

**AMENDMENT SHEET FOR
DEVELOPMENT MANAGEMENT COMMITTEE
11 November 2020**

Section A: Future Items for Committee

Item 2 : Pages

20/00394/FULPP 'Continued use of premises as a Class C2 Children's home'

The above application was listed under Section A: Future Items for Committee. However, following discussion with John Thorne and in consultation with the Chairman, it has been determined that this item can be determined (for Approval) under delegated powers.

Section C:

Item 3 : Pages 15 - 50

Application No. 20/00149/FULPP

Proposal Refurbishment and amalgamation of existing Units 2A & 3 Blackwater Shopping Park, including removal of existing mezzanine floors, revised car parking and servicing arrangements; relief from Condition No. 4 of planning permission 93/00016/FUL dated 10 January 1994 to allow use as a foodstore (Use Class A1) with new mezzanine floor to provide ancillary office and staff welfare facilities, ancillary storage and plant machinery areas; use of part of new foodstore unit as self-contained mixed retail and cafe/restaurant use (Use Classes A1/A3); relief from Condition No. 17 of planning permission 93/00016/FUL dated 10 January 1994 to allow extended servicing hours for the new foodstore unit of 0600 to 2300 hours Monday to Saturday (including Bank Holidays) and 0700 to 2000 hours on Sundays; loss of existing parking spaces to front of proposed foodstore to provide new paved area with trolley storage bays and cycle parking; installation of new customer entrances to new units; widening of site vehicular access to Farnborough Gate road to provide twin exit lanes; and associated works (re-submission of withdrawn application 19/00517/FULPP)

Address **Units 2A and 3 Blackwater Shopping Park 12 Farnborough Gate Farnborough**

Updates to the Agenda Report: Late objections to the proposals have been received from:

(a) Agents acting for **Lidl Great Britain Limited**, whom object on the basis that they consider that it would be premature for the Council to be considered by Committee because in their view:-

1. The Conclusion on the sequential test is incorrect because the Solartron Retail Park site (Units 3 & 4 SRP) is still 'available'; and, as such, the proposals for an Aldi food store at BSP fail the sequential test for site selection. It is asserted that this sequentially preferable food store unit would only cease to be available once Lidl has

occupied the unit and the planning permission for food store use has been implemented and the fact that Lidl is currently seeking to take the unit on themselves is immaterial. In this respect, a High Court judgement relating to a site in Mansfield is cited which determined that ownership of a site by another retailer was not determinative on the issue of 'availability';

2. Lidl claim the existence of a further sequentially preferable site within the town centre that has not been considered in the assessment undertaken by the applicants for the SP scheme. This relates to the Oak Furnitureland and Harveys units. Lidl advise they have recently been approached by commercial property agents asking whether they would be interested in occupying a unit created from the combination of these two units instead of locating at SRP. This is on the basis that these units may possibly become available in the future. Since Lidl are continuing with SRP, this potential site is advanced as an alternative location for Aldi within Farnborough Town Centre and, as such, Lidl claim the BSP proposals also fail the sequential test for site selection on this ground;
3. In terms of considering the possible impact of the BSP proposals on committed investment in Farnborough Town Centre, Lidl assert that granting planning permission for the BSP scheme, thereby enabling Aldi to locate at BSP, may well prejudice the implementation of the permission for the foodstore unit at SRP. This is because the applicants' agents for the BSP scheme argue that the BSP scheme is likely to be implemented (and thereby Aldi to commence trading and become established) before Lidl would be able to do so at SRP. Lidl support this argument the basis of the need for Carpetright to re-locate from Unit 4 to Unit 7 SRP before works can begin on the new foodstore unit; and because substantial works will need to be undertaken at SRP to create the new foodstore unit. On this basis, Lidl argue that the improvements to the retail offer of the Town Centre that would accrue from the implementation of the SRP unit would be likely to be lost, to the detriment of the vitality and viability of the Town Centre.
4. Key background documents have been requested by a Freedom of Information Act 2000 relating to the current BSP planning application case, but have not yet been provided. In this respect the FOI request was received by the Council midday last Friday (6 November 2020) and requested a response by close of office 10 November 2020; i.e. within 2 1/2 working days of receipt. Lidl's objection letter was received by email in the morning of 10 November 2020.

In conclusion, Lidl argue that the proposed discount foodstore at BSP fails both the impact and sequential tests and that planning permission should not be granted for the BSP proposals, since to do so would be contrary to both the Council's Local Plan and the NPPF and would leave the Council's decision vulnerable to legal challenge in the High Court.

(b) The occupier(s) of **8 Kings Glade, Yateley**, as follows:-

"Taking away parking spaces from a retail park in order to put in another supermarket is ridiculous. This side of Farnborough already has other Aldi supermarkets in Sandhurst and Blackwater. If they need another one may I suggest the other side of Farnborough. This current proposal will only complicate more traffic and it's already hard at times to find parking there. Taking out 17 spaces when someone going into a supermarket to get their full shop could be parked for a long period of time. It will kill Farnborough Gate Retail Park."

Amended Recommendation:

On the basis of the above, initial legal advice has been obtained to the effect that the matters raised require further consideration and legal advice before the Council should finalise any recommendation or determine the planning application. It is therefore recommended that consideration of this application be **DEFERRED** pending the receipt of further legal advice. In this respect it is anticipated that the application will be the subject of a report to this Committee at the meeting scheduled for 20 January 2021.

Item 5 : Pages 117-120

Application No. 20/00700/COU

Proposal Continued siting of a portable cabin and change of use from cafe to day centre and enclosing area of public open space 12m x 15.5m to be used by the Parkside Centre

Address **Parkside Centre 57 Guildford Road Aldershot**

Update to the Agenda report:

A late consultation response was received from the Rushmoor Borough Council Biodiversity Officer, as follows:-

*“The boundary fence will be directly against the designated Aldershot Park Wood (Heron Wood) SINC, which contains 10 ancient woodland indicators with the woodland being mapped as far back as 1866. As the building is already present I have no objections to the site continuing its function however I do have concerns regarding the fencing of the grassland adjacent to the woodland as this is likely to be accessed by the fauna using the SINC to move between the woodland and the surrounding grassland, with this habitat connectivity aiding fauna to move between Aldershot Park and the Blackwater Valley. Due to the impact to the habitat connectivity between the woodland and Aldershot Park and the block this could cause to fauna using the SINC and park I **object to the proposed fencing**. If this application is permitted a gap must be left for access by fauna species.”*