

110-118 Victoria Road Farnborough

1. Introduction

Further to the decision by the Development Management Committee in March 2018 to refuse planning permission (17/00956//FULPP) for the demolition of 110-118 Victoria Road and the erection of 42 apartments (27 one bedroom and 15 two bedroom) for the elderly (sixty years of age and/or partner over fifty five years of age), guest apartment, communal facilities, access, car parking and landscaping, an appeal was been lodged with the Planning Inspectorate. This appeal is to be dealt with by way of written representations. In this respect the appellants have advised that they wish to submit a draft s106 Agreement to the Inspector in order to address reasons for refusal 5, 6 and 7 as set out below and to address the issue of affordable housing.

2. Background

In March 2018 planning permission was refused on the following grounds:

- 1 The proposed building would represent a significant change in height and massing resulting in unsympathetic building relationships between it and existing property to the detriment of the character of the area. This conflicts with "saved" local plan policy ENV16 and policy CP2 of the Rushmoor Core Strategy. Regard has also been had to policy D1 of the Rushmoor Local Plan Draft Submission June 2017.
- 2 The proposed first and second floor windows in the east elevation are considered to result in levels of overlooking between the development and 108 Victoria Road which would result in an unacceptable loss of privacy to these occupiers. In the context of Fern Hill Lodge, the cumulative impact of buildings would result in an unacceptable sense of enclosure to the occupiers of 108 Victoria Road. The proposal therefore conflicts with "saved" local plan policy ENV16 and policy CP2 of the Rushmoor Core Strategy.
- 3 The lack of kitchen windows serving flats 10, 16, 19, 31, 32, 34, 35, 36 and 37 would result in an unacceptable living environment for future residents by virtue of the lack of natural light and ventilation. It represents poor design contrary to Policy CP2 of the Rushmoor Core Strategy.

- 4 The development is unacceptable in highway terms in that no staff car parking has been provided, the size of the parking spaces do not comply with the Council's adopted standard, no disabled parking provision has been made, inadequate provision for mobility scooters and cycles has been made and it has not been satisfactorily demonstrated that acceptable refuse collection arrangements can be provided. The proposal conflicts with the objectives of policy CP16 of the Rushmoor Core Strategy and the Council's adopted Car and Cycle Parking Standards 2017. Regard has also been had to policy IN2 of the Rushmoor Local Plan Draft Submission June 2017.
- 5 The proposal fails to address the impact of the development on the Thames Basin Heaths Special Protection Area as required by the habitats Regulations in accordance with the Council's Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy and is therefore contrary to Policy CP13 of the Rushmoor Core Strategy and NRM6 of the South East Plan. Regard has been had to policies NE1 and NE4 of the Rushmoor Local Plan Draft Submission 2017.
- 6 The proposed development would fail 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. Regard has also been had to policy DE6 of the Rushmoor Local Plan Draft Submission 2017.
- 7 The proposal fails to make an appropriate contribution to local transport projects and therefore does not meet the requirements of the Council's adopted supplementary planning document - Planning Contributions - Transport 2008 and "saved" policy TR10 of the Rushmoor Local Plan Review 1996-2011. Regard has also been had to policy IN2 of the Rushmoor Local Plan Draft Submission June 2017.

Authority is sought from the Development Management committee for the Head of Economy, Planning and Strategic Housing in consultation with the Corporate Manager, Legal Services, to enter into a legal agreement to address the above referenced matters, in so far as they relate to Rushmoor Borough Council and Hampshire County Council as set out in reasons 5, 6 and 7. There is also a need (as recommended by the District Valuer in assessing the applicants Financial Viability Assessment submitted with the application) for the s106 Agreement to be subject to a financial review clause. This would ensure that the applicant/developer would not benefit from any improvement in the market value of the scheme without being required to provide affordable housing or an equivalent financial contribution, in the event that completion of the proposed development were to be protracted. The applicants and their agents were aware of this requirement prior to the refusal of the application and it is considered essential that this clause should be sought to ensure compliance with the requirements of Rushmoor Core Strategy Policy CP6 and/or emerging New Rushmoor Local Plan Policy LN2 (Affordable Housing).

Furthermore the County Highway Authority is seeking the dedication of land adjoining the public highway to increase the width of the footway.

By entering into this agreement, the Council's position in relation to the reasons for refusal as set out above, is not affected, but this would remove the need for the Council to defend these matters, as far as can be agreed, as part of any appeal. However it is noted that the issue of SANG mitigation will not form part of this agreement.

Subsequently in October 2018 the Development Management Committee resolved to grant planning permission for a revised scheme involving demolition of five detached dwellings and erection of 42 apartments (26 one bedroom and 16 two bedroom) for the elderly (sixty years of age and/or partner over fifty five years of age), guest apartment, communal facilities, access, car parking and landscaping subject to the completion of a legal agreement which also secured a review mechanism in respect of affordable housing, the dedication of land to the highway authority to enable the formation of a 3m shared surface corridor to the front of the site and financial contributions towards open space, transport and SAMM. A finalised agreement has been received and subject to the payment of the Council's legal fees will be completed shortly (there is a separate report elsewhere on this agenda relating to this resolution)

3. Recommendation

Members are asked to give authority to complete a legal agreement to address the impact of the development as set out above and in detail in the report considered by the Development Management committee on 28 March 2018.

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