

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer	Katie Ingram
Application No.	25/00209/FULPP
Date Valid	24th April 2025
Expiry date of consultations	15th July 2025
Proposal	Change of use of public house (sui generis) to a day nursery (use class E(f)) and demolition of rear outbuilding at 37a Mount Pleasant Road, Aldershot
Address	The Royal Staff 37A Mount Pleasant Road Aldershot
Ward	Manor Park
Applicant	Ms Magdalena Szymanska-Queiroz
Agent	Mrs Kay Bowyer
Recommendation	Grant

Description

The application site is occupied by a detached pub and pub garden on the northeast side of Mount Pleasant Road at its junction with Staff Road and the building has a ground floor footprint of approximately 140sqm. It is double fronted and two-storeys with residential accommodation ancillary to the public house on the first floor. External materials comprise cream painted render with slate hipped roof and chimney stacks. The pub has a long rectangular garden extending 32m from the rear elevation northeast to Holly Road, and the garden is fenced along Staff and Holly Road boundaries, partly with a rear awning against the rear of the pub. There is no off street parking for the pub. It is in a residential area. Adjoining the southeast side boundary are no. 39 Mount Pleasant Road and 42 Holly Road which are two storey semi-detached dwellings. It is a traditional 'wet-led' pub. The area is characterised by a variety of semidetached and two storey dwellings. There is a modest downward slope from southwest to northeast.

The application seeks permission to change the building and part of the pub garden of 100sqm and extending 10m back from the rear of the main building (*Sui generis*) to a day nursery (Use class Ef), for children aged 0- 4. The remainder of the pub garden measuring 220sqm is not inside the application site. Both floors would be used for the nursery accommodating different age groups in different rooms and staff and children's toilets/kitchens. The outdoor area within the application site will be used for outdoor play. There are no internal changes proposed.

Part of the awning and two outbuilding/structures will be removed.

The nursery will operate from 08:00 to 18:00 with children attending different sessions within this time frame. Those children for whom the facility provides all year-round care can be on site from 08:00 until 18:00, while term time only children attend for shorter sessions from 09:00 to 15:00 and these are also broken into two sessions.

The Design and Access Statement says that the nursery will have a maximum number of 50 child places and there will be 9 members of staff including a manager (para 3.2).

The application is accompanied by a marketing report to demonstrate compliance with Local Plan Policy LN8 (Public Houses), a TRICS trip generation report and a parent drop-off and pick-up Nursery Management Plan. The applicant, Little Gems Nursery, currently operates from a local church hall and is looking for new premises due to lease terminating.

Planning history

Most relevant history is as follows:

In June 2023, planning application 23/00304/FULPP for '*Part single part two storey rear extension to facilitate change of use of public house with ancillary first-floor accommodation (sui generis) to 5 no. 1-bed flats and 1 no. 2 bed flat (C3), with associated parking and landscaping on part of pub garden land*' was refused for the following reasons:

1. The application has not been supported by sufficient evidence to demonstrate satisfactorily that there is no longer term need for the public house and that the application property has been appropriately marketed as a public house. The proposals therefore fail to comply with the requirements of Policy LN8 of the Rushmoor Local Plan (2014-2032) and the Council's 'Development Affecting Public Houses' Supplementary Planning Document (2015).
2. The proposed development fails to demonstrate that the minimum internal floor space and external private amenity space requirements of Policies DE2 and DE3 of the Rushmoor Local Plan (2014-2032) are met for the level of accommodation proposed.
3. The proposed site layout fails to provide a safe, suitable and convenient parking provision and access for all potential users contrary to the requirements of Policy IN2 of the Rushmoor Local Plan (2014-2032) and the Rushmoor Car and Cycle Parking Standards SPD (2015)
4. The development fails to demonstrate that there would no loss or disturbance to any active bat roosts or bats present as there is no submission of a Bat Roost Survey and therefore the application does not comply with Local Plan Policy NE4 and the Habitats and Conservation of Species Regulations (2017), as amended.
5. The proposal fails to address the likely significant impact of the development on the Thames Basin Heaths Special Protection Area as required by the Habitats Regulations in accordance with the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy (last updated April 2022) by failing to secure necessary SANG allocation or SAMM contributions, and is therefore contrary to Rushmoor Local Plan Policy NE1 and retained Policy NRM6 of the South East Plan. 6. The proposal fails to make adequate provision for the open space needs of future

occupiers contrary to the requirements of Rushmoor Local Plan Policy DE6.

In June 2023 Planning application 23/00262/FULPP for 'change of use of public house garden (Public House Sui generis) to residential (Use Class C3) and erection of a 3-bedroom dwelling and associated parking and landscaping' was withdrawn.

In June 2022, applications 22/00289 and 00290 / FULPP for 'Erection of rear extensions and Change of Use of Public House with ancillary accommodation into 6 1-bed flats and associated parking and landscaping' and 'Change of use of pub garden to facilitate erection of a 3 bedroom dwelling' were both withdrawn by the applicants.

In September 2021, planning application 21/00476/FULPP for 'Change of use from public house (Sui Generis) to grocery shop (Use Class E) with continued use above ground floor of ancillary residential accommodation' was refused for the following reason:

1. The application has not been supported by sufficient evidence to demonstrate that there is no-longer term need for the public house. In this regard, the proposal conflicts with Policy LN8 of the Rushmoor Local Plan and the requirements of the adopted 'Development Affecting Public Houses' supplementary planning document and would thereby give rise to the loss of a community facility with the status of an Asset of Community Value.

The applicant appealed the decision, and the Inspector dismissed the appeal, agreeing that there was insufficient objective analysis that the sale price of the pub (£550,000) was reasonable or that reasonable efforts had been made to preserve the public house to satisfactorily demonstrate no longer term need in accordance with Council's policies.

The pub has been closed to customers since October 2022.

Consultee Responses

Environmental Health	Given the proposed hours of operation, Environmental Health would have no objections. The windows should be double glazed.
HCC Highways Development Planning	The Highway Authority have no objection to the proposals. The TRICS assessment shows an existing trip generation of 1 trip in the weekday AM peak and 8 trips in the PM peak. This is compared with the 19 trips in the AM peak and 20 trips in the PM peak expected as part of the proposed nursery. Therefore, an increase of 18 vehicle trips in the AM peak and 12 vehicle trips in the PM peak is expected as a result of the proposals when compared with the existing use. The proposed increase in trip generation is not anticipated to result in a significant impact to the safety or operation of the local highway network. No staff parking is provide but as the use is during the daytime a parking stress survey is no longer requested.
Ecology Team	Raises no objection - exempt from 10% Biodiversity net gain requirements and bats are not a constraint to development.

Neighbours notified

In addition to posting a site notice 26 individual letters of notification were sent to nearby properties in Waterloo, Mount Pleasant, Staff and Holly Roads. 49 representations were received, 41 in support and 8 objecting, although two of the comments in support of the nursery (both from Mount Pleasant Road) have raised concerns around lack of provision of off street parking

Neighbour comments

Comments in support were from Holly Close (13 twice), Mount Pleasant Road (18, 41 and 30), Waterloo Road (96, 93), Meadow Way (3) Field Way (26), Otter Close (4), Highfield Avenue (48b), St Christophers Close (25), Vine Close (18), Eland Road (11), Waggoners Walk (15), Cranmore Lane (66), Highland Road (41), Vixen Drive (12), Harvest Lane (151), Hawthorne Close (18 twice), Ash Road (100), The Avenue (31), Rowhill Avenue (60), St Marys Close (1), Christmas Place (5), Anglesey Road (4), North Lane (85, 200), Ash Road (88A), Woodland Walk (99), Foden Road (23), 113 Oxenden Road, in Aldershot; and 8 representations from residents in Ash, West Byfleet, Farnham, Worplesdon, Gomshall, Fleet and Guildford raise the following comments:

- The manager is a highly respected member of the community and Little Gems is a good local nursery – please support
- It is very important for the current preschool to find a new home
- My kids went there and is a very good nursery
- The local area has waiting lists for nurseries
- A nursery is a good community alternative and this site is well located
- The current site is an eye sore
- Families / staff would be able to walk
- The need will increase when funding for preschoolers increases in September
- Provides employment
- Location safer than the current location
- Good early years education is so important

Seven representations from Waterloo Road (93 twice), Lysons Road (62), Eddy Road (23), North Lane (200) Holly Road (44 twice and 42) objected on the following grounds:

Loss of the pub -

- Developer bought the pub with the intention of redevelopment and has let the building rot deliberately so that locals will support new application and the Council will finally give in. He should not win.
- Trade declined due to poor management not a lack of viability.
- The nursery proposal is probably bogus and paves way for residential
- No pubs will survive in North Town despite a population of 6800. The depletion of pubs in North Town is terrible
- It is questionable whether the marketing of the pub has been carried out independently or with effort
- Trading accounts demonstrating viability are fictitious
- The Royal Staff used to be run a true community pub welcoming families and clubs/societies

Parking –

- Mount Pleasant Road was shown to be at 102% in the parking survey for the recent 'Pen Factory' development
- Parents will not walk contrary to what the application says
- All the roads around the pub will get very congested as it is already getting busier
- There is no drop off area and the areas is not suitable for dropping little kids
- The road is becoming really busy and congested without this use
- There is insufficient street parking

Impact on neighbouring amenity –

- Will create noises with children screaming
- Won't be able to sleep in day as work night shifts

The following points of objection were received in letters to the Council from CAMRA and the Aldershot Civic Society:

Objection from CAMRA (Surrey Hants Borders branch) -

- This part of Aldershot still has sufficient demand to sustain one pub
- The applicant does not meet the requirements of the Public Houses SPD – the marketing information is quite poor; the pub has been on offer excluding the garden and at an inflated price and there has been no enthusiasm for marketing the property as a pub and the marketing exercise, contrary to Policy LN8 and the SPD is not 'genuine, appropriate or realistic' [*Officer note: there is no evidence in the marketing report/particulars that the pub was marketed without the garden*].
- During the period July to November 2021 the pub was managed by an enterprising landlord who reintroduced real ale and put on a range of events that increased trade significantly. Sadly since they had to leave and then the premises was poorly run and resulted in losing their licence.
- The applicant has demonstrated that the owner's efforts to run the public house have failed but not that there is no longer term need. A well-run and focussed community pub in this area still has the potential to be successful
- During the time the owner had the pub there were not 'several efforts to diversity and expand the offering'. It was not run effectively.
- There are no pubs within 5-minute walk of the application site as stated in the statement they are 6 to 10 minutes away but also there are no more pubs in North Town

Consultation response form Aldershot Civic Society -

- Last remaining public house in North Town
- Has been deliberately mismanaged to enable development
- The Marketing Overview Report fails to demonstrate no long-term need. Lack of detail in marketing evidence does not comply with Local Plan
- Land Registry should not have permitted the separation of the pub garden into different titles as the pub was then currently listed as an Asset of Community Value (2017-2022) and the garden is essential for a viable pub enabling community events.
- Marketing is not independent or genuine or the price reasonable for a pub
- Conflict of interest between owner and person marketing pub. Owner is a property developer and they marketed it
- Claims of diversification in the report are overblown
- Pub was run properly in 2021 for a period demonstrating can be a viable use to serve local community so whilst running a pub is challenging it is not impossible
- Is a pathway to remove the pub's protected status by choosing a nursery as a stepping

stone use to something else

Policy and determining issues

The site is within the settlement boundary of Aldershot. Policies SS1 (Presumption in favour of sustainable development), SS2 (Spatial strategy), IN1 (infrastructure and community facilities), IN2 (Transport), DE1 (Design in the Built Environment), LN8 (Public Houses), DE10 (Pollution) and NE4 (Biodiversity) from the Rushmoor Local Plan 2014-2032 are relevant to the application.

The Council's adopted Supplementary Planning Documents (SPDs) 'Car and Cycle Parking Standards', 2024, and Development Affecting Public Houses, 2015, are also of relevance to the application.

The National Planning Policy Framework (NPPF), which came into force on 19th February 2019 (updated December 2024), is also a material consideration.

The main determining issues in the assessment of the proposals are:

1. The principle of the development with regard to loss of public house,
2. Design and impact on character and appearance of the site and surrounding area,
3. Impact on neighbouring amenity,
4. Parking, highways and access, and
5. Nature conservation.

Commentary

1. The principle of the development

The application is seeking permission to change the use of the building and some of the pub garden to a day nursery. The Asset of Community Value status that was a material consideration in the appeal and 2021 application lapsed at the end of its five year period. Chapter 8 of the NPPF 'Promoting healthy and safe communities' nominates public houses as community facilities, recognising that they contribute to the sustainability of residential communities. The NPPF states that planning decisions should 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'.

Recognising the social and cultural value of public houses in the community, Rushmoor Local Plan Policy LN8 (Public Houses) specifically deals with the loss of these facilities, stating that development resulting in their loss 'will be permitted where it can be proven that there is no longer-term need '. In order to justify no longer-term need, 'the applicant will need to provide evidence of effective marketing for A4 use [*Officer Note: pubs are now Sui Generis*] for a period of at least twelve months'.

Policy preamble states that information should include confirmation by a commercial property agent that the premises were marketed extensively at a reasonable price in relation to use, condition, quality and location; an enquiry log showing the number of enquiries, their nature and how they were followed up; evidence that contact information was posted in a prominent location on the site in the form of an advertising board; and a copy of all advertisements in the local press and trade journals. The Council's 'Development Affecting Public Houses' Supplementary Planning Document (2015) also requires applicants to demonstrate that it

would not be economically viable to retain the building or site for its existing use class by providing a commercial viability study and / or audited accounts of three trading years and demonstrate that efforts have been made to preserve the facility including options explored.

The applicant has provided letters from four different estate agents who marketed the property for between £375,000 to £350,000 in 2023/24 on five different well known online property portals and advertising the particulars to investors. A 'for sale' sign has been outside the property for 18 months.

The applicant has also submitted the Commercial Viability Report, business financial statements from 2016 to 2021 and a report of diversification attempts when the pub was open, which were also considered as part of refused applications 23/00304/FULPP for a change of use from public house to residential. The Inspector also considered this report for refused application 21/00476/FULPP.

Analysis of Marketing Report

In 2021 and 2022 the Royal Staff was put up for sale with a price of £550,000 and the Council and Planning Inspector considered this assumed a hope value for residential or commercial conversion contrary to the requirements of Policy LN8. The reduced sale price of £375,000 for this application is considered to be more realistic. The White Lion public house in Lower Farnham Road, Aldershot, was purchased as a public house in 2019 for £261,000 without a large pub garden that is broadly comparable.

Particulars of the sale literature are provided from the four different agents. The Sidney Philips particulars (Marketing Overview Report Appendix D) state that the sale would have an overage covenant that 40% of any profit realised from a future change of use would be payable to the beneficiary. Orange Properties state that there were 27 email leads leading to 14 views and 8 offers, but the offers were all subject to planning permission for residential conversion.

The marketing information does lack detail for example, no dated screen shots or newsletters are provided to prove the property was marketed for 12 months or the extent of publication.

Analysis of Viability report.

The Viability Report is extensive and is carried out by a reputable commercial property valuation and surveying firm (Sidney Philips).

At section 12 there is a 3-year business plan forecast, the conclusion of which is that the Royal Staff is unlikely to be viable and sustainable going forward. It estimates that a significant increase in trade would be required for the business to turn a profit, but that the returns generated would be negligible and fall below a reasonable level of remuneration. The business forecast also presents what is suggested as a best-case scenario, containing figures that it claims would, in reality, be hard to achieve. Stress is also put on the level of investment required to upgrade services and facilities, (prior to the public house closing) that would mean a company would also start out with a significant level of debt.

A market commentary of the sector at section 11 of the viability report stresses that customers are nowadays attracted by high quality food and a family led atmosphere as well as cheap prices and special offers, but that the Royal Staff is unable to adapt to these demands due to the significant investment required and the lack of facilities. The location away from the main road is also cited as factor hampering viability.

The report includes analysis of the trading accounts which cover a period in excess of three years. These appear to show the pub has consistently made a net loss since 2015/2016, including the period over the pandemic enforced lockdown closures in 2020 although it is noted that the accounts are not audited. The first years of accounts when the brewery owned the site show profits declining.

It is also acknowledged that the Royal Staff is the last public house in North Town, following the change of use permitted at La Fontaine pub in Windmill Road in June 2018, and several other public houses previously (for example the Queens Head, White Swan and Prince Albert in North Lane). North Town is an area that scored highly on the Indices of Multiple Deprivation 2015 study provided to the Council. Whilst the viability report states that the Golden Lion and Red Lion pubs are within 600m of the Royal Staff and are comparable in services and facilities, they are much further than that for the residents of North Town. The closest public house to North Town is the White Lion public house at 5 Lower Farnham Road, 1.2km away, which recently reopened after a closure of 18months.

The diversification options described in the viability report undertaken by the owner in 2018 comprised quiz nights, live music, pool leagues and karaoke, and food from the small kitchen which was trialled until was not deemed viable due to the size of the kitchen. It is acknowledged that there are no records as to when or how long these attempts were implemented.

The objections from CAMRA and the Aldershot Civic Society claim that a profitable public house could be run from the site and that the developer did not meaningfully engage in the correct diversification exercises such as providing real ale promotions and catering to this type of customer.

However, it is considered that sufficient information has been provided to comply with the marketing requirements of Policy LN8 for this site. It has been marketed at a more realistic price for twelve months with no uptake or interest given the financial risk.

Policy IN2 (Infrastructure and Community Facilities) of the Local Plan encourages the Council to work with partners to ensure that infrastructure and community facilities are provided 'in a timely and sustainable manner' and new infrastructure should be located so it is accessible to all and compatible with the character and needs of the local community. Nurseries are community facilities for this purpose and although the public house would be lost, the proposed use is serving an appropriately located community need, subject to compliance with development management criteria.

Chapter 8 of the NPPF also attaches great weight to the availability of a sufficient choice of early years education places to 'meet the needs of existing and new communities', and 'Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education' (para 100).

It is considered that the application has satisfactorily demonstrated compliance with the marketing requirements of Policy LN8 and the Public Houses SPD, and that the principle of the proposed development is acceptable subject to a use restriction that permission will be required for any future change. It is considered that the principle of the proposal is acceptable and accords with the relevant policies of the Rushmoor Local Plan and the NPPF (last updated 2024).

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

The applicant seeks to remove some of the rear outbuildings which is acceptable in visual impact terms and no other external changes are proposed to the building. It is not clear whether the existing rear awning and enclosure will be removed and this forms part of the south west side boundary with Staff Road, and as such it is considered reasonable that a condition requiring details of screening to the Council are provided prior to occupation of any use hereby approved.

Any new signage will be subject to a separate application for advertisement consent.

The Environmental Health Officer requests that all windows are double glazed. If any are not this can be secured by a condition.

Given the above, it is considered the proposal would have an acceptable impact on the appearance and character of the site and surrounding area and accords with Policy DE1 of the Local Plan (2014-2032).

3. Impact on neighbouring amenity

The nursery would be open Monday to Friday from 08:00 to 18:00. The Council's Environmental Health officer considers that the proposed use would have an acceptable impact on neighbouring amenity. The current lawful use is a public house, the building has strong walls and the outdoor area is relatively small. Although the proposal would result in a more intensive use during the day than might typically be expected with a public house use, it is considered that the absence of use in the evenings and weekends would offset any impact this may have on the amenities of neighbouring residential properties.

Subject to a condition that the windows are double glazed and a condition restricting operating hours, the proposed development is considered to have an acceptable on neighbouring amenity, in accordance with Policy DE1 of the Rushmoor Local Plan (2014-2032).

4. Parking, highways and access

Using the current Early Years Foundation Stage Framework floor space requirements, planning officers calculate that the buildings and play areas allow for a maximum of 50 pupils requiring a staff ratio of 8, and this is what the applicants state will be the maximum number of pupils and staff in the Design and Access Statement.

Policy IN2 (Transport) requires development that, among other things, integrates into existing movement networks; provides safe, suitable and convenient access for all potential users; and provides appropriate parking provision, in terms of amount, design and layout in accordance with the adopted Car and Cycle Parking Standards SPD and does not have a severe impact on the operation of safety of or accessibility to the local or strategic road network.

Chapter 9 of the NPPF requires that development creates places that are safe, secure and attractive minimising the scope for conflicts between pedestrians, cyclists and vehicles. Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network following mitigation would be severe.

The majority of houses on Waterloo, Mount Pleasant and Staff Road are terraced houses and

close to the highway and so the street parking in the area is well subscribed. It is noted that it is not restricted in the vicinity of the site by permit parking.

The nursery will not provide on-site drop off spaces. Principle 16 of the Rushmoor Car and Cycle Parking Standards SPD requires nurseries to provide drop off spaces and '*The number of drop-off spaces will be determined on the basis of the scale and specifics of the proposed use*'. The application is accompanied with a trip generation report using TRICS survey data from comparable sites to demonstrate level of impact on the highway.

The report calculates a weekday daily trip rate of 83 for the pub with an AM peak hour of 1 trip (8-9am), and pm peak hour rate of 8 two-way trips (5-6pm). This is based on the ground and first floor having a lawful public house use which is appropriate. The nursery will be closed on the weekends.

The daily trip rate for the nursery use is calculated as 94 two-way daily weekday trips with an am peak of 19 and a pm peak hour rate of 20 two-way trips. Therefore, there will be an increase of 18 vehicle trips in the am peak and 12 vehicle trips in the pm peak as a result of the proposed change of use.

There is a row of unrestricted parking spaces along Staff Road next to the nursery. The Premises Management Plan that manages parent behaviour around picking up and dropping off children states that the main entrance to the nursery will be the gate on Staff Road and staff will wait there at the relevant times to assist dropping off and this would probably reduce dwelling times for vehicles using these spaces. The Management Plan also states that information will be provided to all parents that the two marked disabled bays on Staff Road must not be parked on. It is also noted that the nursery operates staggered sessions and this would also assist in managing trip pattern. The nursery does serve a local community some of whom will walk to the site with their children.

The Transport Note calculates that based on the trip rate and pupil numbers, two spaces near the site will be sufficient to accommodate drop off and pick up requirements in the peak hours without detriment to highway safety (3.5-3.5). The county highway authority (Hampshire) has reviewed the application and raised no objection, stating that the increase in the trips is not anticipated to result in a significant impact to the safety or operation of the local highway network.

The nursery will not provide staff parking. The parking standards for nurseries are 1 space per 2 full time staff. The parking standards for public houses are 1 space per 5sqm of bar area. The public house has a bar area of 25sqm, requiring 4-5 spaces and there is also the 3-bed managers flat on the first floor. Principle 2 of the Car and Cycle Parking SPD states that where a change of use results in a higher parking standard, additional spaces need only be provided to serve the extra demand, and not to make up for any deficiencies in the existing provision. As there will be 9 staff it is not considered that a refusal of the application on the grounds that parking required by the adopted standards is not provided would be sustainable.

Also, parking demand for staff will be during the day when availability in the surrounding streets will be higher. The transport note and Management Plan states they are in discussion with Elim Church on Holly Road where parents may be allowed to park in the morning and afternoon and that several staff are local and walk to work.

The trip rate report for nurseries is based on the number of children. Notwithstanding any current consultations from the Government to relax the Early Years Foundation Standards

Framework floor space restrictions, a condition is recommended that the number of child spaces for the nursery does not exceed 50.

Given the above and subject to conditions it is considered that the proposed development will be able to operate without a severe or significant harm to the local highway network and the application complies with Policy IN2 of the Rushmoor Local Plan (2014-2032).

5. Nature Conservation –

Protected Species –

The application seeks to demolish two outbuildings and some of the rear pergola. A preliminary bat survey was undertaken in June 2022 as part of a previous application that stated that the outbuildings 'have negligible pretention for roosting bats' (page 7 Eave Ecology 22-011-PBRA). This application has been reviewed by the Council's ecology officer and given the outbuildings are single skin and exposed with little opportunity for bat roosting, have concluded that bats are not a likely constraint to demolishing the outbuildings even though the ground floor has been closed for 2 years. An informative advising a precautionary approach to removal in event of approval is recommended in event of approval.

Biodiversity Net Gain –

The current rear patio area will be being used for the proposed development and the application will not result in the loss of any vegetated garden habitat and the application is therefore exempt from the mandatory biodiversity net gain provisions in the Environment Act 2021.

Conclusion –

Sufficient marketing and viability information has been received in accordance with the relevant policies to demonstrate no longer term need of the public house. The proposed development will have an acceptable impact on the character and appearance of the site and surrounding area, on neighbouring amenity and on parking and highway safety. The application complies with Policies LN8, SS1, SS2, DE1, DE10, IN1, IN2 and NE4 of the Rushmoor Local Plan (2014-2032) and the Car and Cycle Parking Standards SPD (2024) and Development Resulting in the loss of Public Houses SPD (2015).

FULL RECOMMENDATION

GRANT application subject to the following conditions and informatives:-

- 1 The development hereby permitted shall be begun before the expiration of three years 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.

- 2 The permission hereby granted shall be carried out in accordance with the following approved drawings. Drawing numbers: Location Plan scale 1:1250 dated 8 April 2025, Block plan 149/PP/0027b received 17 June 2025, 149/PP01 Existing floor plans, Proposed Floor Plan 08/04/2025.

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

- 3 The proposed development hereby approved shall be operated in accordance with the Little Gems Nursery Management Plan v4 dated 23 July 2025.

Reason - In the interests of highway safety.

- 4 The nursery hereby approved shall have no more than 50 child spaces without the prior written permission of the Local Planning Authority.

Reason - To prevent adverse impact on traffic and parking conditions in the vicinity.

- 5 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987, (or any other Order revoking or re-enacting that Order) the land and/or building(s) shall be used only for the purpose of a day nursery (Use Class E(f); and for no other purpose, including any other purpose within Class E Commercial; without the prior permission of the Local Planning Authority.

Reason - To protect the amenities of neighbouring residential properties and to prevent adverse impact on traffic and parking conditions in the vicinity and to protect the provision of community infrastructure in accordance with Policy IN2 and the NPPF.

- 6 Prior to occupation of the development hereby approved, all windows should be fitted with double glazing. Details of any that need to be replaced to meet this requirement should be agreed first in writing by the Local Planning Authority and thereafter retained.

Reason - In the interests of visual and neighbouring amenity.

- 7 The premises shall not be open to children outside the following times:
08:00 to 18:00 Mondays to Fridays
The premises shall not be used at any time on Saturdays, Sundays and Bank or Statutory Holidays.

Reason - In the interests of highway safety and neighbouring amenity.

- 8 Prior to occupation of the development hereby approved, screen and boundary walls, fences, hedges or other means of enclosure shall be installed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The development boundary treatment shall be completed and retained in accordance with the details so approved.

Reason – In the interests of visual and neighbouring amenity

Informatives

- 1 INFORMATIVE – The Local Planning Authority's commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.

- 2 INFORMATIVE - The Council has granted permission because sufficient marketing and viability information has been received in accordance with the relevant policies to demonstrate no longer term need of the public house. The proposed development will have an acceptable impact on the character and appearance of the site and surrounding area, on neighbouring amenity and on parking and highway safety. The application complies with Policies LN8, SS1, SS2, DE1, DE10, IN1, IN2 and NE4 of the Rushmoor Local Plan (2014-2032) and the Car and Cycle Parking Standards SPD (2024) and the 'Development Resulting in the Loss of Public Houses SPD' (2015).

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

- 3 INFORMATIVE - 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 Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) 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 the following referenced legislation.
- 4 INFORMATIVE – This approval does not give consent for any subsequent signage. The applicant is encouraged to use the existing hanging signage, and fascia signage to retain the character of the building. The applicant should check with the Local Planning Authority before erecting any further signage to check whether it requires consent under the Control of Advertisements Regulations 2007
- 5 INFORMATIVE – The applicant is advised that the development hereby approved is exempted from the national standard Biodiversity Net Gain (BNG) condition and that its requirements do not therefore apply in this case.