

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

Case Officer	David Stevens
Application No.	20/00856/FULPP
Date Valid	8th December 2020
Expiry date of consultations	30th December 2020
Proposal	Retention and re-roofing of existing light industrial building (known as Unit 4 : Use Class B1(c)); demolition of all remaining existing light industrial buildings (Use Class B1(c)) and erection of new buildings for flexible light industrial employment use (within Use Class E1); with associated works, including replacement hardstanding areas
Address	Land to the rear of 26-40 Cove Road Farnborough
Ward	Cove and Southwood
Applicant	G Day
Agent	Mark Leedale Planning
Recommendation	Grant

Description

This application relates to an irregularly-shaped area of land measuring approximately 0.22 hectares divided into two main areas east and west of Nos.42-44 Cove Road, a property in separate ownership and falling outside the application site. The site contains a collection of co-joined mainly single-storey commercial buildings with the collective postal addresses of Nos.36 and 40 Cove Road, which cover part of the land to the east side. There is no No.38 Cove Road. The west side of the land is a gravel-surfaced car park formerly enclosed to the north, west and south by a conifer tree hedge that has recently been cut back to little more than fence height. The east and west portions of the land are linked to the rear of the curtilage of Nos.42 & 44 Cove Road.

The land is to the rear of shops and a restaurant and takeaway premises with a variety of residential dwellings above fronting Cove Road and forming Nos.26 to 54. There is an existing narrow vehicular entrance to the east side between Nos.30 and 32/34 Cove Road leading into a parking area immediately adjoining the buildings at Nos.36 & 40 Cove Road. This area is located to the rear of both Nos.26-30 and 32/34 Cove Road. From here it is possible to drive around the end of the curtilage of Nos.42 & 44 Cove Road to reach the west

portion of the application land. There is an existing narrower vehicular entrance into the west portion of the application land between Nos.44 and 46/48 Cove Road that is in separate private ownership. Although the applicant is understood to have a legal right of way along this route, it also provides vehicular access to a parking area to the rear of Nos.46/48 Cove Road (a takeaway and chip-shop with a first-floor residential flat above) and is also used for deliveries to this commercial property. There is a metal five-bar gate that can be closed across the entrance on the boundary between Nos.46/48 Cove Road and the west portion of the application land.

To the west, the application land abuts the side of a large garden area to the rear of mixed commercial and residential property at 56-68 even Cove Road. The north and east boundaries of the application land abut residential properties: Nos.1 Elmsleigh Road and 14 Gables Close directly adjoin to the north; and Nos.9 Gables Close and 24 Cove Road to the east.

The proposal is for the demolition of the majority of the existing light industrial commercial building(s) that occupy much of the east portion of the application land sited adjoining the side boundaries of Nos.9 Gables Close and 24 Cove Road. This is with the exception of 'Unit 4' which is the existing taller unit nearest the rear of the site adjoining No.14 Gables Close, which is proposed to be retained minus the existing pitched roof. This is to be replaced with a new roof of similar shape and form, but 5 metres high at the ridge (the existing building is approximately 4.5 metres high), with the footprint of the building also extended a little to the rear/side. It is then proposed to erect a further five new light industrial units (Units 5 – 9 inclusive) in a staggered terrace attached to the retained Unit 4 and sited in a similar location adjacent to the boundary of the application land shared with Nos.9 Gables Close and 24 Cove Road. Each of the proposed Units 5-9 are shown to have individual pitched roofs (with front and rear gable ends and a longitudinal ridge) measuring 5 metres high at the ridge. A smaller terrace of three light industrial units (Units 1-3 inclusive) are proposed to occupy part of the west portion of the application land to the rear of 50-54 Cove Road. Proposed terraced Units 1-3 are shown to have a shallow curved roof reaching a maximum height of 6 metres above ground level at the front and 4 metres at the eaves to the rear.

The following table is a summary of the light industrial floorspace of the application land as existing and now proposed:-

EXISTING	PROPOSED
Existing co-joined buildings currently divided into 4-5 separate units, including one two-storey unit.	Unit 1 : 56 sqm Unit 2 : 56 sqm Unit 3 : 56 sqm Unit 4 : 149 sqm Unit 5 : 73 sqm Unit 6 : 77 sqm Unit 7 : 84 sqm Unit 8 : 85 sqm Unit 9 : 86 sqm
TOTAL FLOORSPACE : 737 sqm (Gross External Measurements)	TOTAL FLOORSPACE : 722 sqm (Gross External Measurements)

The proposed new buildings are indicated to be finished with profiled metal wall and roof cladding panels. Each of the units would have roller-shutter and pedestrian access doors in the front elevation. Fire escape doors, together with some small windows are shown to be provided in the rear elevation of Units 5-9.

The existing vehicular entrances would be retained with the layout of the application land arranged to provide one-way vehicular circulation. Vehicles would enter the development between Nos.30 and 32 Cove Road; and leave via the narrower driveway to the west side between Nos.44 and 46-48 Cove Road. A revised Site Layout Plan received on 1st February 2021 shows a total of 31 on-site standard car parking arranged around the margins of the one-way vehicular circulation route. These include 5 unallocated visitor spaces, plus a further 8 spaces allocated to serve adjacent properties at Nos.30, 30A, 30B, 30C, 32A, 32B and 34 (x2 spaces) Cove Road. The remaining 18 spaces are shown to be allocated equally for each of the proposed 9 Units; i.e. 2 spaces each. Locations for the storage of commercial waste bins and cycle parking are also shown within the proposed site layout.

The application is accompanied by a Planning, Design & Access Statement; a Transport Statement; a preliminary Ecological Appraisal and Bat Building Assessment Report; a Tree Report; and a Groundsure preliminary desktop assessment in terms of contaminated land and flood risk. The Applicant's agent has submitted two supplemental supporting statements to the Council on 18th January and 1st February 2021.

Relevant Planning History

The application land has a long history of commercial use. From 1980 this involved the occupation of the land by Cove Industrial Enterprises and other firms undertaking general industrial (Use Class B2) activities. These gave rise to significant and sustained complaints from adjoining and nearby residents relating primarily to noise and smell. This was associated with complaints about the erection of buildings without planning permission and the breach of planning conditions imposed by earlier permissions. In January 1993 planning permission was refused for the erection of an extension and the continued use of premises at the application land (then including land to the rear of Nos.42-44 Cove Road) for both light industrial (Use Class B1) and general industrial use (Use Class B2), 92/00411/COU refers. In February 1993 the Council resolved to take enforcement action primarily in the form of Breach of Condition Notices. Prosecutions were subsequently commenced by the Council for failure to comply with these Notices after they were served. However these proceedings were later withdrawn because the firms occupying the land re-located elsewhere.

The preceding history forms the planning context for the existing commercial buildings, associated parking areas and layout as they currently exist. Planning permission was sought in 1994 with planning application 94/00003/COU for retention of the buildings currently on the application land (Nos.36 and 40 Cove Road) to be used for light industrial purposes (Use Class B1). The 1994 application site comprised the current application site but also included the land to the rear of 42-44 Cove Road. The proposals were eventually granted permission in February 1997 subject to conditions. Some existing buildings were demolished; various open storage, metal containers and equipment removed from the land; the retained buildings refurbished and sound insulation installed; a parking area was formed principally in the west portion of the land; screen landscape planting was undertaken around the parking area; and improvements made to the existing vehicular entrance between Nos.26 and 32/34 Cove Road.

A number of restrictive planning conditions were imposed by the 1997 planning permission, including:-

- Condition No.2: Hours of use of the retained premises restricted to 0730-1800 hours Mondays to Fridays, 0730 to 1300 hours Saturdays; and no use at all on Sundays and Bank Holidays;
- Condition No.3: The premises to be used only for the purpose of clutch & brake

distribution and/or light industrial purposes within Use Class B1(c) and for no other purpose, including any other purpose within Use Class B1 or B8. Furthermore, the premises were not to be used for the manufacture of plastic mouldings or precision engineering involving the heavy duty cutting, bending, punching and welding of sheet metal or machine parts;

- Condition No.4: No external storage of raw materials, finished or unfinished products, parts, crates, packing materials or waste was to take place unless within the specified storage areas identified on the approved plans;
- Condition No.5: All plant and machinery was to be enclosed with soundproofing materials and not used unless it was;
- Condition No.6: The retention of the approved landscape planting at all times;
- Condition No.7: No sound reproduction equipment that would be audible outside the premises was to be installed and/or used at the land;
- Condition No.8: The parking and manoeuvring areas shown on the approved plans were to be retained at all times. In addition, 8 parking spaces were to be retained and kept available for the occupiers and visitors to 30A Cove Road; and one space each retained for the sole use of the occupiers of 42 and 44 Cove Road [a total of 10 parking spaces to be provided on the current application land];
- Condition No.9: The sole vehicular access to the land was to be from between 30 and 32/34 Cove Road and be improved as approved within 3 months. Additionally, the access driveway between 44 and 46/48 Cove Road was to be kept gated to all vehicular traffic at all times except in an emergency;
- Condition No.10: The sound insulation measures that were installed in the buildings to remain was to be retained at all times.

In February 2000 planning permission was granted for the variation of Condition No.8 of the 1997 planning permission to re-allocate parking spaces to different properties, 00/00031/FUL refers. It is evident from an informative attached to this permission that the purpose of this application was solely to re-allocate the two spaces for the sole use of the occupiers of Nos.42 and 44 Cove Road with the 1997 planning permission to other users. Condition No.2 of the 2000 permission specifies that the two parking spaces concerned be allocated one each to Nos.30 and 34 Cove Road instead. It seems likely that this permission was prompted by Nos.42-44 Cove Road ceasing to be in the same ownership as the remainder of the application land.

Condition No.5 of planning permission 13/00482/COUPP dated October 2013 relating to the change of use of first-floor offices and erection of a roof extension and loft conversion to create a pair of 2-bedroom flats at 32 Cove Road requires provision and retention of a pair of parking spaces in the adjoining parking area that is part of the current application land.

Planning permission 08/00210/COU was granted in June 2008 for the change of use of first-floor offices to 3 X one-bedroom flats at 30A Cove Road. This planning permission identified the current application land as providing 3 parking spaces to be used by residents, although no condition was imposed to require these parking spaces be made available and retained thereafter.

In October 2018 planning permission was refused (18/00580/FULPP) for the re-development of the current application land with 7 houses (comprising 1 x 2 bed and 6 x 3 bed dwellings) divided between two terraced blocks and associated works following demolition of existing buildings for the following ten reasons:-

“1. The proposed development, by reason of the ad hoc, piecemeal and constrained nature of the application land and the poorly-contrived design of the proposed development would be an incongruous form of development which would relate poorly and unsympathetically to its surroundings. Furthermore, the proposed development would be likely to prejudice the possible future development of adjoining land together with the application land in a more satisfactory and comprehensive manner. As such, allowing the current proposals to proceed would not be in the interests of the proper planning of the vicinity nor make the most efficient use of land. The proposed development is thereby contrary to adopted Rushmoor Core Strategy Policies CP1 and CP2, and emerging New Rushmoor Local Plan (2014-2032) Policies DE1 and SS1.

2. It has not been demonstrated that the application land is suitable for residential re-development having regard to potential ground contamination. The proposals are thereby contrary to saved Local Plan Policy ENV49 and emerging New Rushmoor Local Plan (2014-2032) Policy DE10.

3. The proposals would result in the loss of a tree worthy of retention. The proposals also fail to provide adequate justification for the removal of a substantial boundary screen hedge and has failed to consider the impact of the proposed development on a tree in the rear garden of No.24 Cove Road near the proposed Plot 7 house. The proposals are contrary to saved Local Plan Policies ENV13 and ENV20, and emerging New Rushmoor Local Plan (2014-2032) Policy NE3.

4. Inadequate consideration has been given to the relationships of the proposed development with existing immediately adjoining and nearby residential properties, the occupiers of which would suffer a material loss of privacy due to undue direct overlooking and/or loss of amenity due to noise, disturbance and activity arising from the use of the parking courtyards. The proposals are thereby unacceptable and contrary to adopted Rushmoor Core Strategy Policy CP2, saved Local Plan Policy ENV17 and emerging New Rushmoor Local Plan (2014-2032) Policy DE1.

5. The proposed development would provide a poorly contrived and inadequate living environment for potential future occupiers by reason of the potential for undue overlooking of proposed dwelling units from existing neighbouring properties and/or the likely noise, disturbance and cooking odours arising from the operation of nearby commercial uses. The proposals are thereby contrary to Rushmoor Core Strategy Policies CP1 and CP2, saved Local Plan Policy ENV17, and emerging New Rushmoor Local Plan (2014-2032) Policy DE1.

6. The proposed development makes no provision to address the likely significant impact of additional residential units on the objectives and nature conservation interests of the Thames Basin Heaths Special Protection Area. The proposals are thereby contrary to the requirements of retained South East Plan Policy NRM6, Rushmoor Core Strategy Policies CP13 and CP15, and emerging New Rushmoor Local Plan (2014-2032) Policies NE1 and NE4.

7. The proposal has failed to demonstrate, through adequate ecological surveys of the application land, that there would be no adverse impact on protected wildlife species having regard to the requirements of adopted Rushmoor Core Strategy Policy CP15 and emerging New Rushmoor Local Plan (2014-2032) NE4.

8. The proposals, would be likely to have a severe impact on the safety and convenience of highway users, including users of the adjoining pedestrian pavement due to:-

(a)the failure to propose improvements to the means of vehicular access to and from the site and the proposed intensification in the use of existing sub-standard and unsatisfactory driveways with poor pedestrian and vehicular sight-lines;

(b)the failure to provide adequate on-site parking to meet the functional parking needs of the proposed development and the existing continuing requirements to provide parking for occupiers of adjoining properties outside the application land in an area with significant demand for very limited on-street parking; with the consequent likelihood of significant indiscriminate overspill parking and additional demand on already limited on-street parking in the vicinity;

(c)inadequate on-site vehicle manoeuvring space; and

(d)the failure to consider the impact of the proposed development upon refuse collection arrangements;

the proposal would therefore be contrary to adopted Rushmoor Core Strategy Policies CP2 and CP16, saved Local Plan Policy TR10, emerging New Rushmoor Local Plan Policy IN2, and the Council's adopted Parking Standards SPD (November 2017).

9. The proposals fail to provide details of appropriate surface water drainage for the development as required by adopted Rushmoor Core Strategy Policy CP4 and emerging New Rushmoor Local Plan Policy NE8.

10.The proposals fail to provide details of sustainable energy performance measures as required by adopted Rushmoor Core Strategy Policy CP3 and emerging New Rushmoor Local Plan Policy DE1.”

A subsequent appeal against this refusal was dismissed in May 2019. Aside from the protected species and drainage issues identified by reason Nos.7 and 9, which were subject to further information submitted with the appeal, the Inspector supported all of the other reasons for refusal.

In May 2019 the Council issued a Certificate of Existing Lawful Use (19/00181/EDC) confirming lawfulness of unrestricted general use of the vehicular entrance from to Cove Road between Nos.44 and 46-48.

Consultee Responses

HCC Highways Development Planning	No highway objections subject to conditions in respect of the signing of the proposed 1-way vehicle circulation and a construction management plan. It is confirmed that no Transport Contribution is required since the proposals do not increase the commercial floorspace already present.
Environmental Health	No objections subject to conditions and informatives.

Hampshire Fire & Rescue Service	No objections and provides generic fire safety precautions advice.
Hampshire Constabulary	No comments received during the consultation period, thereby presumed to have no objections.
Aboricultural Officer	No objection subject to standard tree protection measure conditions
Thames Water	No comments received during the consultation period, thereby presumed to have no objections. [<i>Officer Note: Thames Water similarly did not comment in respect of the 2018 planning application. Whilst the Council raised concerns about the failure to submit details for surface water drainage of the site with Reason for Refusal No.9, a Drainage Report was submitted with the subsequent appeal such that the Inspector did not dismiss the appeal on this ground.</i>]

Neighbours notified

In addition to posting a site notice and press advertisement, 73 individual letters of notification were sent to properties in Cove Road, Elmsleigh Road, Prospect Road and Gables Close, including all properties adjoining the application site.

Neighbour comments

A total of 5 representations have been received raising Objections to the proposals from the occupiers of Nos.9, 10 & 12 Gables Close; and 42A & 44B Cove Road. Objection is raised on the following summary grounds:-

- (a) The submitted application does not give adequate information concerning heights, noise and disturbance for close neighbours [*Officer Note: the correspondents making these comments were contacted to provide assistance as necessary*].
- (b) The applicant still does not have the use of the land at Nos.42-44 Cove Road that practically divides the application land in two. This results in another poorly-contrived and cramped site layout design. The overall layout of the proposed development could be better designed.
- (c) Dangerous narrow access for vehicles leaving the site as there are always cars parked on Cove Road which severely impede vision, thereby creating a dangerous situation for vehicles leaving the site and joining the busy Cove Road. There is a bus stop which blocks the view of/for any vehicles leaving the site via the OUT access; and both IN and OUT have poor visibility of pedestrians. It is only a matter of time before a pedestrian gets seriously hurt – there have been too many near-misses already.
- (d) Inadequate parking would be provided; i.e. for deliveries, customers and staff. The site will be packed with parked cars, cars on the go and vehicles entering and leaving.
- (e) An excessive number of industrial units would be provided, thereby intensifying traffic to and from the site.
- (f) The proposed Units are far too small and poorly designed. They would have extremely limited provision of facilities within, including no allowance for separate WCs for different genders within the units [*Officer Note: it is a matter for the marketing*]

judgement of the developer and the judgement of potential tenants whether or not the proposed units are big enough. The internal layout of the proposed Units, including WC provision is a matter for the Building Regulations. Neither of these matters are relevant to the consideration of the planning application].

- (g) No space is provided for turning/manoeuvring/Unit servicing and bin collection within the site.
- (h) Also no space provided for a pedestrian walkway within the site.
- (i) High vehicles will not be able to use the “Out” access to leave the site because the extractor fan of the adjoining Chinese Takeaway protrudes into the accessway, limiting the height and width of vehicle that can pass. The alternative for these vehicles is to try to turn around within the site area to leave via the “IN” access.
- (j) There will be accidents/damage to parked cars and to the fencing round 44-44B Cove Road. Over the years the fence adjoining the access have been replaced endless times due to vehicles trying to park and reversing into them or damaging them while doing a delivery due to the access not having wide enough space to pass through.
- (k) The submitted plans do not show any sort of provision of protection to neighbouring properties, i.e. Concrete bollards or raised pavement to prevent vehicles causing damage to neighbouring fences etc.
- (l) The height of the proposed buildings will affect neighbouring properties.
- (m) Noise levels associated with the proposed industrial units will be high – and the site adjoins residential properties.
- (n) Disagreements with the information and comments provided in the supporting documents (Design & Access and Transport Statements) submitted with the application.
- (o) Increased pollution (smoke and fumes), noise and security light nuisance, and general disturbance : previous planning applications, such as 92/00411/COU, have been refused on this basis. Impacts on neighbours were also taken into account in the Council’s refusal of planning application 18/00580/FULPP, which was subsequently upheld at appeal.
- (p) There is insufficient space provided for the storage refuse/recycling bins for all 9 proposed units : each unit will require 2 bins. Some of the proposed units would not have any space for the provision of bins. The application is silent about how bins would be emptied/collected. A refuse lorry would have difficulty gaining access to the site.
- (q) Concerns that the proposals are the ‘thin end of the wedge’ and further development proposals are likely to follow [*Officer Note: this matter cannot be taken into account in the consideration of the application : the current proposals alone must be considered objectively on their own planning merits*].
- (r) There will be an over-supply of small industrial units, so this proposed development is not necessary [*Officer Note: this is a matter for the marketing judgement of the developer and is not a matter that can be taken into account in considering the application*]
- (s) The proposed Units 4-9 will be taller than the building(s) that they would replace and would overlook No.9 Gables Close if windows are put into the elevations.
- (t) Existing amenity problems arising from the existing buildings, use of the site and its management [*Officer Note: these matters are not material to the consideration of the current application and are subject to controls under other legislation*].
- (u) Concerns that the existing building(s) contain asbestos materials that need to be removed. More specifically, it is alleged that the existing roofs of the building(s) to be demolished are covered with asbestos materials [*Officer Note: This is not a matter that can be taken into account in the consideration of this planning application. This is because this issue is subject to other legislation and is a separate matter in which*

Rushmoor Council has no jurisdiction to be involved].

- (v) The existing buildings should be demolished and the land left to provide more parking for the nearby shops [Officer Note: the Council consider the proposals the subject of the planning application as submitted
- (w) Concerns that the proposed light industrial units would be a fire hazard [*Officer Note: Officer Note: the light industrial use of the application land is lawful in planning terms and is not under consideration as part of the current application. The fire safety issue raised is not a matter for the Council in the consideration of the current application since they fall within the jurisdiction of external agencies : primarily the Fire Service and the Health & Safety Executive. The fire safety of the proposed external building cladding materials is a matter for the Building Regulations. It is clear Government guidance to Local Planning Authorities that matters dealt with by other authorities under other legislative powers should be left to the relevant authorities concerned*].
- (x) Serious ground contamination renders the site unsuitable for development and undertaking the proposed building work on the land would be likely to release contaminants into the environment. No testing of the site for contaminants has been undertaken to date (or if it has, has not been made public) and some correspondents believe that previous buildings on the land demolished historically have resulted in asbestos contamination of the ground; and, furthermore, historical industrial activities on the application land may have involved use of highly dangerous and noxious chemicals; and generally involved the release of pollutants into the environment. In this respect, it is alleged that the application fails to address or even acknowledge the historical uses of the application land; and that the applicant has to date failed to deal with the resultant ground contamination adequately or at all. The objectors believe that the submitted Site Investigation Report does not acknowledge the extent (or even the existence) of historical ground contamination and is indecisively vague.
- (y) The previous refused application (18/00580/FULPP) was refused, in part, on account of ground contamination issues and the appeal Inspector subsequently agreed with this.
- (z) It is considered that Rushmoor BC has a duty of care to the community with respect to historical ground contamination.

Eight representations in **Support** of the proposals have been received from the occupiers of 40B and 47 Cove Road, 1 Elmsleigh Road; 59 Oaken Copse Crescent, Farnborough; Travers Barn, Crondall, Farnham; 8 Hook Hill, Sanderstead, South Croydon; Moir House St. Georges Road, Bromley, Kent; and 'Nepcroft', Steep Lane, Findon, Worthing. The following comments are made:-

- (1) The site has been used for commercial activities since the 1950s;
- (2) The proposals would be an excellent opportunity to develop and clean/tidy-up the site into something beneficial for local businesses and residents alike;
- (3) There is a shortage of good quality small industrial units in the area and it will be good for employment and for local shops;
- (4) Too many industrial sites have been re-developed with residential development;
- (5) The existing buildings are in need of refreshment and/or replacement with new buildings constructed to modern standards;
- (6) The proposals are well thought-out, would make good use of the site, and there is no reason in principle to refuse permission; and
- (7) Many of the objections that have been raised are considered to be incorrect and unfounded. In this respect some of the correspondents in support state that they have/had first-hand knowledge of the site and what activities were undertaken there, how the buildings were constructed and subsequently altered and improved.

The applicant has also made representations in response to the objections raised concerning the history of the application land, his knowledge and ownership of it; and of the proposals generally. The allegations made by some of the objectors concerning polluting activities being undertaken at the application land, the existence of asbestos materials, and the failure to deal adequately with contamination issues are all strongly refuted.

Policy and determining issues

The site is within the built-up area of Farnborough. The site is not located within or immediately adjoining a Conservation Area, a Listed Building or a non-Statutory heritage asset such as a designated Building of Local Importance.

Adopted Rushmoor Local Plan (2014-2032) Policies SS2 (Spatial Strategy), IN2 (Transport), DE1 (Design in the Built Environment), DE10 (Pollution) NE3 (Trees & Landscaping), NE4 (Biodiversity), NE6 (Fluvial Flood Risk), NE7 (Surface Water Flooding) and NE8 (Sustainable Drainage Systems) are relevant to the assessment of this application. The adopted Rushmoor Car and Cycle Parking Standards Supplementary Planning Document (2017) and relevant guidance from the National Planning Policy Framework and National Planning Guidance are also relevant.

The main issues in the determination of this application are considered to be the principle of the proposals, the visual impact on the character and appearance of the site and surrounding area, impact on trees, the impact upon the amenities of neighbours, highways considerations, impact on wildlife, drainage issues, and access for people with disabilities.

Commentary

1. Principle –

The current proposals are largely for the replacement of existing commercial buildings on a site with a lawful and extant planning use for light industrial purposes (formerly Use Class B1). Indeed, the 1997 planning permission (94/00003/COU) granted retrospective planning permission for the buildings that currently exist on the application land and sought to draw a line under previous unauthorised industrial development and activity at the application land. A Use Class B1 use is defined as an industrial use that is compatible with adjoining and nearby residential properties and, as such, is in principle acceptable in this location in any event.

The Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1st September 2020 and, inter alia, have introduced a new Use Class E (Commercial, Business & Service). The new Use Class E has replaced various existing Use Classes and grouped various commercial uses together so that commercial premises can, generally, be used more flexibly and for a combination of different commercial activities, without the need for planning permission. The New Class E encompasses use, or part use, of premises for all forms of the display or retail sale of goods...principally to visiting members of the public (previously Use Class A1); together with financial and professional services uses (previously Use Class A2); café and restaurant uses (previously Use Class A3); any other services which it is appropriate to provide in a commercial, business or service locality; uses for indoor sport, recreation and fitness; provision of medical health services; and use for purposes that previously fell within Use Class B1 (office, research and development and light industry). Although the introduction of the new Use Class E aims to provide new flexible

opportunities for business to use commercial floorspace, including retail floorspace, it is open to the Council to restrict the nature of the use(s) for which the proposed commercial units can be used within Use Class E if it is considered appropriate to do so.

The proposed development is clearly seeking to make better use of existing currently developed land within the defined urban area of Farnborough, which is a clear objective of national planning policy and guidance and the Council's adopted planning policies.

Unlike the previous refused proposals for residential re-development, the current proposals are for the replacement of existing commercial buildings with new buildings on a site to be retained in its existing light industrial commercial use. Unlike a residential use, the proposed development is not a 'vulnerable' end use and it is considered most unlikely that occupiers of the proposed new light industrial units would have contact with soil or sub-soil at the application land, such as through undertaking gardening. Nevertheless, the submitted Phase 1 Desk Study Report has rightly identified the need for an intrusive site investigation, to include analysis of soils, groundwater and ground gases. This would identify any ground contamination present. Subject to the imposition of the usual conditions, the developer would be required to undertake appropriate remediation commensurate with the level of risk to the environment having regard to the proposed demolition and construction activities to be involved and to future occupiers/visitors to the development should any contamination be found.

The proposals the subject of the application are therefore considered to be acceptable in principle.

2. Visual Impact -

The vicinity of the application site is mainly residential in character, although there are also significant commercial uses, mainly at this point fronting Cove Road. Many of which, like the application property, have operated for many years. The application land is located in a backland position and has narrow vehicular accesses from Cove Road such that the application land itself is not readily visible from public vantage points. Indeed, the application land is not considered to materially define or influence the visual character and appearance of the areas as a whole.

The 2018 appeal Inspector described the section of Cove Road closest to the appeal site as being a busy road lined with mixed use properties providing a vibrant frontage; but, by contrast, the nearby roads at Elmsleigh Road and Gables Close are predominantly in residential use and have a quieter pleasant suburban character. In this context the Inspector considered that the previous proposals for the insertion of a residential development with a fragmented layout of development with an awkward shape and disjointed appearance onto the application land would harm the visual character and appearance of the area.

However it is not considered that the visual impact of the current proposed development is comparable to that of the 2018 residential re-development proposals. The application land would remain in the same commercial use as existing. The proposed new terrace of commercial Units 5-9 would replace existing commercial building(s) of ad hoc and utilitarian appearance that are partially visible at the end of Gables Close, however this is also a restricted public view. The proposed Units 5-9 would be positioned alongside the retained existing building in the north-east corner of the site to form Unit 4, which would be re-roofed. Collectively, the proposed new and refurbished buildings would be approximately 1 metre higher (at the ridge only) than the flatter-roofed existing buildings to be replaced. In this

respect, it is considered that the proposals would be a significant visual improvement over the appearance of the existing buildings and not appear materially larger than the building(s) that currently exist.

Proposed new commercial Units 1-3 would be located adjoining the west boundary of the application land and be of a different modern design incorporating a low rear roof eaves height and shallow-pitched curved roof. It is not considered that this terrace of small commercial units would be readily, or at all, visible from any public vantage points.

In all cases, the proposed new commercial buildings would have a lower overall height than the terraced houses and their associated domestic paraphernalia proposed with the 2018 scheme.

Accordingly, the current proposed development is not considered likely to impact materially and harmfully upon the visual character of the site and surrounding area and would thereby comply with Policy DE1 of the adopted Rushmoor Local Plan.

3. Impact on Trees -

There are a number of trees within or directly adjoining the application land and, accordingly, the application is accompanied by an Arboricultural Impact Assessment and Tree Survey.

This describes the presence of a mainly cypress conifer hedge visually isolating the application land from adjacent residential neighbours to the west and north. This hedge was noted by the 2018 appeal Inspector to perform an important amenity and screening function for residential properties beyond the boundaries of the application land; whom also considered that the likely entire loss of this screen to accommodate the proposed development would exacerbate the harm to the visual character and appearance of the area arising from the proposed residential re-development. This view was taken even though most of the trees forming this hedge screen were accepted to be of poor individual value. The 2018 application submissions did, however, note the existence of a B-grade Sycamore tree (identified in the 2018 Tree Report as Tree T4B) that was considered to be an individual specimen worthy of retention located in the north-west corner of the application land. However, evidently since the current submitted Tree Report was written, the majority of the conifer boundary hedge has been topped and subject to basal pruning to reduce its bulk, height and lateral spread within the site, presumably to enable the proposed amended on-site parking layout to fit and to make way for the construction of proposed Units 1-3. Furthermore, tree T4B has been removed entirely. These works were undertaken lawfully and did not require the Council's consent since none of the trees were protected by a Tree Preservation Order.

The submitted Arboricultural Report puts forward protection measures in respect of the conifer hedge and, since this is still considered to provide some useful screening of the application land for neighbouring properties even in its current denuded form, and that it would appear that what remains is intended to be retained by the applicant, it is considered that imposition of a condition to require protection measures to be implemented and maintained for the duration of the construction period of the proposed development would be appropriate.

The submitted Arboricultural Report also correctly identifies a mature tree in the rear garden of No.24 Cove Road to the east of the application site (and proposed replacement Units 5-9) and puts forward appropriate tree protection measures in this respect. Whilst the Report fails

to identify a further smaller tree in the rear garden of No.24 Cove Road also adjoining the application land, it is considered that adoption of the same protection measures in respect of this further tree would also be appropriate.

The Council's Arboricultural Officer has considered the circumstances arising in this case and accepts that the only reasonable approach that can be taken now in the light of the recent tree works is to ensure that no harm arises in respect of the trees in the rear garden of No.24 Cove Road; and that the remaining hedge screen is retained to continue to perform this function.

On this basis it is considered that the proposals are acceptable having regard to Local Plan Policy NE3.

4. Impact on Neighbours –

Although currently under-used, the site has a light-industrial commercial use as a result of the 1997 permission subject to a number of restrictions designed to ensure that impact upon neighbours is minimised. Indeed, by definition, a B1 use is capable of operating adjoining residential property without giving rise to any material adverse environmental effects. This is borne out by the lack of any significant complaints to the Council relating to activities undertaken at the application land since 1997, including by an unauthorised martial arts school use prior to the 2018 application.

The proposed development would be located in proximity to a number of existing surrounding residential properties. The rear garden at No.24 Cove Road with No.4 Prospect Road beyond and No.9 Gables Close to the east; No.14 Gables Close and Nos.1 & 3 Elmsleigh Road to the north; the garden area to Nos.56-68 Cove Road and 1a Elmsleigh Road beyond to the west. To the south the proposed development abuts the rear of properties fronting Cove Road, which contain a mixture of commercial uses and residential flats. This includes Nos.44A and 44B Cove Road, which have garden areas that occupy the land located between the east and west portions of the application land and, indeed, is land partially located between proposed terraces of Units 1-3 and 5-9.

The 2018 appeal Inspector identified a number of unacceptable adverse impacts of the proposed residential re-development on adjoining neighbours from a proposed parking court which would directly abut the boundary with the rear garden of 24 Cove Road, and from the orientation and proximity of upper floor windows to the proposed houses which would allow for intrusive views, reducing the privacy of garden areas to neighbouring residential properties to an unacceptable degree. The increased use of the western access point with the 2018 scheme would result in noise from an increase in vehicle movements in the confined space to be created there. However, it is considered that the circumstances of the current proposals are materially different from those considered and determined in 2018 and, indeed, this may be why some neighbours have indicated support for, or not responded to the Council's notification in respect of, the current proposals where they did object to the 2018 residential re-development scheme.

The proposals the subject of the current planning application do not seek to change the use of the application land – the proposal is to enable the replacement of the existing building(s) and the refurbishment and re-roofing of an existing building. Although objection is raised on grounds of noise and other disturbance, the proposed new and re-roofed buildings would be clad with insulated metal panels that would, in addition to being more efficient thermally, also provide more effective noise attenuation. The existing means of access to and from the

application land, and a connection between the east and west portions of the application land with a one-way vehicular circulation, would be retained. Proposed Units 5-9 are considered to result in a very similar relationship with the immediately adjoining residential properties at Nos.24 Cove Road and 9 Gables Close as already exists. Although proposed Units 1-3 are a new building located in a part of the application land where no building currently exists, the overall quantum of floorspace provided on the application land would be slightly reduced from the existing overall amount of floorspace present on the land. Unlike the 2018 residential scheme, the on-site parking is not concentrated close to the boundaries shared with residential neighbours any more than it is already. Indeed, the siting of proposed Units 5-9 ensures that on-site parking does not adjoin the rear garden boundary with No.24 Cove Road. Further, it is considered that the siting of Units 1-3 to the side of the amenity area of No.44 Cove Road has the effect of reducing the existing extent of open vehicle parking that could, otherwise take place in this area.

Although objection is also raised on the basis of the possibility that undue overlooking of adjoining and nearby residential properties may occur, the proposed new buildings are of single-storey height. Whilst there are small windows shown to be provided in the rear elevations of Units 5-9, these would be screened by standard garden fencing and, in any event, would be high-level. As such it is considered that no material loss of privacy due to overlooking could arise. In the case of proposed Units 1-3, no windows are proposed for the rear elevation; side elevation facing the rear of the Cove Road properties to the south; and Unit No.3 is shown to have a small side window facing into the on-site parking area. It is considered that a standard condition can be used to remove any permitted development rights for the installation of any other windows in the elevations of the buildings in the proposed development.

The Council's Environmental Health Team have responded to consultation in respect of the current application to raise no objections subject to imposition of a number of conditions to replicate and/or update those imposed with the 1997 planning permission. In this respect it is considered that conditions be imposed to restrict the hours of use of the premises; although also covered by Class E of the Building Regulations, require the submission of details of the proposed acoustic insulation of the buildings to prevent noise breakout, in combination with a condition to require the roller-shutter doors of the units are kept closed except for the explicit purpose of equipment/personnel going in and out; require that any external plant is appropriately controlled/insulated to ensure no undue noise emissions at all times when in use; and prohibit the use of any externally audible tannoy and/or other sound reproduction equipment.

The Council's Environmental Health Team further recommend that conditions be imposed to restrict site construction hours and to require submission of a Construction Method Statement to set out the measures to be employed during the construction phase to minimise noise, vibration, dust and other emissions as far as practicable to protect neighbouring amenity. Although planning applications cannot be refused on account of the likely construction phase impacts, it is considered reasonable to require the submission of details of construction management measures given the scale of the development and the clear potential for this to give rise to nuisance and inconvenience to immediately adjoining and nearby residential neighbours.

Because a light industrial use previously falling within Use Class B1(c) is now contained in the new Use Class E, it is considered necessary to consider whether there are any uses falling within Use Class E that should be excluded by condition, notwithstanding the intention of this change to enable commercial premises to be used more flexibly. In this respect, it is

understood that the proposals were formulated some time before Use Class E was introduced from 1 September 2020 and, as such, the applicant is not specifically seeking a flexible use and, indeed, Condition No.3 of planning permission 94/00003/COU specifically restricts the use of the application land to being for light industrial purposes [formerly Use Class B1 (c)]. Indeed, the applicant has written in support of his application to indicate that he envisages that there is a need for small light industrial units occupied by perhaps 1-2 persons only. Given the proximity of the proposed commercial units to surrounding residential properties and, as will be noted in the next section of this Report, on-site parking provision is geared solely to providing space for staff, it is considered that it would not be appropriate to allow the full range of potential Class E uses in the proposed development. In this respect it is considered that use of the proposed units for the purposes of display or retail sale of goods...principally to visiting members of the public (previously Use Class A1); together with financial and professional services uses (previously Use Class A2); café and restaurant uses (previously Use Class A3); uses for indoor sport, recreation and fitness; and provision of medical health services; would not be compatible with the constraints of this site. In this respect it is considered appropriate to allow flexibility for the use of the proposed units for office, research and development and light industrial use within Use Class E only.

It is considered that, subject to conditions, the proposed development would have an acceptable impact on neighbours in planning terms.

5. Highways Considerations –

Local Plan Policy IN2 sets out a number of criteria on which proposed developments are to be assessed in terms of highways impacts, including that the proposal:-

- “b. provides safe, suitable and convenient access for all potential users;
- d. provides appropriate parking provision;
- f. does not have a severe impact on the operation of, safety of, or accessibility to the local or strategic road networks;”

In order to raise reasons for refusal to planning applications on highways grounds it is necessary for the Local Planning Authority to demonstrate with clear evidence that the proposals would give rise to a ‘severe’ impact to the safety and/or convenience of highway users. Accordingly, it is not possible to merely cite an adverse impact on highway safety and/or convenience : the adverse impact must now be demonstrably ‘severe’ and this is reflected in the wording of Policy IN2.

The application is accompanied by a Transport Statement examining the detailed highway implications of the proposed development compared with the situation that would occur with the existing development/uses at the application site in operation to their full potential.

Cove Road (B3014) is a busy main distributor road accommodating significant traffic throughout the day and evening. The Cove Road frontage in the vicinity of the application land is an extremely busy location in terms of highway traffic and movements. It contains a number of shops, restaurants and takeaways that need to be serviced and attract vehicular and pedestrian traffic from customers. There are also a number of residential flats above and behind the commercial uses generating further highway traffic. This is in addition to significant traffic that is simply passing through along Cove Road. The parking layby to the front has space for just 9 cars plus a bus-stop and there is a regular turnover of vehicles there. Parking restrictions elsewhere mean that spaces in the layby are well used and in constant demand, giving rise to much turnover vehicular movement and activity.

Both access driveways to the application land are only wide enough (approximately 3.1 metres wide between buildings where they join the Cove Road pavement) for one-way vehicle movement for a length of approximately 20 metres until the application land broadens out. There is no possibility of two vehicles meeting each other being able to get past each other along the driveways. The sight-lines for the entrances are poor in respect of pedestrians using the adjoining pavement because they both exit between buildings directly onto the pavement, and vehicles must already be partially emerged onto the pavement before drivers can see along it. The sight-lines are poor in respect of vehicular traffic passing along Cove Road because the view of the road is obscured by vehicles parked in the adjoining parking lay-by. Drivers of vehicles seeking to join Cove Road must partially emerge onto the Cove Road carriageway projecting beyond the parked vehicles in order to clearly see whether or not traffic is approaching along Cove Road. The driveways do not just serve the use of the application land. Examination of the planning history of Cove Road frontage properties outside the application land reveals that some adjoining/nearby residential flats have parking spaces within the application land that are secured by planning conditions. Nos.46-48 Cove Road has a parking area to the rear that uses the adjoining driveway. The headroom and/or width of the driveways is limited on account of extract ducting fitted to the exterior of adjoining buildings. The access driveways are also a location used for the storage of both domestic and commercial refuse bins. Irrespective of the lawfulness of the existing driveways to serve the application land, they would not be of an acceptable standard were the proposals to be for an entirely new development on a new site.

Nevertheless, this is the existing situation for the application land and, as a result, the Highway Authority (Hampshire County Council) is satisfied that the retention of these driveways configured to provide 'In' and 'Out' access and egress for the application land as proposed would not be likely to give rise to additional harm to the safety and convenience of highway users of sufficient magnitude to justify the refusal of the application on highway grounds. In this respect, the proposals do not increase the amount of commercial floorspace and, therefore the proposals are not considered likely to materially intensify the use of the application land.

A total of 31 on-site standard car parking spaces are shown to be provided to serve the proposed development, largely arranged around the margins of the one-way vehicular circulation route. These proposed car parking spaces include 5 unallocated visitor car spaces, plus a further 8 spaces allocated to serve adjacent properties at Nos.30, 30A, 30B, 30C, 32A, 32B and 34 (x2 spaces) Cove Road. The remaining 18 spaces are shown to be allocated equally for each of the proposed 9 Units; i.e. 2 spaces each.

Non-residential parking standards are expressed as maximum standards in the Council's adopted Parking Standards SPD (Principle 12). As such, it is considered that on-site parking for the proposed light industrial units is acceptable having regard to the modest size of the proposed Units. Similarly, it is not considered that it is necessary for the proposed Units to have designated service bays for the same reason. As a result of the amended site layout plan received on 1st February 2021, it is considered that the layout, geometry and allocation of the on-site car parking spaces is satisfactory. Although there would be a minor shortfall (of 2 parking spaces overall) of the parking the applicants is obliged to provide as a result of planning conditions imposed with other planning permissions in respect of adjoining land, the applicant argues that the original requirement of Condition No.9 of planning permission 94/00003/COU (the 1997 permission) for provision of a total of 10 car parking spaces was reduced by the effect of planning permission 08/00210/COU for the change of use of first-floor offices to 3 X one-bedroom flats at 30A Cove Road. However, the 2008 permission did not remove or vary the requirements of the 1997 and, indeed, did not require the provision

and retention of any parking spaces at the application land by condition. Nevertheless, the 2008 permission did permit the change the use of 30 Cove Road from commercial to residential, which was subsequently implemented, such that it is considered that the requirement of the 1997 permission for the provision of parking at the application land for this nearby property can be accepted at the reduced amount now shown to be provided.

It is therefore considered that the proposed on-site car parking would meet the functional parking and servicing needs of the development and is acceptable.

On-site locations for the storage of commercial waste bins and cycle parking are also shown within the proposed amended site layout and are considered to be satisfactory. Commercial waste is not collected by the Council and the developer/site operator and/or the occupiers of the proposed units will need to manage use and collection of the refuse containers. Although objection is raised in respect of concerns about waste disposal from the site, this is a requirement for any business operating at the application land as existing and it is not considered that the proposals would result in any material change sufficient to justify the refusal of planning permission. Given the small size of the individual Units it is not considered necessary for each Unit to be provided with their own bins, although it is considered that there would sufficient space for further bins to be stored on-site if necessary. Should individual tenants have specific requirements for waste disposal they would be expected to consider this when deciding whether a Unit within the development would meet their needs.

Because the proposals do not give rise to any material increase in traffic generation, HCC Highways do not indicate a requirement for a Transport Contribution.

It is considered that the proposals are acceptable in highways terms subject to the imposition of conditions requiring the provision and retention of the on-site car parking Unit allocated and visitor spaces as shown on the submitted amended plans solely for parking/servicing purposes for the use of occupiers and visitors to the proposed Units; no external storage (other than the identified bin storage and cycle parking areas); the provision of signage to assist in the operation of a one-way vehicle circulation; the retention of the allocated spaces to serve off-site users; and a Construction Management Plan.

6. Impact on Wildlife –

The current application has been submitted with an updated Preliminary Ecological Appraisal and Bat Building Assessment Report, which also contains the results of a Bat Emergence Survey. No evidence has been found of any bats being present at the site and, indeed, the potential for protected species to be located on site is very low. This is an update of ecology survey information submitted in respect of the 2018 appeal and on which the Inspector was satisfied that there was no longer any issue sufficient to justify the refusal of planning permission. The report submitted with the current application sets out some precautionary mitigation and biodiversity enhancement measures that are considered to be appropriate and proportionate to the proposals the subject of the application. Subject to a condition requiring the implementation of the precautionary mitigation measures set out in the submitted report it is considered that the requirements of Local Plan Policy NE4 are satisfied.

7. Drainage Issues –

The site is located within Flood Zone 1, which is land at the lowest risk of flooding. As a result, the Environment Agency raise no objections as standing advice and no mitigation measures in respect of flood risk are indicated as being necessary.

Local Plan Policy NE8 requires all new buildings and the development of car parking and hard standings to incorporate Sustainable Drainage Systems (SUDS). No such details are provided with the application, with the application forms simply indicating that site drainage would be directed to 'mains sewer'. Although the proposals involve the construction of new buildings, in the case of proposed Units 5-9, these are replacements for existing buildings located in the same location on site. Although the proposed construction of Units 1-3 would increase the extent of hard-surfacing at the application land, the possible presence of ground contamination may mean that off-site disposal of surface water drainage (instead of using on-site soakaway) together with some form of temporary on-site drainage water storage and discharge rate control is the most appropriate solution. It is considered that this matter can be dealt with appropriately by the imposition of a suitably-worded planning condition and, as such, the requirements of Local Plan Policy NE8 would be met.

8. Access for People with Disabilities –

The proposed development should provide access for people with disabilities at least in accordance with Building Regulation requirements. It is considered that adequate means and measures would be incorporated into the development to achieve a good standard of access for people with disabilities, including provision of mobility accessible parking bays.

Conclusions – The application is seeking planning permission for replacement and refurbished commercial units to enable the regeneration of an under-used lawful light industrial use on the application land. Subject to imposition of the recommended conditions it is considered that the proposed development is acceptable in principle; would have acceptable visual and highways impacts; would give rise to no material and undue impacts upon neighbours, trees to be retained, local wildlife and biodiversity; have no undue implications for flood risk and make appropriate provision for surface water drainage; and make acceptable provision for people with disabilities. The proposals are therefore acceptable having regard to the requirements of Policies SS2, IN2, DE1, DE10, NE3, NE4, NE6, NE7 and NE8 of the adopted Rushmoor Local Plan (2014-2032).

Full Recommendation

It is recommended that planning permission be **GRANTED** subject to the following conditions and informatives:-

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

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The permission hereby granted shall be carried out in accordance with the following approved drawings Drawing numbers: MLP/01 Revision 4 30th January 2021; GC/CIL/TJH 01L; GC/CIL/TJH 02K; GC/CIL/TJH 06K; GC/CIL/TJH 03K; GC/CIL/TJH 05K; Planning, Design & Access Statement; Agent's second supporting letter; Agent's third supporting letter; Update Preliminary Ecological Appraisal & Preliminary Roost Assessment Report, Transport Statement; Sustainability/Viability Report; Contamination Report Sapling Arboriculture Arborocultural Impact Assessment & Tree Survey Report.

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

- 3 Construction of the following elements of the development hereby approved shall not start until a schedule and/or samples of the materials to be used in them have been submitted to, and approved in writing by, the Local Planning Authority. Those elements of the development shall be carried out using the materials so approved and thereafter retained:
- a. External finishing materials for the elevations and roof; and
 - b. Rainwater goods

Reason - To ensure satisfactory external appearance.*

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

Reason - To safeguard the amenities of the area. *

- 5 The use of the premises hereby permitted shall be restricted to the hours of 0730 to 1930 hours Monday to Friday; 0730 to 1800 hours Saturdays; and not at all on Sundays and Bank or Statutory Holidays. No machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site outside the permitted hours of use.

Reason - To safeguard the amenities of neighbouring occupiers.

- 6 Notwithstanding the provisions of the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (or any other Order revoking or re-enacting that Order) the land and/or building(s) shall be used only for the purpose of offices, research & development and light industrial purposes (being uses which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit) and for no other purpose, including any other purpose within Class E 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.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015, (or any Order revoking and re-enacting that Order), no additional windows, doors or openings of any kind shall be inserted in the elevations of the development hereby permitted.

Reason - To protect the amenities of neighbouring residential properties.

- 8 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.

- 9 The development hereby permitted shall comprise no more than 722 square metres of gross external floorspace unless with the prior written permission of the Local Planning Authority.

Reason - To accord with the proposals as submitted and in order that the Local Planning Authority can consider the planning implications of any increase in floorspace that may be proposed either as an extension or by internal installation of mezzanine floor areas.

- 10 Prior to the commencement of development a Construction Management Plan to be adopted for the duration of the demolition, site clearance and construction period shall be submitted to and approved in writing by the Local Planning Authority. The details required in this respect shall include:-

- (a) A programme of and phasing of demolition and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Such measures as may subsequently be approved shall be retained at all times as specified until all construction and fitting out works have been completed.

Reason - In the interests of the safety and convenience of adjoining and nearby residential properties, pollution prevention, and the safety and convenience of highway users.

- 11 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority: -

i. a desk top study carried out by a competent person documenting all previous and existing uses of the site and adjoining land, and potential for contamination, with information on the environmental setting including known geology and hydrogeology. This report should contain a conceptual model, identifying potential contaminant pollutant linkages.

ii. if identified as necessary; a site investigation report documenting the extent, scale and nature of contamination, ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study.

iii. if identified as necessary; a detailed scheme for remedial works and measures shall be undertaken to avoid risk from contaminants/or gas identified by the site investigation when the site is developed and proposals for future maintenance and monitoring, along with verification methodology. Such scheme to include nomination of a competent person to oversee and implement the works.

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

Reason - To ensure that the site is safe for the development permitted and in the interests of amenity and pollution prevention.*

- 12 In the event that unforeseen ground conditions or materials which suggest potential or actual contamination are revealed at any time during implementation of the approved development it must be reported, in writing, immediately to the Local Planning Authority. A competent person must undertake a risk assessment and assess the level and extent of the problem and, where necessary, prepare a report identifying remedial action which shall be submitted to and approved in writing by the Local Planning Authority before the measures are implemented.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and is subject to approval in writing by the Local Planning Authority.

Reason - To ensure that the site is safe for the development permitted and in the interests of amenity and pollution prevention.

- 13 With the exception of the siting of any receptacles for refuse disposal in the locations identified on the approved plans, no display or storage of goods, materials, plant, or equipment shall take place other than within the building.

Reason - To protect the visual amenities of the area and in the interests of ensuring the retention of adequate parking and vehicle manoeuvring and loading/unloading space on site.

- 14 The development hereby permitted shall not be occupied and brought into use until the on-site car parking spaces and bicycle parking as shown on the plans hereby approved have been provided, marked and made available as shown on the approved plans. The car parking spaces shall be thereafter retained solely for parking purposes in accordance with the allocation identified on the approved plans and made available at all times for their intended users thereafter. For the avoidance of doubt the approved car parking spaces shall not be used at any time for the parking/storage of boats, caravans or trailers.

Reason - To ensure the provision and availability of adequate off-street parking for the proposed development.

- 15 Prior to the first occupation of any of the units within the development hereby approved details of warning signage and/or markings to identify the one-way vehicular circulation around the site between the highway accesses shall be submitted to and approved by the Local Planning Authority. The details so approved shall be implemented in full and retained and maintained thereafter.

Reason - In the interests of the safety and convenience of occupiers and users of the development and highway users in general.

- 16 No occupation of the premises hereby approved shall take place until a scheme of provisions for the control of noise emanating from the premises hereby permitted has been implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and retained and maintained thereafter.

Reason - To protect the amenity of neighbouring occupiers. *

- 17 Details of any external plant or equipment (including air conditioning units) to be installed within the development hereby permitted shall be submitted to the Local Planning Authority for consideration and approval prior to installation and use. The external plant and equipment installations so approved shall be implemented as approved and retained and maintained in that condition thereafter. Subsequently, no further external plant or equipment (including air conditioning units) shall be installed and operated at the site without the prior written consent of the Local Planning Authority.

Reason - To safeguard the character of the area and the amenities of nearby residents.

- 18 No sound reproduction equipment, conveying messages, music, or other sound which is audible outside the premises hereby permitted shall be installed on the site.

Reason - To protect the amenity of neighbouring property.

- 19 No works shall start on site until the existing trees and hedges which are to be retained have been adequately protected from damage during site clearance and works in accordance with the tree protection details set out in the Sapling Arboriculture Arboricultural Impact Assessment and Tree Survey Report submitted with the application hereby approved.

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

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

Reason - In the interests of the amenities of nearby residential properties and the adjoining countryside; and to ensure that there is no unnecessary use of lighting at the site.

21 Prior to the commencement of development details of measures to incorporate Sustainable Drainage Systems (SUDS) into the development hereby approved 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 newly built units and retained and maintained thereafter in perpetuity.

Reason - To meet the requirements of Policy NE8 of the adopted Rushmoor Local Plan (2014-2032). in the interests of flood and pollution prevention. *

22 The roller shutter doors comprising part of the development hereby approved shall be kept closed at all times except for the explicit purpose of ingress and egress of equipment and personnel.

Reason - To ensure satisfactory containment of noise within the building(s) in the interests of the amenities of neighbours.

23 Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.

Reason - In the interests of visual amenity.

24 The development hereby approved shall proceed implementing in full the precautionary ecology mitigation measures and biodiversity enhancements as set out in the Darwin Ecology Update Preliminary Ecological Appraisal and Preliminary Roost Assessment Report submitted with the application hereby approved.

Reason - To comply with the requirements of Policy NE4 of the adopted Rushmoor Local Plan (2014-2032).

Informatives

1 **INFORMATIVE - REASONS FOR APPROVAL-** The Council has granted permission because:-

The application is seeking planning permission for replacement and refurbished commercial units to enable the regeneration of an under-used lawful light industrial use on the application land. Subject to imposition of the recommended conditions it is considered that the proposed development is acceptable in principle; would have acceptable visual and highways impacts; would give rise to no material and undue impacts upon neighbours, trees to be retained, local wildlife and biodiversity; have no undue implications for flood risk and make appropriate provision for surface water drainage; and make acceptable provision for people with disabilities. The proposals are therefore acceptable having regard to the requirements of Policies SS2, IN2, DE1, DE10, NE3, NE4, NE6, NE7 and NE8 of the adopted Rushmoor Local Plan (2014-2032).

It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a

consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.

- 2 INFORMATIVE - Your attention is specifically drawn to the conditions marked *. These condition(s) require either the submission and approval of details, information, drawings etc. by the Local Planning Authority BEFORE WORKS START ON SITE, BEFORE SPECIFIC ELEMENTS OF THE PROPOSAL ARE CARRIED OUT or, require works to be carried out BEFORE COMMENCEMENT OF USE OR FIRST OCCUPATION OF ANY BUILDING.

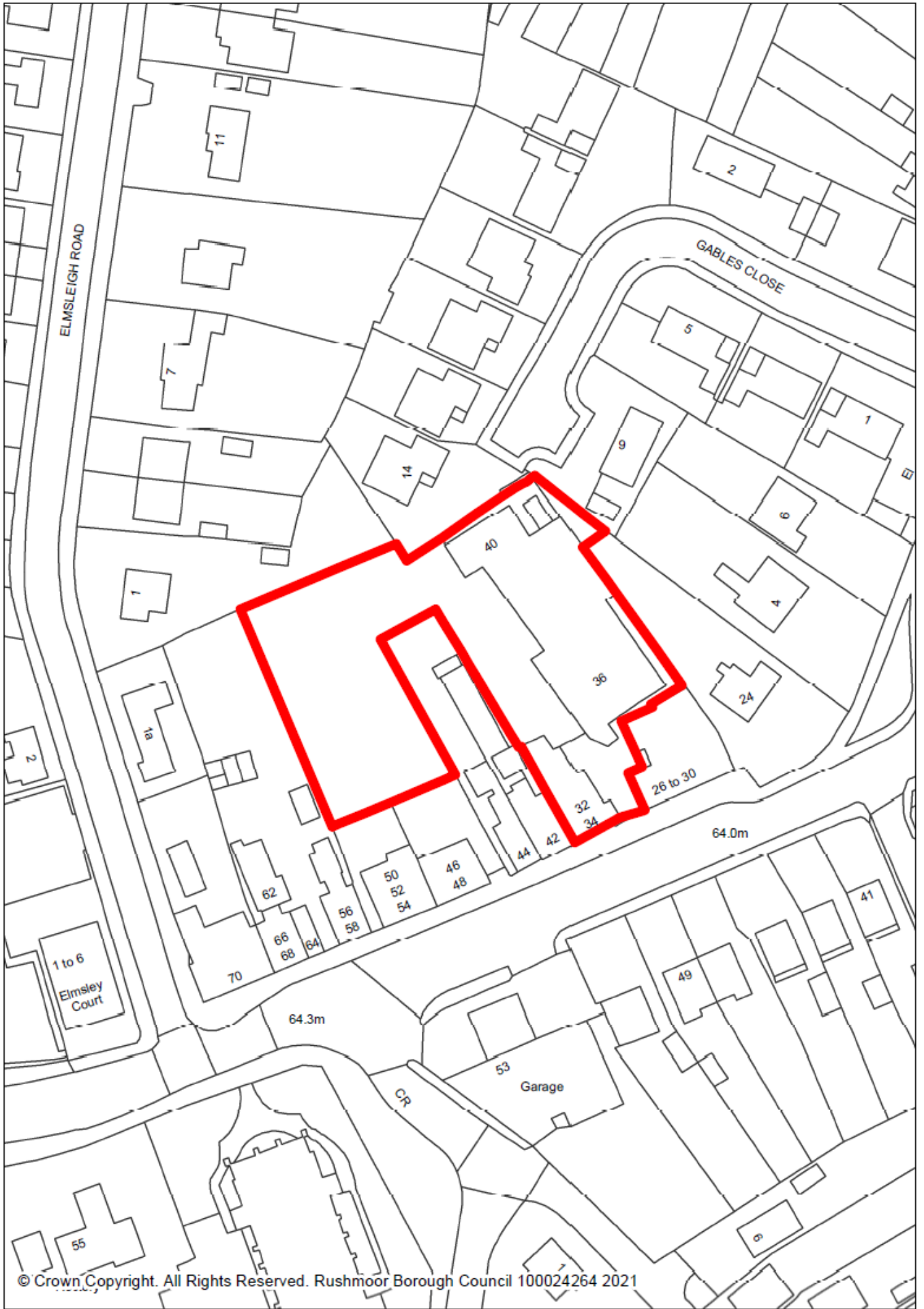
Development started, carried out or occupied without first meeting the requirements of these conditions is effectively development carried out WITHOUT PLANNING PERMISSION.

The Council will consider the expediency of taking enforcement action against any such development and may refer to any such breach of planning control when responding to local searches. Submissions seeking to discharge conditions or requests for confirmation that conditions have been complied with must be accompanied by the appropriate fee.

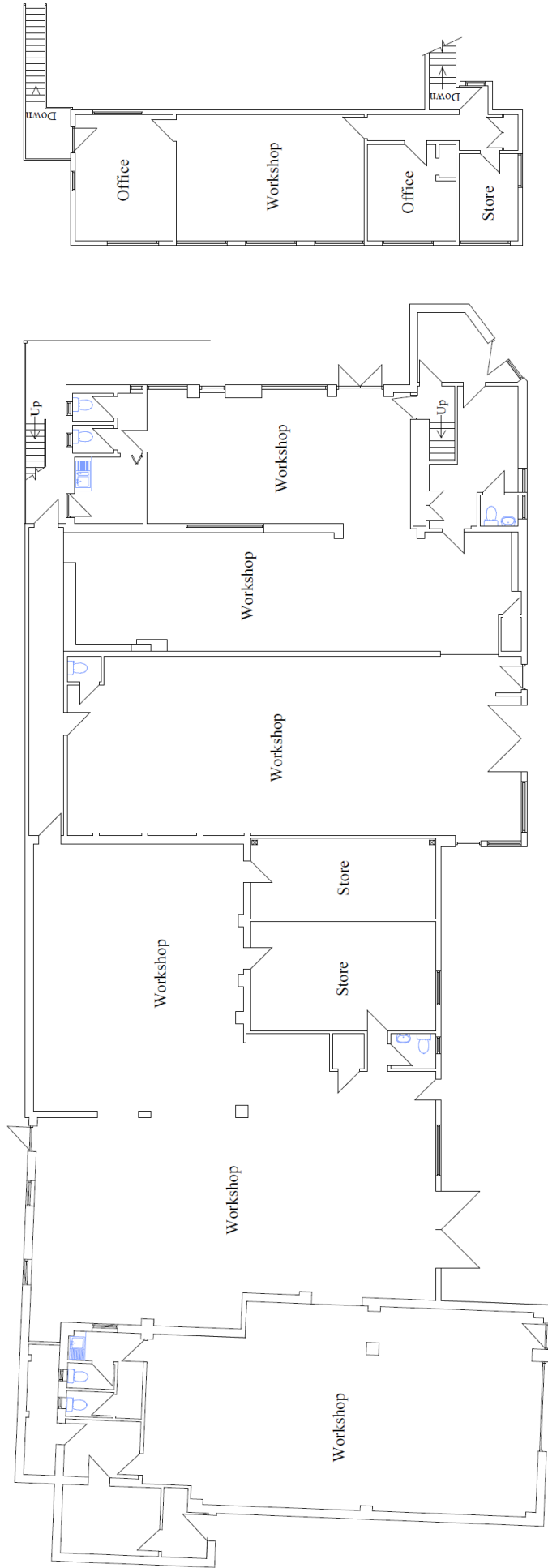
- 3 INFORMATIVE - The applicant is recommended to achieve maximum energy efficiency and reduction of Carbon Dioxide emissions by:
- a) ensuring the design and materials to be used in the construction of the building are consistent with these aims; and
 - b) using renewable energy sources for the production of electricity and heat using efficient and technologically advanced equipment.
- 4 INFORMATIVE - The applicant is advised to follow good practice in the demolition of the existing building(s) on site including the re-use of all material arising from demolition as part of the redevelopment wherever practicable.
- 5 INFORMATIVE - Desk top studies and site investigation reports dealing with Land Contamination should be prepared in accordance with guidance in Contaminated Land Research Report Nos. 2 & 3 and BS10175: 2001
- 6 INFORMATIVE - No materials produced as a result of site preparation, clearance, or development should be burnt on site. Please contact the Head of Operational Services for advice.
- 7 INFORMATIVE - The applicant is advised to contact the Head of Operational Services regarding the requirement to provide acoustic insulation. Any scheme of acoustic insulation must be in accordance with the specifications provided in Schedule 1 of the Noise Insulation Regulations 1975 and must include details of acoustic mechanical ventilation and, where appropriate, solar control.
- 8 INFORMATIVE - The applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the duties imposed by the Equality Act 2010. This may be achieved by following recommendations set out in British Standard BS 8300: 2009 "Design of buildings and their approaches to meet the needs of disabled people - Code of Practice". Where Building Regulations apply, provision of access for disabled people to the premises

will be required in accordance with Approved Document M to the Building Regulations 2000 "Access to and use of buildings".

- 9 INFORMATIVE - The applicant is advised that there may be a need to comply with the requirements of the Party Wall (etc.) Act 1996 before starting works on site. The Party Wall (etc.) Act is not enforced or administered by the Council but further information can be found on the Planning Portal website <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance> and you are able to download The party Wall Act 1996 explanatory booklet.
- 10 INFORMATIVE - The applicant is advised that during the demolition and construction phases of the development measures should be employed to contain and minimise dust emissions, to prevent their escape from the development site onto adjoining properties. For further information, please contact the Head of Operational Services.
- 11 INFORMATIVE - It is a legal requirement to notify Thames Water of any proposed connection to a public sewer. In many parts of its sewerage area, Thames Water provides separate public sewers for foul water and surface water. Within these areas a dwelling should have separate connections: a) to the public foul sewer to carry waste from toilets, sinks and washing machines, etc, and b) to public surface water sewer for rainwater from roofs and surface drains. Mis-connections can have serious effects: i) If a foul sewage outlet is connected to a public surface water sewer this may result in pollution of a watercourse. ii) If a surface water outlet is connected to a public foul sewer, when a separate surface water system or soakaway exists, this may cause overloading of the public foul sewer at times of heavy rain. This can lead to sewer flooding of properties within the locality. In both instances it is an offence to make the wrong connection. Thames Water can help identify the location of the nearest appropriate public sewer and can be contacted on 0800 316 9800.
- 12 INFORMATIVE - The applicant is requested to bring the conditions attached to this permission to the attention of all contractors working or delivering to the site, in particular any relating to the permitted hours of construction and demolition; and where practicable to have these conditions on display at the site entrance(s) for the duration of the works.
- 13 INFORMATIVE – The Local Planning Authority’s commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.



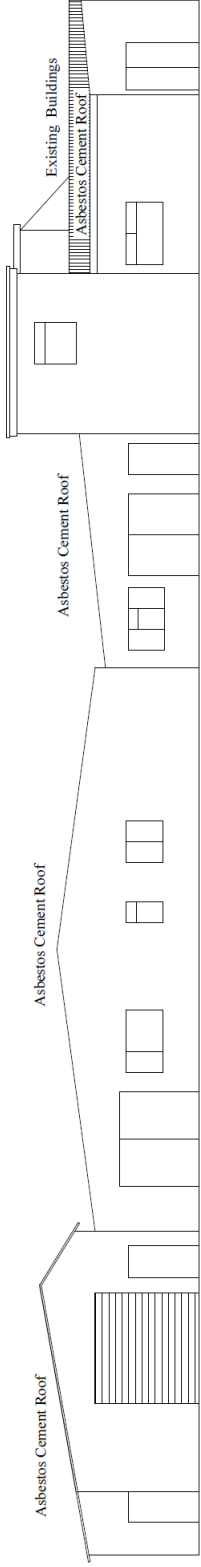
EXISTING FLOOR PLANS



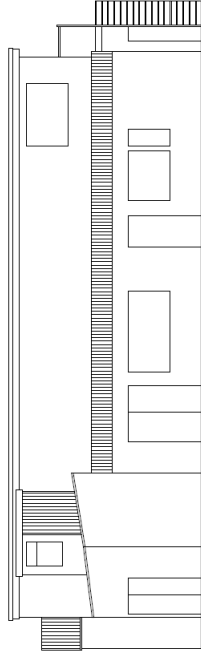
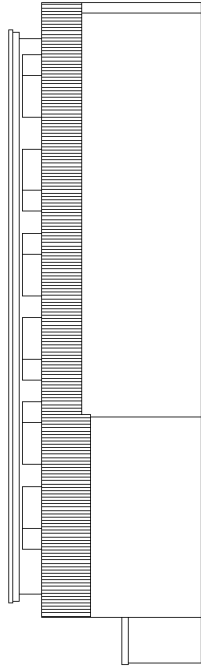
FIRST FLOOR PLAN

GROUND FLOOR LAYOUT PLAN

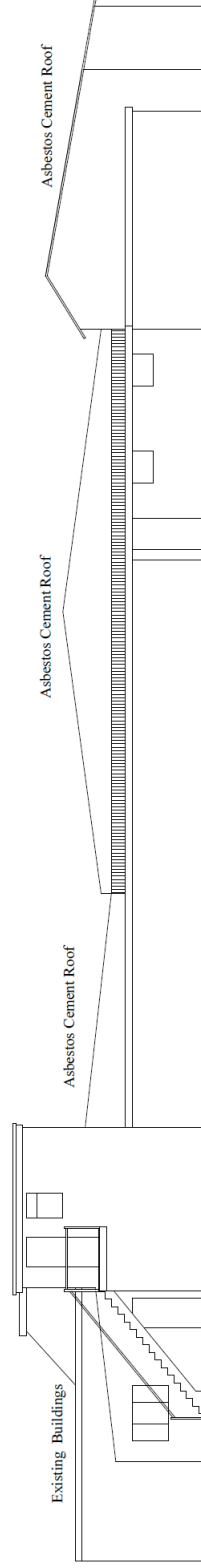
EXISTING ELEVATIONS



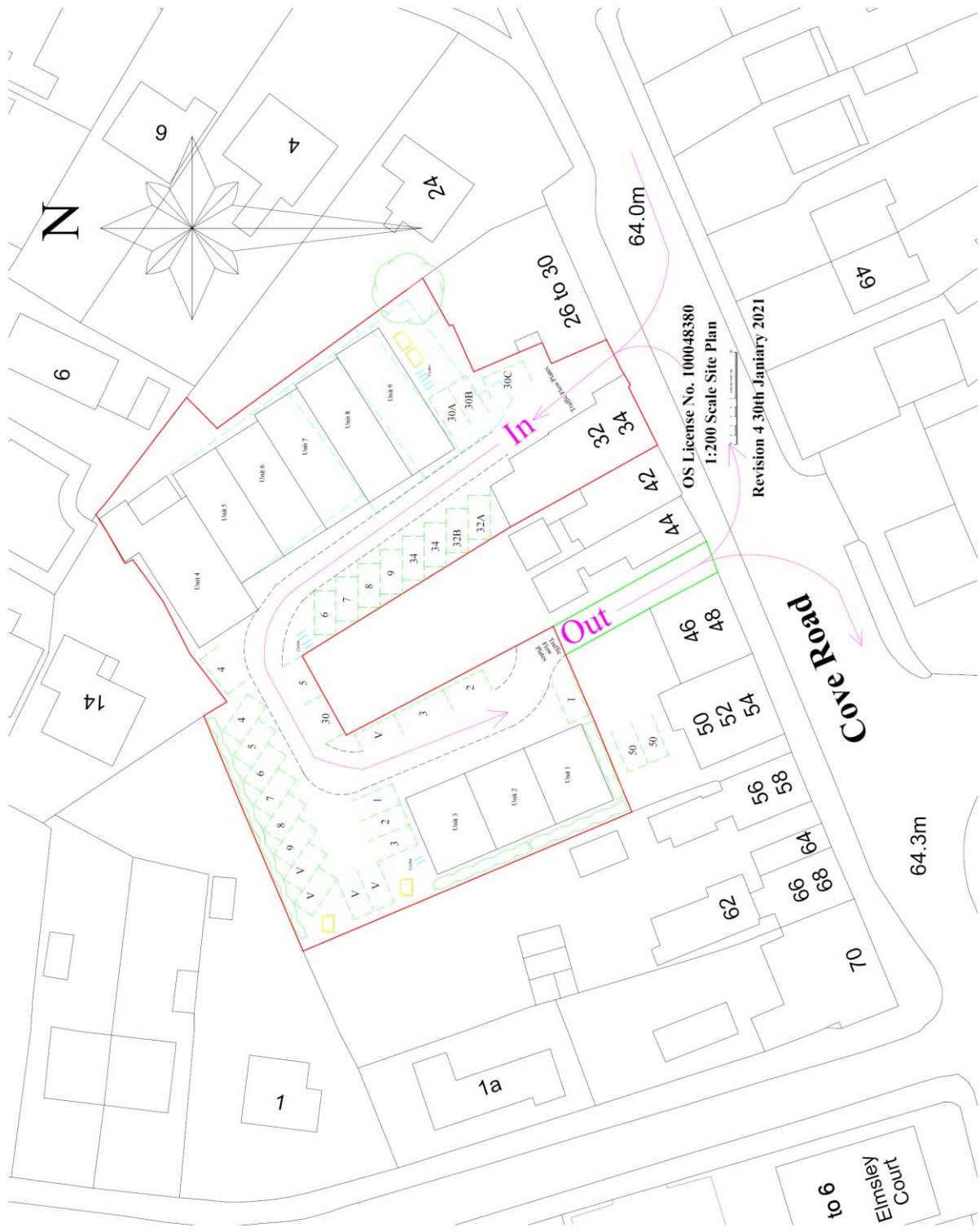
FRONT ELEVATION



SIDE ELEVATIONS



REAR ELEVATION



N

OS License No. 100048380
1:200 Scale Site Plan

Revision 4 30th January 2021

Cove Road

64.3m

64.0m

to 6
Elmsley
Court

9

4

2A

6

14

1

1a

26 to 30

32

34

42

44

46

48

50

52

54

56

58

62

66

68

70

Unit 4

Unit 5

Unit 6

Unit 7

Unit 8

Unit 9

Unit 1

Unit 2

Unit 3

Unit 1

Unit 2

Unit 3

Unit 4

Unit 5

Unit 6

Unit 7

Unit 8

Unit 9

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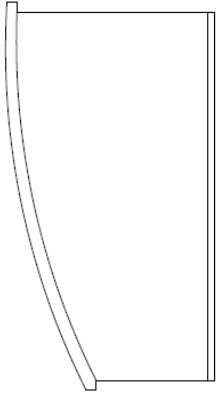
Unit 5

Unit 6

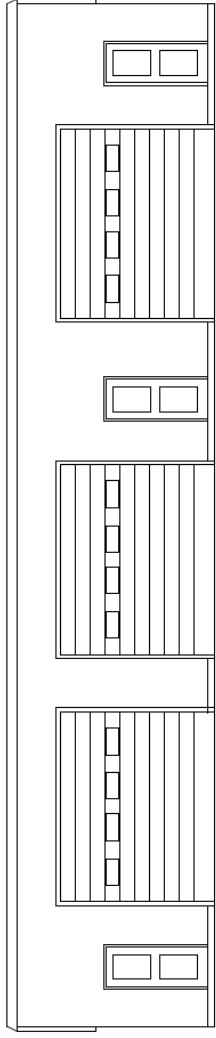
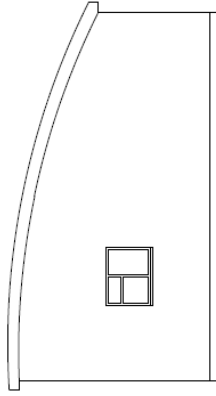
Unit 7

Unit 8

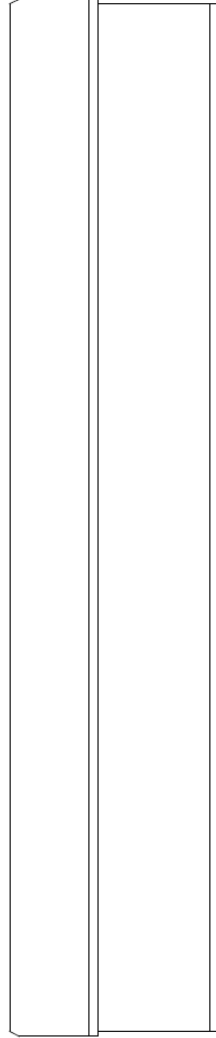
Unit 9



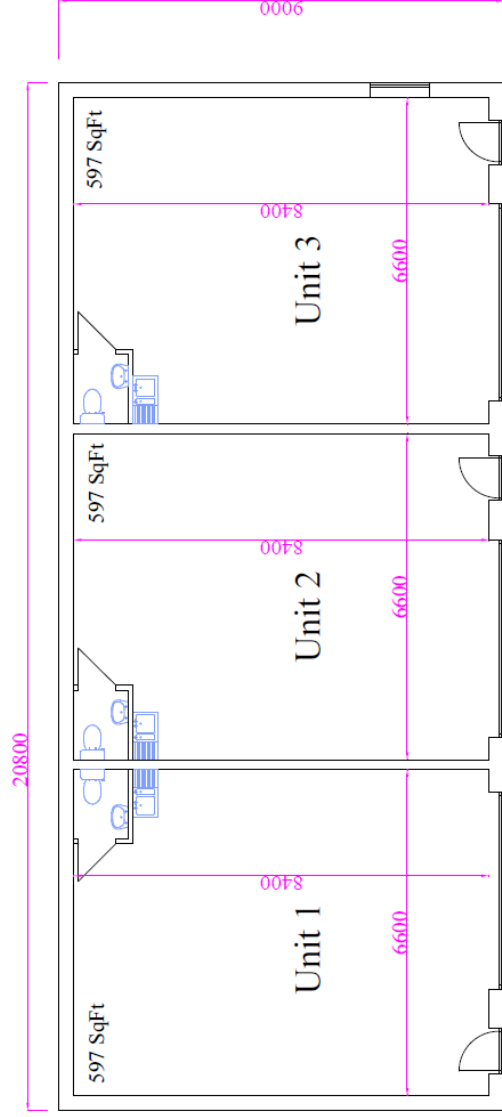
Side Elevations

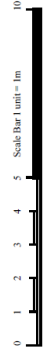
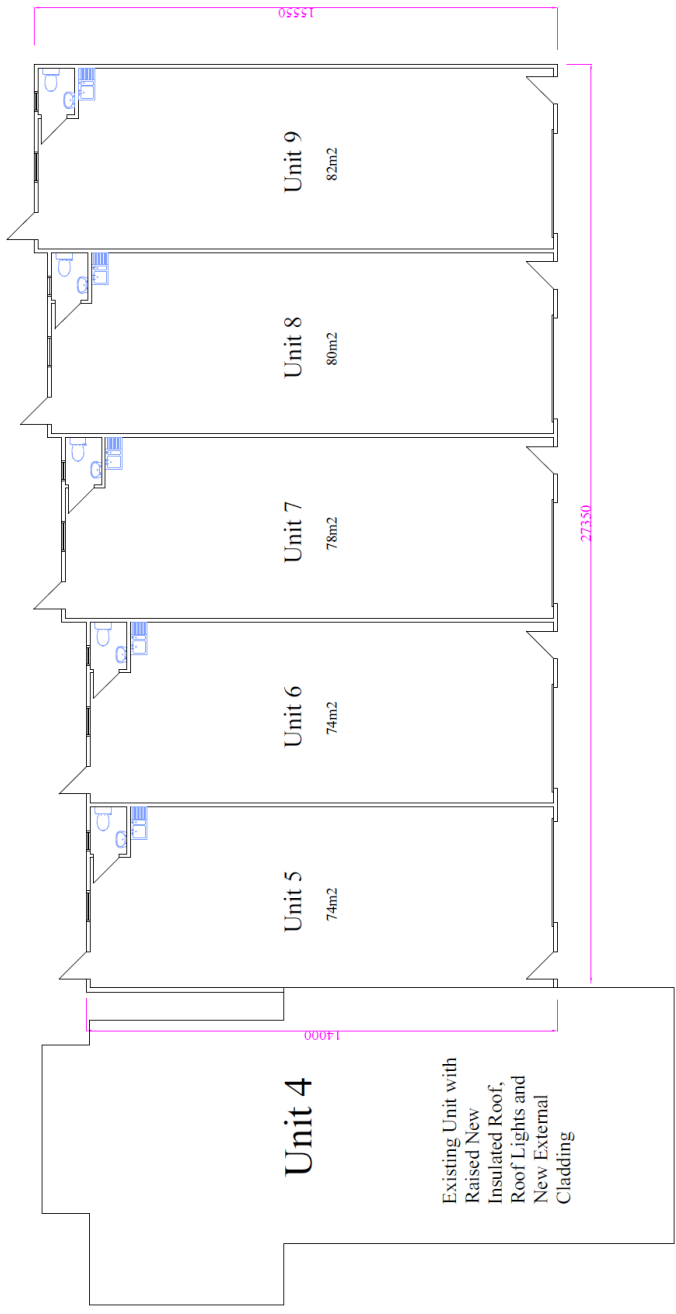
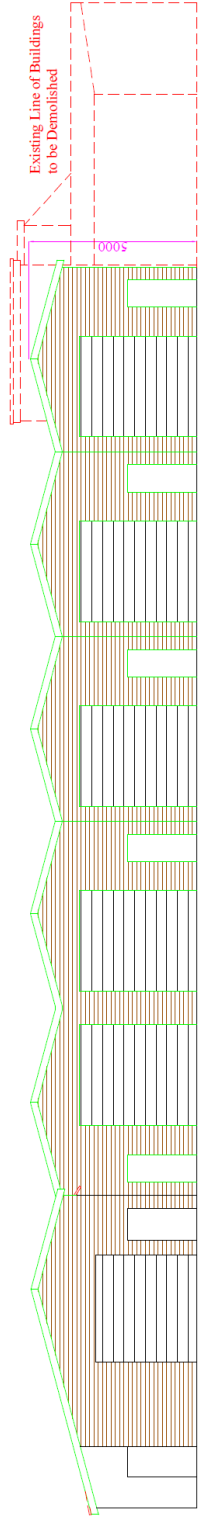


Front Elevation

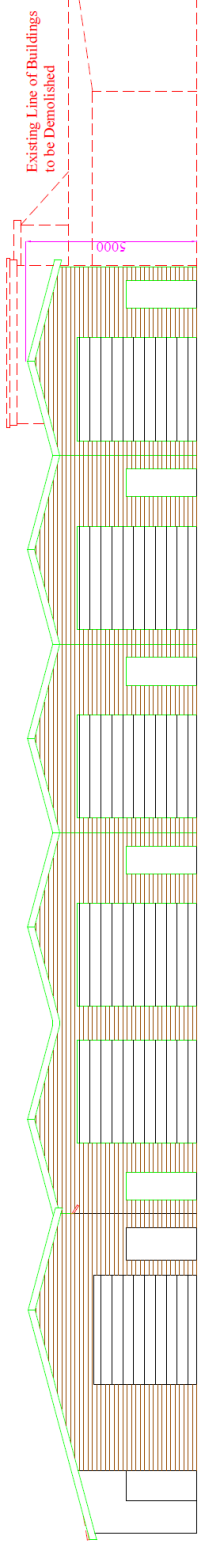


Rear Elevation

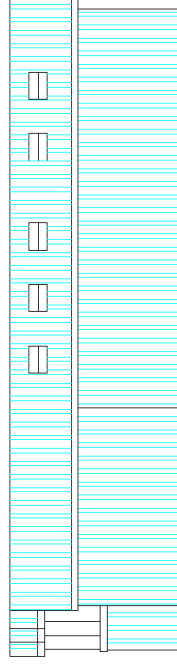
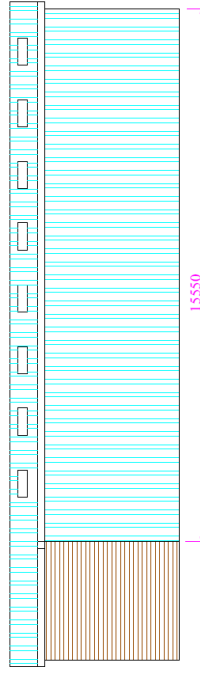




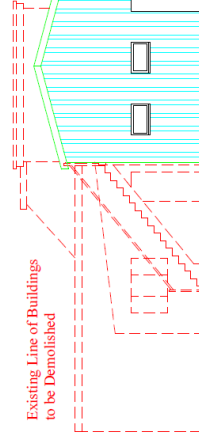
PROPOSED ELEVATIONS



FRONT ELEVATION



SIDE ELEVATIONS



REAR ELEVATION