

CABINET

***Tuesday, 28th July, 2015 at 4.30 p.m.
at the Council Offices, Farnborough***

Councillor P.J. Moyle (Leader)
Councillor K.H. Muschamp (Deputy Leader and Business, Safety and
Regulation Portfolio)

Councillor Sue Carter (Leisure and Youth Portfolio)
Councillor R.L.G. Dibbs (Environment and Service Delivery Portfolio)
Councillor R. Hughes (Health and Housing Portfolio)
Councillor A. Jackman (Concessions and Community Support Portfolio)
Councillor P.G. Taylor (Corporate Services Portfolio)

The Cabinet considered the following matters at the above-mentioned meeting. All executive decisions of the Cabinet shall become effective, subject to the call-in procedure, from **11th August, 2015**.

109. **MINUTES –**

The Minutes of the meeting of the Cabinet held on 14th July, 2015 were confirmed and signed by the Chairman.

110. **ANNUAL GOVERNANCE STATEMENT 2014/15 –** (Corporate Services)

The Cabinet considered the Solicitor to the Council's Report No. LEG1513, which proposed the approval of the Council's Annual Governance Statement for the year 2014/15, which had been considered and approved by the Standards and Audit Committee on 2nd July, 2015, and also that the Statement should be signed by the Leader of the Council and the Chief Executive.

The Cabinet was advised that the Accounts and Audit Regulations 2003, as amended in 2006 and 2011, required local authorities to conduct a review, at least annually, of the effectiveness of its system of internal control, prepare an Annual Governance Statement and publish this with the Statement of Accounts.

The Chartered Institute of Public Finance and Accountancy (CIPFA) had produced guidance and a proforma statement, which had been used to develop the Council's Annual Governance Statement. The Council's revised Local Code of Governance had been adopted in 2014 and formed part of the Council's Constitution. The Statement was required to include notification of any significant internal control issues and an action plan to address them. The Cabinet was advised that no significant issues had been identified but that a number of actions for the current year had been identified and these would be addressed during the year.

The Cabinet RESOLVED that the Annual Governance Statement, as set out in the Solicitor to the Council's Report No. LEG1513, be approved for adoption and publication alongside the Council's Statement of Accounts.

111. **PREVENTION AND DETECTION OF FRAUD – NEW APPROACH –**
(Corporate Services)

The Cabinet considered the Audit Manager's Report No. AUD1503, which set out the results of a review of the Council's fraud investigation service and options for its future delivery.

The Cabinet was advised that, in recent years, extensive guidance and legislation had brought about a number of changes to the way that this work was carried out. Looking forward, the introduction of Universal Credit and the associated formation of the Single Fraud Investigation Service (SFIS) would require the Council to further consider how work should be carried out, particularly around the area of housing benefit fraud. The new SFIS would be operated by the Department of Work and Pensions and the investigation of most Housing Benefit fraud work would transfer to it, meaning that this would no longer be a responsibility of the Council's Investigations Team. There were, however, further areas of work that the Council now had sole responsibility for that carried local risk and would require some anti-fraud work, including the Council Tax Reduction Scheme and the Business Rate Retention Scheme.

The Council currently employed two full-time Investigation Officers, with one further post currently vacant. There was an option to apply to transfer trained investigations staff to the new SFIS. It was reported that some local authorities had decided to reduce or even remove their internal investigation service in light of the coming changes. It was, however, proposed that it was in the Council's interest to retain a level of fraud investigation capability. The three options set out for consideration were:

- Option 1 – Retain two officers and delete the one vacant post
- Option 2 – Retain one officer, transfer one officer to SFIS and delete the one vacant post
- Option 3 – Retain no officers, transfer two officers to SFIS and delete the one vacant post

In considering the Council's obligations under the Audit Commission's guidance 'Protecting the Public Purse', it was considered that Options 2 and 3 would represent a high risk approach. Option 1 would still place the Council at the lower end in terms of resources but the risk would be judged to be at a medium level. It was confirmed that, if Option 1 were selected, there would be capability to continue to investigate residual housing benefit requirements and meet other existing commitments as well as start to address situations where families had a number of varied issues in a more holistic way.

The Cabinet was supportive of retaining fraud investigative expertise 'in-house' and requested that opportunities to provide this service to neighbouring authorities should be explored in due course.

The Cabinet RESOLVED that Option 1, to retain two officers to provide the services set out in the Audit Manager's Report No. AUD1503 and to delete the one vacant post from the establishment, be approved and that a review of the suitability of the arrangements be carried out, in conjunction with the Cabinet Member for Corporate Services, within two years.

112. **FARNBOROUGH INTERNATIONAL LIMITED – PERMANENT EXHIBITION FACILITIES –**
(Leader of the Council / Corporate Services)

The Cabinet considered the Chief Executive's Report No. CEX1503, which set out a proposal to provide a loan of £4.5 million to Farnborough International Limited (FIL) for the development of new permanent exhibition facilities at the Farnborough Airshow site.

It was explained to Members that the hosting of the Airshow every two years currently involved the construction of a number of temporary structures as exhibition halls. It was proposed that permanent facilities should be erected in respect of Halls 1 and 1A to replace these temporary structures. This would cater for the known requirements of the Airshow but would also provide a purpose built, high quality venue available for exhibitions, conferences and seminars throughout the rest of the two-year cycle of the Airshow.

If agreed, the Council's loan to FIL would be repayable at 4% interest, which compared favourably with the average return for investments within the Council's treasury management portfolio and would result in the Council receiving a higher return than currently received. It was acknowledged that there was some risk involved with the loan, however it was confirmed that steps were being taken by the funding partners, through the Due Diligence process, to mitigate the residual risk to an acceptable level. Other funding partners included Enterprise M3 Local Enterprise Partnership, Hampshire County Council and Barclays Bank. It was also noted that the completed permanent halls would attract a significant income to the Council by way of Business Rates payments. It was confirmed that the Council would receive its interest quarterly from the outset of the loan.

The Cabinet discussed the proposal and considered that the Council's involvement in this project would be to the advantage of all concerned.

The Cabinet RESOLVED that

- (i) the offer of a loan, to a maximum of £4.5 million, to ADS/Farnborough International Limited for the Farnborough International Hall 1/1A Permanent Venue, be approved, subject

to the conditions outlined in paragraph 4.6 of the Chief Executive's Report No. CEX 1503; and

- (ii) the authority to agree all loan terms and documentation in respect of the loan agreement, within the parameters outlined in the Report, be delegated to the Chief Executive, in consultation with the Leader of the Council, the Chief Financial Officer and the Solicitor to the Council.

113. ALDERSHOT TOWN CENTRE – PARKING –
(Environment and Service Delivery)

The Cabinet considered the Head of Community and Environmental Services' Report No. COMM1514, which sought approval for the introduction of a number of parking concessions on a one-year trial basis, aimed at encouraging more shoppers to Aldershot town centre and assisting residents living in the area.

Members heard that the proposals had been devised in response to concerns expressed by residents, Members and businesses that:

- the current parking charges were discouraging shoppers from using the town centre
- it was difficult for residents living in the town centre to find free overnight parking
- due to the popularity of the free Westgate car park, it was difficult for those using the complex and the Princes Hall in the evenings to find a parking space

Members were reminded that the one-hour on street parking restriction had been introduced at the request of retailers to encourage pop in trade and to prevent the bays from being used for long periods by commuters, people working and residents living in the town. This had been a success with the bays being well used and for this reason, it was not felt that reducing the cost of parking or offering free parking would increase the number of customers visiting the town. It was, however, proposed to trial the provision of 20 free one hour parking bays in the High Street Multi Storey Car Park to encourage the use of this currently underused car park. It was explained that the Birchett Road Car Park was designated as short stay but that, given the low cost of all-day parking at £5 compared to the cost of £7.50 for all-day parking at the private Railway Station Car Park, this car park was being used primarily by commuters. Whilst this brought an income to the Council of £115,000 per annum, there could be significant benefit to shoppers if the all-day tariff was removed, with a maximum stay of three hours imposed. It was proposed to carry out a consultation with commuters using the car park to see whether, in the event of this restriction being introduced, they were likely to displace to either of the available private car parks at the Railway Station or the Wellington Centre or to one of the Council

owned car parks at the High Street Multi Storey or Parsons Barracks. The information received would inform whether or not to make these changes at the Birchett Road Car Park. Regarding evening parking, it was proposed to consult with businesses about whether to offer time-limited free on street parking after 6 p.m. It was further proposed to offer free overnight parking in the High Street Multi Storey Car Park in order to encourage local residents to use this facility and ease street parking issues. It was further proposed to offer a 60p all-day charge on Sundays in all the Aldershot Council car parks, in line with the rate charged by the Wellington Centre.

The Cabinet RESOLVED that the following initiatives relating to parking in Aldershot town centre, as set out in the Head of Community and Environment's Report No. COMM1514, be approved:

- to provide 20 dedicated bays with up to one hour free parking in the High Street Multi Storey Car Park on a one-year trial basis;
- to provide free overnight parking in the High Street Multi Storey Car Park from 6 p.m. to 9 a.m.;
- to carry out consultation with town centre residents on their overnight parking;
- to introduce 60p all-day on Sundays in the Council's Aldershot car parks on a one-year trial basis;
- to carry out consultation to assess the implications of Birchett Road Car Park becoming a three hour maximum stay car park and whether this would encourage commuters to use the long stay car parks at Parsons Barracks and High Street Multi Storey; and
- carry out consultation with businesses to assess the support for free evening on street parking.

114. PARKING SERVICE REVIEW –
(Environment and Service Delivery)

The Cabinet considered the Head of Community and Environmental Services' Report No. COMM1516, which provided an update on the parking review and sought approval for changes to staffing arrangements.

Members heard how the systems thinking review of parking had focussed on enabling customers to park easily in a safe and accessible location. A new radio system had been introduced which provided more reliable coverage and safer working. This had enabled the service to introduce single working in place of the previous system of working in pairs, which had provided a more visible and comprehensive coverage. Since single working had been introduced, the number of Penalty Charge Notices being issued had increased from an average of 9 per day per officer to 22

per day per officer. The proposed provision of an Operations Manager and an additional Civil Enforcement Officer, along with improved working patterns, would significantly improve the effectiveness of patrols, particularly at peak times around schools, resident parking schemes and the town centres.

Members were informed that new technology had been introduced in April 2015 and this had led to many more transactions being carried out online. New smart phones had enabled the Civil Enforcement Officers to work more efficiently and speedily when checking vehicles and processing Penalty Charge Notices. Members heard that Rushmoor's pay and display machines were now outdated and would, by Summer 2016, be replaced with the latest systems on the market, allowing a wider range of payment methods. It was reported that, due to changes in legislation, the Council was no longer issuing Penalty Charge Notices by CCTV and the areas previously surveyed in this way, such as double yellow lines and on street disabled bays in the town centre, would be covered by the increase in staff and more effective working.

The Cabinet RESOLVED that

- (i) the appointment of an additional Civil Enforcement Officer be approved; and
- (ii) the merger of the Senior Civil Enforcement Officer and Office Manager to create a new post of Parking Operations Manager be approved.

115. COMPULSORY PURCHASE OF A LONG TERM EMPTY PROPERTY –
(Health and Housing)

The Cabinet considered the Solicitor to the Council's Report No. LEG1514, which sought approval for the initiation of compulsory purchase proceedings in relation to No. 102 St. George's Road, Aldershot.

Members heard how the property had not been occupied for around fifteen years and was in a poor state of repair. The current owner had inherited the property in January 2000 but had never lived there. His exact whereabouts were unknown and attempts to trace him had been unsuccessful. It was noted that Council Tax arrears in respect of the property exceeded £10,000. It was reported that the use of compulsory purchase powers in respect of long-term empty properties in the Borough was contained within the Council's Housing and Homelessness Strategy 2011-2016. The objective was to bring empty homes in the private sector back into use as quickly as possible. It was noted, however, that the use of this power was as a last resort when all other endeavours to persuade, encourage or enforce action to facilitate reoccupation had failed. It was considered that, with complaints having been received from the adjoining owner regarding damp and mice problems, the proposed action was the only reasonable means available to achieve renovation and reoccupation. Upon acquisition of

the property through the compulsory purchase procedure, the market value of the property would then need to be paid into Court, assuming that the owner had not made contact. It would then be for the Council to decide how to dispose of the property and whether or not to renovate the property prior to disposal.

In discussing the proposal, the Cabinet was assured that the Council Tax arrears would be guaranteed to be paid from the proceeds of the disposal of the property.

The Cabinet RESOLVED that

- (i) the making of a Compulsory Purchase Order, under section 17 and Part XVII of the Housing Act 1985 and the Acquisition of Land Act 1981, for the purchase of No. 102 St. George's Road, Aldershot, shown shaded grey on the plan in confidential Appendix A of the Solicitor to the Council's Report No. LEG1514, be approved, to enable its renovation and reoccupation as residential accommodation;
- (ii) the Solicitor to the Council be authorised, if contact with the owner can be established, to seek the purchase of the property by agreement, in the first instance;
- (iii) the Solicitor to the Council be authorised to take the following steps in the event that purchase by agreement cannot be achieved:
 - take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all notices and the statement of reasons for making the order and the presentation of the Council's case at any public enquiry;
 - suspend the Compulsory Purchase Order proceedings, or withdraw an Order, on being satisfied that the reported property will be satisfactorily renovated and reoccupied without the need to continue the compulsory purchase proceedings;
 - dispose of the property in accordance with the proposals set out in the Report;
 - take all other necessary action to give effect to the recommendations contained in the Report; and

- (iv) the Head of Financial Services be authorised to make the payment of appropriate compensation for the acquisition of the property and take all necessary action to recover the compensation from the sale of the property.

The Meeting closed at 5.25 p.m.

CR. P.J. MOYLE
LEADER OF THE COUNCIL

CABINET

Tuesday, 1st September, 2015 at 4.30 p.m.
at the Council Offices, Farnborough

Councillor P.J. Moyle (Leader)
Councillor K.H. Muschamp (Deputy Leader and Business, Safety and
Regulation Portfolio)

Councillor Sue Carter (Leisure and Youth Portfolio)
Councillor R.L.G. Dibbs (Environment and Service Delivery Portfolio)
Councillor R. Hughes (Health and Housing Portfolio)
Councillor A. Jackman (Concessions and Community Support Portfolio)
Councillor P.G. Taylor (Corporate Services Portfolio)

The Cabinet considered the following matters at the above-mentioned meeting. All executive decisions of the Cabinet shall become effective, subject to the call-in procedure, from **15th September, 2015**.

116. **MINUTES –**

The Minutes of the meeting of the Cabinet held on 28th July, 2015 were confirmed and signed by the Chairman.

117. **CONTRACTOR ANNUAL SERVICE PLANS 2015/16 –** (Environment and Service Delivery/Leisure and Youth)

(1) **Places for People Leisure –**

The Cabinet received the Corporate Director's Report No. CD1509 and the Places for People (PfP) Leisure Delivery Plan 2015-16. The Report advised that PfP had performed well on the contract during the previous year. PfP and the Council had continued to work in partnership on the Megarider bus ticket and £1 summer holiday swimming initiatives.

Duncan Mackay, the local Contract Manager, attended the meeting to present the Leisure Delivery Plan. There were a number of positive messages in the Delivery Plan. PfP had been named, for the third year running, UK Active's Leisure Centre Operator of the Year and had been the first organisation in the United Kingdom to receive a Quest Stretch validation in sports development. There had been an increase in attendance on the swimming lesson programmes and the number of casual swimmers had also gone up. There had been considerable investment in the leisure facilities at Farnborough Leisure Centre and Aldershot Pools, including £110,000 spent on replacement fitness equipment at Farnborough and a £60,000 refurbishment to the fitness facility at Aldershot. LED lighting had continued to be introduced at both sites. PfP's customer advisers and marketing teams had continued to produce high quality marketing material and had worked closely with the Council's Communications Team in a number of areas. Social media

had been used increasingly in contacting existing and potential new customers. The price of gym membership had been cut significantly in order to compete with other local providers and this had seen a sharp increase in take-up.

The main issues for 2015-16 included continuing to enhance and improve the range of activities on offer to local residents, carrying out further improvement works at the facilities and working with the Council and other local partners to provide support to community safety initiatives and disadvantaged groups.

The Cabinet welcomed the Delivery Plan and the positive work carried out by PfP across the Borough. There was some discussion on the increased use of technology in tracking students' progress with swimming lessons and how this might be rolled out and across other types of lessons. An enquiry was also made about visitor numbers to the Aldershot Lido and whether it had been adversely affected by the recent changeable weather.

The Cabinet RESOLVED that the Places for People Leisure Delivery Plan 2015-16, as set out in the Corporate Director's Report No. CD1509, be endorsed.

(2) **Team Rushmoor –**

The Cabinet received the Corporate Director's Report No. CD1510 and the Team Rushmoor (Veolia) Service Plan for 2015-16. Members were reminded that the current contract was due to end in March 2017. Highlights in the Report included the continued growth of the brown bin garden waste collection scheme, the refurbishment of the Cove Green public toilets and securing the Silver Gilt award for Aldershot Town Centre in the South and South East In Bloom competition and the Gold award for the Aldershot Crematorium.

John Stockings, Veolia's Contract Manager, attended the meeting to present the Service Plan. The Cabinet was advised that there had been some issues in the winter due, mainly, to persistent strong winds which had caused litter to be spread over large areas. Whilst the Transport Industry had, generally, suffered a shortage in qualified LGV (Large Goods Vehicle) drivers, Veolia had overcome this by providing in-house driver training. Staff turnover had remained low at less than 1% of the workforce.

Issues for 2015-16 included working in partnership to reduce contamination, which continued to be a problem for the recycling service, utilising new software that had been introduced in relation to bulky waste collections and continuing to invest in renewing vehicles that were past their useful life. Preparing a comprehensive bid to retain the work at the contract retendering stage was also a key priority for Veolia in the coming year.

The Cabinet was satisfied at the level of service provided by Veolia under the contract and thanks were expressed to Mr. Stockings, personally, as

this was to be his final report to the Council before retirement.

The Cabinet RESOLVED that Team Rushmoor/Veolia's Service Plan for 2015-16, as set out in the Corporate Director's Report No. CD1510, be endorsed.

118. **FINANCIAL MATTERS –**
(Leader of the Council)

(1) **Revenue Budget Monitoring and Forecasting 2015/16 – Position at July, 2015 –**

The Cabinet considered the Head of Financial Services' Report No. FIN1515, which set out the anticipated financial position for 2015/16, based on the monitoring exercise carried out during July 2015. The Report explained that, in the monitoring exercise, service managers had identified a net overspend of approximately £43,000 against their non-salary budgets. Corporate variances included staff salary savings, which totalled around £360,000. The Report identified the Business Rate Retention Scheme as being the cause of the greatest variances affecting the first quarter, though this was mostly down to timing issues and would not affect the Council's financial position in the longer term.

It was proposed to make three transfers to reserves to mitigate risks of fluctuations in income and expenditure, to increase the revenue contributions towards capital expenditure in respect of income generating proposals within the Council's 8-Point Plan and to cover future mercury abatement measures at the Council's crematorium. The Report listed a number of financial risks facing the Council but it was anticipated that the Stability and Resilience Reserve would offer an element of protection for the Council from these. The major risks identified included that the Council might not achieve the savings targets required, that projects would not deliver efficiency savings to timescale and that income streams might deteriorate due to the economic climate, including planning fees, parking income and rents.

Members considered the Report and expressed their satisfaction with both the current revenue budget position and the measures put in place to ensure future financial stability. The purpose and use of reserves was also discussed.

The Cabinet RESOLVED that

- (i) the Head of Financial Services' Report No. FIN1515 be noted;
- (ii) the virements and supplementary estimates, as set out in the Report, be approved;
- (iii) the initial estimates for the use of the Service Improvement Fund, as set out in the Report, be approved;

- (iv) the creation of a reserve for mercury abatement measures, as set out in the Report, be approved; and
- (v) the increase in revenue contributions to capital outlay, subject to the final outturn position, as set out in the Report, be approved.

(2) **Capital Programme Monitoring 2015/16 – Position at July, 2015 –**

The Cabinet received the Head of Financial Services' Report No. FIN1516, which provided the latest forecast regarding the Council's Capital Programme for 2015/16. The Report advised that the Programme, including slippages and variations, totalled £11,394,000. The recent monitoring exercise had identified a number of areas of slippage, including improvement works at the Brickfield Country Park and playground refurbishments at Manor Park and the Municipal Gardens in Aldershot.

The Cabinet RESOLVED that the latest Capital Programme monitoring position, as set out in the Head of Financial Services' Report No. FIN1516, be noted.

119. **CORPORATE STRATEGY AND CORPORATE PLAN 2015/16 – QUARTER ONE MONITORING –**
(Leader of the Council)

The Cabinet received the Directors' Management Board's Report No. DMB1504, which gave an update on performance management monitoring information against the Corporate Plan for the first quarter of the 2015/16 financial year.

The Chief Executive gave Members an update on strategic and performance management data on many areas, including demographics, crime, economic data and housing completions. Members also heard about key initiatives and service measures under the themes of:

- People and communities
- Prosperity
- Place
- Leadership
- Good value services

It was noted that 87.9% of the indicators were on target, 11.1% were in question as to whether they would achieve the action or indicator and 1.0% were unable to achieve elements of the target. The Chief Executive gave a summary of key projects that were ongoing and responded to Members' questions.

The Cabinet NOTED the Directors' Management Board Report No. DMB1504 and the performance made against the Corporate Plan in the first quarter of the 2015/16 financial year.

120. **BUILDING CONTROL FINANCIAL STATEMENT 2014/15 AND CHARGES FOR 2015/16 –**
(Environment and Service Delivery)

The Cabinet considered the Head of Planning's Report No. PLN1543, which set out the Building Control Financial Statement for its fee earning work for the year ended 31st March, 2015 and also reviewed the current charges for building control work. It was reported that Building Control's fee income for 2014/15 had resulted in an operating deficit of £24,709 which had increased the rolling deficit to £31,201. It was reported that, to try to improve the robustness of the service in a challenging financial environment, the Council had negotiated with Hart District Council to provide a joint Building Control Service, which had been in operation since 1st July, 2015. Whilst it was anticipated that this arrangement would provide a better service in due course, in the short term it was proving difficult to recruit additional qualified Building Control Officers. In light of these changes, it was proposed that fees should remain unaltered at the present time. It was proposed to introduce a single fee structure across the two authorities in due course.

The Cabinet RESOLVED that the financial statement for Building Control for 2014/15 be endorsed and the current charging structure remain unaltered for the time being.

121. **ASSET MANAGEMENT STRATEGY–**
(Corporate Services)

The Cabinet considered the Solicitor to the Council's Report No. LEG1515, which set out a proposal to develop a three-year asset management strategy. The aim of the strategy would be to ensure better use of the Council's property assets and would include a policy of seeking to invest in the acquisition of commercial and, potentially, residential properties, with the intention of achieving additional revenue streams. The strategy could also provide direct intervention in town centre regeneration through strategic acquisitions.

It was reported that this proposal had been developed following some work by consultants, Montague Evans, in 2014. The Council had commissioned the company to assess the health of the Council's property portfolio. In the report, Montague Evans considered the following:

- The composition of the Council's portfolio
- A review of the types of assets and their potential
- The Council's key corporate plan objectives and how they link to its property portfolio
- Areas for potential change and evolution of the property portfolio through a business plan

Following receipt of the report, research had been carried out to establish whether any other local authorities, that had already developed successful asset management strategies, would be willing to assist the Council in the development of its strategy. As a result of this exercise, it was now proposed that the Council should establish an arrangement with Eastleigh Borough Council to work collaboratively to develop an approach and produce an asset management strategy that met the stated strategic objectives set out in the Montague Evans report. Eastleigh Borough Council had generated around £6.5 million per annum in additional revenue over the previous five years and was seen as a beacon of good practice in this field. The cost of the preparation of the asset management strategy would be £30,000 over a six to eight week period. This amount would be drawn from the Service Improvement Fund. Once a draft strategy had been prepared, this would be brought back to the Cabinet and would also be the subject of a Member workshop. Ongoing support would then be available from the Eastleigh Borough Council Estates Team to the Council to implement the strategy, at the rates set out in the Report.

Members considered the Report and expressed support for the approach being proposed.

The Cabinet RESOLVED that

- (i) the approach set out in the Solicitor to the Council's Report No. LEG1515 be endorsed; and
- (ii) the drawing of £30,000 from the Service Improvement Fund, to facilitate the preparation of the asset management strategy, be approved.

122. EXCLUSION OF THE PUBLIC –

RESOLVED: That, taking into account the public interest test, the public be excluded from the meeting during the discussion of the under mentioned item to avoid the disclosure of exempt information within the paragraph of Schedule 12A to the Local Government Act, 1972 indicated against the item:

Report Para. No.	Schedule 12A Para. No.	Category
123	3	Information relating to financial or business affairs

**THE FOLLOWING ITEM WAS CONSIDERED
IN THE ABSENCE OF THE PUBLIC**

123. **NO. 12 ARTHUR STREET, ALDERSHOT – FUTURE USE –**
(Corporate Services)

The Cabinet considered the Solicitor to the Council's Exempt Report No. LEG1516, which set out options for the future use of the property at No. 12 Arthur Street, Aldershot. It was explained that the property had been the original office for the charity Relate until they had moved to new premises at Nos. 35 - 39 High Street, Aldershot in 2011. Since then, the property had been vacant and was currently in a poor state of repair. In light of the Council's 8-Point Plan, which required better use of property and assets, it was not considered appropriate to allow the property to deteriorate further. Various options had been considered but it was proposed that the most appropriate course of action would be to apply for prior approval to change the use of the premises from an office to three domestic flatted units. The property could then be sold with prior approval granted for flats and this would realise a higher value than if marketed as offices. Alternatively, the Council could undertake to carry out the conversion works itself and then sell the three converted flats on the open market or, if the Council had formed a housing company, rent the properties out to gain income.

Members were advised that this option would achieve the highest possible return from the disposal of the property. It was likely that, in light of current legislation, the Council would need to set up a company if choosing this option, as the Council would be seen to be trading. It was likely that, in bringing forward its proposed asset management strategy, the Council would be requiring to set up such a company in any case.

The Cabinet RESOLVED that

- (i) the Solicitor to the Council be authorised to:
 - take all preliminary steps to enable a prior approval application to be submitted for the redevelopment of No. 12 Arthur Street, Aldershot as three residential flats; and
 - subject to the issue of a trading company being resolved, to take all necessary steps to convert the property to flats and, in consultation with the Cabinet Member for Corporate Services, to either dispose of the flats to generate a capital receipt or hold them as a property asset for future letting; and
- (ii) that expenditure in the sum of £8,000 be authorised towards the professional fees and the prior approval application fee.

The Meeting closed at 6.12 p.m.

CR. P.J. MOYLE
LEADER OF THE COUNCIL

CABINET

Tuesday, 22nd September, 2015 at 4.30 p.m.
at the Council Offices, Farnborough

Councillor P.J. Moyle (Leader)
a Councillor K.H. Muschamp (Deputy Leader and Business, Safety and Regulation Portfolio)

a Councillor Sue Carter (Leisure and Youth Portfolio)
Councillor R.L.G. Dibbs (Environment and Service Delivery Portfolio)
Councillor R. Hughes (Health and Housing Portfolio)
Councillor A. Jackman (Concessions and Community Support Portfolio)
Councillor P.G. Taylor (Corporate Services Portfolio)

Apologies for absence were submitted on behalf of the Deputy Leader (Councillor K.H. Muschamp) and Councillor Sue Carter.

The Cabinet considered the following matters at the above-mentioned meeting. All executive decisions of the Cabinet shall become effective, subject to the call-in procedure, from **6th October, 2015**.

124. **MINUTES –**

The Minutes of the meeting of the Cabinet held on 1st September, 2015 were confirmed and signed by the Chairman.

125. **ALDERSHOT TOWN CENTRE PROSPECTUS – DRAFT SUPPLEMENTARY PLANNING DOCUMENT –**
(Environment and Service Delivery)

The Cabinet considered the Head of Planning's Report No. PLN1539, which set out the draft Aldershot Town Centre Prospectus Supplementary Planning Document (SPD) and sought agreement for this to be published for consultation. Members were reminded that the Council's Core Strategy had been adopted in October 2011 and provided an overarching strategy for the regeneration of Aldershot town centre. Furthermore, the Aldershot Town Centre Supplementary Planning Document had been adopted by the Council in January 2009 and had set out a detailed vision for the environmental and physical improvement of Aldershot town centre, including the identification of development opportunity sites. Members were informed that a more proactive approach was now required, through partnership working, to secure investment and deliver improvements and development, whilst capitalising on the Westgate development and the Aldershot Urban Extension. The Council had, therefore, appointed Allies and Morrison Urban Practitioners to devise a strategy for regeneration, based on viable investment and development options to attract investment into Aldershot town centre. The Council had already identified six key sites with development potential:

- The Galleries
- Union Street East
- High Street (Kings Centre/Gala Bingo)
- Hippodrome House area
- Westgate Phase 2 (Princes Hall and police station)
- Aldershot railway station

The Cabinet received a presentation by Mr. Steve Walker of Allies and Morrison, which explained how the prospectus document was laid out and the process by which it had been prepared. Members heard how the vision for the town centre had been set out across six themes:

- A revitalised town centre offer
- Town centre living
- A family-friendly town centre
- An improved cultural offer
- Investing in streets and spaces
- Affirming the Victorian heritage

It was proposed that the public consultation on the draft SPD would last for six weeks, after which it would be submitted to the Cabinet for formal adoption.

The Cabinet considered the draft SPD and expressed strong support for the approach taken. Members stressed how important it was for the consultation to be accessible for all members of the community and it was confirmed that people would be able to submit comments through a variety of channels.

The Cabinet RESOLVED that

- (i) the draft Aldershot Town Centre Prospectus Supplementary Planning Document be approved for public consultation for a period of six weeks; and
- (ii) the Head of Planning, in consultation with the Cabinet Member for Environment and Service Delivery, be authorised to make any necessary minor amendments to the Prospectus, prior to the commencement of the public consultation.

126. **DRAFT RUSHMOOR BIODIVERSITY ACTION PLAN 2016 - 2021 –**
(Environment and Service Delivery)

The Cabinet considered the Head of Planning's Report No. PLN1545, which set out the draft updated Biodiversity Action Plan (BAP) for Rushmoor and sought agreement for this to be published for consultation. Members were reminded that the Rushmoor Biodiversity Action Plan 2016 – 2021 had been produced after a key stakeholder meeting held on 15th February, 2015 and the document identified:

- Key habitats within the Borough
- Priority species associated with different habitats
- Main threats to local biodiversity
- Key actions needed to protect and enhance biodiversity

The stakeholder meeting had been well attended, with Rushmoor staff being joined by key partner organisations, including the Basingstoke Canal Authority, the Hampshire and Isle of Wight Wildlife Trust, local enthusiasts and members of the Rushmoor Urban Wildlife Group.

Members were informed that the updated action plan would build upon the work already undertaken as a result of the previous plan, set out strategic actions at a local level and provide a more detailed overview of the local environment and the local threats to priority habitats and species. It was explained that, since 2006, there had been a statutory obligation on local authorities to conserve biodiversity.

It was proposed that the public consultation on the draft BAP would last for six weeks, after which it would be submitted to the Cabinet for formal adoption.

The Cabinet considered the draft BAP and put forward several changes to the consultation draft. There was broad support for the Plan and its aims.

The Cabinet RESOLVED that

- (i) the draft Rushmoor Biodiversity Action Plan be approved for public consultation for a period of six weeks; and
- (ii) the Head of Planning, in consultation with the Cabinet Member for Environment and Service Delivery, be authorised to make any necessary minor amendments to the Plan, prior to the commencement of the public consultation.

127. **FARNBOROUGH AIRPORT COMMUNITY ENVIRONMENTAL FUND –**
(Environment and Service Delivery)

The Cabinet considered the Head of Community and Environmental Services' Report No. COMM1517, which sought approval to award a grant from the Farnborough Airport Community Environmental Fund, which had been set up to assist local projects.

The Cabinet Member for Environment and Service Delivery had considered the application by the Prospect Estate Big Local for an award of £3,000 towards the cost of the development of an environmental master plan for the area and had recommended that this should be approved.

The Cabinet RESOLVED that a grant of £3,000 be awarded from the Farnborough Airport Community Environmental Fund to the Prospect Estate Big Local.

128. **GRANTS TO VOLUNTARY ORGANISATIONS –**
(Concessions and Community Support)

The Cabinet received the Head of Community and Environmental Services' Report No. COMM1518, which set out details of applications for grants from voluntary organisations. In accordance with the agreed procedure for the allocation of grants, the Cabinet Member for Concessions and Community Support had approved two grants for £1,000 or less. It was also recommended that the Rushmoor Gymnastics Academy should receive an award of £2,000 towards the training costs of two new apprentices.

The Cabinet

- (i) **NOTED** that the following grants totalling £800 had been approved by the Cabinet Member for Concessions and Community Support:

Aldershot Royal British Legion	£300
7th Farnborough Scout Troop	£500

- (ii) **RESOLVED** that a grant of £2,000 to the Rushmoor Gymnastics Academy be approved.

NOTE: Cr. A. Jackman declared a prejudicial interest in this item in respect of his children's use of the Rushmoor Gymnastics Academy and, in accordance with the Members' Code of Conduct, left the meeting during the discussion and voting thereon.

129. **THE SOURCE, BOULTERS HOUSE, NO. 237 HIGH STREET, ALDERSHOT –**
(Corporate Services)

The Cabinet considered the Solicitor to the Council's Report No. LEG1517, which set out the circumstances that had led to the Source deciding to vacate the property at Boulters House, No. 237 High Street, Aldershot and to relocate to a smaller premises. The Report also detailed how it was proposed that the Council might assist the charity in this situation. Members heard how the property at Boulters House had been purchased by the Source in 2006 and it was explained that, at that time, the Council had loaned the sum of £350,000 towards the purchase price. The term of the loan was ten years and it was secured by a charge over the premises. Since 2010, financial difficulties had meant that the Source had struggled to make repayments on the loan. In December 2014, the Source had told the Council that it was seeking to make the charity self-sustaining through its bike project but, to do this, had identified that a move to smaller, more affordable premises was necessary. To aid the Source with relocating, the Council had commissioned a survey, which indicated that serious structural defects existed at Boulters House. It was estimated that repair costs in the medium term were likely to total around £160,000 and, therefore, it was considered that the property was beyond economic repair.

The Council had assisted the Source to identify new premises and it was proposed that they would relocate to Suite 3 on the ground floor of Wesley Chambers. It was further proposed that the Council would pay the first year's rent of £20,000 to the landlord on behalf of the Source. The total mortgage debt owed to the Council in respect of Boulters House totalled £328,125 in capital terms plus outstanding interest payments. It was proposed that the Council would receive the transfer of the ownership of Boulters House in repayment of the debt. The redevelopment of that site would produce a capital receipt to offset the amount owed to the Council. It was not known at this time whether the total debt would be cleared by this action but, in any case, it was explained that the Source had no other means to pay the amount owed. For this reason, it was recommended that this course of action would lead to the best possible outcome for all parties.

Members were keen to support this local charity and were appreciative of the valuable services the Source had delivered to young people over a number of years. It was agreed that this proposal offered a clear way forward for both the Source and the Council.

The Cabinet RESOLVED that

- (i) the Solicitor to the Council be authorised to:
 - pay the first year's rent of £20,000 to the landlord of Wesley Chambers upon the granting of the lease;

- reimburse the valuation fee to the Source for the valuation of Boulters House;
 - take a transfer of Boulters House in consideration of the release of the Council's legal charge over the premises;
 - take all steps necessary to bring Boulters House forward for redevelopment; and
- (ii) supplementary estimates in respect of the first year's rent, the valuation fee and stamp duty on the transfer of the premises to the Council be approved.

The Meeting closed at 5.25 p.m.

CR. P.J. MOYLE
LEADER OF THE COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE

Meeting held on Wednesday, 22nd July, 2015 at the Council Offices,
Farnborough at 7.00 p.m.

Voting Members

Cr. G.B. Lyon (Chairman)
Cr. B.A. Thomas (Vice-Chairman)

Cr. D.B. Bedford	Cr. P.I.C. Crerar	Cr. D. Gladstone
Cr. D.M.T. Bell	Cr. Sue Dibble	Cr. C.P. Grattan
Cr. R. Cooper	a Cr. Jennifer Evans	Cr. J.H. Marsh

* Cr. P.F. Rust

Non-Voting Member

a Cr. R.L.G. Dibbs (Cabinet Member for Service and Delivery)
(ex officio)

An apology for absence was submitted on behalf of Cr. Jennifer Evans.

*Cr. P.F. Rust attended as standing deputy in place of Cr. Jennifer Evans.

130. DECLARATIONS OF INTEREST –

There were no declarations of interest.

131. MINUTES –

The Minutes of the Meeting held on 24th June, 2015 were approved and signed by the Chairman.

132. TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED) - TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995 - DEVELOPMENT APPLICATIONS GENERALLY –

RESOLVED: That

- (i) permission be given for the following application set out in Appendix “A” attached hereto, subject to the conditions, restrictions and prohibitions (if any) mentioned therein:

* 15/00322/FULPP (No. 6 Samson Close, Aldershot)

- (ii) the applications dealt with by the Head of Planning, where necessary in consultation with the Chairman, in accordance with the Council's Scheme of Delegation, more particularly specified in Section "D" of the Head of Planning's Report No. PLN1535, be noted;
 - (iii) the following application be determined by the Head of Planning, in consultation with the Chairman:
 - * 15/00461/FUL (No. 134 Holly Road, Aldershot); and
 - (iv) the current position with regard to the following applications be noted pending consideration at a future meeting:
 - 15/00427/FULPP (No. 177 Ash Road, Aldershot)
 - 15/00475/FULPP (The Queen's Head, No. 97 North Lane, Aldershot)
 - 15/00487/FULPP (SBAC Exhibition Area, ETPS Road, Farnborough).
- * The Head of Planning's Report No. PLN1535 in respect of these applications was amended at the meeting.

133. REPRESENTATIONS BY THE PUBLIC –

In accordance with the guidelines for public participation at meetings, the following representation was made to the Committee and was duly considered before a decision was reached:

Application No.	Address	Representation	In support of or against the application
15/00461/FUL	(No. 134 Holly Road, Aldershot)	Mr. P. Needham	In support

134. APPLICATION NO. 15/00461/FUL – NO. 134 HOLLY ROAD, ALDERSHOT –

The Committee considered the Head of Planning's Report No. PLN1535 (as amended at the meeting) regarding the demolition of the existing bungalow and the erection of four three-bedroom dwelling houses at No. 134 Holly Road, Aldershot. Before considering the application in detail, the Committee received a representation in accordance with the scheme of public representation from Mr. P. Needham in support of the application.

It was noted that the recommendation was to grant planning permission, subject to the completion of a satisfactory unilateral undertaking under Section 106 of the Town and Country Planning Act, 1990.

RESOLVED: That

- (i) subject to the completion of a satisfactory unilateral undertaking under Section 106 of the Town and Country Planning Act, 1990 by 12th August, 2015 to secure an appropriate contribution towards open space, transport and Special Protection Area mitigation, the Head of Planning in consultation with the Chairman, be authorised to grant planning permission subject to the conditions and informatives set out in the Head of Planning's Report No. PLN1535 (as amended); however
- (ii) in the event that a satisfactory unilateral undertaking is not received by 12th August, 2015, the Head of Planning, in consultation with the Chairman, be authorised to refuse planning permission on the grounds that the proposal does not make satisfactory provision for: public open space in accordance with Core Strategy Policies CP10, CP11 and CP12 and saved Local Plan Policy OR4; a transport contribution in accordance with the Council's adopted 'Transport Contributions' Supplementary Planning Document and Core Strategy Policies CP10, CP16 and CP17; and a financial contribution to mitigate the effect of the development on the Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy and Core Strategy Policies CP11 and CP13.

135. **ENFORCEMENT AND POSSIBLE UNAUTHORISED DEVELOPMENT –**

(i) **No. 329 Pinewood Park, Farnborough –**

The Committee received the Head of Planning's Report No. PLN1536 regarding the insertion of a first-floor window in the side elevation of No. 329 Pinewood Park, Farnborough. The Committee was informed that the property was situated in a terrace of similar properties and the dwellings were arranged in pairs which were staggered relative to the next pair. This had resulted in some of the properties, including No. 329, having a side elevation which, in this case, adjoined the front garden of No. 331.

A site visit had confirmed that a bathroom window had been installed in the flank elevation of the building measuring 0.6 metres by 0.4 metres height. Planning permission was required as it was set 1.7 metres above the floor level of the bathroom and also because an Article 4 Direction in relation to Pinewood Park had removed 'permitted development' rights for external alterations to the premises. The window had also been identified as a potential source of overlooking and loss of privacy to the neighbouring property due to the fact that the opening part of the window was set lower than 1.7 metres above the interior floor level (the height indicated as sufficient to safeguard privacy). However, this was only by seven centimetres and given the open plan design of the estate it was considered that the loss of privacy was not so great as to merit further action.

It was therefore considered that the unauthorised window would not cause any significant material harm to the visual character of the area or to the amenities of neighbours. In addition, planning permission would have been granted by the Council if an application had been submitted. Therefore, in accordance with Policy PE3 it was considered neither expedient nor reasonable for the Council to take enforcement action in respect of the breach of planning control that had taken place.

RESOLVED: That no further action be taken.

(ii) **No. 23 Juniper Road, Farnborough –**

The Committee received the Head of Planning's Report No. PLN1536 regarding the conversion of a garage into a habitable room at No. 23 Juniper Road, Farnborough. The property was a two storey detached house on the corner of Juniper Road and Baywood Close and had an attached garage over which was a room. The garage had been converted to form a habitable room with no external alterations.

The original planning permission (No. 91/00083/FUL) for the development of 96 residential units and associated infrastructure, had contained a condition that any garages or parking spaces should be retained for parking purposes only. Although the garage door remained in place, the garage was no longer available to park a vehicle. Despite contact with the owner no planning application had been submitted for the development.

The Committee was informed that the Transportation Strategy Office was satisfied that, even with the loss of the garage, there was sufficient off-road parking at the property. It was therefore concluded that, as there had been no external changes, the unauthorised conversion would not cause any material harm to the visual character of the area, also no harm would be caused to the amenities of the neighbours or highway safety. If a planning application had been submitted, it would have been recommended for approval. Therefore, in accordance with Policies CP2 and CP16 of the Core Strategy and saved Policy ENV17 of the Rushmoor Local Plan it was considered neither expedient nor reasonable for the Council to take enforcement action in respect of the breach of planning control.

RESOLVED: That no further action be taken.

(iii) **Delegated Decisions to take Enforcement Action –**

RESOLVED: The Committee noted the enforcement action taken by the Head of Planning in accordance with the Council's Scheme of Delegation, more particularly specified in the Head of Planning's Report No. PLN1536.

136. **VARIATION OF THE LEGAL AGREEMENT RELATING TO NORTH TOWN STAGE II DEVELOPMENT –**

The Committee received the Head of Planning's Report No. PLN1537 (as amended at the meeting) which sought authority to vary the terms of the 2014 legal agreement relating to the payment of financial contributions in relation to Plot Nos. 472 – 482 of the North Town, Stage II development. The request was to vary the payment of financial contributions on a pro-rata basis, with the remainder of the contributions being paid and the clauses relating to affordable housing and the travel plan taking effect when Phase 6 was implemented in 2017.

The Committee was informed that, whilst Plot Nos. 472 – 482 had been approved as part of the Stage II planning permission, the plots were surrounded by development which had been approved and were located within Phase 4 of the Stage I planning permission issued in October, 2009. The applicant, First Wessex, had confirmed that Plot Nos. 472 – 482 would be built at part of Phase 4 of Stage 1. This meant that the construction of those plots would implement the 2014 permission and would trigger the clauses in the 2014 agreement. As the remainder of the Stage II permission (identified as Phase 6) was not due to be commenced until Summer, 2017, the applicant had requested that the 2014 agreement be amended, such that the open space, Special Protection Area (SPA) and transport contributions would be paid on implementation on a pro-rata basis for Plots 472 – 482, with the remainder of the contributions being paid and the clauses relating to affordable housing and the travel plan taking effect when Phase 6 was implemented in 2017.

It was highlighted that, given its size, the development would take place over an extended period of time. To date the applicant had completed 243 dwellings pursuant to the 2009 permission. It was noted that the main reason that Plot Nos. 472 – 482 had been excluded from the remainder of Phase 4 had been due to a lack of SPA mitigation being available in 2009. Given the overall construction programme for the site and the disruption that would arise to future residents of Phase 4 if Plots 472 – 485 were to be built in 2017, it was considered both sensible and logical to complete these plots as part of Phase 4. To this end it was agreed that the financial contributions due to Rushmoor in respect of open space and SPA mitigation could be paid on a pro-rata basis. The 2009 and 2014 permissions had both included clauses relating to the provision of affordable housing. Given the small number of units concerned (four affordable units out of eleven), in the context of a total number of units (a minimum of 172 affordable units out of 431 and 79 affordable out of 226) and the applicants' status as a registered social housing provider, it was considered that the proposed variation would not prejudice the overall provision of affordable housing for the North Town redevelopment.

The Head of Planning's Report was updated at the meeting and the Committee was informed that the Council's Strategy and Enabling Manager had written in support of the proposed variation on the grounds that it would

improve the programme deliverability and viability for the regeneration of North Town and would ensure that the existing tenants with changing housing needs in relation to household size could be met more quickly. In addition, the County Highway Authority had advised that, as the only change had been to vary the timing of the contributions, it was happy for this deed of variation to be progressed.

RESOLVED: That the request to vary the existing Section 106 agreement with a deed of variation, as outlined in the Head of Planning's Report No. PLN1537 (as amended) be agreed, subject to the costs of Rushmoor Borough Council and Hampshire County Council being paid by the applicant.

The Meeting closed at 7.55 p.m.

G.B. LYON
CHAIRMAN

**DEVELOPMENT MANAGEMENT COMMITTEE
22ND JULY 2015**

APPENDIX "A"

Application No. & Date Valid: **15/00322/FULPP** **2nd May 2015**

Proposal: Retention and completion of a two-storey three bedroom detached dwelling house with accommodation in roof space and detached garage (variation of house type on Plot 6 approved under planning permission 07/00018/FULPP dated 09 March 2007) at **6 Samson Close Aldershot Hampshire**

Applicant: Mr. S. Sandhu

Conditions: 1 The dwelling hereby approved shall not be occupied until the garaging/off-street parking facilities shown on the approved plans have been provided and made available to the occupiers of the dwelling. The garage and parking spaces shall be retained for parking purposes thereafter and shall not be used for the storage of caravans, boats or trailers.

Reason - To ensure that adequate off-street parking is available for the development.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015, (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C, D, E and F of Part 1 of Schedule 2 shall be carried out.

Reason - In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015, (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C, D, E and F of Part 1 of Schedule 2 shall be carried out.

Reason - In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality.

- 4 Notwithstanding the details shown on the submitted plans, the windows and roof lights in the north eastern elevation shall be obscure glazed in their entirety, and any opening sections or toplights shall have a minimum cill height of 1.7m above the internal floor level.

Reason - To protect the amenities of neighbouring residential properties.

- 5 Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be completed and retained in accordance with the following approved drawings.

130-2014-P6-01s, 130-2014-P6-02 and 01

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

DEVELOPMENT MANAGEMENT COMMITTEE

Meeting held on Wednesday, 19th August, 2015 at the Council Offices,
Farnborough at 7.00 p.m.

Voting Members

a Cr. G.B. Lyon (Chairman)
Cr. B.A. Thomas (Vice-Chairman) (In the Chair)

Cr. D.B. Bedford
Cr. D.M.T. Bell
Cr. R. Cooper

Cr. P.I.C. Crerar
Cr. Sue Dibble
a Cr. Jennifer Evans

Cr. D. Gladstone
Cr. C.P. Grattan
Cr. J.H. Marsh

*Cr. S.J. Masterson
*Cr. P.F. Rust

Non-Voting Member

Cr. R.L.G. Dibbs (Cabinet Member for Service and Delivery) (ex officio)

Apologies for absence were submitted on behalf of Cr. Jennifer Evans
and the Chairman, Cr. G.B. Lyon.

* Cr. S.J. Masterson attended as standing deputy in place of Cr. G.B.
Lyon and Cr. P.F. Rust attended as standing deputy in place of Cr. Jennifer
Evans.

In the absence of the Chairman, the Vice-Chairman (Cr. B.A. Thomas),
took the Chair.

137. DECLARATIONS OF INTEREST –

Having regard to the Members' Code of Conduct, the following
declarations of interests were made. Those Members with a disclosable
pecuniary interest left the meeting during the debate on the relevant agenda
items:

Member	Application No. and Address	Interest	Reason
Cr. J.H. Marsh	15/00389/FULPP (Jenner House, No. 159 Cove Road, Farnborough)	Prejudicial	The application site is Cr. Marsh's doctor's surgery where he is registered as a patient and would benefit from the

improvements to the surgery.

Cr. C.P. Grattan	15/00389/FULPP (Jenner House, No. 159 Cove Road, Farnborough)	Prejudicial	Cr. C.P. Grattan is registered as a patient at this surgery and would benefit in the improvements to the premises.
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138. MINUTES –

The Minutes of the Meeting held on 22nd July, 2015 were approved and signed by the Chairman.

**139. TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED) -
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
PROCEDURE) ORDER, 1995 -
DEVELOPMENT APPLICATIONS GENERALLY –**

RESOLVED: That

- (i) permission be given for the following applications set out in Appendix “A” attached hereto, subject to the conditions, restrictions and prohibitions (if any) mentioned therein:
 - * 15/00339/FULPP (Nos. 37 to 41 Cross Street and Nos. 59 – 61a Southampton Street, Farnborough)
 - * 15/00389/FULPP (Jenner House, No. 159 Cove Road, Farnborough)
 - 15/00487/FULPP (SBAC Exhibition Area, ETPS Road, Farnborough);
- (ii) the applications dealt with by the Head of Planning, where necessary in consultation with the Chairman, in accordance with the Council’s Scheme of Delegation, more particularly specified in Section “D” of the Head of Planning’s Report No. PLN1538, be noted; and
- (iii) the current position with regard to the following applications be noted pending consideration at a future meeting:
 - 15/00427/FULPP (No. 177 Ash Road, Aldershot)
 - 15/00475/FULPP (The Queen’s Head, No. 97 North Lane, Aldershot)
 - 15/00548/FUL (St. Joseph’s Roman Catholic Primary School, Bridge Road, Aldershot).

- * The Head of Planning's Report No. PLN1538 in respect of these applications was amended at the meeting.

140. REPRESENTATIONS BY THE PUBLIC –

In accordance with the guidelines for public participation at meetings, the following representations were made to the Committee and were duly considered before a decision was reached:

Application No.	Address	Representation	In support of or against the application
15/00389/FULPP	(Jenner House, No. 159 Cove Road, Farnborough)	Mr. T. Hardy	Against
		Mr. R. Adams	In support

141. ENFORCEMENT AND POSSIBLE UNAUTHORISED DEVELOPMENT – LAND ADJACENT TO NO. 11 FINTRY WALK, FARNBOROUGH –

The Committee received the Head of Planning's Report No. PLN1540 regarding a change of use of land from public amenity land to that of a private residential garden by the erection of a close board fence at No. 11 Fintry Walk, Farnborough.

A complaint had been received in May, 2015 claiming that a 1.8 metre fence had been erected by the owner of No. 11 Fintry Walk, enclosing open land and changing its use to private residential garden land. Visits to the site had confirmed that a 1.8 to 2 metre high close board fence had been erected on land adjacent to No. 11 Fintry Walk. The enclosure of the land had resulted in the change of use of land to private residential garden. Land Registry records had indicated that the land was registered to Hughes and Rogers Limited, which was likely to have been the previous developer of the estate and had since dissolved. A letter had been sent to the owner of No. 11 Fintry Walk advising that the change of use of land and the erection of a fence in excess of one metre high adjacent to the highway required planning permission. Subsequent site visits had revealed that the fence still remained and the owner had failed to respond to further requests to cease the breach in planning control.

The Committee was informed that the main issues were the principle of the change of use and the visual impact and highway safety implications. It was highlighted that the Council's Core Strategy Policy CP12 recognised the important role that amenity land played within the street scene and that loss of amenity land was resisted by the Council. The principle of the development was therefore unacceptable in planning terms. With regard to the visual impact, the enclosure by fence and loss of land to the general streetscape had a detrimental impact on the setting of the property and overall character of the area and could well set a precedent. This was contrary to the objectives of Core Strategy Policy CP12 and Saved Local Plan Policy ENV17. Concerning highway safety the Council's Transportation Strategy Officer had

raised concerns about the positioning of the fence towards the rear of the site, adjacent to the garages and parking space which took access from Pennine Way. In order to maintain a suitable visibility splay and to prevent conflict with vehicles and pedestrians, the fence would need to be reduced to a height of one metre.

It was therefore considered that the unauthorised fencing and associated change of use of land was considered unacceptable in principle, would result in significant harm to the visual character of the area and would be likely to harm highway safety.

RESOLVED: That the Council issue an Enforcement Notice requiring removal of the unauthorised fencing with a period of one month for compliance for the following reasons:

- (i) the enclosure of open amenity land with close boarded fencing is detrimental to the character and visual appearance of the street scene and the surrounding area; and
- (ii) the unauthorised fencing, by virtue of its height and location gives rise to restricted sight lines and consequent potential conflict between users of the highway and footway, and vehicles entering or leaving the adjacent parking area to the detriment of highway safety.

142. **PLANNING (DEVELOPMENT MANAGEMENT) SUMMARY REPORT FOR THE QUARTER 1ST APRIL – 30TH JUNE, 2015 –**

The Committee received the Head of Planning's Report No. PLN1541 which provided an update on the position with respect to achieving performance indicators for the Development Management Section of Planning and the overall workload of the Section for the period 1st April to 30th June, 2015.

The Development Manager provided a further update in relation to changes made by the Government to the national planning guidance regarding the use of Section 106 contributions from small sites (of ten dwellings or less) and the application of vacant building credits in relation to seeking affordable housing when vacant buildings were re-used or redeveloped.

The Committee was reminded that, at the time of the previous report in February, 2015, a High Court Challenge had been underway against the Ministerial Statement introducing the changes. The challenge had been spearheaded by Reading and West Berkshire Councils. On 10th February the Cabinet had agreed that, until the outcome of the legal challenge was known:

- (i) the current approach of seeking infrastructure contributions from residential developments of less than ten dwellings would be continued and, subject to the agreement of Hampshire County Council, any monies from such schemes would be protected;
- (ii) any income towards open space, transport or other obligations arising from schemes of less than ten dwellings would be protected;
- (iii) the vacant building credit guidance would not be applied to the national planning guidance changes and that officers would determine a way forward so that any changes to the affordable housing requirement could be made to permitted schemes, should the national guidance changes on the vacant building credit be found to be legally compliant; and
- (iv) a contribution of £2,000 would be made to assist in the collective legal challenge.

The Committee was informed that the local authorities had been successful in their legal challenge but the Government had since appealed the decision. A further update would be provided to the Committee in due course and in the meantime the Council would continue in accordance with the actions agreed by the Cabinet as set out above.

RESOLVED: That the Head of Planning's Report No. PLN1541 be noted.

143. **APPEALS PROGRESS REPORT –**

The Committee received the Head of Planning's Report No. PLN1542 concerning the following new appeals:

Application No.	Description
15/00008/COUPP	Against the Council's decision to refuse planning permission for the change of use of the ground floor from Use Class A1 (retail) to Use Class A2 (betting office) at Nos. 60 – 62 Union Street, Aldershot. The appeal would be dealt with by way of the written representations procedure.
15/00094/FULPP	Against the Council's decision to refuse planning permission for the erection of five dwellings (two two-bedrooms and three three-bedrooms) with associated access parking and landscaping at land to the rear of Nos. 87 – 97 Rectory Road, Farnborough. The appeal would be dealt with by way of the written representations procedure.

RESOLVED: That the Head of Planning's Report No. PLN1542 be noted.

The Meeting closed at 7.50 p.m.

B.A. THOMAS
VICE-CHAIRMAN

**DEVELOPMENT MANAGEMENT COMMITTEE
19TH AUGUST 2015**

APPENDIX "A"

Application No. & Date Valid: **15/00339/FULPP** **8th May 2015**

Proposal: Erection of two pairs of semi-detached houses comprising two 3-bedroom and two 2-bedroom units following demolition of the existing garages at **Development At Land Rear Of 37 To 41 Cross Street And 59 - 61A Southampton Street Farnborough Hampshire**

Applicant: Mr Rodney Raggett

Conditions: 1 The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to reflect the objectives of the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy as amended July 2014 and to accord with the resolution of Rushmoor's Cabinet on 17 June 2014 in respect of Planning Report no PLN1420.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015, (or any Order revoking and re-enacting that Order), no development falling within Classes A, B & C of Part 1 of Schedule 2 shall be carried out 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.

- 3 Prior to occupation of the development hereby permitted, all the parking spaces shown on the approved plans shall be completed and made available only for the parking of vehicles ancillary and incidental to the residential use of the existing and proposed dwellings on the site. These spaces shall be kept available at all times for parking and shall not be used for the storage of Caravans, boats or trailers.

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

- 4 No works shall start on site until a schedule and/or samples of the external materials to be used in the development have been submitted to, and approved in writing by, the Local Planning Authority. The Development shall be completed and retained in accordance with the details so approved.

Reason - To ensure satisfactory external appearance.*

- 5 No works shall start on site until a schedule and/or samples of surfacing materials, including those to access driveways/forecourts to be used in the development have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed and retained in accordance with the details so approved

Reason - To ensure satisfactory external appearance and drainage arrangements.*

- 6 No works shall start on site until details of all screen and boundary walls, fences, hedges or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the details so approved.

Reason - To safeguard the amenities of neighbouring property.*

- 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 No works shall start on site until a fully detailed landscape and planting scheme (to include, where appropriate, both landscape planting and ecological enhancement) has been submitted to and approved in writing by the Local Planning Authority.

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

- 9 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.

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

- 10 With the exception of any trees specifically shown on the approved plans to be felled, or as may be otherwise agreed in writing by the Local Planning Authority, no tree, or hedge within the application site shall be lopped, topped, felled, destroyed or damaged.

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

- 11 The permission hereby granted shall be carried out in accordance with the following approved drawings -

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

12 Prior to the commencement of development details of the cycle store, shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full prior to the first occupation of the dwelling and retained in perpetuity.

Reason - To ensure satisfactory cycle storage arrangement.*

13 Prior to the commencement of development, and notwithstanding any details submitted with the application, details of measures to achieve the energy performance standards in accordance with Code Level 4 for Sustainable Homes or equivalent shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full prior to the first occupation of the dwelling to which they relate and retained in perpetuity.

Reason - To reflect the objectives of Policy CP3 of the Rushmoor Core Strategy

14 Prior to the commencement of development details of measures to incorporate Sustainable Drainage Systems (SUDS) into the development or suitable alternative drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full prior to the first occupation of the dwelling and retained in perpetuity.

Reason - To reflect the objectives of Policy CP4 of the Rushmoor Core Strategy _

**Application No.
& Date Valid:**

15/00389/FULPP

28th May 2015

Proposal:

Installation of dormer extension and velux windows within roofscape to facilitate the conversion of the second floor into additional office/storage accommodation with associated internal alterations, reconfiguration of existing car parking layout to include the creation of an additional parking space/cycle parking and retention of car park lighting. at **Jenner House 159 Cove Road Farnborough Hampshire**

Applicant:

Jenner House Surgery

Conditions:

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 dormer extension hereby permitted shall be finished in materials of the same colour and type as those of the existing roof. The development shall be completed and retained in accordance with the details so approved.

Reason - To ensure satisfactory external appearance.

- 3 The parking spaces shown on the approved plan shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles.

Reason - To ensure the provision of on-site parking accommodation.

- 4 With the exception of the top fanlights, the windows in the west roof plan shall be obscure glazed in their entirety and fixed closed with the exception of opening toplights as shown on drawing number E&P/008.

Reason - To protect the amenities of neighbouring residential properties.

- 5 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.

- 6 With the exception of those rooms shown on the approved plans, there shall be no increase in medical treatment rooms. In the interests of clarity this means treatment, examination and clinic rooms and doctors surgeries.

Reason - To ensure acceptable levels of car parking are provided to serve the building.

7 No building materials shall be stored during the construction period within the rooting zones of the trees located along the western site boundary.

Reason - To ensure that existing trees are adequately protected and to preserve their amenity value.

8 The velux windows in the east roof plan as shown on drawing number E_P/008 shall be completed in obscure glazing.

Reason - To protect the amenities of neighbouring residential properties.

9 No trees along the western site boundary within the application site shall be lopped, topped, felled, destroyed or damaged.

Reason - To preserve the amenity value of existing trees and in the interests of visual and residential amenity

10 Prior to the laying of any new surfacing, details of the surfacing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed and retained in accordance with the details so approved

Reason - To ensure satisfactory external appearance and drainage arrangements.*

11 The permission hereby granted shall be carried out in accordance with the following approved drawings - E _ P/001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013 and 014

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

**Application No.
& Date Valid:**

15/00487/FULPP

2nd July 2015

Proposal:

Erection of a semi-permanent chalet accommodation and associated first floor pedestrian bridge to be used in connection with the biennial Farnborough International Airshow for a temporary period up to and including 2030 at **Lockheed Martin Chalet SBAC Exhibition Area ETPS Road Farnborough**

Applicant:

ADS Group Limited

Conditions:

- 1 The structures hereby permitted shall be removed and the land restored to its former condition on or before 31st December 2030.

Reason - To accord with the terms of the application and given the impact of the character and appearance of the structure, reconsideration in the light of prevailing circumstances at the end of the specified period would be appropriate in the interest of amenity.

- 2 The structures hereby permitted shall be used for the duration of, and in connection with, the biennial Farnborough International Airshow and for no other purpose without the prior permission in writing of the Local Planning Authority.

Reason - To ensure a satisfactory approach to the use and development of the site and its impact on the surrounding area.

- 3 The permission hereby granted shall be carried out in accordance with the following approved drawings -
158901T/AL-P01, 158901T/AL-P02/A,
158901T/AL-P003/B, 158901T/AL-P004/B,
158901T/AL-P005/A, 158901T/AL-P006/C,
158901T/AL-P007/B, 158901T/AL-P008/E,
158901T/AL-P009/B, 158901T/AL-P010/B,
158901T/AL-P011/B, 158901T/AL-P012/B &
158901T/AL-P013/B

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

DEVELOPMENT MANAGEMENT COMMITTEE

Meeting held on Wednesday, 16th September, 2015 at the Council Offices, Farnborough at 7.00 p.m.

Voting Members

Cr. G.B. Lyon (Chairman)
Cr. B.A. Thomas (Vice-Chairman)

Cr. D.B. Bedford	a Cr. P.I.C. Crerar	Cr. D. Gladstone
Cr. D.M.T. Bell	Cr. Sue Dibble	Cr. C.P. Grattan
a Cr. R. Cooper	a Cr. Jennifer Evans	Cr. J.H. Marsh
	* Cr. S.J. Masterson	
	* Cr. P.F. Rust	

Non-Voting Member

Cr. R.L.G. Dibbs (Cabinet Member for Service and Delivery) (ex officio)

*Cr. S.J. Masterson attended as standing deputy in place of Cr. Rod Cooper and Cr. P.F. Rust attended as standing deputy in place of Cr. Jennifer Evans.

Cr. D. Gladstone arrived at 7.20 p.m. during the discussion on Planning Application No. 15/00475/FULPP (The Queen's Head, No. 97 North Lane, Aldershot) and did not vote on this or the previous item.

Apologies for absence were submitted on behalf of Crs. R. Cooper, P.I.C. Crerar and Jennifer Evans.

144. DECLARATIONS OF INTEREST –

Having regard to the Members' Code of Conduct, the following declarations of interests were made. Those Members with a disclosable pecuniary interest left the meeting during the debate on the relevant agenda items:

Member	Application No. and Address	Interest	Reason
Cr. G.B. Lyon	1500475/FULPP (The Queen's Head, No. 97 North Lane, Aldershot)	Personal	Member of the Campaign for Real Ale.

Cr. J.H. Marsh	15/00606/FULPP (31 – 33 Queen’s Road and No. 62 Peabody Road, Farnborough)	Prejudicial	Friend of the owner of the site/applicant and had spoken to the applicant about this application.
Cr. B.A. Thomas	1500475/FULPP (The Queen’s Head, No. 97 North Lane, Aldershot)	Prejudicial	Ran a public house within a mile of the application premises.
Cr. P.F. Rust	1500475/FULPP (The Queen’s Head, No. 97 North Lane, Aldershot)	Personal	Member of the Campaign for Real Ale.

145. **MINUTES –**

The Minutes of the Meeting held on 19th August, 2015 were approved and signed by the Chairman.

146. **TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED) -
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
PROCEDURE) ORDER, 1995 -
DEVELOPMENT APPLICATIONS GENERALLY –**

RESOLVED: That

- (i) planning permission/consent be refused in respect of the following application and as set out in Appendix “A” attached hereto for the reasons mentioned therein:

- * 15/00475/FULPP (The Queen’s Head, No. 97 North Lane, Aldershot);

- (ii) the applications dealt with by the Head of Planning, where necessary in consultation with the Chairman, in accordance with the Council’s Scheme of Delegation, more particularly specified in Section “D” of the Head of Planning’s Report No. PLN1544, be noted;

- (iii) the following application be determined by the Head of Planning, in consultation with the Chairman:

- 15/00562/FULPP (The Old Mint, Pound Road, Aldershot);
and

- (iv) the current position with regard to the following application be noted pending consideration at a future meeting:

15/00606/FULPP (Nos. 31 – 33 Queen’s Road – No. 62 Peabody Road, Farnborough).

* The Head of Planning’s Report No. PLN1544 in respect of this application was amended at the meeting.

147. REPRESENTATIONS BY THE PUBLIC –

In accordance with the guidelines for public participation at meetings, the following representations were made to the Committee and were duly considered before a decision was reached:

Application No.	Address	Representation	In support of or against the application
15/00475/FULPP	(The Queen’s Head, No. 97 North Lane, Aldershot)	Mr. J. Coll Ms. R. Haines	Against In support

148. APPLICATION NO. 15/00462/FULPP – THE OLD MINT, POUND ROAD, ALDERSHOT –

The Committee considered the Head of Planning’s Report No. PLN1544 regarding the retention of two three-bedroom flats with associated works at The Old Mint, Pound Road, Aldershot.

It was noted that the recommendation was to grant planning permission, subject to the completion of a satisfactory agreement under Section 106 of the Town and Country Planning Act, 1990.

RESOLVED: That

- (i) subject to the completion of a satisfactory agreement under Section 106 of the Town and Country Planning Act, 1990 by 12th October, 2015 to secure an appropriate contribution towards Special Protection Area mitigation and open space, the Head of Planning in consultation with the Chairman, be authorised to grant planning permission, subject to the conditions and informatives set out in the Head of Planning’s Report No. PLN1544; however
- (ii) in the event that a satisfactory Section 106 agreement is not received by 12th October, 2015, the Head of Planning, in consultation with the Chairman, be authorised to refuse planning permission on the grounds that the proposal fails to make provision for open space contrary to the provisions of Policy CP12 of the Rushmoor Core Strategy and ‘saved’ Policy OR4 of the Rushmoor Local Plan Review 1996 – 2011; fails to provide mitigation for the impact of the development on the Thames Basin Heaths Special Protection Area in accordance with the

Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy contrary to Policy CP13 of the Rushmoor Core Strategy; and does not provide appropriate car and cycle parking in accordance with the Council's adopted car and cycle parking standards or make satisfactory provision for refuse storage as required by Saved Local Plan Policy ENV17 and Core Strategy Policies CP2 and CP17.

149. **ENFORCEMENT AND POSSIBLE UNAUTHORISED DEVELOPMENT –**

(1) **No. 177 Ash Road, Aldershot –**

The Committee received the Head of Planning's Report No. PLN1546 regarding the unauthorised change of use of commercial space into residential accommodation at No. 177 Ash Road, Aldershot.

It was reported that No. 177 Ash Road was a long-established hot food takeaway (Star Kebabs) located in the middle of the ground floor of the building. To the east side of this was a sub-divided area of the building with lawful planning use as a separate hot food takeaway shop on the ground floor and with storage space above. No. 177a Ash Road was located to the west side of Star Kebabs and was also understood to be in the same ownership and was currently in use as a hairdressers. There was also a self-contained residential one-bedroom flat located on the first floor of the building, No. 177c. It was highlighted that there was limited on-site parking due to its position alongside the traffic-light junction of Ash Road, Lower Newport Road and Lower Farnham Road.

Following complaints, an inspection had revealed that parts of the eastern takeaway premises were being occupied residentially, in the form of a pair of studio units on the ground floor and with a further flat in the ancillary storage space on the first floor. The owner had submitted a planning application in June, 2015 which had been declared invalid due to material inaccuracies in the plans. Although the applicant's agent had advised that work was afoot to prepare corrected plans, this work had not, to date, been completed and no corrected plans had been submitted to the Council.

The Committee was informed that the conversion of these premises would be considered acceptable in principle. However, such conversions would only be granted planning permission, subject to conditions to secure and retain various provisions in the interests of the amenities of the area, the amenities of neighbours, highway safety etc. In this case this would involve the provision, allocation and retention of parking spaces, and provision and retention of bin storage. This had not been possible in the configuration of this site and the unauthorised development in question because there had been no means to impose the requisite conditions to render the proposals acceptable in planning terms.

In addition, none of the usual Section 106 financial contributions had been secured, most notably the contribution for special protection area

mitigation and avoidance. This was considered fundamentally unacceptable and in conflict with the Habitats Regulations, Government Planning Policy and Guidance and adopted Development Plan Policy. It was also considered that there would have been a requirement for a public open space contribution in this case. These matters were therefore considered to be grounds for serving an Enforcement Notice.

RESOLVED: That an Enforcement Notice be served requiring the cessation of the unauthorised material change of use of the land for residential use with a period of six months for compliance for the following reasons:

- (i) the unauthorised development intensifies the use of the property and is provided with inadequate and unsatisfactory on-site parking to meet its functional needs in the vicinity of limited on-street parking opportunities; the proposed residential development would thereby be likely to attract indiscriminate, dangerous and obstructive parking in the streets nearby, to the detriment of the safety and convenience of highway users and would thereby be unacceptable, contrary to the National Planning Policy Framework and adopted Rushmoor Core Strategy Policies CP2 and CP16;
- (ii) the unauthorised development is provided with inadequate facilities for the on-site storage of refuse to the detriment of the visual amenities of the area and the living environment of occupiers contrary to adopted Rushmoor Core Strategy Policy CP2;
- (iii) the proposal fails to make provision for an appropriate Special Protection Area Mitigation and Avoidance contribution towards the Hawley Meadows suitable accessible natural green space, or strategic access management measures in order to address the impact of the proposed development upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area; the proposal is thereby contrary to the requirements of Policies CP13 and CP15 of the Rushmoor Core Strategy adopted in October, 2011; and
- (iv) the proposals do not make provision for public open space in accordance with the requirements of Policies CP11 and CP12 of the Rushmoor Core Strategy adopted October, 2011, saved Local Plan Policies OR4 and Or4.1 and the Council's continuing Interim Advice Note (dated August, 2000 and updated July, 2006) "Financial Contributions towards Provision of Open Space in Association with New Housing Development".

(2) **No. 19 Whittle Crescent, Farnborough –**

The Committee received the Head of Planning's Report No. PLN1546 regarding the erection of a single storey rear extension at No. 19 Whittle Crescent, Farnborough.

It was reported that it had come to the Council's attention that a single storey rear extension had been built measuring 3.7 metres from the original rear wall of the home. The extension would have required planning permission as it was 700 mm greater than the permitted development tolerance for this type of property, as set out in Schedule 2, Part 1, Class A of the general Permitted Development Order, 2015. The owner's response to contact had been that they were not in a position to submit a formal planning application.

On considering the matter, it was felt that the extension did not cause any significant material harm to the visual character of the area, to the amenities of the neighbours or to highway safety. Had a planning application been submitted, it would have received a recommendation that permission be granted. Therefore, in accordance with Policies CP2 and CP16 of the Core Strategy and saved Policy ENV17 and H15 of the Rushmoor Local Plan, it was considered neither expedient or reasonable for the Council to take enforcement action in respect of the breach of planning control in this case.

RESOLVED: That no further action be taken.

150. **MOUNTBATTEN COURT, BIRCHETT ROAD, ALDERSHOT – SECTION 52 LEGAL AGREEMENT –**

The Committee considered the Head of Planning's Report No. PLN1547 (as amended at the meeting) which sought approval to relax a clause in a legal agreement which restricted the age of the occupiers of flats in Mountbatten Court, Birchett Road, Aldershot.

The Committee was informed that the owners of Flat No. 5 Mountbatten Court had written to the Council requesting a relaxation of the clause because the age restriction had been causing problems with the sale of the flat.

Planning permission had been granted for the erection of a three-storey block of seventeen two-bedroom flats and nine one-bedroom flats in August, 1987. At the time, parking standards had been considerably higher and based on minimum standards. The developer had provided less than the full requirement on the basis that the flats would be for the elderly. A clause in the legal agreement had therefore been drawn up under Section 52 of the Town and Country Planning Act, 1971 which required that the sixteen flats on the ground and first floors should be occupied by at least one person of pensionable age.

Following consultation with the residents of Mountbatten Court, one letter had been received from the executors of the late owner of Flat No. 13 who had indicated that they had no objections in respect of the request from the owners of Flat No. 5 and, in addition, making their own request for non-enforcement in respect of Flat No. 13. Another letter had subsequently been received from the managing agents for the Mountbatten Court Management Company, who confirmed that they were in support of the Council not enforcing the terms of the Legal Agreement in terms of the age restriction of occupiers.

It was also noted that none of the age-restricted flats at Mountbatten Court had been designed to current mobility standards and the age restriction had only been imposed because the developer had been unable to provide enough parking on the site for the development. Since planning permission had been granted, the Council's parking requirements had changed significantly in response to changes in Government planning guidance. The parking standards applicable to residential development did not now make any distinction in terms of parking requirements between general purpose flats and those restricted to residents of pensionable age. The only reductions in parking requirements available for residential development now related to sheltered housing establishments providing care to much less mobile residents. Furthermore, current Government guidance and the Council's adopted parking requirements allowed for significant reductions in parking provision in town centre locations.

On considering the above, the Committee agreed that retention of the age restriction would no longer serve a planning purpose. In addition, the approach had previously been agreed for other flats in the development, the most recent being Flat No. 10 in November, 2013. Similar age-restricted flats in Phoenix Court had also been subject to requests for relaxations and had been allowed by the Council. In the circumstances, it was therefore felt that the Council should not seek to enforce the terms of the legal agreement in respect of Flat Nos. 5 and 13 Mountbatten Court.

RESOLVED: That the Solicitor to the Council be authorised to advise the persons making the above request that the Council is minded not to enforce the terms of the Section 52 Agreement in respect of Flat Nos. 5 and 13 and that they be invited to enter into a Deed of Release, upon payment of the Council's legal costs, to release the property from the terms of the Section 52 Agreement..

151. **HAM AND BLACKBIRD, NO. 281 FARNBOROUGH ROAD, FARNBOROUGH –**

The Committee received the Head of Planning's Report No. PLN1548 which requested authority for the Council to complete a Section 106 legal agreement in relation to the Ham and Blackbird site at No. 281 Farnborough Road, Farnborough.

The Committee was reminded that permission had been refused by the Development Management Committee in January, 2015 for the demolition and redevelopment of the Ham and Blackbird site at No. 281 Farnborough Road. Permission had been refused for reasons relating to the impact of traffic movement on highway safety and the local network, failure to secure Section 106 contributions (towards special area protection mitigation and public open space) and failure to provide appropriate provision of affordable housing (as set out in full in the Head of Planning's Report).

The applicants had subsequently lodged an appeal which was due to be heard on 9th December, 2015 and the Committee was advised that, in preparation for the appeal, the applicants and the Council would need to prepare a 'Statement of Common Ground' to identify to the Inspector those issues on which there was no dispute. The applicants had indicated that they intended to submit a draft Section 106 agreement to the Inspector at the hearing in order to address the reasons for refusal that related to failure to secure Section 106 contributions.

In respect of the failure of the proposal to provide affordable housing, the applicants had agreed to make provision to meet the Council's requirement in full (22 units (35%) of the total number of units). In this respect the applicants were proposing that eleven affordable units would be provided in the scheme and, at the request of the Head of Environmental Health and Housing, a financial contribution would be secured equivalent to the cost to the developer of providing the remaining eleven units within the scheme. This would provide affordable housing off-site that would be more appropriate to meeting local housing needs. Although subject to discussion relating to the value of the contribution, should agreement be reached on this matter, this financial contribution would also need to be secured by the Section 106 agreement.

The applicants had approached the Solicitor to the Council to request that work be undertaken with the Council to produce a draft Section 106 Agreement seeking to address the Reasons for Refusal Nos. 2, 3 and 4. Authority was therefore being sought from the Development Management Committee for the Head of Planning, in consultation with the Solicitor to the Council to prepare the necessary draft Section 106 Agreement to address these matters.

The Committee was assured that this work would not affect the Council's position in relation to Reason for Refusal No. 1 as set out in the Head of Planning's Report, but would remove the need for the Council to defend Reason for Refusal Nos. 2, 3 and 4 at the forthcoming appeal hearing.

RESOLVED: That the Head of Planning, in consultation with the Solicitor to the Council, be authorised to complete a legal agreement to address the impacts of the development as identified in Reasons for Refusal Nos. 2, 3 and 4 as set out in detail in Report No. PLN1501 considered by the Development Management Committee on 7th January, 2015.

152. **APPEALS PROGRESS REPORT –**

The Committee received the Head of Planning's Report No. PLN1549 concerning the following new appeal:

Application No.	Description
14/00956/EDCPP	Against the Council's decision to refuse an application for a Certificate of Lawful Existing Use as a single dwelling at 35A Camp Road, Farnborough. The appeal would be dealt with by way of the written procedure.

RESOLVED: That the Head of Planning's Report No. PLN1549 be noted.

The Meeting closed at 8.15 p.m.

G.B. LYON
CHAIRMAN
