

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.	24/00140/REVPP
Date Valid	29th July 2024
Expiry date of consultations	23rd August 2024
Proposal	MINOR MATERIAL AMENDMENT : Variation of Condition of planning permission 20/00400/FULPP dated 24 March 2023 as amended by non-material amendment 23/00800/NMAPP dated 5 December 2023 to increase number of floating holiday lodges from 9 to 21 units
Address	Land at Former Lafarge Site, Hollybush Lane, Aldershot
Ward	St Mark's
Applicant	Drayparcs Developments Ltd
Agent	Bell Cornwell LLP
Recommendation	GRANT subject to s106 Legal Agreement

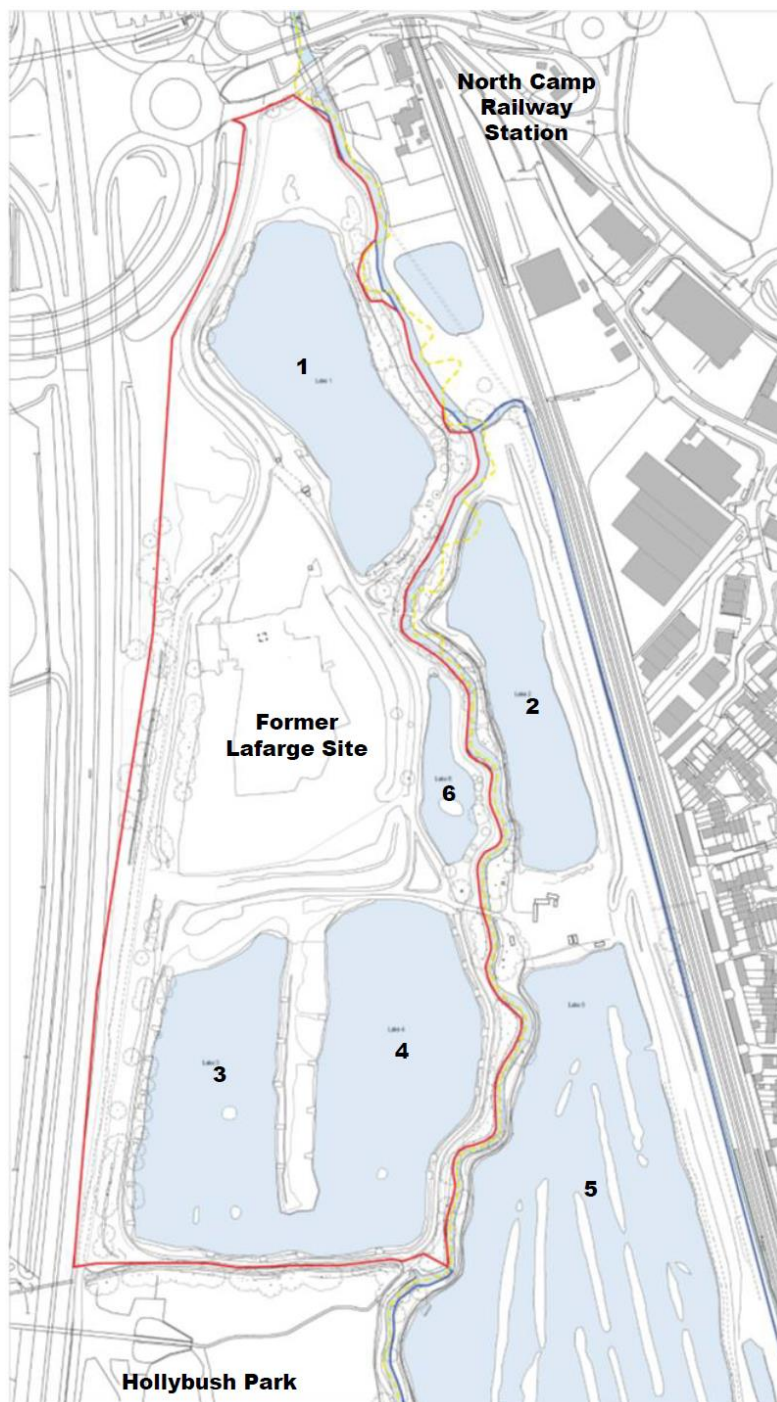
Description & Relevant Planning History:

The application site has an irregular shape and measures 15.65 hectares. It is an area of land and former gravel-pit lakes on the margins of Rushmoor Borough to the east of Hollybush Lane, where it runs parallel and to the east of the A331 road (BVR) to the south of North Camp railway station. The A331 North Camp Interchange and the North Camp Station approach road adjoin the north end of the application site. The site is also located to the west of the Blackwater River, which adjoins the entire eastern side of the site. To the south the site abuts a drainage channel; with the Hollybush Park local nature reserve beyond, which is land owned by Rushmoor Borough Council and managed by the Blackwater Valley Countryside Partnership.

The application site (see Existing Site Plan on next page) contains three lakes that are remodelled former gravel pits used for coarse fishing (Lake 1 to the north and Lakes 3 & 4 to the south). The central section of the site largely comprises vacant unused land, partially hard-surfaced and largely enclosed with earth bunds, which is the site of the former Lafarge concrete batching plant. A rusty hopper tower structure near the entrance gate is the one remaining remnant of the abandoned concrete batching plant. The site also contains a gated car park for people using the fishing lakes, which is situated between the former Lafarge site and Lake 1, with a signed gateway from Hollybush Lane. A track from the car park gate around the east margin of the former Lafarge site provides onward access to another two lakes in the Applicants' ownership that are located on the east side of the River within Guildford Borough Council's area (Lakes 2 & 5). A low-lying area between the former Lafarge site separated from

the River by a thin strip of raised land contains a small pond (Lake 6) that receives drainage water from elsewhere within the site.

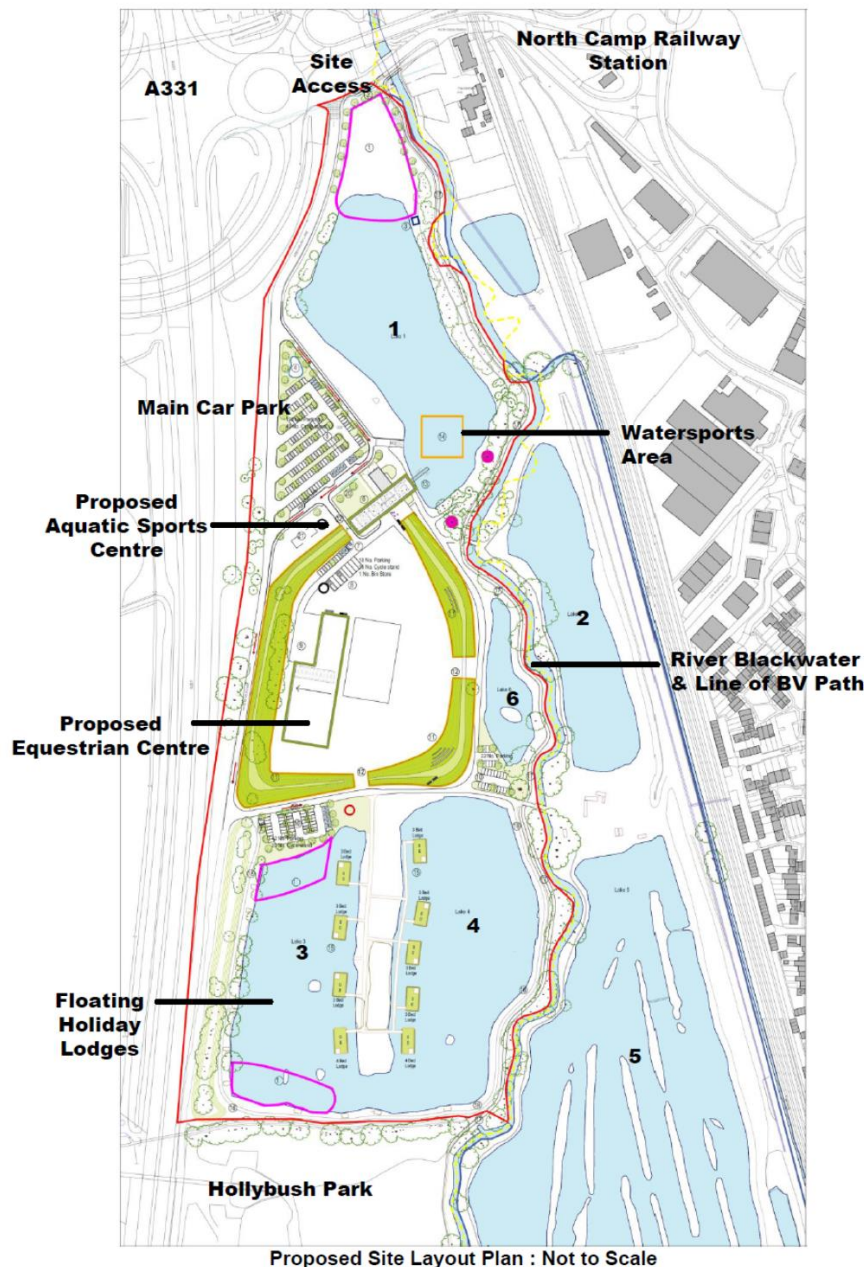
Vehicular access to the site is possible from the north only, where Hollybush Lane, (at this end a private gated road), has a T-junction with the North Camp Station approach road (technically a remnant part of Lynchford Road) close to the eastern roundabout of the North Camp A331 road interchange. Hollybush Lane has a metalled surface to the south as far as the current entrance into the former Lafarge site. However, beyond this, the Lane is somewhat overgrown and the surface is rough and comprises loose mud, sand, gravel and building rubble; and contains some substantial potholes and puddles. From the former Lafarge site gates until level with the south side of Hollybush Park, travel along Hollybush Lane is restricted to being by foot or bicycle only with concrete blocks blocking vehicular access. Hollybush Lane runs southwards parallel with the A331 road for approximately 1 km before it becomes a metalled once again at the Hollybush Lane Industrial Estate close to the other end of the Lane; and where it joins Government Road and Lakeside Road (Ash Vale).



Existing Site Plan (Not to Scale)

A closed and now overgrown section of the Blackwater Valley footpath runs along the western side of the River and is also mostly situated just within the east boundary of the application site. This section of footpath was closed by the Applicants in June 2014, with a diversion route provided instead that runs alongside the drainage channel to the south of Lakes 3 & 4 to join Hollybush Lane west of the site. The Blackwater Valley footpath runs both north and south of the closed section and is interlinked with various footpaths and roads to provide public access from the adjoining urban areas on both sides of the County boundary. The vicinity of the application site is accessible from the Blackwater Valley footpath, or via a footbridge over the A331 from the Ramilles Park military housing estate into Hollybush Park.

The Already Approved Scheme (Hollybush Lakes #1) : Planning permission was granted on 24 March 2023 for “Development of site to create a leisure facility comprising aquatic sports centre including restaurant, indoor childrens' play area, equestrian centre and associated stabling; **9 floating holiday lodges (comprising 7 X 3-bedroom and 2 X 4-bedroom units)** with associated car parking, landscaping and bund (revised proposals submitted 24 August 2022)”, 20/00400/FULPP : ‘Hollybush Lakes #1’. This permission was granted subject to conditions and is accompanied by a s106 Agreement. This permission has not, to date, been implemented, but remains extant and implementable until 24 March 2026. The Approved Site Layout Plan for the Hollybush Lakes #1 Scheme is below:-



The main elements of the already approved Hollybush Lakes #1 development scheme are described in more detail as follows:-

Aquatic Sports Centre: This proposed building would be situated adjacent to the south end of Lake 1, aligned and built into a new section of earth bund to complete the enclosure of the adjoining proposed Equestrian Centre to the south. This building is primarily to provide changing rooms and storage for the proposed use of Lake 1 for watersport activities. The plans show the provision of a jetty projecting into the lake adjoining the building and the use of a nearby zone on the lake where a floating “Aqua Activity Zone” would be moored. The proposed building is also shown to include a restaurant at first-floor incorporating three separate external seating/dining areas and/or viewing decks; and the provision of a Childrens’ Indoor Play Area occupying a two-storey space, incorporating a food servery and party room at ground-floor level; and a further two party rooms and a viewing gallery at first-floor level.

The proposed Aquatic Sports Centre building would provide 1389 sqm of internal floorspace, together with an additional 445 sqm of external space at first-floor level accessible via the restaurant to be used as seating/dining and/or viewing areas. The uses of the proposed building floorspace are split as follows:-

Use(s)	Ground-Floor (Sqm)	First-Floor (Sqm)	Totals (Sqm)
<u>Aquatic Sports Centre</u> : (a) Foyer and circulation spaces, stairways/lifts, storage space, changing rooms, toilets, office and multi-function classroom;	619	100	719
<u>Childrens’ Indoor Play Area</u> : including 3 party rooms, food servery and viewing gallery	286	94	380
<u>Restaurant</u> : (a) 80-seat internal area with bar;	118 (Kitchen)	172	290
(b) external seating/dining areas (x2)	-	275	275
<u>External first-floor Lake viewing deck and/or further external seating area for Restaurant</u>	-	170	170
Totals : Internal Space	1023	366	1389
External Space	-	445	445

The proposed Aquatic Sports Centre building has a cruciform footprint and be of part single- and part two-storey height with flat roofs to minimise building bulk and visibility. It would have a modern design bespoke to fit its position within the application site. The height above ground level would taper from a minimum of 7.69 metres up to 9.52 metres; with the tallest portion of the building (containing the restaurant) cantilevered to partly overhang the building entrance without the need to use support columns as a striking architectural feature. Externally, it is indicated that the elevations would be finished with a fibre cladding system punctuated by glazing. The roof is shown to have some rooflights, solar panels, but be mainly a green roof.

Equestrian Centre with Stabling: This is shown to be located on the vacant former Lafarge site land that is, as existing, already partially enclosed with earth bunding in a central position within the application site. It is proposed that the enclosure of this area is completed to the north side by the re-modelling of the existing earth bunds and their extension to join the proposed Aquatic Sports Centre building [see (a) above]. Three gated openings are shown to be provided : the vehicular entrance to be constructed to the immediate west of the Aquatic Sports Centre building; the retention of an existing opening in the bund to the south of the proposed

Equestrian area; and a new opening to the east opposite Lake 6. It is indicated that the tops of the bunds be partially accessible to provide access to some tiered spectator seating on the interior slopes.

Within the bunded Equestrian Centre enclosure, an area measuring approximately 15,000 sqm, it is proposed to erect building to provide an covered and partially enclosed sand school measuring 60 X 35 metres (2,100 sqm); and an attached stable block measuring 20 X 40 metres. This building would be sited to the west side of the enclosure and have a shallow mono-pitched green roof with a maximum height of 5 metres above ground level. The proposed stable block is shown to contain 5 stable stalls, a feed store, a trailer store, tack room, a small office, and covered delivery and circulation spaces. There would also be a delivery yard to the west side. The vehicular access into the enclosure would serve a car park containing space for 10 cars and 8 horsebox spaces, in addition to the stable delivery area. The proposed building is shown to be timber-clad and to have a green roof punctuated by rooflights.

An uncovered sand school enclosure measuring 60 X 35 metres would be provided adjacent to the east of proposed Equestrian Centre building, with the remainder of the bunded enclosure measuring approximately 9,350 sqm also being secure open space to be used for equestrian purposes.

Floating Holiday Lodges: These are shown to be moored adjacent to, and accessible on foot from walkways mounted to, the promontory of land partly dividing Lakes 3 & 4. The proposed Lodges would all be 8.9 metres wide by 4.15 metres tall with flat green roofs; with the 3-bedroom lodges being 17 metres, and the 4-bedroom lodges 19.95 metres, long. Externally the proposed Lodges would be finished with the same fibre sheet cladding system and composite timber/aluminium-framed glazing as the proposed Aquatic Sports Centre. Vehicular access serving the holiday lodges would be provided to a 42-space car park from Hollybush Lane to the south of the proposed Equestrian Centre and north of Lake 3.

Car Parking: The other significant element of the proposals in terms of land use and construction work is the provision of car parking and associated access roads. The main car park for the proposed development, containing a total of 118 spaces and landscape planting, is shown to occupy a triangular-shaped area of land measuring 150 by 75 metres to the north of the proposed Aquatic Sports Centre and to the south-west side of Lake 1. The submitted plans indicate that the existing line of Hollybush Lane to the side of Lake 1 would be retained, but as one side of a one-way traffic flow split around the new car park area, with a new section of road returning traffic flow past the west side. A slipway into Lake 1 would be provided from the access road at the eastern corner of the proposed car park. A separate 42-space parking area would be provided for occupiers of the proposed holiday lodges; and a further 22-space car park is also shown on the small area of land between Lakes 4 and 6.

In December 2023 the Council approved a non-material amendment (23/00800/NMAPP) to re-configure the format of planning permission 20/00400/FULPP to remove the reference to the quantum of floating holiday lodges from the description of the development proposals (set out in **bold type** above) and its replacement, instead, with the imposition of a planning condition reading as follows:-

“The number of floating lodges shall not exceed 9 floating holiday lodges and the proposed mix must comprise 7 x 3-bedroom and 2 x 4-bedroom units.”

The Current Proposal : The non-material amendment has paved the way for the current application, which now seeks, with a minor material amendment application under s73, the addition of a further 12 floating holiday lodges over and above the 9 approved with the original planning permission 20/00400/FULPP, ‘Hollybush Lakes #1’. As a result, the total number of floating holiday lodges within the proposed development scheme (as a variant to #1) would be 21 units, comprising 3 X 2-bedroom, 14 X 3-bedroom and 4 X 4-bedroom units. These would

be situated around Lakes 3 & 4, but mainly Lake 4, alongside the 9 units already approved as follows:-



It is pertinent to note that the original form of the 20/00400/FULPP ('Hollybush Lakes #1) planning application when submitted in 2020 proposed the installation of 21 floating holiday lodges, however the planning application had to be amended in 2022 to reduce the number of holiday lodges down to 9 only. This was for the sole reason that there was insufficient Special Protection Area (SPA) mitigation capacity available at the time to address the SPA impact of this element of the proposals for more than 9 units. However, with the advent of the Grainger Plc-owned Blandford House SANGS scheme late last year, it is now possible to obtain the necessary additional SPA mitigation capacity to enable the restoration of the full original number of floating holiday lodges originally proposed. In this respect the applicant is in the process of acquiring the necessary SPA SANGS capacity from Grainger Plc; and a s106 Legal Agreement is being prepared with Rushmoor BC to secure the SAMMs component of the SPA mitigation financial contribution that is also needed.

With the exception of the reinstatement of the full number of floating holiday lodges into the scheme, the Hollybush Lakes #1 scheme is otherwise unchanged from that which has been approved with planning permission 20/00400/FULPP as amended by the non-material amendment 23/00800/NMAPP.

Further Application for Hollybush Lakes #2 : A further application has since been submitted to the Council and remains under consideration in respect of a more substantial revision of the already-approved scheme (referred to as Hollybush Lakes #2), 24/00465/FULPP. This involves the deletion of all of the proposed equestrian elements from the scheme and a re-

design and down-sizing of the proposed aquatic sports centre building to incorporate a golf-driving range to use the former equestrian area; reduced restaurant/bar areas; and deletion of the childrens' play facility. The Hollybush Lakes #2 Scheme proposals are described as: *“Development of Hollybush Lakes site for mixed-use development comprising aquatic sports centre including erection of building providing aqua sports facilities, reception, restaurant, bar and 20-bay golf-driving range, with associated grass fairway, car parking, landscaping and bund [revised scheme to development approved with planning permission 20/00400/FULPP dated 24 March 2023 and incorporating a total of 21 floating holiday lodges the subject of planning application 24/00140/REVPP]”*.

The Council confirmed in September 2024 that, as with Hollybush Lakes #1, the Hollybush Lakes #2 scheme is not EIA development, 24/00485/SCREEN refers.

The Hollybush Lakes #2 application is not yet ready for consideration by Committee, largely due to the need to address statutory Biodiversity Net Gain requirements, and will be the subject of a Members' Site Visit prior to the Committee meeting when it is ready for consideration and the meeting date in this respect has been set.

Consultees

HCC Highways Development Planning	No highway objections: The application proposes the variation of a condition for the purpose of increasing the number of floating holiday lodges from 9 to 21 units. The previously approved application (20/00400/FULPP) demonstrated that 25 lodges would result in 4 trips in the AM peak and 5 in the PM peak and therefore, would not result in a significant impact to the safety or operation of the local highway network.
Environmental Health	No objections.
Ecology Team	No objections subject to pre-commencement submission and approval of updated ecology surveys and BNG calculations.

No new ecological information is submitted in support of application 24/00140/REVPP. It is therefore my assumption that biodiversity losses and gains relevant to application 24/00140/REVPP is presented as unchanged from granted permission 20/00400/FULPP. Documentation submitted in support of 20/00400/FULPP was supported by a Biodiversity Net Gain assessment undertaken in accordance with biodiversity metric versions available and appropriate at that date in time, in accordance with good practice. Documentation stated that proposals presented would achieve an above 10% (11.79%) biodiversity net gain across the full redline boundary of the 20/00400/FULPP application. This net gain was therefore predicated on habitat retention, enhancement and creation across the full site footprint. The net gain was evaluated on the assumption that the development would consist of 21 floating lodges. **The biodiversity acceptability of 21 floating lodges is therefore already established in line with previously submitted documentation.**

It is therefore recommended that **prior to the commencement of development**, the applicant recommission their habitat and species surveys and impact avoidance and mitigation recommendations, in accordance with best practice survey guidance building on results presented within existing report 'Ecology Appraisal', R005, author Aspect Ecology, dated July 2024, and the scope set out in the existing 'Biodiversity Impact Assessment, Hollybush Lakes (5831), Technical Briefing Note

BN04: Biodiversity Impact Assessment', dated 19th October 2022. This will ensure that the applicant is able to demonstrate compliance with statutory species protection obligations.

Biodiversity Net Gain calculations should be revised in light of updated habitat surveys to ensure that any net gains proposed are evaluated against an updated current habitat quality baseline. Habitats and species surveys, and revised BNG calculations should be completed prior to commencement of development, including any site or vegetation clearance.

I note that in support of separate application reference 24/00465/FULPP [Hollybush Lakes #2 Scheme], a smaller subsection of the site covered by 20/00400/FULPP, has been subject to habitat and species resurvey (see above referenced 'Ecology Appraisal, dated July 2024). While the resurvey of this subsection of land may constitute up to date survey data, the survey does not cover the whole of land area 20/00400/FULPP and therefore cannot be considered sufficient information to inform 24/00140/REVPP. The habitat surveys present different information and show how habitats are changing over time. This reiterates my comments above, that the Biodiversity Impact Assessment dated October 2022 no longer accurately reflects habitats present at the proposed development site and therefore cannot accurately present a Biodiversity Net Gain baseline.

Should permission be granted as proposed for 24/00140/REVPP, this permission must be undertaken only in strict accordance with the ecological documentation and plans referenced within Condition 2 of permission 20/00400/FULPP, updated in accordance with good practice habitat and species survey guidance as required above.

Natural England No objection subject to appropriate mitigation being secured : as long the applicant is complying with the requirements of Rushmoor's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA (through a legal agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)), Natural England has no objection to this application. This development must secure mitigation contributions for the total number of lodges coming forward within this planning application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Environment Agency Objection : More information required : the assessment and mitigation of the risks to nature conservation are considered inadequate. In this respect in particular, the application is accompanied by an Ecological Appraisal which is dated January 2021, with the surveys that inform it being carried out in 2020, such that it can be considered outdated. Additionally, although the submitted Planning Statement refers to additional SANG land having become available, the application fails to provide any further information with regard to its location etc.

Having 21 lodges, rather than the nine currently permitted, would mean that more of the lake edge is affected, with regard to disturbance through introducing a larger number of people to this habitat and through preventing

ecological enhancement of much of the lake edge. While two areas of reedbed/marginal vegetation are shown on the masterplan drawing within Lake 3, no clear details have been provided showing how this would be created and whether it is achievable. Cross sections of the lake through these two areas should show the existing lake profiles and the profiles proposed for the creation of the reedbed/marginal habitat. Water depths should be varied and shallow enough to allow the establishment of a variety of marginal species. The drawing titled Environment Agency 8m Buffer Zone Site Analysis has some annotated sketches on it. The quality of these is such as to make them unreadable. A clearer version should be provided to enable us to assess the potential impacts. No details have been provided with regard to the potential impact of lighting. In addition to external lighting during the construction phase, consideration needs to be given to the potential ecological impacts of both external and internal lighting related to the lodges, both on the lake and on the River Blackwater and its associated riparian corridor.

Overcoming our objection: An updated ecological survey is required prior to the development of detailed plans, to enable an assessment of the level of risk posed by the development. The detailed design, construction, mitigation and compensation measures should be based on the results of a survey carried out in the appropriate surveys season(s) by a suitably experienced surveyor using recognised survey methodology. The survey and risk assessment should:

- identify any rare, declining, protected or otherwise important flora, fauna or habitats within the site and the adjacent River Blackwater and its associated corridor;
- assess the importance of the above features at a local, regional and national level;
- identify the impacts of the scheme on those features, including the potential impacts of lighting during both the construction and operation phases;
- demonstrate how the development will avoid adverse impacts;
- propose mitigation for any adverse ecological impacts or compensation for loss;
- propose wildlife/ habitat enhancement measures;
- demonstrate that the proposed mitigation/compensation measures, and those proposed to provide biodiversity net gain are designed appropriately in order to show that these measures are achievable, e.g. details of the proposed reedbed/marginal habitat areas;
- propose post-project appraisal, management plans and management responsibilities with details of how biodiversity enhancement will be incorporated into the development and maintained over the long term.

Please note, we also have flood risk conditions we would like to be included in the decision notice.

Scottish &
Southern Energy

No comments received.

Southern Gas
Network
(Formerly
TRANSCO)

No comments received.

South East

No comments received.

Water

Thames Water	No comments received.
Hampshire Fire & Rescue Service	No comment: Unfortunately, due to circumstances outside of HIWFRS control we are currently unable to engage in non-statutory consultation work. We will therefore not be able to issue a formal consultation response on this occasion.
Neighbourhood Policing Team	No comments received.
Lead Local Flood Authorities	No objections: Having reviewed the information on the planning portal, the changes are restricted to the number of floating lodges and would have no change in the surface water management regime.
Surrey County Council	<p>Response from Surrey County Council as the Minerals and Waste Planning Authority (MWPA).</p> <p>NO OBJECTION subject to: Rushmoor Borough Council being satisfied that the design of the proposed development gives sufficient consideration to and incorporates appropriate measures to ensure that it would not prejudice the operation or future development of the existing waste management facility at Ash Vale Waste Transfer Station in accordance with Policy 7 of the Surrey Waste Local Plan and Paragraph 193 of the National Planning Policy Framework 2023.</p> <p>Having regard to layout and nature of the development (leisure facility rather than permanent residential dwellings) and the railway line that separates the sites, the MWPA does not consider that the proposal is likely to be prejudicial in the context of Policy 7. However, RBC should satisfy itself that the design of the development gives sufficient consideration to amenity impacts that may arise from local waste management in accordance with paragraph 193 of the NPPF (agent of change principle).</p>
Ash Parish Council	No comments received.
Guildford Borough Council	No comments received.

Representations:

No comments have been received as a result of neighbour notifications and usual Planning Application publicity.

Policies:

There have been no material changes in the Council's adopted Development Plan policies pertinent to the proposed amendment. The Hollybush Lakes site remains land located wholly outside the defined built-up areas of the Borough on land that is identified as 'Countryside'. With the exception of the land proposed to be occupied by the main car park and most of Hollybush Lane itself, the site is also identified as being in a 'flood zone'. The entirety of Lake 1 (including sections at the north end that are now infilled) are also identified as being a Site of Importance for Nature Conservation (SINC), a local non-Statutory nature conservation designation. The Hollybush Park Local Nature Reserve outside, but adjoining the application site, within Rushmoor BC's area to the south is also designated as a SINC. Lakes 2 and 5

located near the application site on the east side of the River Blackwater within Guildford BC's area are also designated as a 'Site of Nature Conservation Importance' (SNCI), which is an equivalent nature conservation designation to a SINC as defined by Surrey Local Authorities. The A331 Blackwater Valley Road and the Blackwater River are both identified as 'green corridors'. Policies SS1 (Presumption in Favour of Sustainable Development), SS2 (Spatial Strategy), IN2 (Transport), IN3 (Telecommunications), DE1 (Design), DE4 (Sustainable Water Use), DE6 (Open Space, Sport & Recreation), DE10 (Pollution), PC8 (Skills, Training & Employment), NE1 (Thames Basin Heaths Special Protection Area), NE2 (Green Infrastructure), NE3 (Trees & Landscaping), NE4 (Biodiversity), NE5 (Countryside), NE6 (Managing Fluvial Flood Risk), NE7 (Areas at Risk of Surface Water Flooding), NE8 (Sustainable Drainage Systems) of the adopted Rushmoor Local Plan (2014-2032) are relevant.

Retained Policy NRM6 (Thames Basin Heaths Special Protection Area) of the otherwise deleted South East Plan also remains relevant.

The current application is seeking a minor material amendment (MMA) to the already approved re-development scheme for the application site utilising s73 of the Town & Country Planning Act. MMAs using s73 were a new power for developers to seek variations to planning permissions introduced in October 2010. In theory, MMA applications are supposed to be a streamlined procedure for the consideration of material but otherwise straightforward amendments to development schemes that do not give rise to significant planning issues and concerns. MMAs are considered in the light of the Planning Policy and Guidance that is in place at the time that the MMA application is considered. As such, it is pertinent for the Council to consider whether there have been any material changes in circumstances relating to Development Plan policies and Government Planning Policy and Practice since the parent planning permission was approved.

There is no statutory definition of an MMA, however the NPPG sets out guidance under the title "Flexible Options for Planning Permissions" that the changes sought with MMAs are limited to those where the scale and nature of the proposed amendments result in a development that is not substantially different from the one which was originally approved. The Guidance is clear that 'where the proposed modifications are fundamental or substantial, a new planning application will need to be submitted'.

It is a matter for the Local Planning Authority to consider and determine whether or not any proposed variation is 'minor material' and that it is appropriate for such proposals to be considered using s73. Any request for an MMA is considered on its individual circumstances and merit. The basis for forming a judgement on the materiality of proposed MMAs is the scheme permitted with the original planning permission. However, the cumulative effects of any previous amendments that have been approved also need to be taken into account in making this assessment. The judgement in these respects is one of fact and degree, along with taking into account the likely impact of the proposed amendments.

The effect of a s73 application for a MMA is to seek a whole new planning consent as an alternative to the originally approved scheme, but on different terms. Where a s73 application for an MMA is granted, the effect is to issue a new planning permission sitting alongside the original permission that reflects those proposed variations that are approved. However, the original permission remains intact and un-amended. Nevertheless, since a MMA consent under s73 cannot alter the time limit for implementation, this condition must remain unchanged from the original permission. Where, as in this case, an original planning permission is accompanied by a s106 Legal Agreement, it is likely that a new s106 (or at least a Deed of Variation) referring to both original and new consents) will be required.

In this context, the main determining issues are considered to be whether: (a) the proposed amendments can be considered as a MMA under s73; (b) the proposed additional holiday

lodges would impinge upon any requirements of the approved Hollybush Lakes #1 scheme, including BNG provisions; (c) adequate up-to-date ecological information is available; (d) satisfactory SPA mitigation and avoidance would be secured to address the additional SPA impact; and (e) the proposed additional 12 floating holiday lodges give rise to any other material and harmful planning issues.

Conclusions:

It is considered that the proposed amendment, which is the sole amendment proposed to the original approved scheme to date, is 'minor material' having regard to its scale and nature. Indeed, the proposed amendment the subject of the current application seeks to reinstate an element of the proposed Hollybush Lakes #1 Scheme that was prevented solely by a lack of adequate SPA SANGS mitigation capacity to address the SPA impact of the entire proposals, with the result that 12 units had to be dropped from the scheme in 2022 some time before determination of the original application. However, the Hollybush Lakes #1 Scheme was designed to accommodate the full 21 floating holiday lodges nonetheless. The proposed Hollybush Lakes #1 Scheme approved with the original planning permission 20/00400/FULPP remains unaltered in any other way.

Although the Environment Agency has raised objections to the proposed amendments, these are, to an extent in respect to elements of the Hollybush Lakes #1 Scheme that are not subject to change and, indeed, have been approved with conditions in accordance with the advice and recommendations of the Environment Agency as provided previously. However, the EA's concerns about the need for up-to-date ecology/habitat surveys is considered in the following paragraphs.

The Council's Ecology Officer has considered the proposed amendment. In this respect, the proposed increase in floating lodges proposed within the current application 24/00140/REVPP from 9 to 21 floating lodges is considered acceptable, but only where habitat type, distinctiveness and condition is implemented in strict accordance with documents and plans listed within Condition 2 of the original permission 20/00400/FULPP – since this was designed taking into account the proposals originally comprising the full 21 units. These documents include "Ecological Appraisal (May 2020) and Revised Ecological Appraisal (January 2021); Biodiversity Impact Assessment Technical Briefing Note BN04 (originally January 2021, but amended version May 2022 and Further Revised October 2022 incorporating revised Biodiversity Net Gain DEFRA Metric 2.0 spreadsheet (October 2022)". The most relevant plan is 'Proposed Habitats – 21 lodge option', plan ref 5831/BNGA2b, dated October 2022, author Aspect Ecology. Page 12 of 'Biodiversity Impact Assessment, Hollybush Lakes (5831), Technical Briefing Note BN04: Biodiversity Impact Assessment', dated 19th October 2002.

However, as no new ecological information is submitted in support of the current application, the applicant is relying on species and habitat survey data that is now nearly 5 years old. The site is not subject to any formal habitat management plan and is largely un-managed. It is therefore expected that some natural habitat succession is occurring on site. Species are mobile and populations change over time. Species presence/absence and population size are likely to fluctuate where supporting habitats are subject to natural succession. In this respect, taking into account the age of the original ecology survey reports and that implementation of the Hollybush Lakes #1 Scheme could take some time post decision, Condition No.19 of the original planning permission 20/00400/FULPP required that follow-up walk-over ecology surveys of the site be undertaken prior to commencement of development.

The Ecology Officer has noted that in support of the Hollybush Lakes #2 Scheme [separate application 24/00465/FULPP], a smaller sub-section of the original application site for planning permission 20/00400/FULPP has been subject to habitat and species re-survey (with an 'Ecology Appraisal', dated July 2024). While the re-survey of this subsection of land at the application site may constitute up to date survey data, the survey information does not cover

the whole of land area 20/00400/FULPP and, indeed, does not cover Lakes 3 & 4 that are the site of the proposed floating holiday lodges. Accordingly, this additional information cannot be considered sufficient to inform consideration of the proposed amendments the subject of the MMA application. Furthermore, the habitat surveys present different information and show how habitats are changing over time, thereby reiterating the need for re-survey since it would appear that the Biodiversity Impact Assessment dated October 2022 no longer accurately reflects habitats present at the proposed development site and therefore cannot accurately present a Biodiversity Net Gain baseline.

In the circumstances of this case, the Ecology Officer considers that updated species surveys are required to ensure that the applicant has appropriate species presence/likely absence and population size information, in effect, beefing-up the requirements of the original Condition No.19. This is important to ensure that proposed development is undertaken in accordance with statutory protected species legislation (species including but not limited to; bats, badgers, otter, water vole, great crested newts and reptiles). The Chartered Institute of Ecology and Environmental Management advise that as a matter of best practice, a report more than 3 years old *“is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist, as described above).”* CIEEM, April 2019 ‘Advice Note On the Lifespan of Ecological Reports & Surveys’ - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>. Additionally, Government guidance states that *“Surveys should be up to date and ideally from the most recent survey season”*. The National Planning Policy Framework also states that *“The right information is crucial to good decision making, particularly where formal assessments are required”*. Government Circular: Biodiversity and Geological Conservation –Statutory obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005) states: *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*.

In terms of Biodiversity Net Gain, the biodiversity losses and gains relevant to application 24/00140/REVPP are presented as being unchanged from granted permission 20/00400/FULPP. Documentation submitted in support of 20/00400/FULPP was supported by a Biodiversity Net Gain assessment undertaken in accordance with biodiversity metric versions available and appropriate at that date in time, in accordance with good practice. Documentation submitted to support the original application stated that proposals presented would achieve an above 10% (11.79%) biodiversity net gain across the full redline boundary of the 20/00400/FULPP application. This net gain was therefore predicated on habitat retention, enhancement and creation across the full site footprint. The net gain was evaluated on the assumption that the development would consist of 21 floating lodges. Accordingly, it is considered that the biodiversity acceptability of 21 floating lodges is already established in line with previously submitted documentation. Condition No.21 of the original planning permission required updated habitat information for BNG purposes mirroring the requirements of the original Condition No.19 in respect of ecology re-survey.

The Ecology Officer therefore recommends that, prior to the commencement of development, the applicant recommission their habitat and species surveys and impact avoidance and mitigation recommendations, in accordance with best practice survey guidance building on results presented within existing report ‘Ecology Appraisal’, R005, author Aspect Ecology, dated July 2024, and the scope set out in the existing ‘Biodiversity Impact Assessment, Hollybush Lakes (5831), Technical Briefing Note BN04: Biodiversity Impact Assessment’, dated 19th October 2022. This would ensure that the applicant is able to demonstrate compliance with statutory species protection obligations. Biodiversity Net Gain calculations should be revised in light of updated habitat surveys to ensure that any net gains proposed are evaluated against an updated current habitat quality baseline. In these respects, the Ecology Officer considers that the habitats and species surveys, and revised BNG calculations, should

be completed prior to commencement of development, including any site or vegetation clearance, and, as such, that it would be appropriate in the circumstances for these to be the subject to the imposition of pre-commencement conditions based on original Condition Nos.19 and 21 respectively.

Special Protection Area : Sufficient SPA SANGS mitigation capacity is now available as a result of the new Blandford House SANGS scheme that has become operational and, as such, it is now possible to secure SPA SANGS mitigation to address the SPA impact of the proposed addition 12 floating holiday lodges.

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 12 net new residential units in the form of holiday accommodation that Natural England have identified as being likely to result in additional recreational pressure on the SPA. 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, it is not considered that the proposed development would result in a net increase in traffic movements in excess of 1000 vehicular movements per day in proximity to the SPA.

All new residential 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 residential accommodation 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 2022. 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 are seeking to acquire SANGS capacity from the Grainger Plc Blandford House Hart SANGS scheme sufficient for the 12 new residential units proposed, costing the applicants £91,549.00. Furthermore, the applicants are seeking to complete a s106 Planning Obligation with Rushmoor BC to secure a financial contribution of £11,460.34 towards SAMM to be paid upon the implementation of the proposed development.

Conclusions of Appropriate Assessment : On this basis, the Council are satisfied that 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 provided that: (a) confirmation is received from Grainger Plc that the SANGS mitigation at Blandford House has been acquired by the applicants; and (b) a satisfactory s106 Legal Agreement is completed to secure the SAMMS element of the SPA contributions. Accordingly, it is considered that planning permission can be granted for the proposed development on SPA grounds subject to confirmation of the acquisition of the appropriate quantum of SANGS mitigation from the Blandford House SANGS and the prior completion of the necessary s106 Legal Agreement.

In the light of the effect of s73, it is necessary to replicate all of the planning conditions imposed with the original planning permission 20/00400/FULPP. In addition, it is also necessary for the s106 to replicate the other requirements of the original s106 in respect of SPA mitigation for the original 9 floating holiday lodges; plus the re-instatement and retention of the original line of the Blackwater Valley Path within the ownership and control of the applicants.

Conclusions : It is considered that the proposed amendments, having regard to their scale and nature, are 'minor material'. Furthermore, that the original approved Hollybush Lakes #1 Scheme incorporating the proposed amendment remains acceptable in principle and in highways terms; would have no material and harmful impact upon the overall visual character and appearance of the area and trees worthy of retention; would not give rise to any material and adverse visual and physical intrusion into the Blackwater Valley countryside gap; neighbours; would have acceptable impacts on neighbours; satisfactorily address the Flood Risk Sequential Test; are acceptable having regard to fluvial flood risk considerations taking into account an appropriate allowance for climate change for the lifetime of the development, and, in doing so, would not give rise to an unacceptable risk of flooding elsewhere; provide appropriate proposals for the surface water drainage of the site; robustly address the ecology & biodiversity impacts of the proposed development; and would have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area. The proposals are therefore considered to be acceptable having regard to the criteria of Policies SS1, SS2, DE1, DE2, DE3, IN2, DE1, DE2, DE3, IN2, NE1, NE2, NE3, NE4, NE5, NE6, NE7 and NE8 of the adopted Rushmoor Local Plan (2014-2032).

Full Recommendation:

It is recommended that **SUBJECT** to:-

- (a) The receipt of confirmation on behalf of the applicants and/or from Grainger Plc that a quantum of SPA mitigation capacity at the Blandford House SANGS scheme has been secured to address the SPA impact of the additional 12 floating holiday lodges; and
- (b) the prior completion of a satisfactory s106 Legal Agreement to (i) secure the SAMMS SPA financial contribution in respect of the 12 additional floating holiday lodges,

together with associated s106 Administration & Monitoring Fee; and (ii) replicate the requirements of the original s106 dated 24 March 2023 in respect of SPA contributions for the original 9 floating holiday lodges and the restoration/reinstatement and retention thereafter of the original line of the Blackwater Valley Path by 12 February 2025 or any extended date covered by an agreed extension of time for the determination of the application

that the Executive Head of Property & Growth, in consultation with the Chairman, be authorised to **GRANT** planning permission subject to the following conditions and informatives:-

However, in the event that requirements (a) and/or (b) above 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:-

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. 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.

Recommended Conditions

1 The development hereby permitted shall be begun before the end of 24 March 2026.

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.

2 The permission hereby granted shall be carried out in accordance with the following approved drawings Drawing numbers:-

BACA Architects Drawing Nos.279-200-001 Rev.A; -002 Rev.A; -003 Rev.A; -004 Rev.A; **-100 Rev.D; -101 Rev.C**; -102 Rev.A; -103 Rev.A; -110 Rev.A; -111 Rev.A; -112 Rev.A; -113 Rev.A; -114 Rev.A; -115 Rev.A; -116 Rev.A; -117 Rev.A; -118 Rev.A; -120 Rev.A; -121 Rev.A; -122 Rev.A; -123 Rev.A; -124 Rev.A; -132 Rev.A; -133 Rev.A; -134 Rev.A; -135 Rev.A; -136 Rev.A; **-139 Rev C; & 279-200-EA Rev.B**; Aspect Ecology 7055.PP 4.0, -4.1, -4.2, -4.3, -4.4 & -4.5; 7055.HSP 5.0, -5.1, -5.2, -5.3, -5.4, & -5.5; and Tetrattech D110 Rev.P.02; Design & Access Statement, Planning Statement, **s73 Planning Statement**, Arboricultural Impact Assessment; BREEAM Pre-Assessment Report; Transport Assessment; Framework Travel Plan; Parts 1 & 2 Preliminary Environmental Risk Assessment Reports; Landscape & Visual Impact Assessment; Leisure Need Assessment (June 2020) and Addendum (August 2022); Noise Impact Assessment; Stage 1 Habitats Regulation Assessment Revised Habitats Regulation Assessment (March 2021); Ecological Appraisal (May 2020) and Revised Ecological Appraisal (January 2021); Biodiversity Impact Assessment Technical Briefing Note BN04 (originally January 2021, but amended version May 2022 and Further Revised October 2022 incorporating revised Biodiversity Net Gain DEFRA Metric 2.0 spreadsheet (October 2022); Flood Risk & Drainage Assessment including Appendices A-I inclusive; Bell Cornwell Flood Risk Sequential Test and Exception Test Report and Update Report dated April 2022; Flood Storage Volume & Level Assessment (February 2021) Drawing Nos WYG A092227-1-21-C-D112 to 116 inclusive Rev.P1; Tetrattech response to LLFA & Updated Surface-Water Drainage Strategy (April 2022); Infiltration Test Results (May & August 2021); Flood

Management Evacuation Plan; and formal responses to the consultation comments of the Council's Ecology Officer TN02 (February 2021), the Environment Agency TN03 (including in respect of the EA 8-metre River margin buffer zone) (February 2021) and the Environment Agency and HCC Lead Local Flood Authority (Drainage issues (February 2021).

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

- 3 Construction of the following elements of the development 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:
- External walls
 - Roofing materials
 - Window/door frames
 - Balustrades
 - Ground surfacing materials.

Reason - To ensure satisfactory external appearance. *

- 4 Prior to occupation or use of the development hereby approved, screen and boundary walls, fences, hedges or other means of enclosure shall be installed in accordance with the details submitted with the application hereby approved and approved. The development boundary treatment shall be completed and retained thereafter at all times as approved.

Reason - In the interests of visual amenity. *

- 5 Prior to occupation or use of any part of the development hereby approved, details of satisfactory provision for the storage and removal of refuse from the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the details so approved.

Reason - To safeguard the amenities of the area. *

- 6 Prior to occupation or use of any part of the Equestrian Centre hereby approved, details of satisfactory measures for the safe on-site collection and storage of horse manure and stable waste for appropriate off-site disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the details so approved. Horse-riding and other equine activities in connection with the development hereby approved shall be retained within the Equestrian Centre bunded enclosure only.

Reason - To avoid the potential for contaminated run-off polluting the water environment in the interests of maintaining water quality and ecology and biodiversity.*

- 7 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.

- 8 Prior to first occupation or use of the development hereby approved a fully detailed landscape and planting scheme in respect of both landscape planting and ecological

enhancement shall be first submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping 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 visual amenity and biodiversity. *

- 9 The development hereby approved shall not be occupied until the car/van, coach, bicycle and horsebox/lorry parking facilities shown on the approved plans have been completed, surfaced, marked-out and made ready for use by the occupiers/users of the development. The parking facilities shall be thereafter retained solely for parking purposes (to be used by the occupiers of, and visitors to, the development). The on-site parking hereby approved shall not be used for commuter parking. *

Reason - To ensure the provision and availability of adequate off-street parking to serve the functional parking needs of the development hereby approved.

- 10 The use of the development hereby permitted shall not commence until the bus lay-by adjacent to the site access on Lynchford Road shown to be provided on the approved plans has been constructed, marked-out and made available for use. The lay-by shall be retained at all times thereafter for bus use only. *

Reason - In the interests of the safety and convenience of highway users.

- 11 No lift housing rooms, tank rooms, plant or other structures shall be erected on the roof of the buildings hereby permitted without the prior permission of the Local Planning Authority.

Reason - To ensure that the appearance of the premises is satisfactory and to safeguard the appearance of the surrounding Blackwater Valley countryside.

- 12 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority: -
- i. a desk top study carried out by a competent person documenting all previous and existing uses of the site and adjoining land, and potential for contamination, with information on the environmental setting including known geology and hydrogeology. This report should contain a conceptual model, identifying potential contaminant pollutant linkages.
 - ii. if identified as necessary; a site investigation report documenting the extent, scale and nature of contamination, ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study.
 - iii. if identified as necessary; a detailed scheme for remedial works and measures shall be undertaken to avoid risk from contaminants/or gas identified by the site investigation when the site is developed and proposals for future maintenance and monitoring, along with verification methodology. Such scheme to include nomination of a competent person to oversee and implement the works.

Where step iii) above is implemented, following completion of the measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation shall be submitted for 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. *

- 13 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.

- 14 No sound reproduction equipment, conveying messages, music, or other sound which is audible outside the application site shall be installed and/or used on the site.

Reason - To protect the amenities of neighbours and the area in general.

- 15 All plant and machinery to be installed at any time in connection with the development hereby permitted shall be enclosed with soundproofing materials and mounted in a way which will minimise transmission of structure- and air-borne sound in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the amenities of the area. *

- 16 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 used in the development of the application site.

Reason - In the interests of visual amenity.

- 17 No construction works pursuant to this permission shall take place until a detailed surface water drainage scheme for the site along the lines show illustratively with the Flood Risk & Drainage Assessment Report and Appendices submitted with the planning application has been submitted and approved in writing by the Local Planning Authority. The submitted details should also include details for the long-term maintenance arrangements for the surface water drainage and/or SUDS systems together with appropriate maintenance schedules for each drainage feature type and its ownership. Such details as may be approved shall be implemented in full prior to the first occupation and use of the new development and retained thereafter in perpetuity.

Reason - To reflect the objectives of Policy NE8 of the New Rushmoor Local Plan (2014-2032). *

- 18 No works shall start on site until existing trees and shrubs/hedges to be retained on and adjoining the site have been adequately protected from damage with appropriate protective fencing during site clearance and works in accordance with the detail indicated within the submitted Aspect Ecology Revised Ecological Appraisal (January 2021) hereby approved. Furthermore, no materials or plant shall be stored and no buildings erected within protective fencing to be erected at the margins of the root protection area of each tree/shrub/hedge to be retained as appropriate.

Reason - To ensure that existing trees are adequately protected in the interests of the visual amenities and ecology/biodiversity interest of the site and the locality in general.

- 19 **No development or site clearance shall commence until updated species surveys to ensure that there is appropriate species presence/likely absence and population size information in accordance with legislative and best-practice requirements have**

been undertaken by a suitably qualified ecologist prior to the commencement the of any site clearance and works on site to identify the presence of any protected species within any area where development works are to be undertaken. The re-survey report shall be submitted to the Local Planning Authority for consideration and approval in writing prior to any works commencing on site. In the event that protected species are identified by the re-survey the re-survey report shall incorporate a scheme of mitigation measures to protect any such protected species as are found as appropriate. The scheme of mitigation as may subsequently be approved shall thereafter be implemented in full in accordance with the approved mitigation details prior to and/or during the commencement of works on site as specified in all respects.

Reason: To ensure the protection of wildlife in the interests of nature conservation in accordance with the National Planning Policy Framework. *

- 20 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall follow the recommendations set out in the submitted Aspect Ecology Revised Ecological Appraisal Report (January 2021 and include the following:-
- 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;
 - f) Construction methods;
 - g) Any necessary pollution prevention methods;
 - h) Risk assessment of potentially damaging construction activities;
 - i) Identification of 'biodiversity protection zones';
 - j) Any necessary mitigation for protected wildlife species;
 - k) Practical measures (both physical measures and sensitive working practices) to avoid or reduce nuisance, wildlife disturbance and other adverse impacts that may arise during construction (this may be provided as a set of method statements);
 - l) The location and timing of sensitive works to avoid harm to wildlife and biodiversity features;
 - m) The times during construction when a specialist ecologist needs to be present on site to oversee works;
 - n) Responsible persons and lines of communication;
 - o) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - p) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason - Reason: To ensure a satisfactory development and the protection of wildlife in the interests of nature conservation in accordance with the National Planning Policy Framework. *

- 21 No development shall take place including demolition, ground works and vegetation clearance, until an Ecological Design Strategy has been submitted to and approved in writing by the Local Planning Authority, addressing how adverse impacts to biodiversity are to be avoided, adequately mitigated for, or, as a last resort, compensated for, in line with the planning mitigation hierarchy along the lines**

indicated by the submitted Aspect Ecology Revised Ecological Appraisal Report (January 2021). The Ecological Design Strategy shall demonstrate in detail how a quantified net gain in biodiversity is to be secured in line with Environment Act ambitions taking into account any updated information arising from the ecological re-survey work to be undertaken pursuant to Condition No.19.

The Ecological Design Strategy shall include, but not be limited to following:-

- a) Identification of baseline habitat ecological conditions as at application submission, including extent and location/area of habitats on appropriate scale maps and plans;
- b) Evaluation of how permitted development activities will result in loss or deterioration of baseline habitat ecological conditions including extent and location/area of habitats on appropriate scale maps and plans;
- c) Details of measures to be implemented in line with the mitigation hierarchy, to secure biodiversity net gain for a minimum of 30 years;
- d) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of these measures will be monitored;
- e) Appropriate management options for achieving biodiversity net gain;
- f) Preparation of a work schedule implementing management (including an annual work plan capable of being rolled forward over a five year period); and
- g) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Ecological Design Strategy shall be adhered to and implemented throughout a 30-year timeframe strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The Ecological Design Strategy shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery specified. Biodiversity losses and gains referenced within the Strategy should be supported by a suitably detailed metric using best practice quantification methodologies.

Reason - In the interests of safeguarding protected wildlife species from harm and disturbance; and to comply with the requirements of the NPPF and Local Plan Policy NE4.

*

22 The occupation and use of the development hereby permitted shall not commence until a Sensitive Lighting Management Plan (SLMP) has been submitted to and approved in writing by the Local Planning Authority. The SLMP shall:

- (a) identify the areas or features on the site that are particularly sensitive for bats and identify the aspects of the development that would be likely to cause disturbance in or around the breeding sites and resting places of these species or along important routes used to access key areas of their territory, for example for foraging and commuting; and
- (b) show how and where all the proposed external lighting will be installed and demonstrate (through the provision of appropriate lighting plans and technical specifications) that those areas to be lit will not disturb or prevent the above species using their territory or gaining access to their breeding sites, resting places and foraging areas.

The SLMP as may be approved shall be implemented in full in accordance with the specifications and locations set out and retained as required thereafter at all times. No other external lighting shall be installed without prior express consent from the Local Planning Authority.

Reason - In the interests of the character and appearance of the Blackwater Valley countryside in the area; and to ensure the protection of wildlife in the interests of nature conservation in accordance with the National Planning Policy Framework. *

23 Prior to first occupation of the development hereby approved details of all external lighting to be installed within the site and/or on the exterior of the buildings hereby permitted shall be submitted to and approved by the Local Planning Authority. The submitted details shall indicate the purpose/requirement for the lighting proposed and specify the intensity, spread of illumination and means of controlling the spread of illumination (where appropriate). The external lighting proposals as may subsequently be approved shall be implemented solely in accordance with the approved details and retained thereafter solely as such unless otherwise first agreed in writing by the Local Planning Authority. With the possible exception of lighting identified and agreed as being necessarily required for maintaining the security of the site/building during night-time hours, no other external lighting shall be used/operated during night-time hours (2300 to 0700 hours daily) unless otherwise first agreed in writing by the Local Planning Authority.

Reason - To ensure that there is no inappropriate or unnecessary use of lighting at the site in the interests of the amenities of the Blackwater Valley countryside. *

24 No fish stocking shall take place within Lakes 1 and 6.

Reason - In the interests of preserving and enhancing the ecology and biodiversity of these lakes.

25 Leisure visitor access to the open water and northern banks of Lake 1, the open water and banksides of Lake 6 and the western banks of Lake 3 shall be restricted in accordance with a scheme of means and measures to be submitted to and approved in writing by the Local Planning Authority. The details subsequently approved in this respect shall be implemented in full and retained thereafter at all times. No motorised water craft shall be used or motorised water sports activities take place within the application site.

Reason - In the interests of preventing undue disturbance of the wildlife and biodiversity enhancement features to be provided in these locations; and in the interests of the ecology and biodiversity value of the site in general; and to prevent the potential undue disturbance of neighbours with noisy outdoor sports activities. *

26 No development shall take place until a scheme for the provision and management of an 8-metre wide buffer zone alongside the River Blackwater watercourse has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. With the sole exception of the provision of the proposed wildlife fence underpasses, the buffer zone shall be kept free from further built development including lighting and formal landscaping, and will need to be referred to in the CEMP and LEMP for the development required by Condition Nos.20 and 27. The scheme shall include:

- plans showing the extent and layout of the buffer zone;
- details of any proposed planting scheme. This should include native species and ideally of local provenance, with an aim to create a mosaic of different habitats;
- details of how the non-native species such as Himalayan balsam will be eradicated from the site;
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan for nature conservation;
- details of any proposed footpaths, fencing, etc; and
- details of how the river channel morphology and bankside habitat will be enhanced for nature conservation e.g. with gravel, large woody material, deflectors, native planting.

Reason - Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

- 27 No development shall take place until a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
- Details of maintenance regimes;
 - Details of treatment of site boundaries and/or buffers around water bodies;
 - Details of any new habitat created on site; and
 - Details of management responsibilities.

Reason - To ensure the protection of wildlife and supporting habitats and to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and local policies. *

- 28 Openings in the bund as shown on Proposed Masterplan Drawing Ref.79-200-100 Rev A, shall remain open to floodwater for the lifetime of the development hereby permitted. If gates are installed in the openings they shall be permeable to floodwater. Details of fencing for the bunds shall be submitted to the local planning authority for approval prior to installation.

Reason - To ensure flood risk is not increased elsewhere. This condition is supported by paragraph 167 of the National Planning Policy Framework (NPPF). *

- 29 Fencing and boundary treatments within land shown to be within Flood Risk Zone 3 shall be permeable to floodwater.

Reason - To ensure flood risk is not increased elsewhere. This condition is supported by paragraph 167 of the National Planning Policy Framework (NPPF).

- 30 Prior to first occupation of the development hereby approved, the recommendations and actions set out in the Flood Management Evacuation Plan (FMPEP) hereby approved shall be implemented in full and retained thereafter at all times whilst the site is occupied and/or in use.

Reason – In the interests of ensuring that occupiers and users of the site are protected from the potentially harmful impacts of fluvial and/or surface water flooding arising at the development site.

- 31 Prior to the first use and occupation of the development hereby approved appropriate biosecurity controls and monitoring measures in respect of the suppression, isolation and, if possible, elimination of any non-native invasive plant species at the site (such as Himalayan balsam, Japanese knotweed and New Zealand pygmyweed), shall be put in place and operated in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Those means and measures as may subsequently be approved shall be operated at all times thereafter at the site.

Reason – To prevent non-native invasive plant species spreading within and from the application site in the interests of ecology and biodiversity interests. *

- 32 On completion of the Aquatic Sports Centre building within the development hereby approved, certification of the compliance of this building with the BREEAM 'Very Good'

rating overall and 'excellent' rating for water consumption shall be submitted to, and approved by, the Local Planning Authority.

Reason - To ensure the development is sustainable and in order to meet the requirements of Policies DE1 and DE4 of the adopted Rushmoor Local Plan (2014-2032).

33. The remnant former concrete batching plant hopper tower shall be demolished and removed from the site prior to the use of the site hereby permitted commencing.

Reason – In the interests of the visual amenities of the Blackwater Valley.

Informatives

- 1 INFORMATIVE - The Council has granted permission because:-

It is considered that the proposed amendments, having regard to their scale and nature, are 'minor material'. Furthermore, that the original approved Hollybush Lakes #1 Scheme incorporating the proposed amendment remains acceptable in principle and in highways terms; would have no material and harmful impact upon the overall visual character and appearance of the area and trees worthy of retention; would not give rise to any material and adverse visual and physical intrusion into the Blackwater Valley countryside gap; neighbours; would have acceptable impacts on neighbours; satisfactorily address the Flood Risk Sequential Test; are acceptable having regard to fluvial flood risk considerations taking into account an appropriate allowance for climate change for the lifetime of the development, and, in doing so, would not give rise to an unacceptable risk of flooding elsewhere; provide appropriate proposals for the surface water drainage of the site; robustly address the ecology & biodiversity impacts of the proposed development; and would have no significant impact upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area. The proposals are therefore considered to be acceptable having regard to the criteria of Policies SS1, SS2, DE1, DE2, DE3, IN2, DE1, DE2, DE3, IN2, NE1, NE2, NE3, NE4, NE5, NE6, NE7 and NE8 of the adopted Rushmoor Local Plan (2014-2032).

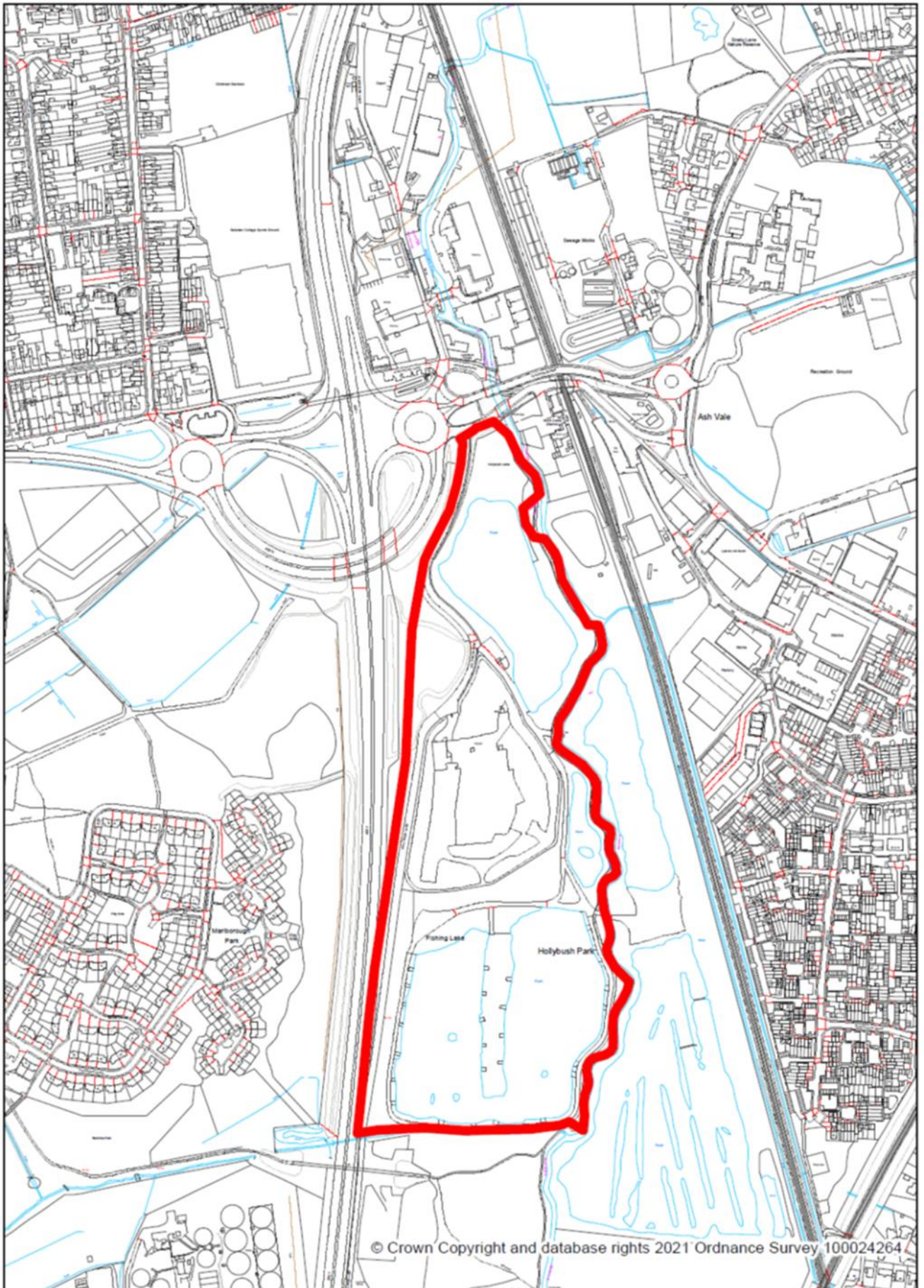
It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant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

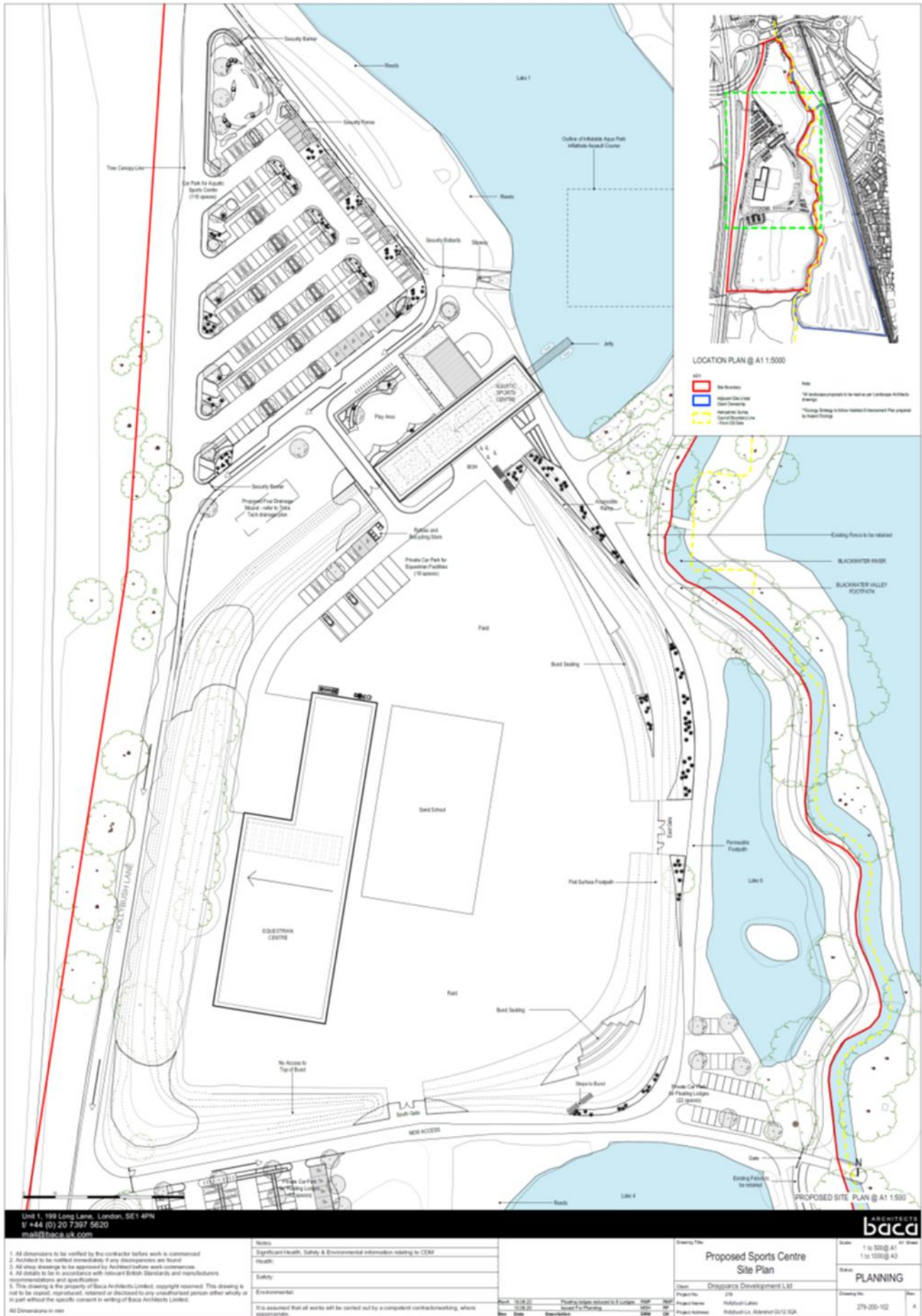
- 2 INFORMATIVE - This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). If your legal obligations includes a payment of sums, then you must contact the Council (at plan@rushmoor.gov.uk) at least 20 days prior to the commencement of development both stating your intended date of commencement and requesting an invoice to pay such funds. The payment of all contributions as required by such s106 must be received prior to the commencement of development.
- 3 INFORMATIVE - Your attention is specifically drawn to the conditions marked *. These condition(s) require the submission of details, information, drawings etc. to the Local Planning Authority BEFORE a certain stage is reached in the development. Failure to meet these requirements is in contravention of the terms of the permission and the Council may take enforcement action to secure compliance. As of April 2008 submissions seeking to submit details pursuant to conditions or requests for confirmation that conditions have been complied with must be accompanied by the appropriate fee.
- 4 INFORMATIVE - The applicant is recommended to achieve maximum energy efficiency

and reduction of Carbon Dioxide emissions by:

- a) ensuring the design and materials to be used in the construction of the building are consistent with these aims; and
- b) using renewable energy sources for the production of electricity and heat using efficient and technologically advanced equipment.

- 5 INFORMATIVE - No materials produced as a result of site preparation, clearance, or development should be burnt on site. Please contact the Council's Environmental Health Team for advice.
- 6 INFORMATIVE - The applicant is advised that during the construction phase of the development measures should be employed to contain and minimise dust emissions, to prevent their escape from the development site onto adjoining properties. For further information, please contact the Council's Environmental Health Team.
- 7 INFORMATIVE - In the UK protected wildlife species, which includes badgers and all species of bats and nesting birds, are afforded statutory protection such that un-licensed harm and/or disturbance would constitute an offence. The grant of planning permission does not supersede the requirements of this legislation. If any protected species or signs of them are encountered at any point during development then all works must stop immediately and you should contact Natural England.
- 8 INFORMATIVE - The applicant is requested to bring the conditions attached to this permission to the attention of all contractors working or delivering to the site, in particular any relating to the permitted hours of construction and demolition; and where practicable to have these conditions on display at the site entrance(s) for the duration of the works.
- 9 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.





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 mail@baca.co.uk

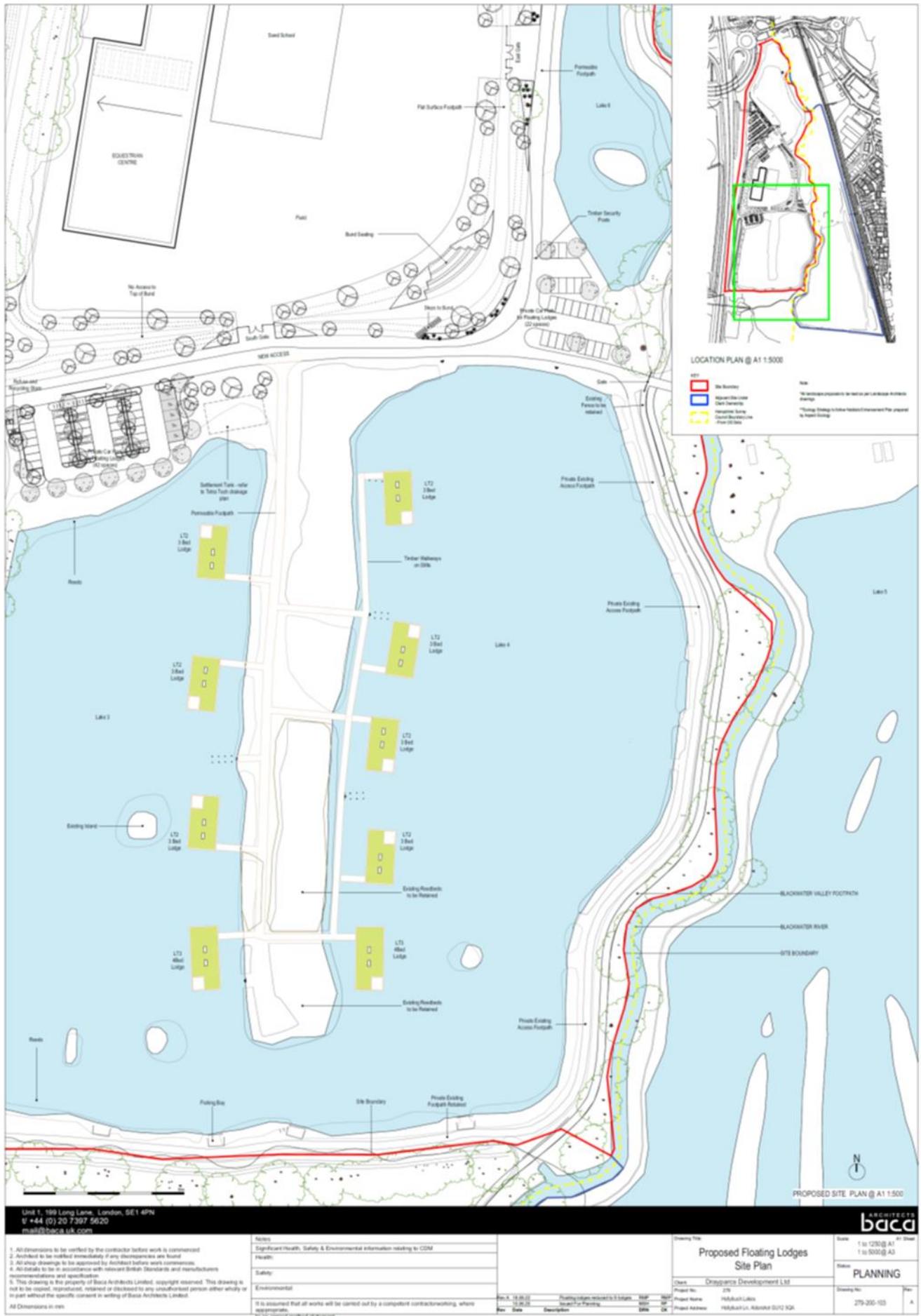
1. All dimensions to be verified by the contractor before work is commenced
2. Archibed to be notified immediately if any discrepancies are found
3. All shop drawings to be approved by Archibed before work commences
4. All details to be in accordance with relevant British Standards and manufacturers recommendations and specifications
5. This drawing is the property of Baca Architects Limited, copyright reserved. This drawing is not to be copied, reproduced, retained or disclosed to any unauthorized person other than in part without the specific consent in writing of Baca Architects Limited.

Notes:	Architect:
Significant Health, Safety & Environmental information relating to CDM	Baca Architects
Health:	
Safety:	
Environmental:	
It is assumed that all works will be carried out by a competent contracting team, where appropriate.	
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Client:	Dragonair Development Ltd
Project No:	275
Project Name:	Hollybush Lakes
Project Address:	Hollybush Lakes, Hillside Road, G12 5QA
Scale:	1:1000
Author:	DM
Check:	DM
Date:	20/08/20
Description:	Planning Application

Drawing Title:	Proposed Sports Centre Site Plan	Scale:	1 to 500 @ A1 1 to 1000 @ A2
Client:	Dragonair Development Ltd	Scale:	PLANNING
Project No:	275	Drawing No:	275-000-102
Project Name:	Hollybush Lakes		
Project Address:	Hollybush Lakes, Hillside Road, G12 5QA		

Site Layout Plan North Section: Approved Hollybush Lakes #1 Scheme



Site Layout Plan South Section: Approved Hollybush Lakes #1 Scheme : showing 9 floating holiday lodges.