with private cycle storage within flats 1, 7, 13, 14, 18, 24, 25 & 36. The cycle parking provision is considered to be compliant with Policy IN2.
29. In terms of the retained use, two parking spaces are shown for Solstice House retail unit and 5 for the retained ground floor area to Lawrie House.

Impact Upon Wildlife & Biodiversity

Special Protection Area.

30. 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.

31. 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.

32. 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.
33. 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.
34. 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.
35. 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 net new residential units within the Farnborough 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.
36. 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.

37. 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.
38. The project the subject of the current planning application being assessed would result in a net increase of resident people 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.
39. Rushmoor Borough Council formally adopted the latest version of the Thames Basin Heaths SPA Avoidance & Mitigation Strategy (AMS) in May 2019. 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.
40. 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.
41. In order to meet the requirements of Policy CP13 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.

42. In this case the scale of the SPA financial contribution required is calculated on the basis of the proposed occupancy. This would be a net gain of 42 dwellings such that the S106 contribution would be £249,611.53 towards SPA avoidance and mitigation and access management at Southwood SANG mitigation scheme (comprising £249,611.53 SANG contribution & £24,694.60 SAMM contribution). 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. Both SANG and SAMM contributions 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

43. 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.

Biodiversity Net Gain (BNG) - De Minimis Exemption

44. The biodiversity gain planning condition does not apply in relation to planning permission for developments which:
- 1) Do not impact an onsite priority habitat; and
 - 2) The development impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat.

The applicant has claimed an exemption under this criteria. It is noted that the site is a sealed surface due to the existing built form and car park that covers the rear, and that this De Minimis exemption is accepted.

Flood Risk and Drainage

45. Policy NE8 (Sustainable Drainage Systems) of the Local Plan is also relevant to the consideration of the proposal. Policy NE8 requires the implementation of integrated and maintainable SuDS in all flood zones for both brownfield and greenfield development sites. For brownfield developments, like the proposal in question, 'the peak run-off rate/volume from the development to any drain, sewer or surface water body for the 1-in-1-year and 1-in-100-year rainfall event must be as close as reasonably practical to the greenfield run-off rate from the development for the same rainfall event but should never exceed the rate of discharge from the existing development on the site'. However, the applicant has provided no detail as to the drainage arrangements for the development.

Given that the site slopes down towards High Street, such information is imperative given the potential for surface water run-off. It is considered that these details may be secured by way of condition. On this basis no objection is raised to the proposal in terms of NE8.

Conclusions

46. Whilst the Council is confident that it can demonstrate a Five-Year Housing Land Supply, an assessment has been undertaken which applies the Presumption in Favour of Sustainable Development to this planning application for the purposes of decision-making should it be found later that the Council is unable to demonstrate a Five-Year Housing Land Supply. In this context, paragraph 11 of the NPPF is being applied.
47. In this context, the NPPF requires that planning permission should be granted unless there is a clear reason for refusing the development proposed – the adverse impact of the approval would significantly and demonstrably outweigh the benefits.
- Benefits : The proposed development will provide 42 new units of accommodation in the form of flats. These will contribute towards housing supply and attracts significant weight in the planning balance. The development will have economic benefits during construction phase by creating jobs, which is considered an economic benefit.
 - Disbenefits : On the flip side and as demonstrated throughout this report, the proposal would also result in the loss of a commercial unit in the form of offices to the upper floors, however these are currently not occupied and it is considered that the provision of a high quality flat development would bring about economic and social benefit to the town centre.
48. Applying the presumption in favour/ tilted balance, it is considered that the harm resulting from the development would not significantly and demonstrably outweigh the benefits. and the proposal is recommended for approval subject to financial contributions being secured in respect of Special Protection Area mitigation & avoidance and Public Open Space with a s106 Planning Obligation which includes a late stage review of the Affordable Housing provision requirement 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 **SUBJECT** to the completion of a suitable legal mechanism securing Public Open Space and THBSPA contributions as set out in the report, along with a late stage review to assess the provision of Affordable Housing, before the

current expiry date for the determination of the application or any extended date covered by an agreed extension of time for the determination of the application, the Executive Head of Property and Growth, in consultation with the Chairman, be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

However, in the event that above requirements are not met within a time period covered by an agreed extension of time for the determination of the application, the Executive Head of Property and Growth, in consultation with the Chairman, be authorised to REFUSE planning permission on the grounds that 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 Avoidance and Mitigation Strategy and adopted Rushmoor Local Plan Policy NE1; and does not make appropriate provision for Public Open Space in accordance with the requirements of adopted Rushmoor Local Plan Policy DE6.

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:

Location Plan, Drawing no. L.901
Block Plan, Drawing no. B.901
Existing Site Layout and Ground Floor Plan, Drawing no. P.912
Existing and Proposed Street Scenes, Drawing no. P.911
Existing Elevations, Drawing no. 903
Existing Ground, First and Second Floor Plans, Drawing no. P.901
Existing Third Floor and Roof Plans, Drawing P.902 A
Proposed Side Elevations, Drawing no. P.910 B
Proposed Front and Rear Elevations, Drawing no. P.909 C
Proposed Roof Plan, Drawing no. P.908 A
Proposed First and Second Floor Plans, Drawing no. P.905 A
Proposed Third and Fourth Floor Plans, Drawing no. P.906 A
Proposed Fifth Floor Plan and Section A-A, Drawing no. P.907 A
Proposed Site Layout and Ground Floor Plan, Drawing no. P.904 E

Reports:

Design and Access Statement, HR Architects dated October 2024

Planning Statement (Woolfe Bond Planning) Ref: 7862 Dated October 2024
Flood Risk Assessment and Drainage Strategy (Stuart Michael Associated Limited), SMA Ref: 7196.FRA Issue Status: 04
Ground and Water Desk Top Study (Ground and Water Ltd) Report Reference: GWPR3382/DS/November 2019
Waste Service Management Plan (Stuart Michael Associates Ltd) Reference Ref: 7196 dated 15 October 2024
Transport Statement (Stuart Michael Associates Ltd) Reference Ref: 7196/TS dated October 2024

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

- 3 No construction works above ground level shall start until a schedule and/or samples of the external materials to be used have been submitted to, and approved in writing by, the Local Planning Authority. The details so approved shall be implemented in full and retained thereafter.

Reason - To ensure satisfactory external appearance. *

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

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

- 5 Prior to first occupation or use of the development hereby approved a fully detailed landscape and planting scheme (to include, where appropriate, both landscape planting and ecological enhancement) shall be first submitted to and approved in writing by the Local Planning Authority.

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

- 6 The existing trees and hedges on and adjoining the application site which are to be retained shall be adequately protected from damage during site clearance and works in accordance with the following:-

- (a) stout exclusion fencing erected and retained for the duration of the site clearance and construction period located outside the extent of the root protection area(s) of the trees/hedges as identified in the Tree Survey Report submitted with the application hereby approved;
- (b) no building materials, plant or equipment shall be stored during the site clearance and construction period within the rooting zone of any trees or hedges on or adjoining the application site;
- (c) no burning of materials shall take place on site; and

(d) care should be taken to ensure that any vehicles entering or leaving the site, or deliveries made to the site, do not cause damage (including ground compression within rooting zones) of any trees on or adjoining the application site.

These measures shall be put in place before any excavation, construction, vehicle parking or storage of building materials commences in the vicinity of the trees or hedges.

Reason - To preserve the amenity value of the retained tree(s) and shrubs.*

- 7 No residential unit within the development shall be occupied until the parking and cycle spaces shown on the approved plans have been completed and allocated to specified individual properties in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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

- 8 In the event that unforeseen ground conditions or materials which suggest potential or actual contamination are revealed at any time during implementation of the approved development it must be reported, in writing, immediately to the Local Planning Authority. A competent person must undertake a risk assessment and assess the level and extent of the problem and, where necessary, prepare a report identifying remedial action which shall be submitted to and approved in writing by the Local Planning Authority before the measures are implemented.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and is subject to approval in writing by the Local Planning Authority.

Reason - To ensure that the site is safe for the development permitted and in the interests of amenity and pollution prevention

- 9 Prior to the commencement of development, a Construction Management Plan to be adopted for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The details required in this respect shall include:

- a. the provision to be made for the parking and turning on site of operatives and construction vehicles during construction and fitting out works;
- b. the arrangements to be made for the delivery of all building and other materials to the site;
- c. the provision to be made for any storage of building and other materials on site;
- d. measures to prevent mud from being deposited on the highway;
- e. the programme for construction; and
- f. the protective hoarding/enclosure of the site.

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

Reason - In the interests and highway safety and neighbouring amenity

- 10 Prior to the commencement of development hereby approved, a plan indicating how and where biodiversity enhancement measures are to be incorporated into the new development shall be submitted to and approved in writing by the Local Planning Authority. Possible measures could include integral swift/bird bricks and bat tiles.

Reason - To assist in biodiversity net gain in accordance with the National Planning Policy Framework and Policy NE4 of the Rushmoor Local Plan (2014-2032).

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

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

- 12 Prior to first occupation of the development hereby permitted, details for a broadband telecommunications provision to the flats shall be submitted to and approved in writing by the Local Planning Authority. The new flats hereby permitted shall not be occupied until the approved scheme has been installed and made operational.

Reason - In the interest of visual amenity of the area*

- 13 Prior to first occupation of the development hereby approved all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a drained surface. Provision shall be made to direct run-off water from the surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such for the lifetime of the development.

Reason: To ensure adequate provision for surface water drainage and in the interests of highway safety.

Informatives

1. 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. The Council has granted permission because 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 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).

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. 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.

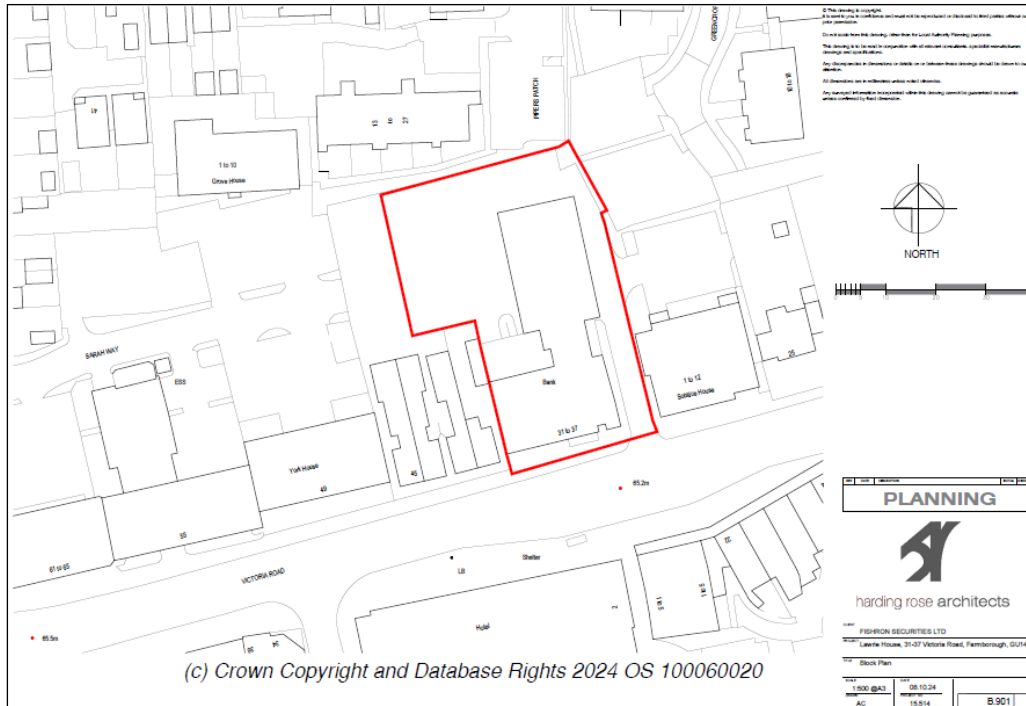
4. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). If your legal obligations include payment of financial contributions, you must contact the Council (at plan@rushmoor.gov.uk) at least 20 days prior to implementing the planning permission, stating your intended date of commencement of development and requesting an invoice for the payment such funds to which you have committed. The payment of all contributions as required by the S106 obligation must be received prior to the commencement of development.
5. The applicant is recommended to achieve maximum energy efficiency and reduction of Carbon Dioxide emissions by:

- ensuring the design and materials to be used in the construction of the building are consistent with these aims; and
 - using renewable energy sources for the production of electricity and heat using efficient and technologically advanced equipment.
6. 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:
- provided prior to the occupation of the properties;
 - compatible with the Council's collection vehicles, colour scheme and specifications;
 - appropriate for the number of occupants they serve;
 - fit into the development's bin storage facilities.
7. 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.
8. 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.
9. 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.
10. The applicant is advised to contact the Head of Operational Services regarding the requirement to provide acoustic insulation. Any scheme of acoustic insulation must be in accordance with the specifications provided in Schedule 1 of the Noise Insulation Regulations 1975 and must include details of acoustic mechanical ventilation and, where appropriate, solar control.
11. It is a legal requirement to notify Thames Water of any proposed connection to a public sewer. In many parts of its sewerage area, Thames Water provides separate public sewers for foul water and surface water. Within these areas a dwelling should have separate connections: a) to the public foul sewer to carry waste from toilets, sinks and washing machines, etc, and b) to public surface water sewer for rainwater from roofs and surface drains. Mis-connections can have serious effects: i) If a foul sewage outlet is connected to a public surface water sewer this may result in pollution of a watercourse. ii) If a surface water outlet is connected to a public foul sewer, when a separate surface water system or soakaway exists, this may cause overloading of the public foul sewer at times of heavy rain. This can lead to sewer flooding of properties within the locality. In both instances it is an offence to make the wrong connection.

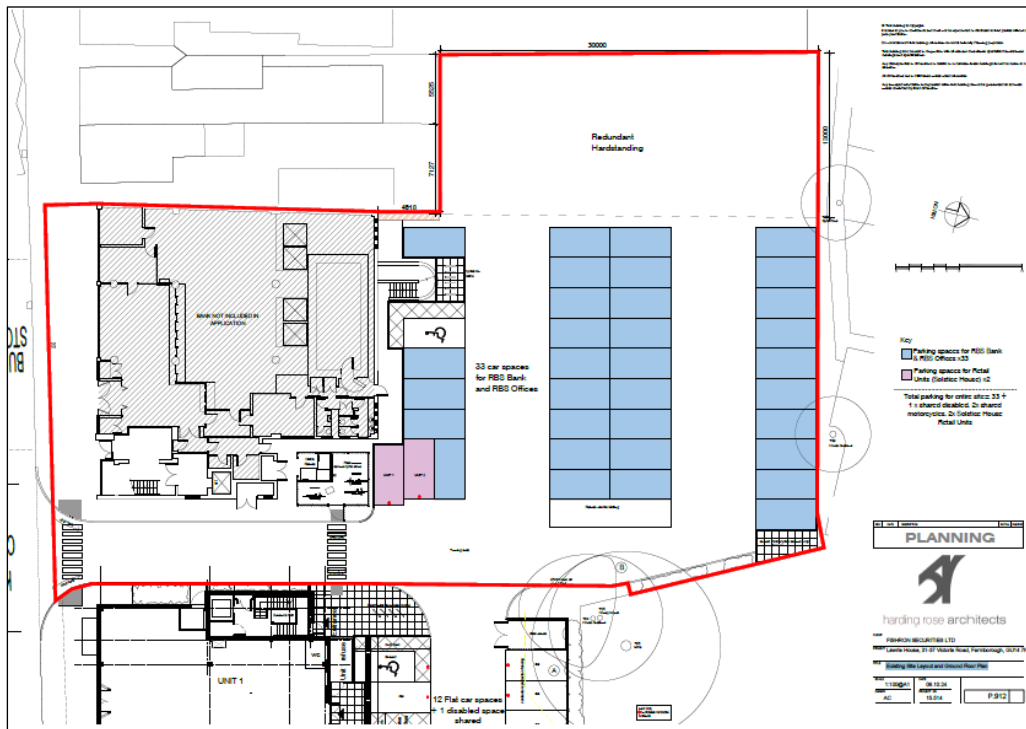
Thames Water can help identify the location of the nearest appropriate public sewer and can be contacted on 0800 316 9800.

12. It is an offence to kill, injure or disturb an individual bat; damage, destroy or obstruct access to a breeding site or resting place of that individual. Destruction of a bat roost is therefore an offence, regardless of whether a bat is present at the time of roost removal. The grant of planning permission does not supersede the requirements of the legislation below and any unauthorised works could constitute an offence. If bats or signs of bats are encountered at any point during development then all works must stop immediately and you should contact Natural England in order to avoid breach of legislation 'The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended)'.
13. Site clearance should be undertaken in a precautionary manner. Precautionary working methods should follow best ecological practice and should include, but not be limited to:
 - All clearance works should ideally be taken when common reptiles are likely to be fully active i.e. during the April to September period and during optimal weather conditions.
 - Clearance of tall vegetation should be undertaken using a strimmer or brush cutter with all cuttings raked and removed the same day.
 - Any trenches left overnight will be covered or provided with ramps to prevent common reptiles from becoming trapped.
 - Any building materials such as bricks, stone etc. will be stored on pallets to discourage reptiles/amphibians from using them as shelter. Any demolition materials will be stored in skips or similar containers rather than in piles on ground.
 - Should any reptiles be discovered during construction, works should cease in this area and a suitably experienced ecologist contacted. Works will need to proceed in line with the advice provided in order to avoid breach of above referenced legislation
14. 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.

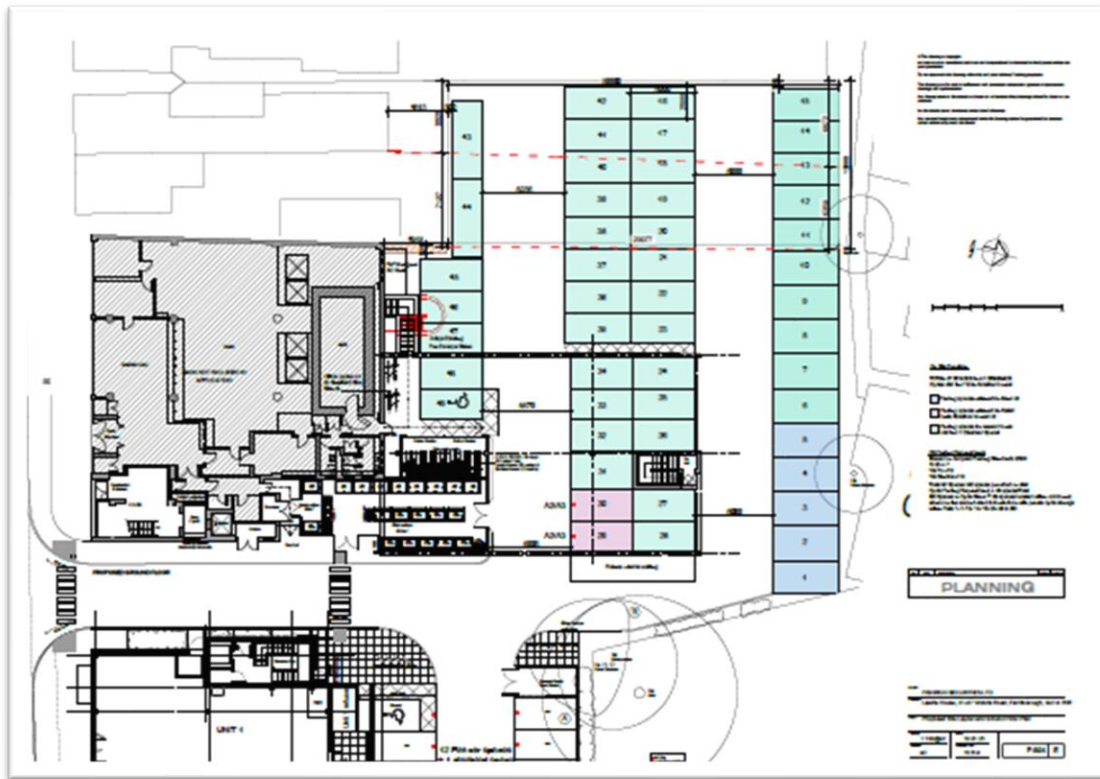
Plan 1 - Existing Block Plan



Plan 2 - Existing Site Layout



Plan 3 - Proposed Site Layout and Ground Floor Plan



Plan 4 - Proposed Street Scene Image



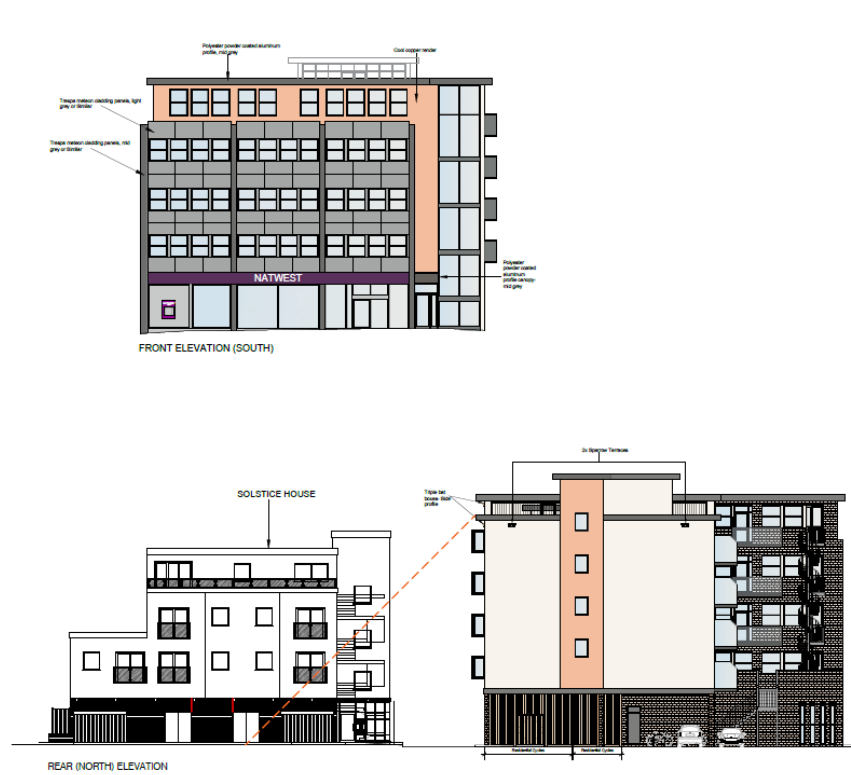
Plan 5 - Existing and Proposed Street Scenes



Plan 6 - Proposed Side Elevations



Plan 7 - Proposed Front and Rear Elevations

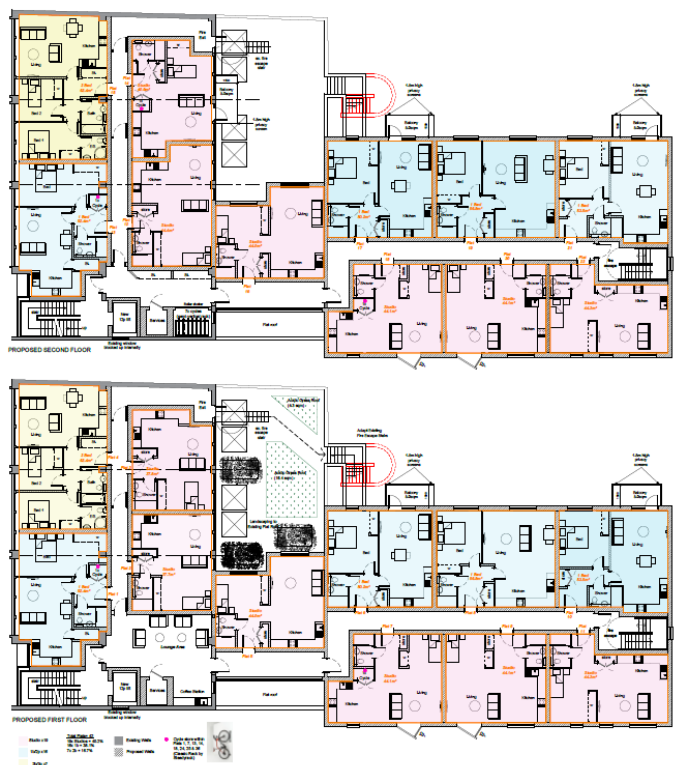


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 Proposed Front and Rear Elevations
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Plan 8 - Proposed First and Second Floor Plans



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