

ITEM 7

APPLICATION NO.	10/02952/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	21.12.2010
APPLICANT	Mr D Urmasher
SITE	82 Salisbury Road, Andover, Hampshire ANDOVER TOWN (MILLWAY)
PROPOSAL	Erection of one Class A1 (convenience retail) unit, two Class A5 (hot food takeaway) units, car parking, installation of plant and associated works
AMENDMENTS	
CASE OFFICER	Mr Gregg Chapman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is referred to Planning Control Committee (PCC) as the Northern Area Planning Committee (NAPC) concluded that the application should be refused where it was advised that the first reason for refusal would be likely to result in a risk of an award of costs against the Council if the applicant should lodge an appeal.
- 1.2 The application was considered at NAPC at its meeting on the 8 March 2012, where it was resolved to refuse the application for the following reasons:
 1. **Inadequate parking is proposed on site to meet the demand for parking in connection with the proposed development and in relation to parking standards set out in policy TRA02 of the Test Valley Borough Local Plan such that parking will take place elsewhere including on neighbouring roads where it would have an adverse impact on highway safety and also the amenities of residential properties as a result of noise and disturbance contrary to policy AME04 of the Test Valley Borough Local Plan.**
 2. **The proposed building because of its height and proximity to the boundary with 80 Salisbury Road would have an adverse overshadowing impact on that neighbouring residential property detrimentally affecting its amenities which would be contrary to policy AME02 of the Test Valley Borough Local Plan.**
- 1.3 A copy of the NAPC agenda report is attached at **Appendix A**.
- 1.4 A copy of the NAPC update paper is attached at **Appendix B**.

2.0 **REPRESENTATIONS**

- 2.1 **1 Letter** - Objection from an Andover resident received. This covers the same matters identified in other representations set out in the main agenda and update paper at Appendix A and B.

3.0 **PLANNING CONSIDERATIONS**

3.1 The main planning considerations are:

- The principle of the development
- Need and Competition
- Economic Benefits
- The impact on the character and appearance of the area
- Highway Matters
- Residential Amenity
- Crime Prevention
- Pollution
- Ecology/Biodiversity
- Other Matters.

- 3.2 Those matters that are considered acceptable, and in accordance with the policies of the Borough Local Plan, which were not the subject of the NAPC resolution to refuse the application were, the principle of development, need and competition, economic development, the character and appearance of the area, crime prevention, pollution, and ecology/biodiversity.

- 3.3 The main other planning consideration is that referred to in the NAPC reasons for refusal (as detailed at paragraph 1.2 above) and where it is advised by the officers that the first reason for refusal would be likely to result in a risk of an award of costs against the Council if the applicant should lodge an appeal.

NAPC Reason for Refusal: Inadequate Parking Resulting In Parking Elsewhere and Noise and Disturbance

- 3.4 Members at the Northern Area Planning Committee did not consider the level of parking provision proposed (17 spaces) was appropriate to meet likely demands, and as a result felt that vehicles would park elsewhere including on neighbouring roads where it would have an adverse impact on highway safety and also to the amenities of residential properties. As set out in the main agenda the applicants have demonstrated, by using examples of parking demand for other similar units, that the level of parking provision proposed is acceptable to meet the forecast maximum demand for parking, which is 14 spaces between 6.00 p.m. and 9.00 p.m., with an additional three spaces also provided. Highway advice is that the level of parking provision is acceptable. There is no evidence to suggest that this is not the case. Given the detail submitted with the application, and the expert highway advice provided by the applicant, and the expert advice of the Council's Highway Officer to the effect that the level of parking provision is acceptable, it is not considered that a reason for refusal on this basis could be substantiated, and that there would be a significant risk of costs should the applicant's lodge an appeal. The proposed parking provision of 17 spaces is considered acceptable, and would provide an acceptable level of parking that would not result in any detriment to highway safety.

- 3.5 Given the conclusions above, it is therefore not considered that there would be a significant likelihood of individuals parking on the highway, and that any such parking would not be as a result of a lack of spaces within the site. It should however be noted that a contribution is sought towards the implementation and monitoring of a Traffic Regulation Order (TRO) to restrict the ability for vehicles to park in the surrounding streets in the event that this should occur. The applicants have agreed to enter into a legal agreement to secure such a contribution, and as such this is progressing, and is reflected within the recommendation.
- 3.6 It should also be noted that in respect of encouraging sustainable modes of transport, eight cycle parking spaces are proposed, which accords with the maximum standards of the Borough Local Plan, and that the agent has indicated verbally that they are willing to provide a green travel plan to promote sustainable transport amongst staff.
- NAPC Reason for Refusal: Overshadowing of 80 Salisbury Road**
- 3.7 The Northern Area Planning Committee felt that as a result of the height of the proposed building, and its proximity to the boundary with 80 Salisbury Road, that there would be an adverse impact to the amenities of the occupants of 80 Salisbury Road from overshadowing.
- 3.8 The eastern façade of the existing building, which faces 80 Salisbury Road is 30.8 metres in length, is set off the boundary by approximately 1.6 metres, and is formed of two dual pitched roofs that run on a north to south axis and meet at approximately 12.1 metres from the front of the building, creating a step in the ridge. The higher of the dual pitched roofs, is that to the south, this is by approximately 7.8 metres in height to the ridge, with the lower ridge being approximately 7.0 metres. The eaves of the existing building are continuous and approximately 4.0 metres in height. It should also be noted, and account has been taken of a level change between the application site and 80 Salisbury Road of approximately 1.0 metre.
- 3.9 The boundary of the application site with 80 Salisbury Road is formed of close boarded fencing approximately 1.8 metres in height. There is an existing monopitch garage to the side of 80 Salisbury Road (shown on the site plan). There is also a single storey rear extension, which is not shown on the site plan, which projects to the rear of 80 Salisbury Road. There are a number of significant evergreen trees (approximately 5 metres in height) that are just within the boundary of 80 Salisbury Road, and an ornamental/fruit tree. The evergreen trees screen much of the existing building from the rear garden of 80 Salisbury Road.
- 3.10 In addition to the existing building at the application site, the trees, garage, and existing house and extension at 80 Salisbury Road in themselves cast shadow into the rear garden of 80 Salisbury Road.

- 3.11 The eastern façade of the proposed building, which faces 80 Salisbury Road would be approximately 19.2 metres in length (a reduction in 11.6 metres), set back slightly from the front of the existing building. The proposed building would be approximately 0.8 metres from the boundary with 80 Salisbury Road. There is also an eaves projection of around 0.5 metres on the proposed building that brings the roof edge closer to the boundary. The proposed building is therefore closer to the boundary than the existing (by approximately 1.3 metres). The height of the proposed building is approximately 4.1 metres in height to the eaves, and 7.3 metres in height to the ridge.

Shadow Diagrams

- 3.12 The shadow play from the existing and proposed buildings on site from 12.00 noon to 4.00 p.m. on 21 March (the equinox) is shown on shadow diagrams at **Appendix C**. It should be noted that these do not show shadow from other buildings/structures off site, as the dimensions of these are not known.
- 3.13 At midday an additional slither of shadow (approximately 60 cm) would be cast by the proposal towards 80 Salisbury Road beyond the shadow of the existing building. At this time the shadow of the existing and proposed buildings is only over the far western part of the rear garden of 80 Salisbury Road. In contrast the shadow at 4.00 p.m. from the existing building covers the majority of the garden, and the additional shadow from the proposed building would be beyond the garden of 80 Salisbury Road. The shadow of the existing and proposed building passes across the garden of 80 Salisbury Road between midday and 4.00 p.m. It is shown in these shadow diagrams that some additional shadow would be cast across part of the garden at 1.00 p.m. (an additional section approximately 2.0 metres in width), 2.00 p.m. (an additional 3.5 metres at the widest point to the north of the shadow) and 3.00 p.m. (an additional 3.4 metres). However, this does not account for the shadow that would in any event be cast from the existing fence, evergreen hedge, ornamental tree, garage, and dwelling at 80 Salisbury Road. It is only at 2.00 p.m., through to 3.00 p.m. that the additional shadow shown on the shadow diagrams is within the main part of the garden of 80 Salisbury Road. It is considered that at both 2.00 p.m. and 3.00 p.m. the majority of this area of additional shade that might be cast if there were no other features present, would in any event be in shade as a result of the shadow from the house of 80 Salisbury Road (with extension not shown on the O.S. Plans), the garage of 80 Salisbury Road and large trees within the garden of 80 Salisbury Road.
- 3.14 There is also in each of the shadow diagrams an area to the north of the garden of 80 Salisbury Road that would be removed from being in shadow from buildings on the application site as the proposed building is shorter along this elevation by 11.6 metres than the existing building. Again this does not account for the shadow that would in any event be cast from features at 80 Salisbury Road (trees at this point of the garden).

- 3.15 An additional area of shadow would be cast from the proposed building over the main part of the rear garden at 2.00 p.m. and 3.00 p.m. However, a significant part of this additional area would already be in shadow by virtue of the dwelling, garage, and trees at 80 Salisbury Road. A benefit would also occur by virtue of the reduction in length of the proposed building. It is not considered that the proposed building would result in any significant additional harm to the amenities of the occupants of 80 Salisbury Road from overshadowing. It is considered that a reason for refusal on this basis could not be substantiated.

OTHER MATTERS

Legal Agreement

- 3.16 A legal agreement to secure financial contributions towards the implementation and monitoring of Traffic Regulation Orders and pedestrian/cycle/transport improvement schemes in the vicinity of the site, and to secure provision of pedestrian infrastructure improvements on Millway Road is progressing, but is yet to be completed. The recommendation of the Head of Planning and Building remains that this needs to be completed so as to mitigate the impact of the development prior to any decision being issued.

4.0 RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE REFUSED for the reasons:

1. **Inadequate parking is proposed on site to meet the demand for parking in connection with the proposed development and in relation to parking standards set out in policy TRA02 of the Test Valley Borough Local Plan such that parking will take place elsewhere including on neighbouring roads where it would have an adverse impact on highway safety and also the amenities of residential properties as a result of noise and disturbance contrary to policy AME04 of the Test Valley Borough Local Plan.**
2. **The proposed building because of its height and proximity to the boundary with 80 Salisbury Road would have an adverse overshadowing impact on that neighbouring residential property detrimentally affecting its amenities which would be contrary to policy AME02 of the Test Valley Borough Local Plan.**

5.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING

Delegate to the Head of Planning and Building that subject to the completion of a legal agreement to secure financial contributions towards the implementation and monitoring of Traffic Regulation Orders and pedestrian/cycle/transport improvement schemes in the vicinity of the site, and to secure provision of pedestrian infrastructure improvements on Millway Road, then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 2. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
- 3. The approved development shall not be occupied until the highway works, namely the 'kerb splitter island', service lay-by and footpath realignment/works, as shown on inspire architecture plan 07202/AL26 Rev.D (dated 28 September 2011) have been completed.**
Reason: In the interests of highway and pedestrian safety in accordance with Test Valley Borough Local Plan 2006 policies TRA01, TRA04, TRA05, and TRA09.
- 4. The development hereby permitted shall not commence use until provision for the manoeuvring, loading and unloading of vehicles and the parking of 17 cars, including disabled parking and 8 cycles has been made, including any surfacing and marking out in accordance with the approved plans. The areas of land so provided shall be maintained at all times for these purposes.**
Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
- 5. Prior to the commencement of development hereby permitted, details of the measures to be taken to physically and permanently close the existing accesses, including the removal of the existing dropped kerb, shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented prior to first use of the new access and before the first use of the building and, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no access other than that shown on the approved plan shall be formed.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 6. Other than in respect of newspaper deliveries/pick ups, no deliveries shall be received at the site except between the hours of 07:00 to 19:00 Monday to Friday, and 09:00 to 19:00 on Saturdays and Bank Holidays. No deliveries may be taken at the site on Sundays.**
Reason: To maintain the character and amenities of the surrounding local area in accordance with policies AME01 and AME04 of the Test Valley Borough Local Plan 2006.
- 7. No newspaper deliveries of shall be taken at the site except between the hours of 06:00 to 22.00. If deliveries/pick up are made outside of the hours stipulated in condition 6 this shall only be by a vehicle with a gross weight not exceeding 3.5 tonnes, and delivery shall only be to a drop box at the front of the store.**

Reason: To maintain the character and amenities of the surrounding local area in accordance with policies AME01 and AME04 of the Test Valley Borough Local Plan 2006.

8. The unit marked as 'Unit 1' on the submitted plans, the use of which as a class A1 (convenience) retail unit for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended) is hereby approved, shall only be open for business between the hours of 7am and 10pm each day.

Reason: In the interest of local amenities in accordance with Policy AME01 and AME04 of the Test Valley Borough Local Plan 2006.

9. The units marked as 'Unit 2' and 'Unit 3', on the submitted plans, which are proposed as class A5 (Take Aways) units for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall only be open for business between 10.00 a.m. and 10.00 p.m. each day on Sunday to Thursday, and 10.00 a.m. to 11.00 p.m. on Fridays and Saturdays.

Reason: In the interest of local amenities in accordance with Policy AME01 and AME04 of the Test Valley Borough Local Plan 2006.

10. The use of Unit 2 and Unit 3, as shown on the submitted plans for the development hereby permitted shall not be commenced until a scheme for the control of cooking odour and the dispersion of the exhaust from the cooking extraction systems has been submitted to, and approved in writing by, the local planning authority for the individual unit. The submitted scheme shall include;

- (i) the intended position of the equipment;
- (ii) the velocity of effluent at the points of discharge;
- (iii) the type of odour control system to be employed (including details of the filter residence time, if applicable);
- (iv) a statement of the anticipated type and scope of cooking to be undertaken (including the average number of hours per day the extraction system will be in operation for);
- (v) the supplier's recommendations for maintenance of the odour control systems (including the frequency of changing filters and cleaning).

Development shall be carried out in accordance with the approved details, and shall be maintained and retained in accordance with the approved details.

Reason: In the interest of local amenities in accordance with Policy AME01, AME04, and AME05 of the Test Valley Borough Local Plan 2006.

11. No external plant, including kitchen extract systems, other than that hereby permitted at the convenience store, shall be installed without the written approval of the local planning authority.

Reason: In the interest of local amenities in accordance with Policy AME01, AME04, and AME05 of the Test Valley Borough Local Plan 2006.

- 12. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, have been submitted to and approved in writing by the Local Planning Authority. The rating level of the noise emitted cumulatively from all fixed plant at the site shall not exceed 35dB between 0700 and 2300, and 30dB between 2300 and 0700. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:1997."**

Reason: In the interest of local amenities in accordance with Policy AME01 and AME04 of the Test Valley Borough Local Plan 2006.
- 13. No refuse shall be collected from the site except between 07:30 and 18:00 Monday to Saturday.**

Reason: To maintain the character and amenities of the surrounding local area in accordance with policies AME01 and AME04 of the Test Valley Borough Local Plan 2006.
- 14. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use commences or prior to its installation. Development shall be carried out in accordance with the approved details.**

Reason: To maintain the character and amenities of the surrounding local area in accordance with policies AME03 of the Test Valley Borough Local Plan 2006.
- 15. The development hereby permitted shall not be occupied until such time as details of litter management strategy at the site, including details of additional proposed bins has been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, and the site shall be maintained in accordance with the approved strategy.**

Reason: To ensure that development hereby permitted will contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.
- 16. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details prior to the development being occupied.**

Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interests of visual amenity, and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policies DES10, and do not result in any detriment to residential amenity in accordance with policies AME04 and AME01 of the Test Valley Borough Local Plan 2006.

- 17. No development shall take place until full details of hard and soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished levels or contours; means of enclosure and hard surfacing materials. The landscape works shall be carried out in accordance with the implementation programme.**
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10, and in the interests of highway safety in accordance with policy TRA09 of the Test Valley Borough Local Plan 2006.
- 18. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.**
Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.
- 19. In respect of contaminated land matters;**
- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:**
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 -Investigation of Potentially Contaminated Sites - Code of Practice;**
and (unless otherwise agreed in writing by the local planning authority);
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;**
and (unless otherwise agreed in writing by the local planning authority);
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminated land and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.**

- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (l)c that any remediation scheme required and approved under the provisions of condition (l)c has been implemented fully in accordance with the approved details (unless with the written agreement of the local planning authority in advance of implementation). Unless agreed in writing by the local planning authority such verification shall comprise:
- (a) as built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) certificates demonstrating that imported and/or material left in situ is free from contamination;
 - (d) thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (l)c.

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.

20. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of

the local planning authority. The scheme shall be implemented as approved.

Reason: The site lies above the Lewes Nodular Chalk Formation, a principal aquifer, and within the groundwater Source Protection Zone 1 (SPZ1) for the Rooksbury Road water supply. Given the sites historical use (as identified in the Report on Site Investigation reference 60283) there is the potential for contamination to be present at the site. Any contamination present may pose a risk to controlled waters. To ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

21. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reasons: To confirm that remedial works have been carried out in accordance with the remediation strategy and to ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: Any contamination present as a result of historical activities at the site could pose a risk to controlled waters and to ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

23. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reasons: To protect controlled waters and to ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

24. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reasons: To protect controlled waters and to ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

- 25. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

Notes to applicant:

- 1. The following policies in the Development Plans are relevant to this decision:
South East Plan 2009 Policies; RE1 – Contributing to the UK's Long Term Competitiveness, RE3 – Employment and Land Provision, RE6 – Competitiveness and Addressing Structural Economic Weakness, T1 – Manage and Invest, T2 – Mobility Management, T4 – Parking, NRM1 – Sustainable Water Resources and Groundwater Quality, NRM9 – Air Quality, NRM10 - Noise, BE1 – Management for an Urban Renaissance.
Test Valley Borough Local Plan 2006 (TVBLP) – Policies; DES01 (Landscape Character), DES02 (Settlement Character), DES05 (Layout and Siting), DES06 (Scale, Height, and Massing), DES07 (Appearance, Details, and Materials), DES10 (New Landscape Planting), DES11 (Shop Fronts), AME01 (Privacy and Private Open Space), AME02 (Daylight and Sunlight), AME03 (Artificial Light Intrusion), AME04 (Noise and Vibration), AME05 (Unpleasant Emissions), TRA01 (Travel Generating Development), TRA02 (Parking Standards), TRA04 (Financial Contributions to Transport Infrastructure), TRA05 (Safe Access), TRA06 (Safe Layouts), TRA07 (Access for Disable People), TRA09 (Impact on the Highway Network), ENV09 (Water Resources), ENV10 (Groundwater Source Protection Areas), HAZ03 (Pollution), HAZ04 (Land Contamination), ESN16 (Employment Development within Settlements), ESN20 (New Local Shops and Local Community Facilities).**
- 2. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.**
- 3. The decision to grant planning permission has been taken because the principle of the development is in accordance with the policies of the development plan, and the proposal is, subject to conditions, considered acceptable in other regards, including with regard to the residential amenities of occupants in the vicinity in terms of noise (as demonstrated within noise assessments), emissions,**

overlooking, overshadowing and dominance; the impact on the character and appearance of the area, criminal activity and

antisocial behaviour, and would not cause any significant risk of pollution to groundwater or the surrounding living/working environment. The site access and parking provision are considered acceptable and have been demonstrated as being so within professional highway assessments. Improvements to the pedestrian facilities in the vicinity of the site (crossings to Millway Road and a contribution towards a future zebra crossing at Salisbury Road) are proposed and would provide safe access to the site, and a contribution is to be provided to secure the implementation and monitoring of traffic regulation orders within the vicinity of the site. Other matters raised by third parties are either not material planning considerations, are controlled by other legislation, or can be conditioned. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.

- 4. The applicant's attention is drawn to the legal agreement dated XXXXXX**
- 5. It should be noted that it is likely that a separate planning application will be required for the installation of any kitchen extraction equipment. This is particularly relevant in respect of condition 10. It is the case, in accordance with condition 11, that an application will be required for external plant. Any new application or any condition submission should include a noise report to be submitted using the methodology of BS4142:1997. Any new planning application should include the details set out at condition 10.**
- 6. No vehicle shall leave the site unless its wheels have been sufficiently cleaned as to minimise mud being carried onto the highway. Appropriate measures, including drainage disposal, should be taken and shall be retained for the construction period. (Non compliance may breach the Highway Act 1980.)**
- 7. Permission is required under the Highway Act 1980 to construct a vehicular access. Please contact the Chief Engineer, Hampshire County Council, Jacobs Gutter Lane, Hounslow, Totton, SOUTHAMPTON, SO40 9TQ (02380 427000) at least 6 weeks prior to the works commencing for detail of the procedure.**
- 8. Implementation of the highway works referred to in Condition 3 will require entering into a formal s278 legal agreement with the Highway Authority under the Highway Act 1980. Please ensure that early contact is made with the Highway Authority.**
- 9. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc) outside**

the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer

depending on local conditions. If there is absolutely no alternative to doing the work during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

- 10. Measures to enhance the biodiversity of the site which could include roosting opportunities for bats, bird nest boxes or the use of native species in the landscape planting should be considered.**
-

APPENDIX A

Officer’s Report to Northern Area Planning Committee – 8 March 2012

APPLICATION NO.	10/02952/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	21.12.2010
APPLICANT	Mr D Urmasher
SITE	82 Salisbury Road, Andover, Hampshire ANDOVER TOWN (MILLWAY)
PROPOSAL	Erection of one Class A1 (convenience retail) unit, two Class A5 (hot food takeaway) units, car parking, installation of plant and associated works
AMENDMENTS	<ul style="list-style-type: none">• Amended Plans and additional information and plans submitted 24 January 2011.• Amended Plans and additional information, including Environment Noise Assessment submitted 9 November 2011.• Additional Plan received 26 January 2012 to show a zebra crossing to Salisbury Road.
CASE OFFICER	Mr Gregg Chapman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to the Northern Area Planning Committee as the proposal has, in the opinion of the Head of Planning and Building, generated significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is located within the built up area of Andover to the east of Millway Road, which forms the western site boundary, and to the north of Salisbury Road which forms the southern boundary of the site. The site is located to the north east of the junction of the two roads, which are served by a round about. The existing site has historically been used as a car showroom and service site. The existing on site buildings are predominantly single storey.

3.0 PROPOSAL

3.1 The application proposes the erection of one Class A1 (convenience retail) unit, two Class A5 (hot food takeaway) units, car parking, installation of plant and associated works.

- 3.2 The application proposes the erection of one building, 34.2 metres in width (across the frontage on to Salisbury Road), 19.1 metres in depth fronting on to Millway Road, 4.1 metres in height to the eaves, and 7.3 metres in height to the ridge of the flat roof area. The proposed building is broadly rectangular although the elevation fronting Millway Road is angled to run parallel with the road, as is the existing building. The building is proposed to be set back from the existing highway to the north of Salisbury Road by 15.4 metres (the existing building is set back by 14.2 metres) and to the east of Millway Road by 5.8 metres, as is the existing building.
- 3.3 The application proposes the subdivision of the building to form one Class A1 (convenience retail) unit with a 371.6 square metres floor area, and two A5 (hot food takeaway) units with floor areas of 92.9 square metres. Overall the proposal would result in a net decrease in building footprint on the site by approximately 42.6 square metres.
- 3.4 The application also proposes an ancillary bin store, plant area, and milk trolley storage area within fenced enclosures to the north of the building.
- 3.5 The proposed site layout is formed by the building being central to the site with car parking areas to the north and south of the building. A total of 17 parking spaces are proposed. 11 spaces are proposed to the south of the building, accessed from an in only entrance from Salisbury Road, with egress through this parking area and on to Millway Road, with traffic required to turn left as a result of a proposed 'kerbed splitter island'. Five parking spaces are proposed to the north of the building with access/egress from Millway Road. The further space proposed is a service lay-by/loading bay on Millway Road, where the public footpath would be re-aligned to allow for the provision.
- 3.6 The kerbed splitter island as noted above provides a central refuge for pedestrians crossing Millway Road. An additional plan has been received showing a zebra crossing to Salisbury Road.
- 3.7 The application as originally submitted was supported by:
- Planning, Design and Access Statement
 - Transport Statement
 - Noise Impact Assessment
 - Ground Investigation Report.

Amended and Additional Information and plans have been submitted, including;

- Vehicle Tracking
- Detail of Areas of site to be offered for adoption (lay-by)
- An updated Noise Assessment Report
- Highways Assessment in respect of need for Crossing of Salisbury Road
- Plans of a zebra crossing to Salisbury Road.

4.0 **HISTORY**

- 4.1 10/00815/FULLN - Erection of one A1 (convenience retail) unit, and two A5 (hot food take-away) units, car parking, installation of plant and associated works (amended description) – Closed as Invalid.
- 4.2 08/01565/FULLN - Erection of retail unit (Class A1), Class A2 unit (professional and financial services) with 10 residential units over, access and service layby on Millway Road and access on Salisbury Road – Refused (September 2008) for the reasons;
1. **The height, scale, massing, design, details, appearance, layout and siting of the proposal would introduce an incongruous and dominant addition to the street scene that fails to integrate with, and causes harm to the settlement and the surrounding townscape. As such the proposal is contrary to policies SET01, DES02, DES05, DES06, DES07, DES10, DES11, and ESN20 of the Test Valley Borough Local Plan 2006 and National Guidance in the form of the PPS1 and PPS3.**
 2. **In the absence of a suitable legal agreement to secure financial contributions towards off-site highway works and projects as identified in the Andover Town Access Plan, and towards Traffic Regulation Orders, the proposal is contrary to policy TRA04 of the Test Valley Borough Local Plan 2006.**
 3. **In the absence of a suitable legal agreement to secure a financial contribution towards the provision/improvement of Public Open Space within the locality the proposal would exacerbate deficiencies in the provision or quality of recreational open space. The development is therefore contrary to Policy ESN22 of the Test Valley Borough Local Plan 2006.**
- 4.3 06/01532/FULLN - Erection of retail unit (Class A1), Class A2 unit (bank, building society, estate and employment agencies, professional and financial services and betting offices) and hot food takeaway (Class A5) with 10 residential units over, access and service lay-by on Millway Road and access on Salisbury Road – Withdrawn, 24.07.2006.
- 4.4 TVN.03827/1 – Single storey link extension and external refurbishment – Permission, February 1990.
- 4.5 TVN.03827 – Alterations and Extensions – Permission, August 1983.
- 4.6 ANB.2503 – Vehicle Repair Workshop – Permission, April 1964.
- 4.7 ANB.2242 – Petrol Installation – Permission, August 1962.
- 4.8 ANB.1841 – Change of Use and Alterations of dwelling to offices and store – Permission, December 1960.
- 4.9 ANB.1640 - Change of use of dwelling to offices and store – Refused, April, 1960.

NB: Car sales garage existed pre-planning.

5.0 **CONSULTATIONS**

5.1 **Policy** – No objection.

5.2 **Landscape** – No objection, subject to conditions.

5.3 **Highways** – No objection, subject to conditions, and a legal agreement to secure a traffic island at Millway Road, and a financial contribution towards the provision of local pedestrian/cycle/public transport improvement schemes within the vicinity of the site, and a contribution towards the monitoring and implementation of a traffic regulation order in the vicinity of the site.

- The estimated pedestrian traffic generated by the development is significant and it is likely that the PV² values exceed the HCC threshold where a zebra crossing can be installed as per Drawing SK06. I am unclear whether all three units will be occupied immediately and it may therefore be some time before the PV² threshold is met. I therefore recommend that you secure adequate funding towards the full cost of providing a zebra crossing at the location shown on the revised plan.

5.4 **Env. Protection** – No objection, subject to conditions in respect of delivery and refuse collection hours, opening hours, control of cooking odour, external plant details, and details of any lighting scheme.

- Although the site has been vacant, understand its existing permission is as a garage and any disturbance from delivery noise must also be weighed against the type of noise that could characterise the site without further consent. This could include deliveries, engine noise and operation of heavier machinery/plant, which this application would avoid.
- Whilst I recognise to some extent the acoustic consultant's views on the applicability of BS4142:1997 in this particular case, the outcome of the assessment in terms of delivery noise suggests that this is likely to lead to some local disturbance, particularly when considering the nature of the noise. The background levels in this case however are high due to traffic noise, but I feel that a balance needs to be struck considering the range of further inconveniences we might expect to local residents, in terms of car horns, odour, refuse bin location and emptying, lighting etc as I have previously outlined.
- There is therefore no objection subject to agreement about deliveries. Of particular concern is the detail of hours during which main deliveries can take place at the weekends. I anticipate that the hours that have been suggested are comfortably wide for operational reasons and there may be some scope to tighten these permitted hours at weekends and bank holidays particularly, and/or limit the size of delivery vehicle, to secure an acceptable and reasonable situation for the applicant and the neighbours. If agreement cannot be reached we are in a position to propose conditions related to deliveries.
- The report makes a number of recommendations regarding proposed trading hours and delivery hours for the convenience store, based on further noise monitoring and predictions of the impact on local residents from car park, delivery vehicle noise and plant noise. This has resulted in

a proposal for reduced hours for trading (from 7am - 10pm), main deliveries (from 7am to 7pm Monday to Friday, 9am-7pm on weekends and bank holidays) and newspaper deliveries (from 6am daily).

- Following the updated information, the remaining issue to be agreed is the impact of noise from deliveries on local residents. We can support the principle of the development on this site, subject to agreement on conditions, particularly with regard to standard delivery hours. It is hoped that agreement on such conditions can be reached with the applicant.

Main Deliveries

- There is no commonly accepted standard for the assessment of delivery noise and the situation can therefore be measured and compared to the existing climate in a variety of ways. The noise level related to a main delivery is predicted to be 57dB(A)eq,1hr (Table 10) at 170 Salisbury Road (this value is the noise including arrival and departure averaged over an hour), with unloading activity leading (co-incidentally) to instantaneous levels of approximately 57dB(A) at that property during a 25 minute delivery period. In terms of delivery noise, it is expected that the main elements to make up the predicted levels are refrigerated plant noise, tail lift operation, movement of the stock, probably in cages, impact noises etc. This is of a different character to the traffic noise. (It should be noted that there are not expected to be reversing alarms as the lorries can pull into and out of the site forwards).
- The acoustic consultant has confirmed that this is a robust worst case assessment as the delivery noise includes refrigeration running on the vehicles, which not all vehicles would have. Also some of the deliveries will take place in smaller vehicles which will be less noisy.
- This can be compared to the range of existing ambient noise levels within the hours proposed for deliveries which are as follows:
 - Sunday 9am to 10am 57dB(A)eq,10mins to 59dB(A)eq,10mins
 - Friday 7am to 8am 59dB(A)eq,10mins to 62dB(A)eq,10mins
 - Thursday 9pm - 10pm 55dB(A)eq,10mins to 58dB(A)eq,10mins
 - Sunday 6pm - 7pm 56dB(A)eq,10mins to 58dB(A)eq,10mins
- It can be seen that on the whole noise from the deliveries is predicted to be of a similar level, or slightly lower than the existing noise climate, even during quieter periods when the deliveries are proposed. Consequently the delivery operations will lead only to a slight increase in noise levels at 170 Salisbury Road when the area is otherwise quiet. The acoustic consultant proposes that this noise is therefore not predicted to be an issue as long as delivery hours are conditioned in line with the proposals.
- The raw data provided allows for an assessment to be carried out using the methodology described in BS4142:1997 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas". This shows that in periods of quieter background the rating level ranges from the "complaints of marginal significance" outcome to marginally above the "complaints likely" outcome. The worst impact is expected to be a delivery arriving on a Sunday morning at 9am. (Please note these assessments include a 5dB penalty for the character of the noise but I have only been able to approximate the hourly LA90 value as the raw data is presented as a series of 10 minute values.)

- I am aware the acoustic consultant is disputing the applicability of the BS4142 methodology as a benchmark for determining the likelihood of complaint in this instance. Some caution should be afforded because in this case noise from the busy road is already well above what would otherwise be the background noise level. Whilst I agree that there is benefit to the comparison of absolute noise levels as shown in the report and discussed above, some regard should be had to the outcome of the BS4142 assessment.

Newspaper Deliveries

- The applicant proposes that newspaper deliveries take place daily from 6am. The noise level from this activity is predicted to be 45dBLAeq, 5mins, approximately equal to or well below the existing ambient noise levels between 7am and 8am as presented in the report. A similar argument applies to this activity in terms of how the noise can be assessed. I would advise that if the principle of the development is accepted, deliveries of newspapers from 6am ought to be expected given the nature of the business and the high background levels. It does however represent a further inconvenience to local residents.

5.5 **Env. Agency** – No objection, subject to conditions.

5.6 **HCC Highways** – Highways advice to be provided by TVBC Highways.

5.7 **HCC Ecology** – No objection, subject to condition.

5.8 **Crime Prevention Design Advisor** – No objection. Comments:

- The Crime Prevention Design Advisor confirms that comments provided are not an objection, but were *“simply offering practical crime prevention advice, which the applicant can choose to accept or not.”* This was following communication from the agent.
- The Crime Prevention Design Advisor clarifies that, *“comments have nothing at all to do with what TVBC Planning can or cannot impose and everything to do with making sure that we work together in our community making it a safe place to work, live and enhance the quality of life for all residents.”* A meeting was offered by the CPDA, but has not to date been accepted by the applicant/agent.

6.0 **REPRESENTATIONS** Expired 21.01.2011

6.1 **Town Council** – No objection

- No objection provided a condition is included that extra litter bins are provided to accommodate the hot food take away.
- Concerned about the egress from the site being so close to the roundabout.

6.2 **48 letters** – Objection:

1 letter from a resident at Little Ann, and 47 letters from Andover residents, including the immediate neighbouring properties at 80 Salisbury Road (x3 letters), 55a Salisbury Road, 166 Millway Road, and 170 Millway Road.

Need

- Are already several convenience stores in the area, including the Hexagon Stores (which was recently done up at some expense to TVBC), and in Weyhill Road; Tesco, Nisa, the Cooperative, Burbidges Baker, and a Chinese Take Away. Do not need more of the same. Will they all survive. Will the vitality and viability of these stores not be affected. Can ill afford to lose the post office at the Hexagon.
- Application states that no survey of need has been undertaken, which undermines the case.
- Are already at least 56 pubs, 25 restaurants, 10 cafes, 16 hot food takeaways, 3 fish and chip shops, etc. in the Andover area, most of which are in walking distance, or a few minutes drive. Do not need any more.
- Continued development of this nature must have an effect on the Town Centre.
- Do we as a Town with 5 Tesco's already, need yet another chain with a store in our town.
- Need local employers who will employ people above the basic wage, who will develop their staff.
- Are many empty premises in the town or on the industrial estates where these businesses could be sited.
- More substantial superstores are less than a mile away.

Principle of Development

- Site should be used for dwellings – for a low rise block of flats.
- Site should be used for affordable housing for young people.
- Need for housing development should outweigh need for retail.
- How did the garage ever get permitted in the first place in this residential area.

Character and Appearance

- Out of Character with area. Area is a 1930s residential area.
- Gross overdevelopment.

Amenity

- Agree we would not be overlooked (80 Salisbury Road) but this 'bonus' is negated by having a large blank wall as the view.
- Would have a loss of light (80 Salisbury Road)
- Early morning and late evening noise will occur including from drunk people. Not helped by fact there is a public house in the vicinity. Have young children who we do not want to be woken up.
- Opening times (7.00 a.m. to 11.00 p.m.) are completely unacceptable and anti-social in this residential area. Should be reduced to 9.00 p.m weekdays and 4.00 p.m. Sundays. Staff will be there before and after. Previous use as a car show room closed at 6.00 p.m.
- Lorries will arrive at all hours.
- Will be a generally noisy development, including from additional traffic, and use of car parks, noisy cars, slamming car doors, loud music and voices particularly on summer nights.
- Litter will increase. How will deal with this.

- Smell from kitchens would be intrusive. Two take away units together would make this worse. Will make clothes on washing line smell, and inside of house.
- Plant would be sited close to the fence adjoining property (80 Salisbury Road), running 24 hours a day, 7 days a week. Substantial barrier such as a wall would help dampen noise.
- Noise levels at weekends and evenings are currently low. Noise may decrease at night, but if take away's extend hours, will provide little relief from plant noise.
- As 80 Salisbury Road is next to the shops car park, front and back, will be an increase in noise in garden. Entertain and have grandchildren in this area. Increase in traffic and plant noise will disrupt social activity.
- Proximity of rear unloading area to rear bedrooms (80 Salisbury Road) is such that sleep will be disrupted with out of hours deliveries.
- Presently not subject to much vehicle noise in evening hours (80 Salisbury Road). A shop, open for 16 hours, and two takeaways will increase sporadic traffic noise over much of the day.
- Plant near to our boundaries suggest smells would be drawn from units, and would be far from pleasant (80 Salisbury Road).
- Bins are closer to houses and road. Will be south-westerly facing so in summer will smell as they heat up.
- No provision for employees to smoke. They will therefore smoke out of the back of the premises, opposite our house (164 Millway Road).
- Live opposite the site, the entrance to the shop will look straight into our 2 front bedrooms and lounge windows (55A Salisbury Road).
- Most Tesco convenience stores have cash points outside which are accessed 24 hours a day, with associated noise and use of car park.
- Light pollution, will be invasive to our property. Do not currently have blinds or nets, as enjoy a light property, but will have to install these for privacy. (55A Salisbury Road).

Highway Matters

- Insufficient parking facilities. Where will the 35 to 40 staff park? 11 parking spaces on the Salisbury Road side and five spaces at the rear is laughable as is insufficient. Traffic statement says only need 14 spaces, does not leave much contingency at times of peak demand.
- If other examples in Andover were used as an example, 18 spaces would not be enough to service one outlet, to expect this number of parking space to provide for three units seems at best optimistic.
- Plans admit parking on the highway will be necessary and acceptable because the parking bays will not be able to cater for the volume of vehicles.
- Traffic Statement says that TVBC require 1 space per 14sqm, which is 40 spaces.
- Cars parked on lower end of the busy Millway Road will not be tolerated by police or residents. Millway Road is main access route to the station from this part of town. Salisbury Road is a main route, so parking will be a particular problem. Do not want people parking in Rooksbury Road, which is already at saturation point with cars.

- Parking on highway will reduce visibility, which will be harmful to residents and children.
- Not everyone will respect yellow lines.
- Traffic issue with a roundabout so close, which is very busy at peak times with several schools close by. Have been many collisions, and many near misses.
- Roundabout is already insufficient with reduced sight lines. Have witnessed several near misses. Have also experienced first hand the problem of crossing these roads due to limited sight lines. Will become worse without radical reworking. Particularly concerned for school children, where no crossing proposed.
- Will lead to congestion. Traffic is already a problem, will be exacerbated.
- There are no traffic calming measures at the moment, apart from the problem of existing parked cars.
- Currently no pedestrian crossing facilities. Would not feel safe crossing the road with the increased traffic with young children. An island is not wide enough when you have push chair and children.
- Access to property is already difficult. Do not want parking area outside home to be used by passing and shop visiting traffic. Increased traffic will make it even more difficult to manoeuvre onto and off of our drive during rush hour (several residents in Millway Road, and Salisbury Road).
- Where will visitors to existing houses park if visitors to shops park on the road.
- What protection will there be for residents driveways in vicinity, will there be double yellow lines on the road.
- Children will congregate, the perils are obvious at such a busy junction.
- Where will construction vehicles park. Recent experience tells us this is a major problem.
- No link between car parks, so if no space in one will need to go out of site and negotiate roundabout. Far from ideal situation.
- Will lorries be allowed to use the lay-by to park up over night.
- Vehicles wanting to call into outlets on Salisbury Road will ignore no-entry signs, crossing traffic travelling towards Andover coming off the roundabout at speed. What road furniture and calming measures are proposed to ensure safety.
- Concerned about traffic turning off Salisbury Road into car parks near junction. At peak times traffic backs up in both directions while trying to negotiate the junction. A turning into the site will hold up traffic further.
- With car park exit onto Millway Road vehicles will find it difficult to exit the site at peak times.
- Have been two fatalities in the past years where the plans show the front of the outlet units. With an increase in usage, more fatalities will occur.
- Will be an increase in accidents due to increase in traffic (1430 extra daily car journeys). Collision data only shows accidents that resulted in injury.
- Believe will be more traffic than surveys show. Do not seem to have considered weekends.
- Traffic problems will mirror those on Weyhill road entrance to the Tesco metro and shops.

- Proposed lay-by on Millway Road will alter the pavement, and will be a pedestrian safety issue.
- Millway Road is regularly used by the emergency services, especially ambulances and must be kept clear.
- Lansdowne Road is already busy at Plymouth Brethren service times.

Other Matters

- Development would attract antisocial behaviour.
- Take away with shop next door selling alcohol is a recipe for disaster. Will be arguments and fights.
- Lorry drivers overnighing may urinate in the lay-by.
- Asbestos roof is not listed in existing materials quoted. What steps will be taken to protect residents.
- Noise, smell, and rubbish will affect local house values.
- Recently installed double glazing (55A Salisbury Road), will the developers pay to upgrade this to triple glazing to compensate us. Will they pay for us to install electric sensors to our wooden gates so we can access our property, if we do not install this it will be obvious we are not in and will make us a burglary target. More likely than now as will be numerous people using site entrance (55A Salisbury Road).

6.3 **1 letter** – Part Support/Part Object:

Andover Resident

- Support the proposed convenience retail unit, subject to; adequate parking (nearby roads will need to be double yellow lined to ensure access to driveways; adequate off road access for delivery vehicles, only during shop opening hours; sympathetic consideration to local residents)
- Existing site is an eyesore and affects local house values. Re-development is urgently required.
- Object to hot food takeaways – over-development, cooking smells, and littering, noise, and anti-social behaviour of customers, so close to residential properties.

6.4 **2 letters** – Support:

Andover Residents

- Site has been an eyesore for years and is unsafe as is. Anything has to be better than what is there now.
- Felt that it was being over-developed before with shops and flats, but that the shops will be an advantage to the area.
- Providing development is done tastefully with adequate parking and access, find it difficult to believe that anyone would object.

6.5 **1 letter** – Comment:

Andover Resident

- Consideration needs to be given to traffic generation.
- Visibility at the roundabout is poor. Traffic travels too fast and does not stop, leading to sudden breaking.

6.6 Following the submission of an additional plan showing a zebra crossing, the application was re-advertised, the below representations are additional representations made in respect of this re-advertisement.

16 letters – Objection:

1 letter from a resident at Little Ann, and 15 letters from Andover residents, including the immediate neighbouring properties at 55a Salisbury Road, 166 Millway Road, and 170 Millway Road.

Additional matters raised from first round representations received:

Zebra Crossing

- Concerns regarding the positioning of the zebra crossing. Main concern is I will have to drive straight across this, pull to the opposite side of the road, then reverse into my drive - this at the moment is hard enough, but with the new road markings I may find this even harder to do (55A Salisbury Road). Feel that the applicant has not taken three drives on Salisbury Road into account.
- Will add to difficulties faced by motorists.
- The crossing so near to the site entrance is a potential hazard.
- Crossing is likely to create stationary traffic backing up to the roundabout, and will also result in build up of stationary traffic either blocking the entrance and exits of Lansdowne Avenue or making it more hazardous.
- Highway Officers report indicates that a zebra crossing would increase not decrease problems.

Highway Matters

- Whilst helping to safeguard school children crossing Millway Road, the pedestrian island to Millway Road will not in any way relieve or remove the increased danger of an accident.
- Traffic surveys were undertaken in the school holidays, so are not reflective of heavy traffic associated with school.
- Proposed pedestrian island on Salisbury Road – So close to Lansdowne Road, does not take account that residents driving out cannot see oncoming traffic from the right without edging into traffic. Cars have to curve around those waiting at Lansdowne Road. If an island were placed in the middle of the road at this point, there would not be time for a car to get back to its left side of the road. (NB: A pedestrian island is not proposed to Salisbury Road).

Alternative Uses

- Could be a potential site for a nursing home.

Residential Amenity

- Will the car park have pull up posts to stop people sitting in the car park late at night, especially as they may eat their takeaway food there.

Other Matters

- Would oppose a cash point being put in as would turn site into a 24 hour cash point.
- The recently renovated Anton Arms could loose custom.

7.0 **POLICY**

7.1 Government Policy Guidance

- Written Ministerial Statement: Planning for Growth
- PPS1 (Sustainable Development)
- PPS4 (Planning for Sustainable Economic Development)
- PPG13 (Transport)
- PPG23 (Planning and Pollution Control)
- PPG24 (Planning and Noise).

7.2 On the 25 July 2011 the Government published for public consultation a 'Draft National Planning Policy Framework'. Public consultation closed on 17 October 2011. The Government's response to the public consultation is awaited. At the present time the document, and its content, demonstrates the direction of travel of the Government, but is not National Planning Policy Guidance.

7.3 South East Plan 2009

- RE1 – Contributing to the UK's Long Term Competitiveness
- RE3 – Employment and Land Provision
- RE6 – Competitiveness and Addressing Structural Economic Weakness
- T1 – Manage and Invest
- T2 – Mobility Management
- T4 – Parking
- NRM1 – Sustainable Water Resources and Groundwater Quality
- NRM9 – Air Quality
- NRM10 - Noise
- BE1 – Management for an Urban Renaissance.

7.4 The courts have clarified that the Governments intention to abolish the South East Plan is a material consideration.

7.5 Test Valley Borough Local Plan 2006 (TVBLP) – Policies;

- DES01 (Landscape Character)
- DES02 (Settlement Character)
- DES05 (Layout and Siting)
- DES06 (Scale, Height, and Massing)
- DES07 (Appearance, Details, and Materials)
- DES10 (New Landscape Planting)
- DES11 (Shop Fronts)
- AME01 (Privacy and Private Open Space)
- AME02 (Daylight and Sunlight)
- AME03 (Artificial Light Intrusion)
- AME04 (Noise and Vibration)

- AME05 (Unpleasant Emissions)
- TRA01 (Travel Generating Development)
- TRA02 (Parking Standards)
- TRA04 (Financial Contributions to Transport Infrastructure)
- TRA05 (Safe Access)
- TRA06 (Safe Layouts)
- TRA07 (Access for Disable People)
- TRA09 (Impact on the Highway Network)
- ENV09 (Water Resources)
- ENV10 (Groundwater Source Protection Areas)
- HAZ03 (Pollution)
- HAZ04 (Land Contamination)
- ESN16 (Employment Development within Settlements)
- ESN20 (New Local Shops and Local Community Facilities).

7.6 Supplementary Planning Documents:

- Infrastructure and Developer Contributions
- Andover Town Access Plan
- Cycle Strategy and Network.

7.7 On the 10 November 2011 the Council agreed to publish for public consultation the draft Core Strategy and Development Management DPD and the Designation DPD. Public consultation will be undertaken from 6 January 2012 to 17 February 2012. At the present time the document, and its content, demonstrates the direction of travel of the Borough Council, the document is not the adopted policy of the Borough Council.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of the development
- Need and Competition
- Economic Benefits
- The impact on the character and appearance of the area
- Highway Matters
- Residential Amenity
- Crime Prevention
- Pollution
- Other Matters.

Principle of Development

8.2 The application site, a former car sales site and car workshop, is located within the built up area of Andover. The redevelopment of the site for commercial purposes, to provide one retail unit and two fast food outlets is acceptable in principle, and is allowed for under policy ESN20 (new shops and community facilities) of the Test Valley Borough Local Plan 2006 provided that the proposal would not have an adverse impact on the character of the area, or the amenity of nearby residents.

Need and Competition

- 8.3 As discussed above in paragraph 8.2 the principle of development is considered acceptable. It is not the role of the Local Planning Authority to control competition between local businesses. There is no requirement for applicants to assess, or detail the need for the level of development proposed. The development proposed is not a major retail or commercial facility, and as such the policy test under ESN17 (Major Retail Development) which pays regard to potential harm to the vitality and viability of town centre uses is not relevant.

Economic Benefits

- 8.4 In addition to the policies contained within the Borough Local Plan, recent national guidance, in the form of the written Ministerial Planning Statement, Planning for Growth, issued in relation to the current economic climate, and to promote a “pro growth” agenda sets out an expectation that, *“the default answer to development and growth should be ‘yes’ except where this would compromise the key sustainable development principles set out in national policy.”* The background for this statement was in setting out that the Governments priority in reforming the planning system is to promote sustainable economic growth and jobs. The Statement is a material planning consideration. The proposal would result in the redevelopment of this unused site for economic development purposes, and would also create 20 to 30 jobs. The proposed development is economic development that would contribute to the economy.

Character and Appearance

- 8.5 The area is predominantly residential, with two storey detached and semi detached properties making up the bulk of the built form in the vicinity. The built form is largely set back some way from the road frontage, with garden areas being relatively open, or enclosed by low structures that do not significantly reduce the openness of the area.
- 8.6 The site is located in a prominent location at the corner of Salisbury Road and Millway Road and can be viewed from several vantage points. Views onto the site are available when travelling along the Salisbury Road in both easterly and westerly directions, from Millway Road, and from Rooksbury Road.
- 8.7 The buildings on site are single storey buildings, in so far as they have only one floor. The majority of the built form on site is flat roofed buildings which sits lower than the surrounding residential buildings, with a height of approximately 5.4 metres. Part of the roof, towards 80 Salisbury Road is a dual pitch roof (approximately 7.6 metres in height), which is comparable in height in the street scene (approximately 30cm higher) to 80 Salisbury Road (8.4 metres), by virtue of a decrease in levels to the east towards 80 Salisbury Road. The existing buildings are formed of concrete blocks, and brickwork, with metal cladding and asphalt roof. The buildings are currently unused, dilapidated and untidy.

- 8.8 The floor area of the existing buildings on site is approximately 600 square metres, with the buildings arranged in an approximate 'U' shape. The current building has a frontage to Millway Road and Salisbury Road. The frontage to Salisbury Road is approximately in line with properties at Salisbury Road (approximately 14.4 metres from the highway). The frontage of the existing building to Millway Road is sited forward of the building line of the properties on the eastern side of Millway Road (approximately 6 metres from Millway Road).
- 8.9 The proposed building is a single storey brick building and is roughly rectangular in shape, with the western elevation being slightly angled so as to run parallel with Millway Road. The overall floor area is proposed to be 557.4 square metres (a 42.6 square metre decrease). The main elevation of the building is proposed to be to Salisbury Road, with the use of glazing, and signage to provide distinct, and 'active' (in that patrons will be coming and going) shop frontages. The elevation to Millway Road is proposed to have a window and sign. The roof of the building is a single pitch, with two gable features (one fronting Salisbury Road, and one fronting Millway Road) these are intended to break up the expanse of roof. The roof pitches upwards to a large flat roof area. The design of the building is considered to be of an acceptable standard. The elevation to Millway Road is quite plain. The agent has been invited to amend the elevation to add interest, but has declined to do so.
- 8.10 As noted above, the overall footprint of the building would be decreased by approximately 42.6 square metres. The proposed building is largely sited on the same siting as the existing structure. The proposed height of the building to the ridge would be 7.3 metres at the highest point metres (1.8 metres higher than the existing main flat roof part of the building, and 0.3 metres lower than the highest part of the building). The submitted street scene drawings show that the building will be approximately 0.3 metres lower than neighbouring 128 Millway Road, and would be the same height as 80 Salisbury Road. The frontage of the proposed building is 1.2 metres further back from Salisbury Road than the frontage of the current building, and the proposed frontage to Millway Road, is on the same line as the existing building.
- 8.11 The proposed materials reflect those of the existing housing stock, and are considered to be in keeping with the area. The height, scale, massing, and siting are similar to the existing building, and considered acceptable. The design standard is considered acceptable (see paragraph 8.9). The proposed development is therefore considered acceptable in terms of the impact to the character and appearance of the area.
- 8.12 The application also includes parking, landscaping (hard and soft), cycle parking, and enclosed bin, milk trolley and plant areas. These areas are ancillary to the building, and it is considered, would appear as such. These ancillary areas are not considered to be out of keeping with commercial properties within the built up area, and in terms of the structures, would be sited so as to be unobtrusive.

Highways Matters

Access

- 8.13 The proposal involves the removal of a dropped kerb that runs along much of the site frontage of Millway Road and Salisbury Road which will be replaced by a full face kerb. Two parking areas are proposed, one to the south of the building and one to the north of the building. With respect to the southern parking area, vehicles will enter the site from a new vehicle crossover on Salisbury Road, and exit the site from a crossover on Millway Road, thus creating a one way system. With respect to the parking area to the north of the building, access/egress is provided at the northern end of the proposed lay-by. The visibility splays are considered acceptable for vehicles using the accesses, and vehicle tracking diagrams have been provided that show that the largest vehicles proposed to be using the accesses would be able to do so (including when account is taken of the proposed island on Millway Road (see paragraph 8.14). It is considered that the proposed vehicular access arrangements will not cause detriment to vehicles using the highway. No objection has been received from the Highways Officer on this matter.

Pedestrian Access/Crossing Points

- 8.14 A 'kerbed splitter island' is proposed at Millway Road. The submitted Transport Statement indicates that this is proposed, to "*prevent right turn movements when vehicles are exiting the car park*", and that this will also include a pedestrian refuge. The island is considered necessary, and would ensure that the exit from the site would not cause danger to highway users, and importantly, would mean that pedestrians crossing Millway Road, including those visiting the site, would not need to cross two lanes of traffic at once. A condition is considered necessary to ensure that these works are undertaken. This will result in an improvement to the existing pedestrian situation.
- 8.15 A zebra crossing is proposed to Salisbury Road. A 'kerbed splitter island' cannot be accommodated within the existing highway network at Salisbury Road. The proposed zebra crossing is located in an acceptable position that will allow for acceptable visibility, stopping distances, and access to existing residential properties and the proposed development. The pedestrian numbers would not be so significant that vehicles would be delayed for any significant period. Whilst the concerns of the third party at 55a Salisbury Road are noted in respect of access to their drive and pedestrian safety, it is considered that their speed whilst reversing into their drive would be low, that they would be aware of any pedestrians in the vicinity, and pedestrians would be aware of their car undertaking such a manoeuvre. The Highways Officer has no objection to the proposed zebra crossing. The Highways Officer explains that whilst the proposal will result in a significant increase in pedestrian traffic, it is not clear at what stage of the proposed development that a crossing to Salisbury Road will become necessary. The development and occupation of this speculative development could occur in phases, or the projected footfall could not be to the extent predicted.

It is the recommendation of the Highways Officer that funding is secured towards the full cost of providing a zebra crossing at the location shown on the additional plan. At the stage when the pedestrian numbers are known to exceed the relevant highways standard (which will be monitored by Highways Officers) the zebra crossing can then be installed by the Highways Authority, using the finance that has been secured.

Layout

- 8.16 Subject to the imposition of appropriate controls to ensure that a one way system is implemented, maintained, and retained, it is considered that the proposed layout will not cause any significant additional harm to Highway Safety. With regard to the proposed lay-by/loading bay, it is not considered that the laying out, and use of this will cause any significant harm to highway safety.

Parking Provision

- 8.17 The proposal shows parking provision for 17 cars. Policy TRA02 of the Borough Local Plan 2006 requires that development provides parking in accordance with the standards as set out within the Borough Local Plan. These are maximum standards. For the A1 (retail shop), in this instance, convenience food retail, this would result in a maximum number of 27 spaces. There are no standards for A5 units (hot food takeaways) in the Borough Local Plan. It is considered that the appropriate standard to apply is the A1 retail food standard within the Borough Local Plan, this would result in a further requirement for a further 13 spaces. Based on this, the overall maximum provision would be 40 spaces. As a result of the size, and location of the proposed development, it is considered likely that a number of the customers will be from within the immediate vicinity of the site, and that these will either walk, or cycle to the site. The applicant's Transport Consultant has forecast the parking demand for the site, per hour, based on the average duration of stay of customers at other A1 (retail) and A5 (hot food takeaway) units, and based on the maximum number of arrivals at such units in any given hour. This projects the maximum parking demand at any one time for the proposed development to be 14 vehicles (between 6 p.m. and 9 p.m.). The proposed parking provision of 17 spaces is considered acceptable, and would provide an acceptable level of parking that would not result in any detriment to highway safety. The Highways Officer has no objection to the proposed development.
- 8.18 A contribution is sought towards the implementation and monitoring of a Traffic Regulation Order (TRO) to restrict the ability for vehicles to park in the surrounding streets in the event that this should occur. The applicants' have agreed to enter into a legal agreement to secure such a contribution, and as such this is progressing, and is reflected within the recommendation.
- 8.19 Eight cycle parking spaces are proposed; this accords with the minimum standards (eight spaces) within the Borough Local Plan. Details of this parking provision can be secured through condition.

Planning Obligation

- 8.20 The proposed development is a travel generating development, which would result in an additional demand on the existing transport network. Policy TRA01 of the Borough Local Plan requires that travel generating development provides measures to mitigate or compensate for the impact of the development, policy TRA04 allows for this mitigation to be provided by financial contribution. The requirement for such contributions is discussed within the adopted Developer Contribution SPD. National Guidance in the form of circular 05/05 (planning obligations) advises that “*contributions may either be in kind or in the form of financial contribution*”. As noted above, it is considered that there is a need generated by virtue of the proposed development for a pedestrian island to Millway Road, to provide safe pedestrian access to the site, and for contributions towards future provision of a zebra crossing to Salisbury Road. Such provision would also have the benefit of improving the existing pedestrian situation, and improving pedestrian safety in the vicinity of the site. Crossings to Millway Road (a kerbed splitter island) and Salisbury Road (a zebra crossing) are proposed by the applicant. A contribution in kind for the Millway Road crossing (kerbed splitter island) to be completed prior to any other works on site, and a contribution to be secured that can be used to install the zebra crossing at Salisbury Road by the Highways Authority would meet the required highways obligations, and the requirements of policy TRA01, and TRA04 of the Test Valley Borough Local Plan, mitigating against the impact of the development.
- 8.21 In considering the need for developer contributions towards mitigating for the impact of development on the highway network due consideration has been given to the three tests as set out within the Community Infrastructure Levy Regulations 2010, namely that a planning obligation must be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development, and to those tests within the government circular on planning obligations, circular 05/05. The need for such a contribution is as set out above where without a contribution the development would place an unmitigated burden on the highway network. A contribution is required to encourage walking to and from the development site and the surrounding residential areas (within 1,000m of the development) a sustainable mode of travel, and a move away from a primary reliance on the private motorcar. As discussed above at paragraph 8.14 – 8.15 it is a necessary requirement to make the development acceptable from a pedestrian safety perspective for a crossing to be provided to Millway Road and for contributions to be provided towards future provision of a crossing at Salisbury Road.

Residential Amenities

- 8.22 The application site is located within a predominantly residential area, immediately to the west of 80 Salisbury Road, and immediately to the south of 127 Millway Road, with further residential property directly opposite the site on Millway Road, and Salisbury Road, and in the wider area.

8.23 The blank eastern facade of the proposed building (4.1 metres in height to the eaves, and 7.3 metres in height to the ridge at the highest point at this point) presents itself to 80 Salisbury Road, with the building being proposed to be sited approximately 1.6 metres from the boundary. The depth (i.e. the length that runs parallel with 80 Salisbury Road) of this elevation is approximately 19.2 metres. This will result in some shadow to the side way/drive, and garage, and part of the rear garden of 80 Salisbury Road. However, the eastern facade of the existing building, which includes a dual pitch roof, is 4.0 metres in height to the eaves, and 7.8 metres in height to the ridge (at the highest point, although this drops, through a step in the ridge, to approximately 7 metres), is sited approximately 1.6 metres from the boundary and has a depth of approximately 30.8 metres, thus running along much of the side way, and rear garden of the property. The existing building is dominant and overbearing to 80 Salisbury Road, and in itself results in shadow being cast over the rear garden of 80 Salisbury Road. It is considered that the proposed building would represent a significant improvement to the amenities of 80 Salisbury Road in terms of the level of shadow, and any overbearing impact by virtue in the reduction in length of built form at the boundary.

8.24 A third party objector (the occupant of 55 Salisbury Road) objects, in part, on the basis that the orientation of the shop fronts will allow customers to look into their property. The distance between the front of the proposed units, and the nearest residential property opposite, is approximately 35.4 metres (across a well trafficked highway). This is considered an acceptable distance so as not to result in any significant detriment to residential amenity by virtue of any overlooking. Furthermore, as noted, this is approximately 1.2 metres further back than the existing building. The existing site could be brought back in to use as a car sales show room. Although to a lesser extent, this would include customers parking at the front of the site, and will allow for views across the highway towards properties on the opposite side of Salisbury Road.

Noise

8.25 Third party representations have made comment with regard to an increase in noise from traffic, deliveries, and customers, including from use of the car park. The approved use of the site is as a car sales show room and vehicle servicing/repair workshop. The site is currently vacant. However, permission would not be required for the re-use of the site as a car sales show room and vehicle servicing/repair workshop. This is a material consideration. Any noise associated with the development proposed with this application must therefore be balanced against that which would be associated with the re-use of the site without any need for a planning application. The noise that could be associated with the re-use of the site could include deliveries, engine noise and operation of heavier machinery/plant, which this application would avoid. It must also be noted that the site is located within the built up area, at the junction of two roads, where there must be some reasonable expectation of traffic noise.

8.26 Two Environmental Noise Assessments have been provided by the applicant, the second following the initial response of the Environmental Protection Officer. The assessments undertook noise monitoring to establish the existing background noise levels, and based on this and the level of noise that would result from the proposed development, made predictions in respect of the impact on local residents (from car park, delivery, and plant noise). The conclusion of the assessments is that, *“the development could proceed without the likelihood of subsequent operations harming the amenity of local residents”*. This is however subject to recommendations in respect of trading, delivery hours, and newspaper delivery hours.

8.27 The Noise Assessments demonstrates that, subject to mitigation measures, noise associated with use of the car park (including cars manoeuvring, door slams, car radios, voices of shoppers, and trolley movements), an increase in traffic, and the proposed plant/ventilation will not cause any significant additional disturbance to residential amenities given the background noise level. The Environmental Protection Officer has no objection in these respects. Following consideration of the technical data contained within the assessments, the Environmental Protection Officer advises that delivery noise is likely to result in some local disturbance, but that hours of delivery could be conditioned to ensure that this is limited (subject to agreement with the applicant that this would allow the business to function - lack of agreement would result in a reason of refusal). Weekend delivery hours were highlighted by the Environmental Protection Officer as a particular area. As noted at paragraph 8.25, any disturbance from delivery noise must also be weighed against the type of noise that could occur at the site without further consent. It is considered, subject to conditions, that the proposal would not result in any significant additional detriment to the amenities of residents in the vicinity.

Emissions

8.28 The agent for the application advises that as the application is speculative and the end users not known, details of any extraction equipment are not known, but that a condition would be acceptable to them. The Environmental Protection Officer advises that emissions from any extraction equipment that may be installed can be designed to a standard that will not result in any harm to the amenities of adjacent properties. A condition that requires details of extraction equipment is therefore considered to be necessary.

8.29 The proposed enclosure to the bin store is considered acceptable so as to ensure that the bins would be adequately protected from solar heating.

8.30 It is considered that any emissions from exhausts, or cigarette smoke will have dissipated at the boundary with neighbouring property sufficiently so as not to cause any detriment to residential amenity.

Lighting

8.31 To ensure that any lighting proposed is not harmful to amenity a condition is considered necessary, requiring details of lighting to be provided prior to installation.

Pollution

- 8.32 The application site has been in use as a car showroom and service centre, and it sits above a highly permeable major aquifer. The application is supported by a report on Site Investigation, which provides commentary on testing undertaken and ground conditions, and provides discussion and recommendations on the findings. Policy HAZ03 and HAZ04 pay regard to developments which could potentially give rise to pollution (to water, land, or air) and developments on or immediately adjoining land known or suspected to contain contamination respectively. Additionally policy ENV10 is relevant in this instance as the development lies within a Groundwater Source Protection Zone, the policy requires that development does not create an adverse impact to the quality of the ground water source. Subject to appropriate conditions it is considered that the proposed development will give rise to no significant increase in risks to pollution, no increase risks in relation to the release of contamination will occur to land, or to groundwater, and that the occupiers of the development or neighbouring land users will not be exposed to any unacceptable risk from pollution or contaminants. The Environment Agency, and this Authority's Environment and Health Team were consulted with regard to the application providing no objection in this respect subject to appropriate conditions.

Crime Prevention

- 8.33 The Hampshire Constabulary Crime Prevention Design Advisor (CPDA) has no objection to the proposed development, offering only advice to the applicant and clarifying that this has *"nothing at all to do with what TVBC Planning can or cannot impose"*. No comments were made specifically in relation to the proposed layout/design.
- 8.34 Third party objectors have raised concern that persons (intoxicated or otherwise, or youths or otherwise) may congregate at the premises, and that anti-social behaviour, or criminal activity will occur. There is not considered to be anything unacceptable with the proposed layout/design that will in itself result in this behaviour, and there is no indication/evidence that this is currently an issue within the area. It is not considered reasonable to conclude that A1 and A5 uses bring with them anti social behaviour or criminal activity. Whilst there is one public house in the vicinity, it is not considered that the position of the site is such that any significant risk of anti social behaviour or crime would occur. It is also considered that, it would, in any event, not be in the commercial interests for future occupants to allow such congregation/behaviour. Hampshire Constabulary Crime Prevention Design Advisor has no objection to the proposed development. If any criminal behaviour/activity were to occur, this would be dealt with by the law enforcement agencies, outside of the control of planning.
- 8.35 Licensing is a separate control from planning. Planning does not seek to restrict, or impose controls where other legislation is relevant. Licensing objectives are outside of the control of planning.

Other Matters

- 8.36 The effect on house property value is not, in itself, a material planning consideration.
- 8.37 The application proposes A1 and A5 uses. Detail of who the occupants would be is not provided, and is not relevant to the consideration of the application, which must be considered on its own merits based on the proposed uses.
- 8.38 Methods of control over asbestos removal would be detailed within such a submission, but the relevant legislation would be Building Regulations, and Environment and Health.
- 8.39 Third party objectors and the Town Council raise concern at potential litter management. One rubbish bin is shown for the proposed development. The agent confirms that a condition requiring a litter management strategy including provision of refuse bins would be acceptable to them. Should permission be recommended, such a condition can be included. Should littering become a matter of concern in the vicinity of the site, Environmental Protection legislation would be the relevant control.
- 8.40 It is considered that it would not be in the commercial interests of any future occupiers to encourage vermin and that appropriate prevention measures would therefore be taken.

9.0 **CONCLUSION**

- 9.1 The principle of the development is in accordance with the policies of the development plan, and the proposal is, subject to conditions, considered acceptable in other regards, including with regard to the residential amenities of occupants in the vicinity in terms of noise (as demonstrated within noise assessments), emissions, overlooking, overshadowing and dominance; the impact on the character and appearance of the area, criminal activity and antisocial behaviour, and would not cause any significant risk of pollution to groundwater or the surrounding living/working environment. The site access and parking provision are considered acceptable and have been demonstrated as being so within professional highway assessments. Improvements to the pedestrian facilities in the vicinity of the site (crossings to Millway Road and a contribution towards a future zebra crossing at Salisbury Road) are proposed and would provide safe access to the site, and a contribution is to be provided to secure the implementation and monitoring of traffic regulation orders within the vicinity of the site. Other matters raised by third parties are either not material planning considerations, are controlled by other legislation, or can be conditioned.

10.0 **RECOMMENDATION**

DELEGATE TO THE HEAD OF PLANNING and BUILDING that subject to the completion of a legal agreement to secure a financial contribution towards the implementation and monitoring of Traffic Regulation Orders in the vicinity of the site, then PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
3. No development whatsoever shall take place until the highway works, namely the 'kerbed splitter island', service lay-by and footpath re-alignment/works, as shown on inspire architecture plan 07202 AL26N (dated 28 September 2010) have been completed to the satisfaction of the Local Planning Authority.
Reason: In the interests of highway and pedestrian safety in accordance with Test Valley Borough Local Plan 2006 policies TRA01, TRA04, TRA05, and TRA09.
4. The development hereby permitted shall not commence use until provision for the manoeuvring, loading and unloading of vehicles and the parking of 17 cars, including disabled parking and 8 cycles has been made, including any surfacing and marking out in accordance with the approved plans. The areas of land so provided shall be maintained at all times for these purposes.
Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
5. Prior to the commencement of development hereby permitted, details of the measures to be taken to physically and permanently close the existing accesses, including the removal of the existing dropped kerb, shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented prior to first use of the new access and before the first use of the building and, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no access other than that shown on the approved plan shall be formed.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
6. Other than in respect of newspaper deliveries/pick ups, no deliveries shall be received at the site except between the hours of 07:00 to 19:00 Monday to Friday, and 09:00 to 19:00 on Saturdays and Bank Holidays. No deliveries may be taken at the site on Sundays.
Reason: To maintain the character and amenities of the surrounding local area in accordance with policies AME01 and AME04 of the Test Valley Borough Local Plan 2006.

7. **No newspaper deliveries of shall be taken at the site except between the hours of 06:00 to 22.00. If deliveries/pick up are made outside of the hours stipulated in condition 6 this shall only be by a vehicle with a gross weight not exceeding 3.5 tonnes, and delivery shall only be to a drop box at the front of the store.**
Reason: To maintain the character and amenities of the surrounding local area in accordance with policies AME01 and AME04 of the Test Valley Borough Local Plan 2006.
8. **The unit marked as 'Unit 1' on the submitted plans, the use of which as a class A1 (convenience) retail unit for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended) is hereby approved, shall only be open for business between the hours of 7am and 10pm each day.**
Reason: In the interest of local amenities in accordance with Policy AME01 and AME04 of the Test Valley Borough Local Plan 2006.
9. **The units marked as 'Unit 2' and 'Unit 3', on the submitted plans, which are proposed as class A5 (Take Aways) units for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall only be open for business between 10.00 a.m. and 10.00 p.m. each day on Sunday to Thursday, and 10.00 a.m. to 11.00 p.m. on Fridays and Saturdays.**
Reason: In the interest of local amenities in accordance with Policy AME01 and AME04 of the Test Valley Borough Local Plan 2006.
10. **The use of Unit 2 and Unit 3, as shown on the submitted plans for the development hereby permitted shall not be commenced until a scheme for the control of cooking odour and the dispersion of the exhaust from the cooking extraction systems has been submitted to, and approved in writing by, the local planning authority for the individual unit. The submitted scheme shall include;**
- (vi) the intended position of the equipment:**
 - (vii) the velocity of effluent at the points of discharge:**
 - (viii) the type of odour control system to be employed (including details of the filter residence time, if applicable):**
 - (ix) a statement of the anticipated type and scope of cooking to be undertaken (including the average number of hours per day the extraction system will be in operation for):**
 - (x) the supplier's recommendations for maintenance of the odour control systems (including the frequency of changing filters and cleaning).**
- Development shall be carried out in accordance with the approved details, and shall be maintained and retained in accordance with the approved details.**
Reason: In the interest of local amenities in accordance with Policy AME01, AME04, and AME05 of the Test Valley Borough Local Plan 2006.

- 11. No external plant, including kitchen extract systems, other than that hereby permitted at the convenience store, shall be installed without the written approval of the local planning authority.**
Reason: In the interest of local amenities in accordance with Policy AME01, AME04, and AME05 of the Test Valley Borough Local Plan 2006.
- 12. The cumulative rating level of the noise emitted from all plant on the site shall be no louder than 5dB below the existing background noise level as determined in the Sharps Redmore Partnership report dated 26 October, reference 0910575/R04.**
Reason: In the interest of local amenities in accordance with Policy AME01 and AME04 of the Test Valley Borough Local Plan 2006.
- 13. No refuse shall be collected from the site except between 07:30 and 18:00 Monday to Saturday.**
Reason: To maintain the character and amenities of the surrounding local area in accordance with policies AME01 and AME04 of the Test Valley Borough Local Plan 2006.
- 14. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use commences or prior to its installation. Development shall be carried out in accordance with the approved details.**
Reason: To maintain the character and amenities of the surrounding local area in accordance with policies AME03 of the Test Valley Borough Local Plan 2006.
- 15. The development hereby permitted shall not be occupied until such time as details of litter management strategy at the site, including details of additional proposed bins has been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, and the site shall be maintained in accordance with the approved strategy.**
Reason: To ensure that development hereby permitted will contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.
- 16. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details prior to the development being occupied.**
Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interests of visual amenity, and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policies DES10, and do not result in any detriment to residential amenity in accordance with policies AME04 and AME01 of the Test Valley Borough Local Plan 2006.

- 17. No development shall take place until full details of hard and soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished levels or contours; means of enclosure and hard surfacing materials. The landscape works shall be carried out in accordance with the implementation programme.
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10, and in the interests of highway safety in accordance with policy TRA09 of the Test Valley Borough Local Plan 2006.**
- 18. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.**
- 19. In respect of contaminated land matters:**
- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and (unless otherwise agreed in writing by the local planning authority);**
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;
and (unless otherwise agreed in writing by the local planning authority);**
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminated land and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include****

nomination of a competent person to oversee the implementation of the works.

- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (I)c that any remediation scheme required and approved under the provisions of condition (I)c has been implemented fully in accordance with the approved details (unless with the written agreement of the local planning authority in advance of implementation). Unless agreed in writing by the local planning authority such verification shall comprise:**
- a) as built drawings of the implemented scheme;**
 - b) photographs of the remediation works in progress;**
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination;**
 - d) thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (I)c.**

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.

- 20. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**
- 1. A preliminary risk assessment which has identified:**
 - all previous uses**
 - potential contaminants associated with those uses**
 - a conceptual model of the site indicating sources, pathways and receptors**
 - potentially unacceptable risks arising from contamination at the site.**
 - 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
 - 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
 - 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site lies above the Lewes Nodular Chalk Formation, a principal aquifer, and within the groundwater Source Protection Zone 1 (SPZ1) for the Rooksbury Road water supply. Given the sites historical use (as identified in the Report on Site Investigation reference 60283) there is the potential for contamination to be present at the site. Any contamination present may pose a risk to controlled waters. To ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

21. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reasons: To confirm that remedial works have been carried out in accordance with the remediation strategy and to ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: Any contamination present as a result of historical activities at the site could pose a risk to controlled waters and to ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

23. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reasons: To protect controlled waters and to ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

24. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reasons: To protect controlled waters and to ensure compliance with policies ENV10 and HAZ03 of the Test Valley Borough Local Plan 2006.

- 25. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

Notes to applicant:

- 1. The following policies in the Development Plans are relevant to this decision:
South East Plan 2009 Policies; RE1 – Contributing to the UK's Long Term Competitiveness, RE3 – Employment and Land Provision, RE6 – Competitiveness and Addressing Structural Economic Weakness, T1 – Manage and Invest, T2 – Mobility Management, T4 – Parking, NRM1 – Sustainable Water Resources and Groundwater Quality, NRM9 – Air Quality, NRM10 - Noise, BE1 – Management for an Urban Renaissance.
Test Valley Borough Local Plan 2006 (TVBLP) – Policies; DES01 (Landscape Character), DES02 (Settlement Character), DES05 (Layout and Siting), DES06 (Scale, Height, and Massing), DES07 (Appearance, Details, and Materials), DES10 (New Landscape Planting), DES11 (Shop Fronts), AME01 (Privacy and Private Open Space), AME02 (Daylight and Sunlight), AME03 (Artificial Light Intrusion), AME04 (Noise and Vibration), AME05 (Unpleasant Emissions), TRA01 (Travel Generating Development), TRA02 (Parking Standards), TRA04 (Financial Contributions to Transport Infrastructure), TRA05 (Safe Access), TRA06 (Safe Layouts), TRA07 (Access for Disable People), TRA09 (Impact on the Highway Network), ENV09 (Water Resources), ENV10 (Groundwater Source Protection Areas), HAZ03 (Pollution), HAZ04 (Land Contamination), ESN16 (Employment Development within Settlements), ESN20 (New Local Shops and Local Community Facilities).**
- 2. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.**
- 3. The decision to grant planning permission has been taken because the principle of the development is in accordance with the policies of the development plan, and the proposal is, subject to conditions, considered acceptable in other regards, including with regard to the residential amenities of occupants in the vicinity in terms of noise (as demonstrated within noise assessments), emissions, overlooking, overshadowing and dominance; the impact on the character and appearance of the area, criminal activity and**

antisocial behaviour, and would not cause any significant risk of pollution to groundwater or the surrounding living/working environment. The site access and parking provision are considered acceptable and have been demonstrated as being so within professional highway assessments. Improvements to the pedestrian facilities in the vicinity of the site (crossings to Millway Road and a contribution towards a future zebra crossing at Salisbury Road) are proposed and would provide safe access to the site, and a contribution is to be provided to secure the implementation and monitoring of traffic regulation orders within the vicinity of the site. Other matters raised by third parties are either not material planning considerations, are controlled by other legislation, or can be conditioned. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.

4. The applicant's attention is drawn to the legal agreement dated XXXXXX.
 5. It should be noted that it is likely that a separate planning application will be required for the installation of any kitchen extraction equipment. This is particularly relevant in respect of condition 10. It is the case, in accordance with condition 11, that an application will be required for external plant. Any new application or any condition submission should include a noise report to be submitted using the methodology of BS4142:1997. Any new planning application should include the details set out at condition 10.
 6. No vehicle shall leave the site unless its wheels have been sufficiently cleaned as to minimise mud being carried onto the highway. Appropriate measures, including drainage disposal, should be taken and shall be retained for the construction period. (Non compliance may breach the Highway Act 1980.)
 7. Permission is required under the Highway Act 1980 to construct a vehicular access. Please contact the Chief Engineer, Hampshire County Council, Jacobs Gutter Lane, Hounslow, Totton, SOUTHAMPTON, SO40 9TQ (02380 427000) at least 6 weeks prior to the works commencing for detail of the procedure.
-