

**Land at Former Lafarge Site, Hollybush Lane, Aldershot : Minor Material
Amendment Application 24/00140/REVPP**

1. Introduction

1.1 The purpose of this report is to seek Members' agreement to a change to the resolution of the Development Management Committee as agreed at the 12 February 2025 meeting in respect of planning application ref.24/00140/REVPP. This application seeks a Minor Material Amendment comprising *"Variation of Condition of planning permission 20/00400/FULPP dated 24 March 2023 as amended by non-material amendment 23/00800/NMAPP dated 5 December 2023 to increase number of floating holiday lodges from 9 to 21 units"*.

2. Background

2.1 At the 12 February 2025 meeting, the Development Management Committee resolved to **Grant** planning permission **subject** to:-

(a) The receipt of confirmation on behalf of the applicants and/or from Grainger Plc that a quantum of SPA mitigation capacity at the Blandford House SANGS scheme has been secured to address the SPA impact of the additional 12 floating holiday lodges; and

(b) the prior completion of a satisfactory s106 Legal Agreement to (i) secure the SAMMs SPA financial contribution in respect of the 12 additional floating holiday lodges, together with associated s106 Administration & Monitoring Fee; and (ii) replicate the requirements of the original s106 dated 24 March 2023 in respect of SPA contributions for the original 9 floating holiday lodges and the restoration/reinstatement and retention thereafter of the original line of the Blackwater Valley Path.

And also subject to conditions and informatives as set out in the Officer Report with some minor changes set out on the Committee Amendments Sheet.

The planning permission has not yet been granted because the resolution requirements as set out above have yet to be satisfied.

2.2 Grainger Plc has recently confirmed that the way they are administering the Blandford Woods SANG, which they own, is different to which was originally envisaged and made part of the recommended Committee resolution at the 12 February 2025 DM Committee meeting. Rather than requiring that a developer make payment of the whole SANGS mitigation payment to them upfront (as is the case with the Hart DC-owned Bramshot Farm SANGS scheme), Grainger Plc are requiring developers to enter into a Reservation Agreement to contractually bind them to make payment to

Grainger Plc of a non-refundable Reservation Fee comprising 5% of the total SANGS Allocation Price; with the balance of the SANGS Allocation Price to be paid to Grainger Plc before the proposed development is commenced at the application site.

2.3 In this case Grainger Plc has confirmed that the developer has paid them a £4,580.45 Reservation Fee, being 5% of the total Allocation Price of £91,609.00 in respect of the SANGS mitigation required to address the SPA impact of a total of 12 floating holiday lodges. The completed Reservation Agreement between Grainger Plc and the developer in this respect is dated 15 August 2024 and remains valid for a period of 12 months after the planning permission incorporating the 12 additional floating holiday lodges (i.e. 24/00140/REVPP) has been granted.

3. Planning considerations

3.1 The sole consideration for the Council in respect of SPA contributions is that the Council must ensure with certainty that the appropriate SPA mitigation and avoidance in order to address the SPA impacts of a development has been secured. If this is not the case, the Council must refuse planning permission on SPA grounds as the development would fail to address its SPA impact.

3.2 In this respect it is accepted that there is a satisfactory legal mechanism in place between Grainger Plc and the developer whereby the developer is legally obliged to make payment to Grainger Plc to secure an appropriate quantum of SPA SANGS mitigation capacity at the Blandford Woods SANGS scheme to satisfactorily address the SPA impact arising from the additional 12 floating holiday lodges the subject of planning application 24/00140/REVPP.

3.3 The legal effect of a minor material amendment application under s73 of the Town & Country Planning Act 1990 is the creation of a separate alternative planning permission for their proposed development in addition to their original planning permission, in this case planning permission 20/00400/FULPP. However, the new planning permission 24/00140/REVPP, when granted, must conform to the timescale of the original planning permission. Accordingly, in the event that planning permission 24/00140/REVPP is granted, this is subject to Condition No.1, which requires that the proposed development (i.e. the development originally approved with planning permission 20/00400/FULPP plus 12 additional floating holiday lodges) shall be begun **“before the end of 24 March 2026”** or otherwise lapse unimplemented.

3.4 Since this date is now well within the one year timespan from the date on which planning permission for application 24/00140/REVPP could be lawfully implemented, it is clear that the development the subject of planning application 24/00140/REVPP would have to be lawfully commenced well within the 1 year expiry date of the Reservation Agreement with Grainger Plc and that there is no possibility of development approved by planning permission 24/00140/REVPP being lawfully implemented after the Reservation Agreement has expired. As such, it is considered appropriate that the Committee resolution can be amended to remove requirement (a) of the Committee resolution from the 12 February 2025 meeting.

4 Recommendation

4.1 It is recommended that the Development management Committee resolution of the 12 February 2025 in respect of planning application 24/00140/REVPP be amended as follows:-

“ It is recommended that SUBJECT to:

The prior completion of a satisfactory s106 Legal Agreement to (i) secure the SAMMs SPA financial contribution in respect of the 12 additional floating holiday lodges, together with associated s106 Administration & Monitoring Fee; and (ii) replicate the requirements of the original s106 dated 24 March 2023 in respect of SPA contributions for the original 9 floating holiday lodges and the restoration/reinstatement and retention thereafter of the original line of the Blackwater Valley Path;

the Executive Head of Property & Growth, in consultation with the Chairman, be authorised to GRANT planning permission subject to the following conditions and informatives:- “

4.2 Conditions and Informatives as agreed previously.

Tim Mills

Executive Head of Planning & Growth