

ITEM 9

APPLICATION NO.	14/00485/OBLN
APPLICATION TYPE	DISCHARGE/MODIFY OBLIGATION - NORTH
REGISTERED	11.03.2014
APPLICANT	Goodman
SITE	Andover Business Park, Andover, Hampshire, SP11 8EZ, PENTON MEWSEY
PROPOSAL	Modification of Schedule 6; Part IV of the planning Obligation attached to planning permission 09/02392/OUTN for the Erection of business park with both outline and full details comprising: Outline - Plots 1, 2, 3, 5 and 6 for uses comprising business (Class B1), storage and distribution (Class B8), hotel (Class C1) and community building (class A1/D1), biomass plant and associated works and Full Permission for Plot 4 for uses comprising storage and distribution (class B8), access roads, vehicle maintenance building, car and lorry parking, landscaping and associated works, to allow cars to access development located within Plot 1 of the Business Park (as defined by the Framework Plan Drw.No.14961/A1/461) via Monxton Road, and for Heavy Commercial Vehicles (HCVs) to access development located within Plot 1 (as defined by the Framework Plan Drw.No.14961/A1/461) via roads that are currently defined as 'barred routes'.
AMENDMENTS	None
CASE OFFICER	Mr Jason Owen

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) as the Northern Area Planning Committee (NAPC) was minded to part-agree and part-reject the proposed modifications to the legal agreement where the Head of Planning and Building was of the opinion that the reason given for the rejection was not supportable by the evidence available such that they would be significant risk of award of costs against the Council for having acted unreasonably.

1.2 The resolution of NAPC was:

Delegate to the Head of Planning and Building to AGREE MODIFICATIONS to the legal agreement to allow cars to access development located within Plot 1 of the Business Park (as defined by the Framework Plan Drw.No.14961/A1/461) via Monxton Road. Though not to agree to the requested modification to the agreement to allow for Heavy Commercial Vehicles (HCV's) originating from, or going to, Plot 1 of the Business Park, to use roads defined as "Barred Routes" because of the undesirable impact of additional HCV traffic on these roads.

- 1.3
- A copy of the NAPC agenda report is attached at Appendix A
 - A copy of the NAPC Update Paper is attached at Appendix B

2.0 **CONSULTATION**

2.1 **Highways Officer:**

The estimated HCV generation from Plot 1 is small by comparison with the current daily HCV flow from Plot 4, the distribution is reasonable and therefore the impact on the local road network is likely to be negligible.

3.0 **PLANNING CONSIDERATIONS**

3.1 The main planning consideration is whether NAPC concerns about the consequential effect of allowing HCV's to access and egress Plot 1 on the Andover Business Park via any of the "Barred Routes", would lead to an adverse effect on highway safety along these routes.

3.2 The concept of "barred routes" and the local roads that were included within this definition arose during consideration of planning applications for the development of approximately 50Ha of land known as the former Andover Airfield (see below for history) for employment purposes. The objective of the barred routes was to ensure that Heavy Commercial Vehicles (HCV's) would use the strategic road network to reach their destination – the A303, rather than the local road network. This position recognised that much of the proposed development site included storage and distribution uses, and that the local network in the immediate vicinity of the site could not adequately cope with the level and profile of vehicle likely to arise. The "barred routes" was therefore applied to all parts of the Business Park. All barred routes are identified in Para 2.5 of the Head of Planning and Building's agenda report to NAPC attached at Appendix A.

3.3 The projected number of HCV's likely to arise from the Plot 1 is based on the type of business that is permitted to occupy this area under the Outline planning permission (see Para 2.2 Appendix A). The applicant has also indicatively shown the potential dispersion of these vehicle movements along each of the barred routes and sets this against survey data of the total number of HCV's that already use these routes. The table contained in Para 7.2 of Appendix A quantifies this. For the avoidance of doubt (and by way of example) when the A343(N) already has 1078 HCV movements per day, adding a further (approximately) 5 HCV's movements into this, is not significant either in the sense of the capacity of the road network to accommodate this, or in the consequential effect on highway safety.

3.4 It is re-emphasised that the effect of modifying the agreement as requested does not dilute, or remove, the barred route provisions with respect to how it applies to the remainder of the Business Park – of which the majority of the land is intended to be, or currently is, used for storage and distribution uses.

4.0 **CONCLUSION**

4.1 The applicant has adequately demonstrated through undertaking their own surveys, and projecting the likely HCV movements arising into the future from the permitted uses at Plot 1, that each of the barred routes is capable of, and is suited to, accommodating what would be a relatively small increase in HCV's. The effect on the roads is, in capacity and safety terms, considered negligible.

4.2 It is not considered that the recommendation to partially refuse the request to modify the agreement can be substantiated in an objective manner. On this basis the reason for refusal cannot be adequately substantiated and would leave the Council at risk of an award of costs against it at appeal.

5.0 **RECOMMENDATION OF THE NORTHERN AREA PLANNING COMMITTEE**
Delegate to the Head of Planning and Building to AGREE MODIFICATIONS to the legal agreement to allow cars to access development located within Plot 1 of the Business Park (as defined by the Framework Plan Drw.No.14961/A1/461) via Monxton Road. Though not to agree to the requested modification to the agreement to allow for Heavy Commercial Vehicles (HCV's) originating from, or going to, Plot 1 of the Business Park, to use roads defined as "barred Routes" because of the undesirable impact of additional HCV traffic on these roads.

6.0 **RECOMMENDATION OF THE HEAD OF PLANNING AND BUILDING**
Delegate to the Head of Planning and Building to AGREE MODIFICATIONS to the legal agreement to allow cars to access development located within Plot 1 of the Business Park (as defined by the Framework Plan Drw.No.14961/A1/461) via Monxton Road, and for Heavy Commercial Vehicles (HCVs) to access development located within Plot 1 (as defined by the Framework Plan Drw.No.14961/A1/461) via roads that are currently defined as 'barred routes'.

APPENDIX A

Officer's Report to Northern Area Planning Committee – 10 July 2014

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APPLICANT	Goodman
SITE	Andover Business Park, Andover, Hampshire, SP11 8EZ, PENTON MEWSEY
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AMENDMENTS	None
CASE OFFICER	Mr Jason Owen

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

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

2.0 PROPOSAL

- 2.1 The application (made under S106A of the TCPA) seeks to modify the terms of an extant legal agreement to allow cars to access development located within Plot 1 of the Business Park (as defined by the Framework Plan Drw.No.14961/A1/461) via Monxton Road, and for Heavy Commercial Vehicles (HCVs) to access development located within Plot 1 (as defined by the Framework Plan Drw.No.14961/A1/461) via roads that are currently defined as 'barred routes'.

- 2.2 Plot 1 is located in the eastern corner of the Business Park adjacent to the main entrance into the site and shares a boundary with Monxton Road verge. The land is defined on the approved Framework Plan and measures approximately 3Ha. The legal agreement accompanying the planning permission for development at the, circa 50Ha, Business Park (ref. 09/2392/OUTN) defines this land as “Community Land”. The legal agreement similarly defines what uses are permissible on the community land as “*any use falling within Classes A1, A3, A4 and D1 of the Town and Country Planning (Use Classes) Order 1987*”. (retail, dining establishments, hot food takeaways and non-residential institutions respectively).
- 2.3 The concept of “barred routes” and the local roads that were included within this definition arose during consideration of planning applications for the development of land known as the former Andover Airfield (see below for history) for employment purposes. The objective of the barred routes was to ensure that Heavy Commercial Vehicles (HCV’s) would use the strategic road network to reach their destination – the A303 rather than the smaller local road network. This position recognised that much of the proposed development site included storage and distribution uses, and that the local network in the immediate vicinity of the site could not adequately cope with the level and profile of vehicle likely to arise. The “barred routes” was therefore applied to all parts of the Business Park.
- 2.4 The inclusion of Monxton Road as a road that could neither be used for HCV’s (noted as a “barred route”) or by cars (other than if the cars’ occupant was recorded on the “White List”) was intended to limit the number of vehicles using this route as a ‘rat run’. Concerns expressed by representatives of settlements along Monxton Road at the time added weight to inclusion of this road in the restrictions.
- 2.5 The list of barred routes are listed as:
- A3057 south of A303
 - A342 north of the A303
 - A343 north and south of the A303
 - B3402 north of the A303
 - B3048 north of the A303
 - C43 Monxton Road
- 2.6 A breach of the barred route results in a “fine” of £500 (Index Linked) that would be put towards the objectives of the Andover Town Access Plan. The system of Automatic Number Plate Recognition (ANPR) monitoring these routes and the “fine” system in place is administered by Hampshire County Council as the local Highway Authority.
- 3.0 **HISTORY**
- 3.1 14/01380/OUTN – Outline: Erection of building for B2 use, with associated B8 and B1 uses, at Plot 3, Andover Business Park. Current application.

- 3.2 13/00034/FULLN - Erection of Business Park development on Plot 5 comprising storage and distribution (Class B8), ancillary office accommodation, Vehicle Maintenance Unit, security gatehouse, access, parking and servicing areas, landscaping, acoustic fencing and associated works. Permission in June 2013.
- 3.3 12/02155/FULLN - Construction of an access road within Plot 1. Granted in November 2012.
- 3.4 12/02154/FULLN - Erection of a pub restaurant (Use Class A4) with managers accommodation at first floor level (Use Class C3) with associated car parking and landscaping. Granted November 2012.
- 3.5 09/02392/OUTN - Erection of business park with both outline and full details comprising: Outline - Plots 1, 2, 3, 5 and 6 for uses comprising business (Class B1), storage and distribution (Class B8), hotel (Class C1) and community building (class A1/D1), biomass plant and associated works and Full Permission for Plot 4 for uses comprising storage and distribution (class B8), access roads, vehicle maintenance building, car and lorry parking, landscaping and associated works, granted planning permission in March 2010.
- 3.6 10/02729/OUTN - Outline - Erection of building for B2 use, with associated B8 and B1 uses (Revision to Plot 3 approved 09/02392/OUTN). Permission August 2011.
N.B. This application was also the subject of an environmental Impact Assessment.
- 3.7 07/01951/OUTN - Erection of Business Park with both Outline and Full details comprising : Outline - Plots 1, 2, 3 and 5 for uses comprising business (Class B1), storage and distribution (Class B8), hotel (Class C1) and community building (Class A1/D1), biomass plant and associated works, and Full – Unit 4 for uses comprising storage and distribution (Class B8), access roads, vehicle maintenance building, car and lorry parking, landscaping, fuel island, vehicle wash, weigh axle reader and associated works, granted permission in August 2009.

4.0 **CONSULTATIONS**

- 4.1 **HCC Highways:** No objections

5.0 **REPRESENTATIONS** Expired 05.04.2014

- 5.1 **Penton Mewsey PC:** Objects:

While agree that for members of the public travelling from Monxton to any of the business now and in the future at Plot 1 triggering a penalty is unreasonable. However concerns that lifting the bar would make it difficult to stop the vehicles on the remainder of the plots from using the same route.

Could amendments to the computer system and cameras to avoid penalties imposed on plot 1? No evidence that this has been investigated and this must be done before any modification to the barred routes is undertaken.

5.2 **Amport PC:** Objects:

“Strongly Objects to any consent for this application which would entail any alteration to the barred access routes”.

6.0 **POLICY**

6.1 Government Guidance

National Planning Policy Framework (NPPF)

6.2 Test Valley Borough Local Plan (2006)(TVBLP)

AND04.1 – Andover Business Park

TRA02 – parking standards;

TRA04 – financial contributions to transport infrastructure

TRA05 – safe access;

TRA06 – safe layouts;

TRA07 – access for disabled people;

TRA09 – impact on highway network;

DES02 – settlement character;

DES05 – layout and siting;

DES06 – scale, height and massing;

DES07 – appearance, details and materials;

DES08 – trees and hedgerows;

DES09 – wildlife and amenity features;

AME01 – privacy and private open space;

AME02 – daylight and sunlight

6.3 Draft Revised Local Plan (2014)

On the 8 January 2014 the Council approved the Revised Local Plan (Regulation 19) for public consultation. The statutory 6 week period of public consultation was undertaken from 24 January to 7 March 2014. The Council is currently in the process of acknowledging and analysing all the representations that were received. At present the document, and its content, represents a direction of travel for the Council. The weight afforded to it at this stage would need to be considered against the test included in para 216 of NPPF. It is not considered that the draft Plan would have any significant bearing on the determination of this application.

7.0 **PLANNING CONSIDERATIONS**

7.1 The main planning considerations are:

- Whether the modification to the legal agreement would result in such a flow and type of vehicle accessing and egressing occupiers on Plot 1 via the barred routes that would give rise to an unacceptable adverse impact on these local roads.

7.2 The Transport Statement accompanying the application provides an indication of the proportional number of HCVs likely to arise from Plot 1 when compared with existing HCV flows on each of the barred routes. The information has been tabulated in HCC’s consultation reply as follows:

	A343 (S)	A342	A343 (N)	A3057	B3402	Monxton Rd
Existing HCV movements	1320	1603	1078	672	1043	450
Plot 1 HCV	2	2	5	1	6	1
Change in HCV proportions (%)	0.01	0.02	0.05	0.01	0.05	0.02

7.3 Based on this information it is considered that the proposed modification would not have a significant adverse effect on the any of the barred routes. The above figures demonstrate that the uses that are likely to arise from the grant of Outline planning permission for Plot 1 (09/02392/OUTN) are such that they are unlikely to generate significant levels of HCV movements. Expressed against the overall number of HCV's that have been surveyed to those that already exist on these routes at the moment, the anticipated change is considered relatively small, and would not adversely affect the safety or function of the barred routes.

7.4 The modification does not change the extent to which the remainder of the Business Park (comprising uses for storage and distribution and general industrial use categories) would be controlled by the Barred routes provisions.

8.0 CONCLUSION

8.1 In considering the extent and characteristics of uses that could take place on Plot 1 of the Business Park and the likely traffic (profile and number) using the local network as a consequence, it is not considered that the proposed modification would result in an unacceptable adverse impact on these local roads. Consequently it is considered appropriate to modify the agreement on this basis.

9.0 RECOMMENDATION

Delegate to the Head of Planning and Building to agree modifications to the legal agreement to allow cars to access development located within Plot 1 of the Business Park (as defined by the Framework Plan Drw.No.14961/A1/461) via Monxton Road, and for Heavy Commercial Vehicles (HCVs) to access development located within Plot 1 (as defined by the Framework Plan Drw.No.14961/A1/461) via roads that are currently defined as 'barred routes'.

APPENDIX B

Officer's Update Report to Northern Area Planning Committee – 10 July 2014

APPLICATION NO.	14/00485/OBLN
SITE	Andover Business Park, Andover, Hampshire, SP11 8EZ, PENTON MEWSEY
COMMITTEE DATE	10 July 2014
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1.0 CONSULTATIONS/REPRESENTATIONS

- 1.1 Abbots Ann Parish Council: “Objects to any relaxation of the traffic control measures covering the approaches to the Business Park on the old Andover Airfield site”.
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