

ITEM 8

APPLICATION NO.	14/00245/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	31.01.2014
APPLICANT	Gemcroft Ltd
SITE	Former Anton Laundry, Marlborough Street, Andover, SP10 1DQ, ANDOVER TOWN (ST MARYS)
PROPOSAL	28 apartments (comprising 14 no. 1 bed and 14 no. 2-bed units) with alterations to access, cycle and bin stores, car parking, landscaping and formation of riverside boardwalk
AMENDMENTS	Amended plans: 30.05.2014 Additional Information: 30.05.2014
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) at its meeting on the 10 July 2014, decided to recommend that the application be refused for the following reasons:

01. Traffic movements generated by the proposed residential development combined with the proximity of this vehicular traffic to pedestrian (including children) movements made in connection with the use of the Scout hut on the north-western boundary of the application site, would lead to a conflict between vehicles and pedestrians adversely impacting on pedestrian safety.

02. The proposed car parking provision is inadequate as it does not meet the minimum standards set out in Annex G of the Revised Local Plan January 2014 and therefore is also contrary to policy T2 of that Plan.

03. The proposed development has a density level of 93 dwellings per hectare, which is an over development of the site having regard to the prevailing density of development in the area.

04. Affordable housing is not provided or secured with the proposed development in accordance with policy ESN 04 of the Test Valley Borough Local Plan 2006.

1.2 In the opinion of the Head of Planning and Building the reasons for refusal were such that if the applicant were to appeal the decision that there was a significant risk of costs being awarded against the Local Planning Authority for being unreasonable.

- 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 **CONSULTATIONS**

2.1 **Planning Policy:**

At this stage I believe it is too early to apply the proposed RLP parking standards to this application for three reasons:-

Firstly, and following para 216 of NPPF, there is an outstanding objection. Two comments were received on Policy T2 and 1 on Annex G from last round of consultation (Reg 19) to Revised Local Plan. One is supporting the policy (Cllr North) and the other (Nexus Planning) support principle but do raise specific concern about particular standard – their comment is for both policy and annex.

Secondly, and continuing with para 216 NPPF, is the stage that has been reached in the local plan process. Whilst the application is to be determined at a time when TVBC are looking to submit the RLP, the application was registered on the 31 January. The Reg 19 version of the RLP had just commenced public consultation on the 24 January. At the time of submitting the application less weight should have been applied to the proposed parking standard given the stage reached in the local plan process and it being unknown whether there would be further changes to the standard as a result of the consultation or other issues. The adopted BLP standard should have been used – which is what the applicant has done.

Thirdly, even if the proposed standard was used it does not prevent variations to those standards. Can I draw to your attention to last line of Policy T2 and para 9.15 of the RLP which allows for the variation of the number of parking spaces. Also NPPF para 39 which refers to setting local parking standards allows for residential schemes take into account accessibility of development; and availability & opportunities for public transport.

2.2 **Highways:**

I do not see any significant increase in risk between the approved car parking scheme for business and the currently proposed residential car parking scheme in terms of risk between vehicles and pedestrians.

I am not aware that the LPA can condition when private car parking spaces can and cannot be in use regardless of the type of development they serve. In other words the car parking spaces approved as part of the employment scheme could very well be in use on the evenings when the Scouts meet, just as much as if the development they served was residential.

The Revised Local Plan has yet to be tested at a Public Inquiry, whilst there is one supporter to Policy T2, there is also an objector, so it is likely to be heard at the Public Inquiry later this year. Secondly, Policy T2 does contain a clause stating “Residential parking provisions below the standards will be considered where any one of the three conditions is met.

In this case all three are relevant and therefore a case for a reduction from the future minimum parking standard could easily be made by the applicant.

3.0 **PLANNING CONSIDERATIONS**

3.1 The main issues to consider is the extent to which the reasons for refusal, as set out above in Para 1.2, can be substantiated should the applicant appeal the decision.

3.2 **NAPC reason for refusal 1: Highway safety**

- The Officer's agenda report provides commentary on highway safety related matters at Para 8.14.
- The consultation reply from the Highway Engineer is summarised in Para 5.2.
- Further comments from the Highway Officer - following NAPC, is detailed above in Para 2.2

3.3 NAPC considered that the access arrangements, together with the allocation of car parking spaces to the proposed residential units in close proximity to the Scout Hut, would lead to an adverse impact on the safety of pedestrians – including children, who would frequent the scout hut.

3.4 NAPC was advised that the access arrangements to and from this parking area to Marlborough Street were identical to those which had previously been granted planning permission (07/01466/FULLN) and that this planning permission was extant meaning that, regardless of the outcome of the current application, the access and parking arrangements could be implemented. The Highway Officer has also confirmed that both schemes (including the 07/01466/FULLN) was acceptable in highway safety terms.

3.5 The only difference between the current application and that of the extant planning permission is that the applicant had previously indicated that the car parking spaces located closest to the scout hut were identified for use by occupants of the commercial floor space (07/0466/FULLN). There are no conditions on this planning permission proposal that requires this allocation of spaces to occur. It is also pertinent to consider that the number of daily vehicle movements for the extant planning permission exceeds that of the current application proposals, meaning that it is likely that more vehicle movements are attributed to commercial use of the site, compared to that now proposed.

3.6 It is not considered that reason for refusal No.1 can be substantiated in an objective manner. In considering that the LPA has already granted planning permission for a similar access arrangement – including that by virtue of the extant planning permission could still be implemented and that the Highway Officer considers the impact on the highway network and pedestrian safety to be acceptable. 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.

3.7 NAPC reason for refusal 2: Parking standards against emerging Local Plan policy

- The Officer's agenda report comments on parking provision at Para 3.2 and 8.12.
- The NAPC Update Paper (para 1.4) quantifies parking provision, and respective allocation to residential and retained commercial uses on the site.
- Further advice from Planning Policy on the status of the Revised Local Plan is contained above in Para 2.1.

3.8 Members of NAPC expressed concern that the proposal did not accord with the minimum car parking standards as they are set out in the emerging Local Plan. In this respect there was insufficient car parking being provided.

3.9 Applying the Revised LP standard (Annex C) would result in a requirement for 42 car parking spaces to serve the residential units (1 space for 1-bed units & 2 spaces for 2-bed units) with a further 10 spaces to serve the commercial uses (24 Marlborough Street and the Cob Building). A total of 52 car parking spaces would be required, set against the 31no. that are proposed.

3.10 The Parking Standards applied to the current proposal are in accordance with the adopted TVBLP Policy TRA02. The Policy permits a reduction in the parking standards where sites are close to local facilities, including bus routes. The site is 'accessible' in this regard due to its central location close to both the town centre and the bus station.

3.11 In light of the Planning Policy Managers advice as set above it is also the case that limited weight can be afforded to the minimum standards set out in the Revised Local Plan. This is due to the fact that an objection has been made to the Policy and the corresponding annex. That said, even if this was not the case, the policy does acknowledge, that in some circumstances the car parking standards could be varied. An example of where the standards may be varied could include the sites accessibility to public transport. It is wholly correct to apply the parking standards in accordance with the adopted TVBLP and as such the proposal makes adequate parking provision for car parking to serve the range of uses likely to arise from the site.

3.12 It is not considered that reason for refusal No.2 can be substantiated in an objective manner. In considering that the LPA has received an objection to the Parking Standards policy (and Annex) in the Revised Local Plan, very limited weight can be given to the policy. In accordance with Section38(6) of the Planning and Compulsory Purchase Act 2004 determination of the application should be made in accordance with the Development Plan (TVBLP) unless material considerations indicate otherwise. The advice received from the Highways Officer also confirms that the parking arrangements (as laid-out and against TVBLP) is acceptable. 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.

3.13 NAPC reason for refusal 3: Effect of density on the character and appearance of the area

- The Officer's agenda report to NAPC comments on the effect of the development on the character and appearance of the area at 8.6 – 8.8 inclusive.

3.14 Members at NAPC considered that a density level of approximately 93 dwellings per hectare (dph) was unacceptable because it was higher than the density figure provided in Para 6.4.28 of the TVBLP (supporting text to Policy ESN03). The relevant extract from this paragraph quoted in the NAPC meeting was:

“In areas that are highly accessible and close to local facilities, such as town centres and public transport corridors, it may be appropriate to have higher densities of 50 dwellings per hectare, or more. In all cases care should be taken to avoid over development, to ensure that schemes are well designed, and to ensure that the amenity of nearby residents are not affected”.

3.15 NAPC expressed 'harm' to the character and appearance of the area by quoting the density of the scheme as 93dph as a comparison against this Policy.

3.16 The only material change in the physical form that development on site would take (compared to that which has already received planning permission) is the new building (Block C) located on the Shepherds Spring Lane street frontage. On the basis that no objections were explicitly made to Block C at NAPC, and that the form, design, appearance and massing of Blocks A and B are broadly similar to that which has gained planning permission, it was not considered that a reason for refusal could be substantiated.

3.17 It is not considered that reason for refusal No.3 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.

3.18 NAPC reason for refusal 4: Failure to provide 40% affordable housing at the site

- The Officer's agenda report explains the Policy basis for seeking contributions, including the provision for on-site affordable housing (Para 8.10 – 8.11);
- Para 8.11 confirms that the District Valuer (DV) was employed by the LPA to assess the applicant's Viability Appraisal, and that an update on the outcome of that report was anticipated;
- The NAPC Update Paper (Para 1.1 – 1.3) reports the outcome of a Site Viability appraisal, and the summarised comments on the DV on what could reasonably be secured.

3.19 The NAPC considered that the current proposal failed to provide any on-site provision of affordable housing in line with Policy ESN04 of the TVBLP. The failure to provide such affordable housing would therefore exacerbate demand for such housing within the town.

- 3.20 The outcome of the assessment of the applicant's Viability Appraisal are summarised in the NAPC Update Paper. In essence the DV has confirmed that the proposal would not be viable if the full range of Obligations (including financial contributions, and on-site affordable housing) were to be provided. While a financial contribution could be 'afforded' by the applicant (which would need to be secured by legal agreement) the quantum would not encompass all infrastructure improvements that are envisaged by TVBLP Policy and adopted SPD. This includes affordable housing.
- 3.21 In this particular case the applicant has provided evidence (which represents a significant material consideration) that shows that development of this site would not be viable if affordable housing were to be provided. It is not reasonable to conclude differently without the evidence to show that what was being proposed was in some way flawed. No such evidence has advanced, and on the basis that the DV confirms the position that the scheme could only progress with a financial contribution, with no on-site affordable housing, the proposal is considered acceptable. In considering the concerns expressed at NAPC, Councillors may wish to consider the direction to which any contribution could be put.
- 3.22 It is not considered that reason for refusal No.4 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.

4.0 **CONCLUSION**

- 4.1 The proposed development the proposal is considered acceptable in planning terms. In balancing all issues associated with the development of this site it is considered that there are significant material considerations (including the extant planning permission, and an independently verified viability appraisal) that weigh in favour of development of the site. In addition the proposal complies with the policies of the adopted Development Plan (TVBLP).
- 4.2 The NAPC recommended refusal of permission related to highway safety, parking standards, density levels and affordable housing provision, and whilst these are all material to the determination the reasons for refusal are such that they cannot be objectively substantiated. In this regard a refusal of planning permission based on either one, all, or a combination of the reasons for refusal are considered un-reasonable and would leave the LPA at risk of an award of costs should the applicant appeal the decision.

5.0 **RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE**

5.1 **REFUSE for the reasons:**

1. **Traffic movements generated by the proposed residential development combined with the proximity of this vehicular traffic to pedestrian (including children) movements made in connection with the use of the Scout hut on the north-western boundary of the application site, would lead to a conflict between vehicles and pedestrians adversely impacting on pedestrian safety.**

2. The proposed car parking provision is inadequate as it does not meet the minimum standards set out in Annex G of the Revised Local Plan January 2014 and therefore is also contrary to policy T2 of that Plan.
3. The proposed development has a density level of 93 dwellings per hectare, which is an over development of the site having regard to the prevailing density of development in the area.
4. Affordable housing is not provided or secured with the proposed development in accordance with policy ESN 04 of the Test Valley Borough Local Plan 2006.

6.0 RECOMMENDATION OF THE HEAD OF PLANNING AND BUILDING

Delegate to the Head of Planning and Building that subject to the completion of a legal agreement to secure contributions towards local infrastructure, 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. Piling or any other foundation designs using penetrative methods will 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.
Reason: To protect the major aquifer beneath the site. If used, piling may provide direct pathways for contaminants to groundwater, in accordance with Policies ENV09, HAZ03 and HAZ04 of the Test Valley Borough Local Plan (2006).
3. 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.
Reason: To protect the major aquifer beneath the site as Sustainable Urban Drainage can increase the potential for pollution if located in contaminated ground in accordance with Policies ENV09, HAZ03 and HAZ04 of the Test Valley Borough Local Plan (2006).
4. 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 Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the major aquifer beneath the site. There may be areas of the site which cannot be fully characterised by a site investigation and unexpected contamination may be identified in accordance with Policies ENV09, HAZ03 and HAZ04 of the Test Valley Borough Local Plan (2006).

- 5. Development shall be carried out in accordance with the conclusions and recommendations contained in the Such Salinger Peters "Flood Risk Assessment" dated July 2007 and the FRA Addendum (Solent Panning) dated 24 January 2014, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To provide appropriate form of development relative to flood risk at the site, and to accord with Policy HAZ02 of the Test Valley Borough Local Plan (2006).

- 6. All safety barriers and other means of protecting users of the adjacent Scout Hut shall be installed prior to first use of the vehicular access into car parking area (no's 1-9 as shown on Drw.No.1100 Rev.H) and thereafter retained, in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of protecting the amenities of users of the scout hut in accordance with Policy TRA06 of the Test Valley Borough Local Plan (2006).

- 7. (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.

- 8. 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 (where appropriate). The landscape works shall be carried out in accordance with the implementation programme and maintained thereafter in accordance with the approved details.**

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.

- 9. Details of the siting and design of any proposed external meter boxes/metal ducting/flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.**

Reason: To protect the character of the listed building in accordance with Test Valley Borough Local Plan 2006 policy ENV13 and ENV15.

- 10. No development shall take place unless or until the access road linking the site to Marlborough Street from the proposed car parking area (no's 1-9 as shown on Drw.No.1100 Rev.H) has been provided to binder course.**

Reason: To ensure suitable access is provided to serve the development and to ensure a suitable level of car parking is provided to serve the development, in accordance with Policies TRA02 and TRA05 of the Test Valley Borough Local Plan (2006).

- 11. No residential units shall be occupied unless or until the access road linking the site to Marlborough Street from the proposed car parking area (no's 1-9 as shown on Drw.No.1100 Rev.H) has been provided to final wearing course.**

Reason: To ensure suitable access is provided to serve the development and to ensure a suitable level of car parking is provided to serve the development, in accordance with Policies TRA02 and TRA05 of the Test Valley Borough Local Plan (2006).

- 12. Prior to the commencement of development detailed proposals for the sustainable disposal of foul and surface water and any trade effluent shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use commence/occupation of the building(s).**
Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 13. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**
Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
- 14. Prior to development taking place the tree protective measures and recommendations contained in the Barrell Tree Consultancy "Arboricultural Impact Appraisal and Methods Statement" dated 15 August 2006 shall be carried out. Any such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.**
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.
- 15. 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.
- 16. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto.**
Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.

- 17. No development shall take place (including site clearance within the application site/area indicated red, until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work, in accordance with a written brief and specification for a scheme of investigation and mitigation, which has been submitted by the developer and approved in writing by the Local Planning Authority.**

Reason: The site is potentially of archaeological significance in accordance with Test Valley Borough Local Plan 2006 policy ENV11.
- 18. Full details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The windows and doors shall be installed in accordance with the approved details.**

Reason: To protect the character and appearance of the building in accordance with Test Valley Borough Local Plan 2006 policies ENV13 and ENV15.
- 19. No residential units shall be occupied the 5 car parking spaces, as shown on Drw.No.1101Rev.B to serve the future requirements of No.24 Marlborough Street has been laid out in accordance with the approved plans. Thereafter the spaces shall be reserved for occupants of 24 Marlborough Street unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure appropriate level of car parking is provided to serve the future needs of commercial activities undertaken within the building at No.24 Marlborough Street, in accordance with Policy TRA02 of the Test Valley Borough Local Plan (2006).
- 20. No residential units shall be occupied the 5 car parking spaces and loading area, as shown on Drw.No.1101Rev.B to serve the future requirements of the existing chalk-cob building located along the north eastern boundary of the site, has been laid out in accordance with the approved plans. Thereafter the spaces shall be reserved for occupants of the Chalk-cob building unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure appropriate level of car parking is provided to serve the future needs of commercial activities undertaken within the Chalk-cob building, in accordance with Policy TRA02 of the Test Valley Borough Local Plan (2006).
- 21. No residential units shall be occupied unless or until the 2m wide timber boardwalk footpath, as shown on Drw.No.1100 Rev.H), has been constructed/laid-out and subsequently made available to allow the free flow of pedestrians through the site, in accordance with a scheme that shall first be submitted to, and approved in writing by the Local Planning Authority. Thereafter the route of the footpath shall be retained.**

Reason: To ensure suitable pedestrian access is provided to serve the development and to ensure a link is made to the existing footpath network to the northeast of the site boundary, in accordance with Policies TRA06 and ESN22 of the Test Valley Borough Local Plan (2006).

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 2. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
-

APPENDIX A

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

APPLICATION NO.	14/00245/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	31.01.2014
APPLICANT	Gemcroft Ltd
SITE	Former Anton Laundry, Marlborough Street, Andover, SP10 1DQ, ANDOVER TOWN (ST MARYS)
PROPOSAL	28 apartments (comprising 14 no. 1 bed and 14 no. 2-bed units) with alterations to access, cycle and bin stores, car parking, landscaping and formation of riverside boardwalk
AMENDMENTS	Amended plans: 30.05.2014 Additional Information: 30.05.2014
CASE OFFICER	Mr Jason Owen

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is submitted to NAPC as the proposal represents a Departure from the Development Plan and the recommendation is for permission.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site comprises an area of derelict land approximately 0.3 Ha in size located in Andover. The site is, for the most part, overgrown with naturally regenerated scrub vegetation and is partially screened from public view by the provision of existing buildings, enclosures and/or security fencing. To the north of the site lies a Scout Hut. To the North-east lies the residential three storey town houses and flats formed around College Mews, accessed off Shepherds Spring Lane.

2.2 In the immediate context of the site are a range of both commercial and residential properties that contribute to the character of the area. Along Marlborough Street, in addition to the two storey Listed building adjacent to the site (previously housing the offices to the laundry operation) are two storey terrace properties, and a converted red brick building housing a cycle shop. Andover Collage campus is located on the opposite side of the Marlborough Street with a mixture of three storey buildings.

2.3 The site is also visible from Shepherds Spring Lane where the corner of the cycle shop building, referred to above, is found. A large chalk-cob building is also located adjacent to the application site. Further north are the three storey flats (Trinity House), and adjacent town houses.

3.0 **PROPOSAL**

3.1 The proposal is for the redevelopment of the site to form 28 apartments (comprising 14 no. 1 bed and 14 no. 2-bed units) with alterations to access, cycle and bin stores, car parking, landscaping and formation of riverside boardwalk. Details of which are found on the accompanying planning drawings.

3.2

	<u>07/01466/FULLN (PERMISSION)</u>	<u>14/00245/FULLN (CURRENT)</u>
Application type	Full application	Full application.
No. of dwellings	14	28
Mix of dwellings	14x 2-bed	14x 1-bed 14x 2-bed
Density	47 dwellings per hectare	93 dwellings per hectare
No. of affordable dwellings on site	0	0
Means of access	Vehicular access shown off Marlborough Street	Vehicular access shown off Marlborough Street
Maximum height of apartments from ground level	11.2m (ridge of Block B)	11.2m (ridge of Block B)
Maximum number of storey's above ground level	3	3
No. of on-site car parking spaces	29	30
Commercial floor space proposed	<i>540 sq.m floor space</i>	None
Commercial uses proposed	Uses falling within Classes B1 (office)	None

	<u>07/01466/FULLN (PERMISSION)</u>	<u>14/00245/FULLN (CURRENT)</u>
Impact on local (off-site) infrastructure / affordable housing / leisure facilities	Contributions towards: <ul style="list-style-type: none"> • Public open space • Environmental Enhancements towards river Anton • Traffic Regulation Order • Cycle network • Andover bus station 	To be confirmed (see below)

3.3 The application is accompanied by documents setting out the applicant's proposal. The documents include:

- Planning and Heritage Statement
- Transport statement
- Ecological Mitigation Strategy
- Extended Phase 1 Ecological Survey
- Flood Risk Assessment (and Addendum Note)
- Flood Risk Drawing
- Sequential test and Exception Test (flood risk)
- Remediation Strategy
- Report on Ground Investigation
- Archaeological Evaluation and Watching Brief
- Affordable Housing and Viability statement (see Para 3.5)

3.4 The applicant has supported the current application with an 'open book' appraisal of the costs associated with the development and projected income/profit. The report has been submitted in support of the proposal to demonstrate the financial viability of the overall proposal and the extent, or otherwise, to which affordable housing can be provided on site and whether the impact of development on local infrastructure could be mitigated through financial contributions. The appraisal has been the subject of independent assessment by the District Valuer (DV) on behalf of the Local Planning Authority.

4.0 HISTORY

4.1 07/01466/FULLN - Erection of two and half storey building to provide 14 two bedroom apartments, together with refurbishment of listed building to provide office accommodation; erection of two buildings to provide office accommodation with car parking, cycle and bin store, landscaping and formation of riverside boardwalk. Permission in December 2008.

- 4.2 17/01471/LBWN - Part demolition of existing listed buildings comprising of redundant and derelict laundry buildings, ancillary outbuilding and sheds together with restoration and conversion of listed building to be used as office accommodation. Consent in December 2008.
- 4.3 06/03545/FULLN – Erection of two and a half storey building to provide 14 two bedroom apartments, together with refurbishment of Listed Building to provide office accommodation, erection of two buildings to provide office accommodation and car parking, cycle and bin store with landscaping and formation of riverside boardwalk footpath. Withdrawn in February 2007.
- 4.4 06/03553/LBWN – Part demolition of existing Listed Buildings comprising of redundant and derelict Laundry Buildings, ancillary outbuildings and sheds together with restoration and conversion of Listed Building to be used as office accommodation. Withdrawn in February 2007.
- 4.5 07/01471/LBWN – current application for part demolition of existing listed buildings comprising of redundant and derelict laundry buildings, ancillary outbuilding and sheds together with restoration and conversion of listed building to be used as office accommodation.
- 4.6 Prior to the receipt of the above applications the planning history for the site referred to minor operations and alterations to the buildings linked to the commercial laundry site operation.
- 5.0 **CONSULTATIONS**
- 5.1 **HCC Archaeologist:** No objection subject to condition.
- 5.2 **Highway Officer:** No objections subject to conditions and financial contribution towards local highway infrastructure improvements (cycle and pedestrian).
- 5.3 **Tree Officer:** No objections subject to condition.
- 5.4 **Planning Policy:** No objections subject to financial contributions towards public open space, swimming pool in Andover.
- 5.5 **Environment & Health:** No objections subject to conditions concerning contaminated land remediation.
- 5.6 **Conservation Officer: Objects:**
Concern with the design, scale and location of the new residential building immediately adjacent to the Listed Building which is considered harmful to the setting of the Listed building.
- 5.7 **Housing:** Objects:
Failure to provide affordable housing in accordance with Policy ESN04 of the TVBLP on site against a demonstrable need for such housing in the area.

5.8 **Env. Agency:** No objection subject to securing contributions towards ecological enhancements to the river Anton, and conditions concerning flood risk, contamination, and piling.

5.9 **HCC Ecologist:** No objections subject to condition in relation to ecological enhancements on site.

6.0 **REPRESENTATIONS** Expired 18.06.2014

6.1 **Town Council:** Objects:

- Concerned that the loading bay to the cobb building appears to be smaller than the extant permission and may make future use of the building unviable;
- How will the 10no. spaces for commercial uses be ensured?
- Flats at 39.50sq,m are smaller than that recommended within the Borough of London and may be unviable in marketing terms;
- Access to parking for Block C uses a joint access with Gilliat Hall;
- Extant permission was for commercial uses and so now this will be for residential development increase traffic may conflict with young children accessing Gilliat Hall.

6.2 **18no. Letters.** Objects:

- Reports (flood risk, ecology) need updating as they are quite old
- Access to the car park and other vehicle movements will cause conflict with children who use the scout hut
- Access needs to be completely separate from the scout provision – reduces conflict with cars; enables parking to continue at the scout hut; enables access to equipment store
- No S106 agreement to help with the scouts arising from the development
- Contrary to parking standards contained in the emerging Local Plan
- Will impact on local community facility (scout hut)
- Concern with drainage of surface water
- Not clear on the how the site be laid out in relation to finished levels.
- Concerned with isolation of two buildings within the proposal
- Threat to security of scout hut with public walkway being planned alongside site
- No details of bin store
- Close proximity of units to boundary with over looking, loss of light and shadow to properties to the north-east
- Challenge conclusion that the previous scheme was implemented

6.3 **1x Letter.** Support:

- Support the principle of development to improve street scene appearance

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

Part 4 – Promoting sustainable transport

Part 6 – Delivering a wide choice of high quality homes

Part 7 – Requiring good design

Part 8 – Promoting Healthy Communities

Part 11 – Conserving and enhancing the natural environment.

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

SET01 - housing within settlements

ENV01 – biodiversity and ecological conservation

ENV09 – water resources

ENV11 – archaeology and cultural heritage

ENV15 – development in Conservation Area

ENV17 – setting of Conservation Areas, Listed buildings, archaeological sites and historic parks and gardens.

HAZ02 – flooding

HAZ03 – pollution

HAZ04 – contaminated land

ESN15 – retention of employment land

TRA01 – travel generating development

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

DES10 – new landscape planting

AME01 – privacy and private open space

AME02 – daylight and sunlight

AME04 – noise and vibration

7.3 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.

7.4 Supplementary Planning Documents (SPD)

Affordable Housing
Infrastructure and Developer Contributions
Cycle Network and Network
Andover Town Access Plan

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact of the development on the character and appearance of the area – including the Conservation Area
- Impact on the setting of the Listed building
- Scheme viability and availability of contributions to mitigate the impact of development on local infrastructure
- Impact on highway safety
- Impact on local highway infrastructure
- Impact on affordable housing
- Impact on existing public open space
- Impact on the ecology of the area including protected species
- Impact of the development on the amenity of neighbouring properties.

8.2 **Principle of development**

The main issue here is the loss of an employment site. Whilst this issue was previously dealt with in the previous grant of planning permission for a mixed use development of the site, the distinction is that with the exception of the main laundry office building and the retained chalk cob building (both of which fall outside of the current application site), the current proposal makes no provision for new employment floor space. Consequently the proposal must also be considered against Policy ESN15 of the TVBLP. The applicant has suggested that the use of the land for employment uses is unlikely to be a financially viable option and that given the availability of land elsewhere in Andover to provide for the strategic needs of the town, the loss of this employment site is justified. This explanation is considered reasonable for this site given that, in addition, it is also material to the outcome of this application that the land benefits from planning permission to provide for a mixed use (residential and employment) scheme. The applicant has provided evidence to confirm that the planning permission has commenced and consequently, notwithstanding the outcome of this application, could be developed into the future. This weighs in favour of the proposed development, in accordance with Policy ESN15 of the TVBLP.

8.3 In addition to the above issues on loss of employment Para 2 of NPPF states that applications for planning permission must be determined in accordance with the Development Plan. Para 12 recognises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. It goes on to advise that development that accords with an up to date plan should be approved and proposed development that would conflict with it should be refused unless other material considerations indicate otherwise. Para 211 reinforces that the policies of local plans should not be considered out of date because of their adoption prior to the publication of the NPPF.

The guidance within para 215 is applicable in the Borough's case in that *“due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework”*. It should also be noted that there is no degree of inconsistency between the objective of Policy SET01 of the TVBLP and the NPPF.

8.4 The NPPF also sets out that the planning system should set out to achieve “sustainable development” (economic, social and environmental). Andover is a settlement that has a range of facilities and services that reinforce the position that it comprises a sustainable settlement for the purposes of the NPPF. While a physical assessment on the character and appearance of the area is undertaken in the following paragraphs of this report, it should be acknowledged that the proposal will bring forward a site for residential use.

8.5 Summary

The weight afforded to material considerations that include the very recent grant of planning permission for a similar development on the site, locational factors that affect the commercial desirability of the site for employment use, and guidance from Government (NPPF) in promoting sustainable development in such locations is considered such that the grant of planning permission is considered in accordance with TVBLP Policy ESN15.

8.6 **Impact on the character and appearance of the area – including the Conservation Area**

The main issue to consider in this respect is how the scale and height of the proposed development will sit within it's context and impact on the character and appearance of the area.

8.7 The proposal is considered to represent a good form of development in terms of elevations, materials and height. The proposal is not inconsistent with the architectural approach, scale and massing of the previously permitted scheme on the site. The proposal will be seen in the context of a number of large scaled buildings (including flats and houses to the rear of the site, and the chalk cob building) that make a contribution to its current character. As with the previous proposal for the site it is important that any re-development proposal achieves a form of development that raises the design quality of the area. In this respect it is considered that the proposal achieves this objective and accords with design policies of the TVBLP, and a key objective of the NPPF, in this respect.

8.8 The proposal is designed to a good standard and, as indicated above, is similar in size and scale to schemes that have already gained planning permission. In this respect, and having regard to the form, appearance and design of the current proposal it is considered that the character and appearance of the Conservation Area will be preserved, in accordance with Policy ENV15 of the TVBLP.

8.9 Impact on the setting of the Listed building

The existing frontage buildings are prominent in the Conservation Area and as the main Listed building is included to be retained (although does not form part of this current application), it is considered that the proposal would enhance this part of the Conservation Area. Although noting the opinion of the Conservation officer in terms of the physical form, scale and design of the new building adjacent to the Listed building it is material to the determination of this application that the scheme in this respect does not substantially differ to that which can be built by virtue of the extant planning permission. In considering the scale, massing, height and detailing of the proposed development is considered to preserve the setting of the Listed building in accordance with Policy ENV17 of the TVBLP.

8.10 Scheme viability and availability of contributions to mitigate the impact of development

TVBLP policies and accompanying SPD seek to ensure that development does not result in an adverse effect on existing infrastructure, and makes appropriate provision to mitigate such impact. In this particular case the principle of mitigating the impact of development through financial contributions includes an impact on local highway and transport infrastructure (PolicyTRA04), affordable housing provision (ESN04), impact on certain categories of public open space (ESN22), and leisure facilities (adopted SPD). Where improvements are necessary to mitigate the impact of development this would be either by way of Obligation (legal agreement) for provision/improvements on-site, or a financial contribution towards provision elsewhere.

8.11 In this particular instance the applicant has supported their application with a viability assessment (an “open-book” appraisal) which concludes that the scheme would not be viable if affordable housing is provided. The applicant’s appraisal has been independently assessed by the District Valuer (DV) on behalf of the LPA. At the time of writing this report Officers are in dialogue with the applicant concerning scope for other contributions to be satisfied. Members will be updated at NAPC.

8.12 Highway impact

The site lies within a fairly central position within the town – relatively close to car parking, public transport links and existing and proposed cycle links etc. The proposed level and nature of proposed parking is considered acceptable in relation to both the proposed residential development and the retained commercial element found on site (chalk cob building that is excluded from the current application). The proposed development can be accessed and egressed safely and it is considered would not give rise to an adverse impact on highway safety, or the free flow of pedestrian or vehicular traffic. The proposal is considered acceptable.

8.13 Flooding

The site has been assessed by the applicant, the LPA and the Environment Agency with respect to flood risk at the site. The application includes specific measures in the Flood Risk Assessment reports that are recommended to be covered by way of condition. Subject to achieving these measures the proposal would not be at risk of flooding, or give rise to an adverse impact of flooding elsewhere, in accordance with TVBLP policy HAZ02 and the NPPF.

8.14 Trees

The application is accompanied by a Tree Survey and method statement with respect to tree protective measures. The Tree Officer raises no objection to either the works proposed, or the means by which the remaining trees will be protected during the development, and subject to conditions the proposed development is considered acceptable in this respect.

8.15 Ecology

The application includes an ecological report and mitigation plan addressing ecological interests at the site. As previously, a condition is recommended that requires any appropriate mitigation on ecology to be implemented.

8.16 Contamination

The degree of information provided by the applicant to the Environment Agency (EA) was sufficient to address the risk of contamination arising from the site to controlled waters. Both the EA (controlled waters) and the Council's Environment & Health Service (human health) have confirmed that this matter can now be dealt with the use of suitable conditions. The proposal is considered acceptable in relation to these matters.

8.17 Archaeology

The site has already been the subject of some archaeological review and this is reflected in a document accompanying the current application. The Hampshire County Archaeologist has advised that further archaeological work is required and as such a condition is recommended to secure this work. Subject to such a condition the proposal is considered acceptable.

8.18 Amenity of adjacent properties

The site is bounded to the north-east by existing resident properties and, immediately to the north-west by an existing scout hut. The proposal has been designed to include measures (location and direction of windows etc) that would assist in minimising the perception of overlooking. Having regard to the relative juxtaposition of the proposal with the existing properties it is not considered that the proposed development would lead to a detrimental deterioration in the level of overlooking or a detrimental degree of shadowing or loss of light for neighbouring properties. In this respect it is also noted that the proposal, in so far as it relates to the block of flats located to the north-east (rear) boundary, is the same as that which has been considered acceptable by the LPA, and which is capable of being constructed by virtue of the extant permission. On this basis the proposal is considered acceptable.

8.19 Other matters

It is not material to the determination of this application whether the size of the residential units are smaller than a London Borough's guidance on accommodation size.

8.20 The planning system exists to protect the public interest. It does not look to protect the private interests of persons/organisations from other interests. Any informal arrangement that may have occurred from the evening availability of car parking on the application site that may have met the Scout hut requirement for meetings under the previous application, is not therefore material to the outcome of this application.

9.0 CONCLUSION

9.1 The proposal is considered to be acceptable with respect to the principle of development, including the loss of an existing employment site in the TVBLP, given that other material considerations out-weigh this factor. These material considerations include the nature of an implemented (and extant) planning permission and locational factors of the site relative to existing facilities that classify Andover as a sustainable settlement in the context of the NPPF. The design, scale and massing of the proposal is considered acceptable, and, of the views possible of the development from within the Conservation Area the effect on its character and appearance is preserved. The proposed development would not adversely affect the setting of the Listed building. The proposal will adequately address issues in relation to contamination, protected species, trees and drainage and the proposal is also considered acceptable in these respects. The effect on the amenity of both existing properties and the living conditions of future occupiers of the residential units is, subject to conditions, considered acceptable.

9.2 Further dialogue between the applicant and Officers will continue on the issue of viability and whether the development is capable of minimising its impact on local infrastructure by an appropriate and proportional financial contribution. Members will be updated on this matter at NAPC. In the event that Obligations are not secured, for reasons related to site viability, the proposal would be contrary to adopted Development Plan and SPD policy.

10.0 RECOMMENDATION

Subject to the satisfactory outcome of discussions with the applicant in relation to Obligations to improve local infrastructure and affordable housing, 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. **Piling or any other foundation designs using penetrative methods will 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.**

Reason: To protect the major aquifer beneath the site. If used, piling may provide direct pathways for contaminants to groundwater, in accordance with Policies ENV09, HAZ03 and HAZ04 of the Test Valley Borough Local Plan (2006).

- 3. 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.**

Reason: To protect the major aquifer beneath the site as Sustainable Urban Drainage can increase the potential for pollution if located in contaminated ground in accordance with Policies ENV09, HAZ03 and HAZ04 of the Test Valley Borough Local Plan (2006).
- 4. 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 Method Statement detailing how this unsuspected contamination shall be dealt with.**

Reason: To protect the major aquifer beneath the site. There may be areas of the site which cannot be fully characterised by a site investigation and unexpected contamination may be identified in accordance with Policies ENV09, HAZ03 and HAZ04 of the Test Valley Borough Local Plan (2006).
- 5. Development shall be carried out in accordance with the conclusions and recommendations contained in the Such Salinger Peters "Flood Risk Assessment" dated July 2007 and the FRA Addendum (Solent Panning) dated 24 January 2014, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To provide appropriate form of development relative to flood risk at the site, and to accord with Policy HAZ02 of the Test Valley Borough Local Plan (2006).
- 6. All safety barriers and other means of protecting users of the adjacent Scout Hut shall be installed prior to first use of the vehicular access into car parking area (no's 1-9 as shown on Drw.No.1100 Rev.H) and thereafter retained, in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of protecting the amenities of users of the scout hut in accordance with Policy TRA06 of the Test Valley Borough Local Plan (2006).
- 7. (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.

8. 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 (where appropriate). The landscape works shall be carried out in accordance with the implementation programme and maintained thereafter in accordance with the approved details.

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.

9. Details of the siting and design of any proposed external meter boxes/metal ducting/flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To protect the character of the listed building in accordance with Test Valley Borough Local Plan 2006 policy ENV13 and ENV15.

10. No development shall take place unless and until the provision of a new access road linking the site to Marlborough Road from the proposed car parking area (no's 1-9 as shown on Drw.No.1100 Rev.H) has been provided to wearing course.

- Reason: To ensure suitable access is provided to serve the development and, in accordance with Policies TRA05 and TRA02 of the Test Valley Borough Local Plan (2006).**
11. **No residential units shall be occupied unless or until the access road linking the site to Marlborough Road from the proposed car parking area (no's 1-9 as shown on Drw.No.1100 Rev.H) has been provided to final wearing course.**
Reason: To ensure suitable access is provided to serve the development and to ensure a suitable level of car parking is provided to serve the development, in accordance with Policies TRA02 and TRA05 of the Test Valley Borough Local Plan (2006).
12. **Prior to the commencement of development detailed proposals for the sustainable disposal of foul and surface water and any trade effluent shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use commence/occupation of the building(s).**
Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
13. **The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**
Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
14. **Prior to development taking place the tree protective measures and recommendations contained in the Barrell Tree Consultancy "Arboricultural Impact Appraisal and Methods Statement" dated 15 August 2006 shall be carried out. Any such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.**
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.
15. **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.

- 16. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto.**

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.

- 17. No development shall take place (including site clearance within the application site/area indicated red, until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work, in accordance with a written brief and specification for a scheme of investigation and mitigation, which has been submitted by the developer and approved in writing by the Local Planning Authority.**

Reason: The site is potentially of archaeological significance in accordance with Test Valley Borough Local Plan 2006 policy ENV11.

- 18. Full details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The windows and doors shall be installed in accordance with the approved details.**

Reason: To protect the character and appearance of the building in accordance with Test Valley Borough Local Plan 2006 policies ENV13 and ENV15.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 2. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
-

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

APPLICATION NO.	14/00245/FULLN
SITE	Former Anton Laundry, Marlborough Street, Andover, SP10 1DQ, ANDOVER TOWN (ST MARYS)
COMMITTEE DATE	10 July 2014
ITEM NO.	7
PAGE NO.	13 -37

1.0 PLANNING CONSIDERATIONS

1.1 Site viability

Further dialogue with the applicant's agent, the District Valuer and the Case Officer has taken place. The discussion focussed on the extent to which the development was 'financially viable' with provision of on-site affordable housing and other financial contributions that would ordinarily be sought. Such contributions would typically relate to off-site highway improvement works, public open space improvements, leisure facilities etc.

1.2 The outcome of that discussion confirms the position that the proposed development is "marginally viable" in the event that no affordable housing is made on the site, that the developer accepts a reduced profit on return of 17.5% (compared to 20% which often reflects the risks of undertaking development), and a financial contribution of £100,000 is made towards off-site infrastructure improvements. The position has been independently verified by the District Valuer as being an accurate reflection of the current market conditions.

1.3 As this conclusion reflects current values it is possible that the overall 'viability' of the scheme may change if various market factors also change over time. In this regard, and to also encourage the applicant to progress development at this brownfield and rather derelict site to deliver housing, it is also considered reasonable and necessary to reduce the time period by which development should commence from three years, to two years. The recommendation reflects the need to complete the legal agreement to secure the financial contribution, and to amend condition 1 of the agenda recommendation.

1.4 Allocation of car parking spaces

The applicant has clarified how they intend to provide car parking to serve the future requirements for the proposed office conversion of the frontage Listed building (24 Marlborough Street), and any employment uses that could take place within the large chalk-cob building located to the rear of the site, within the proposed layout. Drw.No.1101Rev.B shows the areas of parking reserved in the new layout to cater for the respective buildings.

- 5 spaces and a defined "loading area" are to be provided to the front of the chalk-cob building

- 5no. spaces are provided to the south east of the No.24 Marlborough Street (located on the common boundary with the cycle shop).

A condition is recommended to ensure that these parking areas are provided and made available for future users of the commercial buildings, to ensure sufficient car parking is provided for these uses.

1.5 Timber boardwalk

A condition is recommended to ensure that the new timber boardwalk footway that is shown running between the river and Block B is delivered and made available to members of the public. In providing the link within the application site it would be possible to join up the existing timber boardwalk that was provided in the adjacent residential area and thereby complete a pedestrian link alongside the river, to Marlborough Street.

1.6 Amended conditions

Conditions 10 and 11 of the agenda report recommendation have been amended to exchange the word “Marlborough Street” to “Marlborough Road”, and to accurately reflect the extent to which the road serving car parking spaces 1-9 should be delivered. The changes do not affect the intent behind the conditions as they have been set out in the agenda report.

2.0 **AMENDED RECOMMENDATION**

Delegate to the Head of Planning and Building that subject to the completion of a legal agreement to secure contributions towards local infrastructure, then PERMISSION subject to conditions and notes as per the agenda report and amended (1, 10, & 11) & additional conditions (19, 20, & 21) as follows:

- 1. The development hereby permitted shall be begun within two 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.**
- 10. No residential units shall be occupied unless or until the access road linking the site to Marlborough Street from the proposed car parking area (no's 1-9 as shown on Drw.No.1100 Rev.H) has been provided to binder course.
Reason: To ensure suitable access is provided to serve the development and to ensure a suitable level of car parking is provided to serve the development, in accordance with Policies TRA02 and TRA05 of the Test Valley Borough Local Plan (2006).**
- 11. No residential units shall be occupied unless or until the access road linking the site to Marlborough Street from the proposed car parking area (no's 1-9 as shown on Drw.No.1100 Rev.H) has been provided to final wearing course.
Reason: To ensure suitable access is provided to serve the development and to ensure a suitable level of car parking is provided to serve the development, in accordance with Policies TRA02 and TRA05 of the Test Valley Borough Local Plan (2006).**

19. **No residential units shall be occupied the 5 car parking spaces, as shown on Drw.No.1101Rev.B to serve the future requirements of No.24 Marlborough Street has been laid out in accordance with the approved plans. Thereafter the spaces shall be reserved for occupants of 24 Marlborough Street unless otherwise agreed in writing by the Local Planning Authority.**
Reason: To ensure appropriate level of car parking is provided to serve the future needs of commercial activities undertaken within the building at No.24 Marlborough Street, in accordance with Policy TRA02 of the Test Valley Borough Local Plan (2006).
20. **No residential units shall be occupied the 5 car parking spaces and loading area, as shown on Drw.No.1101Rev.B to serve the future requirements of the existing chalk-cob building located along the north eastern boundary of the site, has been laid out in accordance with the approved plans. Thereafter the spaces shall be reserved for occupants of the Chalk-cob building unless otherwise agreed in writing by the Local Planning Authority.**
Reason: To ensure appropriate level of car parking is provided to serve the future needs of commercial activities undertaken within the Chalk-cob building, in accordance with Policy TRA02 of the Test Valley Borough Local Plan (2006).
21. **No residential units shall be occupied unless or until the 2m wide timber boardwalk footpath, as shown on Drw.No.1100 Rev.H), has been constructed/laid-out and subsequently made available to allow the free flow of pedestrians through the site, in accordance with a scheme that shall first be submitted to, and approved in writing by the Local Planning Authority. Thereafter the route of the footpath shall be retained.**
Reason: To ensure suitable pedestrian access is provided to serve the development and to ensure a link is made to the existing footpath network to the northeast of the site boundary, in accordance with Policies TRA06 and ESN22 of the Test Valley Borough Local Plan (2006).
-