

Notice of Meeting

Northern Area Planning Committee

Date: Thursday 16 May 2019

Time: 5.30 pm

Venue: Upper Guildhall, High Street, Andover, Hampshire, SP10 1NT

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,
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The recommendations contained in the Agenda are made by the Officer and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Northern Area Planning Committee

MEMBER

WARD

Northern Area Planning Committee

Thursday 16 May 2019

AGENDA

The order of these items may change as a result of members of the public wishing to speak

- 1 Apologies
 - 2 Public Participation
 - 3 Declarations of Interest
 - 4 Urgent Items
 - 5 Minutes of the meeting held on 18 April 2019
 - 6 Information Notes 4 - 9
 - 7 18/01695/FULLN - 04.07.2018 10 - 19
- (OFFICER RECOMMENDATION: PERMISSION)**
SITE: 1A Mylen Road and 61C Charlton Road, **ANDOVER TOWN (HARROWAY)**
CASE OFFICER: Mrs Samantha Owen
- 8 18/02362/FULLN - 06.09.2018 20 - 37

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Rosebourne Garden Centre, Amesbury Road, Weyhill, SP11 8ED, **AMPORT**
CASE OFFICER: Miss Emma Jones

ITEM 6

TEST VALLEY BOROUGH COUNCIL
NORTHERN AREA PLANNING COMMITTEE
INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Consideration

The majority of applications are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution. However, some applications are determined at the Area Planning Committees, or the Planning Control Committee instead, and this will happen if any of the following reasons apply:

- Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- Applications which the Head of Planning and Building Services considers are of significant local interest or impact.
- Applications (excluding notifications) where a Member requests in writing, with reasons, within the stipulated time span that they be submitted to Committee.
- Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest for its own developments except for the approval of minor developments.
- Notifications on which material planning objection(s) has been received within the stipulated time span (the initial 21 day publicity period) and no agreement with the Chairman of the appropriate Committee after consultation with the appropriate Ward Member(s) has been reached.

- Determination of applications (excluding applications for advertisement consent, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights; Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received in the stipulated time span and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from the Committee Administrator at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Committee Administrator within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors with prejudicial interests, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.

- * Officers may recommend deferral because the information requested or amended plans have not been approved or there is insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.
- * Where the Committee has resolved to make a decision, which in the opinion of the Head of Planning and Building, has a possible conflict with policy, public interest or possible claims for costs against the Council, those applications shall be referred to the Planning Control Committee for determination.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application in the reception areas in Beech Hurst, Andover or the Former Magistrates Court office, Romsey. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

"The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, Members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: "*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*".

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Revised Local Plan. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals. Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Test Valley Borough Revised Local Plan (2016). Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 24 July 2018 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2012. The revised NPPF is a material consideration in planning decisions.

So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan,

but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development means:

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

ITEM 7

APPLICATION NO.	18/01695/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	04.07.2018
APPLICANT	Mr Choudhry
SITE	1A Mylen Road and 61C Charlton Road, ANDOVER TOWN (HARROWAY)
PROPOSAL	Retrospective application - revised extraction system layout for odour control, 2 wall mounted condensers and to amend the internal layout, ceiling grilles and external elevations
AMENDMENTS	Amended Commissioning and Operating Manual, Extraction System and Layout Plan – 31.08.2018 Amended Commissioning and Operating Manual, Extraction System and Layout Plan – 25.10.2018 Amended Application Form 09.11.2018 Amended Application Form 12.12.2018 Revised description 15.02.2019
CASE OFFICER	Mrs Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to the Northern Area Planning Committee at the request of the local ward members.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located in a small commercial area on the corner of Mylen Road and Charlton Road and is currently occupied by Pizza Hut. The building is a maximum height of 4.6 metres to the ridge and is adjacent to the residential property 1 Mylen Road and the access road to the commercial area. To the rear of the application site and part of the same building is a store for the Co-op retail unit and a Chinese takeaway. There is a small Boots pharmacy and café in a free standing building to the east of the Co-op building which also makes up part of the commercial area.

3.0 PROPOSAL

- 3.1 This application is retrospective and seeks permission for the extraction system as fitted, which differs from what was granted consent under 15/01745/FULLN. It also seeks to regularise the 2 wall mounted condensers on the rear elevation and amendments to the internal layout ceiling grilles and the external layout. This is detailed below.

3.2 The proposed changes are:

- Extraction system takes a different route through the building, with the odour control system located above the Co-op store. This has impacted upon the position of the ceiling grilles.
- The internal layout of the building has changed with the shop counter and part of the kitchen swapping places.
- Externally the air input grille has been relocated from the side of the building to the front of the building.
- Regularisation of the 2 wall mounted condensers and associated cabling.

4.0 **HISTORY**

4.1 17/01368/VARN - To Vary Condition 2 (Approved Plans) of 15/01745/FULLN (Change of use from shop to hot-food takeaway, installation of extraction system and air attenuation supply, two wall mounted condensers and alterations to internal floor space and associated building works) to amend the internal layout, ceiling grills and external elevations. Closed as Invalid 19.04.2018.

4.2 17/00620/VARN - To Vary Condition 2 (Approved Plans) of 15/01745/FULLN (Change of use from shop to hot-food takeaway, installation of extraction system and air attenuation supply, two wall mounted condensers and alterations to internal floor space and associated building works) to amend the internal layout and ceiling grills. Closed as Invalid.

4.3 15/01745/FULLN - Change of use from A1 (shop) to A5 (hot food takeaway); allowance for the installation of extraction system for pizza oven and air attenuation supply to the property; installation of x2 wall mounted condensers to serve cold-rooms; Alterations to the internal floor space and associated building works. Permit 13.05.2018.

5.0 **CONSULTATIONS**

5.1 **Environmental Protection:** We have reviewed the retrospective application - revised extraction system layout for odour control and the documents provided. We refer to the System Specification sheet from Canopy UK dated the 25th May 2018. We would like to ensure that the system is maintained as specified.

6.0 **REPRESENTATIONS** Expired 01.08.2018

6.1 **Andover Parish Council: Objection.**

- Check application as local resident has raised concerns that the system installed is not as described in the application.

6.2 63 x letters of objection from 1, 2, 3, 4, 5, 6, 7, 8, 10A, 12, 14, 19, 22, 23A, 25, 30, 64 Mylen Road, Andover; 17 West Park, Appleshaw; 75, 100 Charlton Road; 31 Lubeck Drive, Saxon Fields; 2 Heath Vale, Andover; 45 Coachways, Andover; 7 Cuxhaven Way, Saxon Fields; 26 Farris Avenue, Andover; 12A Old Winton Road, Andover; 1 Ash Tree Road, Andover; 32 Mercia Avenue, Charlton; 31 Richborough Drive, Charlton; 17 Monxton Road, Andover and 34 Millway Road, Andover.

These letters object to the application on the following grounds:

Extraction System

- Supporting documentation is incorrect, system specification states one type of silencer but this does not correspond with what it is said has been fitted.
- System Specification Sheet does not cover any maintenance aspects so Environmental Protection cannot require this to be conditioned for maintenance.
- Design and layout of equipment not part of the odour control system has changed both internally and externally.
- Equipment fitted to the odour control system has changed as well as the layout of the system.
- Extraction system cannot be fitted with the controller quoted.
- Incorrect plans/supporting information regarding air intake grille, ceiling grilles, outlet grilles, air make up into the building.
- Proposed floor plan layout is incorrect in relation to the air in box and system specification sheet is incorrect.
- When resolution is reached there should be some clear control by TVBC on maintenance.
- Noise and odour assessments of the newly installed odour control system should be carried out to measure impact on flats above Co-op.
- Variations between the Canopy UK Commissioning and Specification Sheets.

Other Matters

- Application does not cover the scope of the breach of planning conditions identified previously and listed in the two applications.
- Design and layout of the shopfront has changed.
- Design and layout of the internal store has changed.
- Inaccuracies and omissions on the application form.
- The red line has changed since the original application.
- This application does not cover the scope of planning condition breaches identified in previous applications.
- Need to control trading and delivery times.
- The previous occupier (Nelson Mobility) traded from 1A, yet this application for the same unit is 1B, this needs investigating.
- TVBC created 1B Mylen Road.
- Will insurance and safety certificates be valid if they relate to the wrong address.
- Application form states work on the building was completed on 14.11.2016, this is incorrect as work was ongoing until May 2018.
- The revised application form still has errors contained within it.
- Errors in documentation and the fact they have been in breach of planning for nearly two years raises questions themselves.
- Lack of documentation on website following revised description.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM 2 – Settlement Hierarchy
E1 – High Quality Development in the Borough
E8 – Pollution
LHW4 - Amenity

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Odour Control
- Other Matters

8.2 **Odour Control**

Policy E8 of the RLP states the following;

Development will be permitted provided it does not result in pollution which would cause unacceptable risks to human health, the natural environment or general amenity. Development that would or could potentially generate pollution will only be permitted if it can be demonstrated that there would not be an adverse impact on human health, the natural environment or general amenity.

Development which is sensitive to pollution will only be permitted if the intended users are not subject to unacceptable impact from existing nearby uses having taken account of proposed mitigation measures.

8.3 The application for the extraction system seeks to minimise the cooking odour that is expelled to the outside. Pizza Hut relies on the oven cooking of its products with no requirement for frying and this would be conditioned. Under 15/01745/FULLN, plans showed the layout of the extraction system passing through the building before being expelled externally through a three stage odour control system. Following an investigation by Planning Enforcement it was discovered that the extraction system was not fitted in accordance with the application details. This current application seeks to regularise the extraction system. The extraction system takes a different route through the building passing through a two stage odour control system before being expelled. Environmental Protection raised no objection. It is considered that the extraction system is in accordance with Policy E8 of the RLP.

8.4 Since the original planning permission for the Pizza Hut was granted, the offices above the Co-op have been given permission to be converted into flats. Concern has been expressed by third parties that there has been no consideration of the impact of odour on these flats. The cooking method of baking the pizzas is low odour and Environmental Protection raised no objection to the revised extraction system. Environmental Protection received

complaints regarding odour in the past but these were investigated and no action was taken as there was no evidence to substantiate the complaint. The flats are a distance from the site and with residential properties closer not registering an odour problem it is considered that the occupants of these flats would not be subjected to unacceptable odour.

- 8.5 Third party concern has also raised the issue of noise from the proposed extraction system and how this may impact on the flats that are now located above the Co-op. Planning application 15/01745/FULLN was supported by a Noise Assessment for external plant, which included a new fresh air intake, extract fan located internally with discharge at the flat roof area to the rear and 2 condenser units to support the refrigeration units. Although the air intake grille has moved from the side of the building to the front of the building, all the plant and extraction system to the rear has remained the same as previously shown under 15/01745/FULLN. The Noise Assessment was largely concerned with the noise from the condenser units and considered noise at the nearest houses to the Pizza Hut namely 1 Mylen Road directly adjacent to the Pizza Hut and number 59 Charlton Road to the rear of the small Boots outlet. The Noise Assessment concluded that the night time noise level was 29dB at 1 Mylen Road and 25dB at 59 Charlton Road. Noise from the combination of all operational plant relating to the Pizza Hut is 20dB which is 9dB below the night time limit and would be below daytime noise levels which are generally higher than night time noise levels. This was conditioned on the 15/01745/FULLN planning application which is still enforceable.

8.6 **Other matters**

Third parties have raised a number of other matters and I will deal with each in turn.

Incorrect Information

The application has been required to be amended as there were anomalies and inaccuracies within the following documents;

- Commissioning and Operating Manual.
- System Specification Sheet.
- Application Form.
- Plans.

The anomalies and inaccuracies are:

- Specification of Silencer is incorrect.
- Specification of Extraction Fan is incorrect.
- Air Intake Grille is shown as different sizes in different documents.
- Fan duty time is incorrect.
- Dwell time for the odour control system is incorrect.
- Cowl velocity has changed.
- Air In box is shown differently on submitted plans.
- The loft plan and the floor layout and extraction plan show different numbers of air input grilles.
- Lot of changes to the building are not on the application.
- Application Form shows incorrect applicants address.

- Section 3 of Application Form incorrectly filled out as work did not finish on the building on 14.11.2016 but in August 2018.
- Section 18 is incorrect as the extraction system is within space leased to the Co-op for storage.

These anomalies and inaccuracies have now been resolved and it is considered that the information relating to the application is acceptable and allows the Local Planning Authority to make a decision.

8.7 Incorrect address.

The application address for the Pizza Hut was originally described as 1B Mylen Road, which is consistent with other recent applications on this site. Third party correspondence raised the issue that the previous tenants of this unit used the address 1A Mylen Road. Concern was expressed that this made the application invalid as it was not clear what unit was being referred to. The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires applications for planning permission to show the site that is the subject of the application to be outlined in red so that it can be easily identified. The red line has clearly shown, in this case, which unit was the subject of the application and as such the application is valid and a decision can be made by the Local Planning Authority. The postcode for the application SP10 3HJ is attached to 15 addresses one of which is 1A Mylen Road, 1B Mylen Road was not an address that had been registered with the Post Office and it was considered that a more accurate application address would be 1A Mylen Road and 61C Charlton Road. 61C Charlton Road was included in the address as the external fittings of the extraction system are fitted to the rear of number 61C Charlton Road.

8.8 Delivery and Trading Times

The original application 15/01745/FULLN conditioned delivery and trading times which is still enforceable and as such it does not need to be conditioned under this application.

8.9 Planning Breaches

There has been third party concern that this application does not cover all the breaches that have been raised during the previous applications. The previous variation application was for Variation of Condition 2 of 15/01745/FULLN. Third party concern was raised on these previous applications that they did not cover Condition 7 of 15/01745/FULLN of this permission which was concerned with ensuring the odour control work was carried out in accordance with the system specification sheet produced by Canopy UK. This application seeks to regularise the current extraction system and as such a similar condition as the original Condition 7 has been attached. The original conditions as attached under 15/01745/FULLN that refer to matters that are not the subject of this application are still enforceable.

8.10 Internal and External Layout

Concern has been expressed by third parties that changes have been made to the elevations, shopfront and internal layout has changed. These changes have been included within the revised description as changed on the 15 February 2019 and are reflected on the submitted plans. The current application reflects the internal layout of the building as it now is. Externally that have been a couple of small changes, these are the relocation of the air intake grille and a cable track to serve the condensers on the rear of the unit. The air intake grille has been shown in its correct location on this application as it is part of the odour control system. The two wall mounted condensers and associated cable track have been included in this application. It is considered that these changes are relatively minor in nature and they are not considered to be harmful to either neighbouring uses or the wider streetscene. It is considered that the internal and external layout is in accordance with policy E1 of the RLP.

8.11 Red Line

Third party concern has been raised that the red line has changed since the original application. The red line now encompasses 1A Mylen Road, the Co-op store and 61C Charlton Road as the extraction system passes through or is attached to all of these units. This application is for full planning permission and as such there is no requirement for the red line to be the same as those applications that have preceded this one. The red line as shown is considered appropriate to this application.

8.12 Insurance and safety certificates

Concern has been expressed that as the application referred to the wrong address, would this mean that the insurance and safety certificates that the company may hold for this site are invalid. This is not a planning consideration and would be for the owners of the business to be satisfied that all safety and insurance certificates were correct.

8.13 New description and lack of documentation

Concern has been expressed by a third party that when advertising the amended application description the letters and site notices indicated that there was documentation that could be viewed, however when viewing the application there was no documentation on the Council's website. In this case there were no updated plans or forms, as it was purely for a change in description. The letter or site notice made no suggestions that there were updated plans or further documentation. The plans that are online are the current plans and if read in conjunction with the description it can be seen that all elements described in the description are on the plans.

8.14 **Planning Conditions**

The original application 15/01745/FULLN remains in tact, and governs the use of the premises, save for condition no. 7 which relates to a different extraction system to that which has actually been installed and is discussed in paragraph 8.10 above. The current application is for retrospective works and as such the odour control system is in situ and will be conditioned to be retained this condition would also restrict frying on the premises.

8.15 Environmental Protection requested a Condition that required the odour control system to be maintained and records kept on a rolling two year basis. Planning Conditions need to meet six tests as set out in paragraph 55 of the NPPF 2019. The NPPF advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The lack of maintenance of the odour control system is likely to result in odour being emitted from the premises. Consideration needs to be given to the fact that 15/01745/FULLN was implemented without any odour control system having been fitted and no complaints regarding odour nuisance were received during this period. A two stage odour control system has now been fitted. Conditioning its maintenance to stop potential odour nuisance would not be reasonable or necessary. It has not been demonstrated that there is necessarily a correlation between maintenance and odour nuisance with this particular use and location. If odour does become a nuisance and complaints are received in the future there is non-Planning legislation available to address this.

9.0 CONCLUSION

9.1 It is considered that the revised route of the extraction system through the building and expelling through a two stage odour control system is acceptable and would protect local residents from unacceptable odour in accordance with Policy E8 of the RLP. A number of other matters have been raised on this application and it is considered that these are now resolved to an extent that the submitted scheme can be approved.

10.0 RECOMMENDATION

PERMISSION subject to:

1. **The Odour Control System as shown on the layout plan 14.0164 REV E and the System Specification Sheet from Canopy UK received 25.10.2018 shall be retained whilst the permitted Class A5 use occupies the premises. No frying shall take place on the premises. Reason: In the interests of the amenity of the occupiers of nearby properties and in accordance with policy E8 of the Test Valley Borough Revised Local Plan 2016.**

Note 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.**
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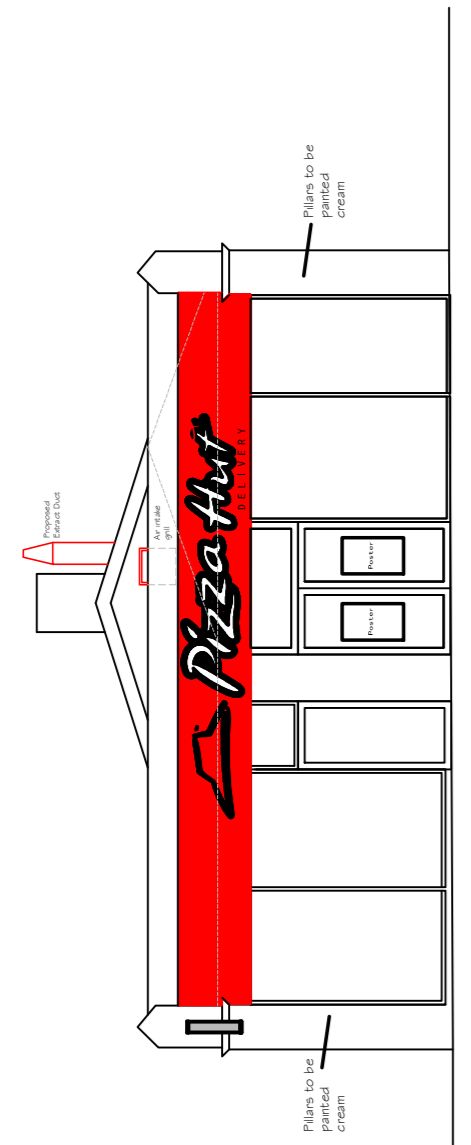
Siteplan



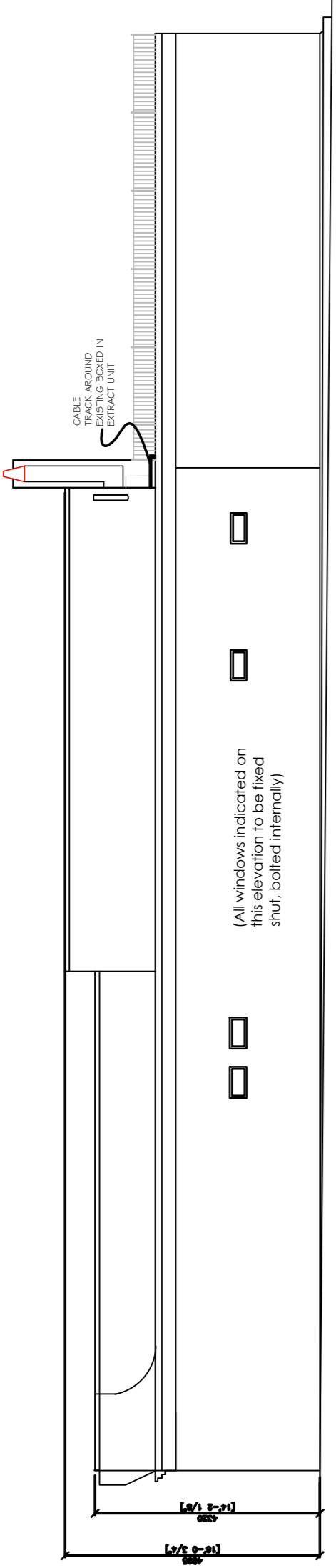
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NOTES

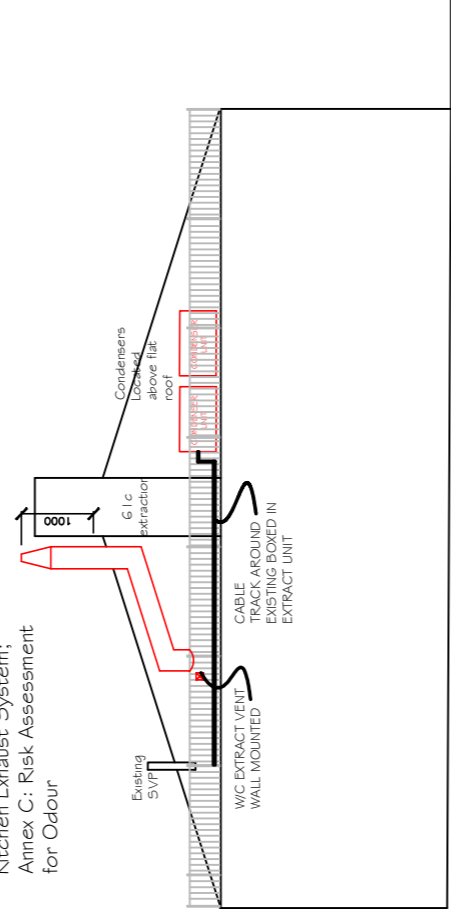
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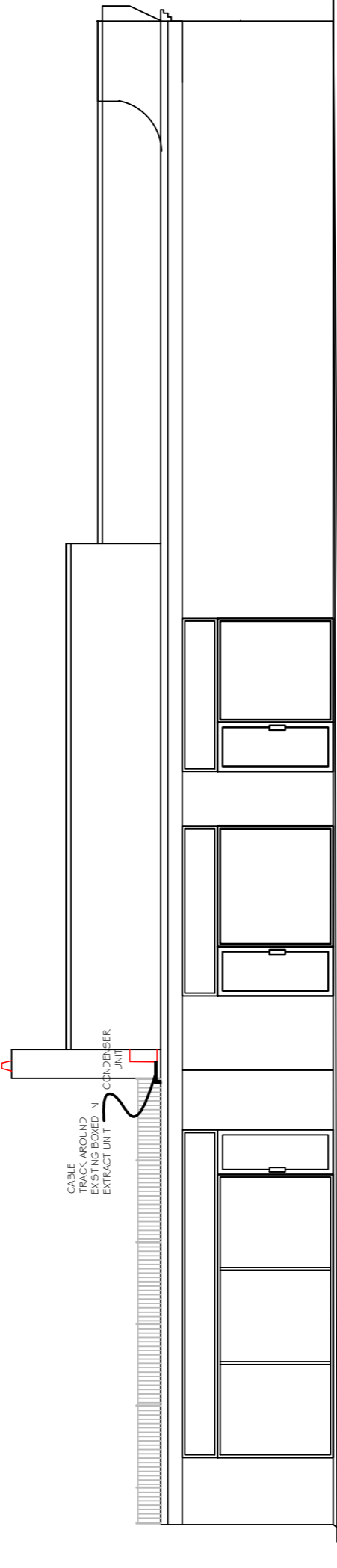
Proposed Front Elevation
Scale - 1:100 @ A1



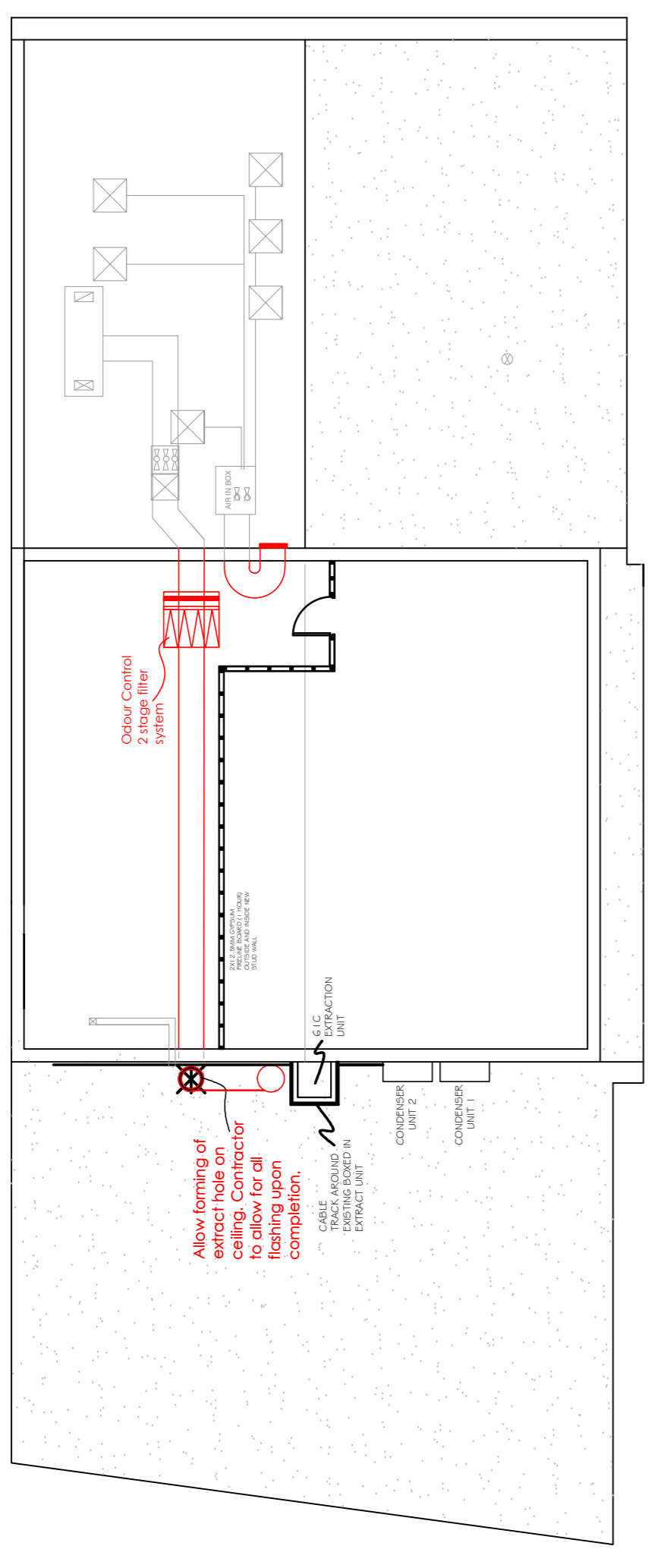
Proposed Side Elevation
Scale - 1:100 @ A1



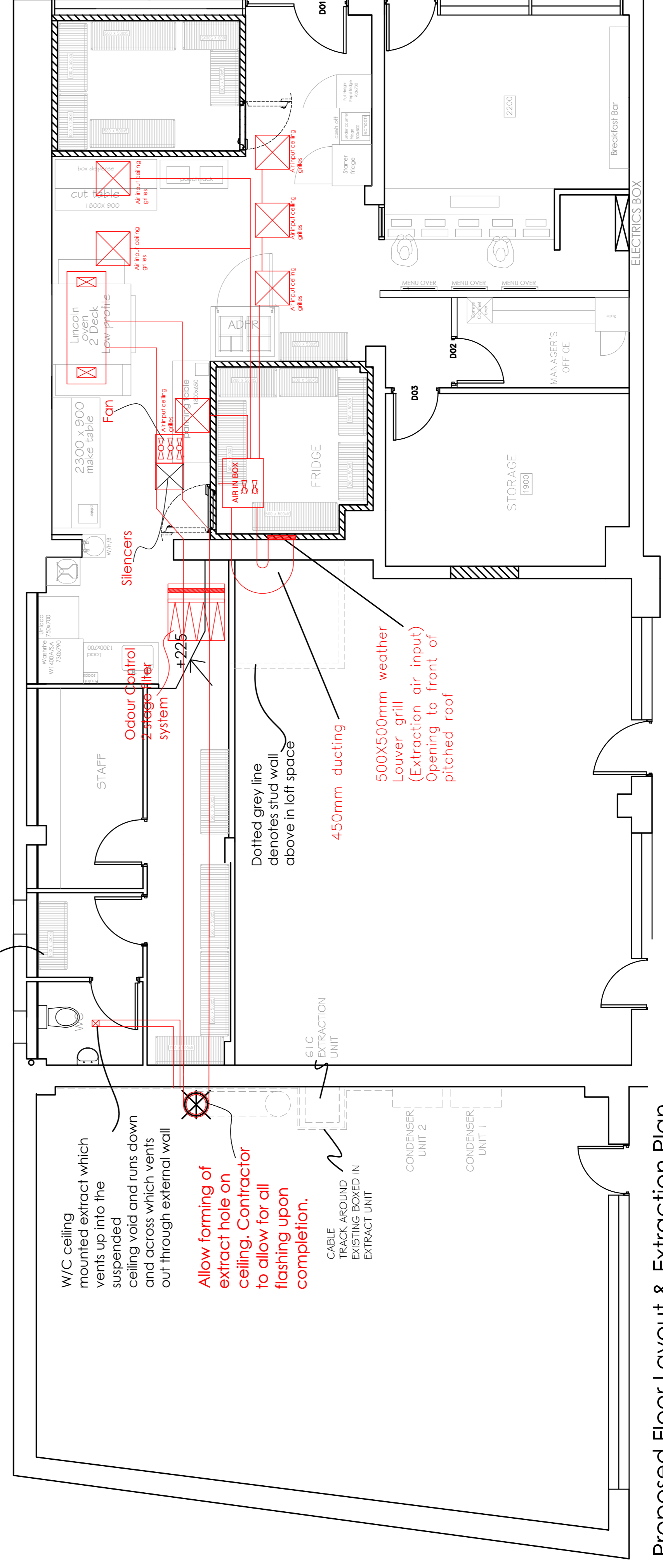
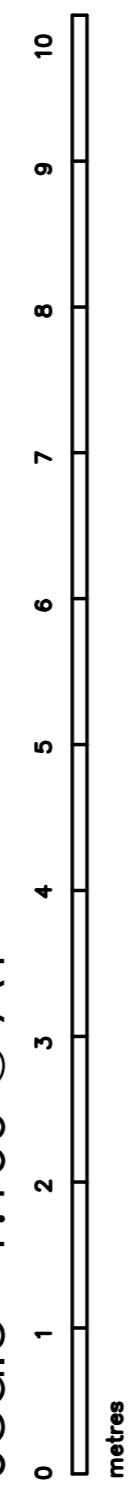
Proposed Rear Elevation
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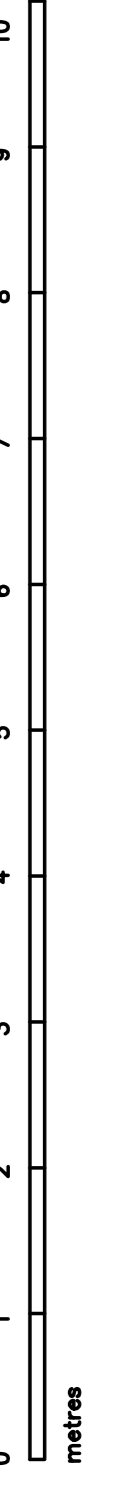
Proposed Side Elevation
Scale - 1:100 @ A1



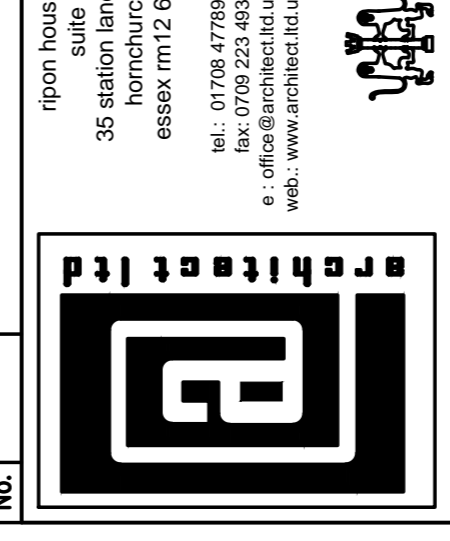
Proposed Loft Floor Plan
Scale - 1:100 @ A1



Proposed Floor Layout & Extraction Plan
Scale - 1:50 @ A1



REV. No.	DATE	REMARKS
E	23.10.18	UPDATE EXTRACTION LAYOUT (KD)
D	29.08.18	UPDATE EXTRACTION LAYOUT AS PER CANOPY UK SKETCH (KD)
C	23.08.18	UPDATE EXTRACTION LAYOUT AS PER CANOPY UK SKETCH (KD)
B	29.06.18	LOFT FLOOR WALL HATCHED ON GF PLAN (KD)
A	23.05.18	UPDATED PLANS TO REFLECT AS BUILT EXTRACTION LAYOUT (KD)



Client
ISSAA Ltd

Job Title
PIZZA HUT ANDOVER
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Drawing Title
Extraction Plans & Elevations

Scale	1:50/100@A1	Sheet size	A1
Date	06.18	Drn. by	KD
Drng. No.	14.0164	Rev.	E

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ITEM 8

APPLICATION NO.	18/02362/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	06.09.2018
APPLICANT	Mr Neville Prest, Rosebourne Garden Centre
SITE	Rosebourne Garden Centre, Amesbury Road, Weyhill, SP11 8ED, AMPORT
PROPOSAL	Extension to plant sales area and car park
AMENDMENTS	Additional information received: <ul style="list-style-type: none">• 29.10.2018• 06.02.2019• 04.04.2019
CASE OFFICER	Miss Emma Jones

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site lies just outside the village of Weyhill, and comprises an area of land adjacent to and to the south west of the existing Rosebourne garden centre. The application site is currently occupied by a swale which is required for drainage in association with the existing garden centre development.

3.0 PROPOSAL

3.1 The proposal is for an extension to the existing outdoor plant sales area and the car park at Rosebourne Garden Centre. The proposals would be located on land adjacent to, and to the south west of, the existing garden centre site. The proposed plant sales area would occupy an area of approximately 1,517 square metres, and the proposed car park would provide 63 car parking spaces.

3.2 Additional information has been submitted by the applicant during the course of the application, including;

- A Supporting Statement providing additional explanation as to the need to extend the existing open plant sales area, as well as further data on car parking capacity requirements;
- A breakdown of areas for the proposed open sales area, in terms of the goods that would be sold and how much space they would occupy;
- A Biodiversity Management Plan;

- An updated site plan showing an increase in proposed car parking spaces (from 61 to 63) and a revised landscaping scheme, including the closing up of an originally proposed gap in the western boundary of the application site.

4.0 HISTORY

- 4.1 17/03317/FULLN; Extension to plant sales area and car park – Withdrawn.
- 4.2 18/01162/VARN; Variation of Condition of 2 of 16/01767/VARN - (Replacement garden centre and post office with ancillary cafe, storage, access, parking and landscaping) to substitute Drawing No 2911-20-PO7A for PO7B to remove blinds to front and rear elevations – Permission - 05.04.2019.
- 4.3 16/01767/VARN; Variation of condition 19 of 15/01583/FULLN (Replacement garden centre and post office with ancillary cafe, storage, access, parking and landscaping) to allow for the swale to be relocated to a new position as shown under planning application 16/01377/FULLN and to be constructed and completed prior to occupation of the Garden Centre – Permission – 20.10.2016.
- 4.4 16/01377/FULLN; Proposed landscaping and drainage works – Permission - 05.08.2016.
- 4.5 15/01583/FULLN; Replacement garden centre and post office with ancillary cafe, storage, access, parking and landscaping – Permission – 26.10.2015.

5.0 CONSULTATIONS

5.1 Planning Policy; Comments:

- It is considered that the application site is not an employment site as envisaged to fall under the remit of Policy LE17. As such Policy LE17 is not engaged;
- *Policy COM2 (Settlement Hierarchy)* The application site lies outside of the settlement boundary and is therefore within the countryside (see Map 3 of the Local Plan). Development outside of the settlement boundaries will be permitted if: a) it is a type appropriate according to RLP policy COM8-COM14, LE10 or LE16-LE18; or b) it is essential for the proposal to be located in the countryside. Given that none of the aforementioned policies are engaged, it would need to be proven that the development must essentially take place in the countryside for the proposal to be deemed permissible in principle;
- The applicant states that additional parking is required as the current provision is insufficient, resulting in customers either parking beyond the site on Amesbury Road or leaving the premises without shopping. Whilst this is acknowledged, no robust evidence has been submitted which presents the current parking provision as being insufficient, and that this is having an adverse impact on the operation of the business. Such evidence would assist in justifying the expansion of the car park to form an additional 61 spaces within the countryside;

- Similarly, in regards to the extension to the Plantaria, only anecdotal evidence has been provided by the applicant justifying the expansion of floorspace based on customer requirements for the range of outdoor plant and garden decorations sold on the site. Without further evidence, this is considered insufficient to constitute an essential need to expand into the countryside;
- As such, given the development is not a type which is appropriate within the countryside (criterion a)), and that insufficient evidence has been provided to justify development within the countryside through being essential (criterion b)), there is a policy objection on the basis of COM2 failing to be satisfied;
- *Policy LE11 (Main Town Centre Uses)* The nature of the site (given it seeks to sell plants as outlined in Paragraph 4.1ii) in the Supporting Statement) is not considered a main town centre use. Therefore Policy LE11 is not engaged;
- *Policy E1 (High Quality Development in the Borough)* Development will be permitted if it is of a high quality in terms of design and local distinctiveness. New development should be carefully designed to respect and enhance their surroundings;
- *Policy T1 (Managing Movement)* Development will be permitted if in line with criterion b) whereby measures are in place to minimise the impact on the highways and rights of way network and pedestrians, cycle or public transport users. It is recommended that the Highways Team are consulted;
- *Policy T2: (Parking Standards)* The proposal seeks to develop an additional 61 parking spaces on the site which need to be provided in accordance with the standards set out in the Local Plan. It is recommended that the Highways Team are consulted.

Further comments made in response to the additional supporting evidence supplied by the applicant;

- Policy COM2: Settlement Hierarchy – the site lies outside of the boundaries of the settlement and is therefore within the countryside. Development outside of the settlement boundaries will be permitted if a) it is a type appropriate according to RLP policy or b) it is essential to be located in the countryside;
- The applicant has provided evidence presenting the current parking provision and projected future requirement. Photographs were submitted showing the car park full to capacity, it currently has 216 spaces. The information provided suggests that 98% of visitors drive in order to travel to Rosebourne, the applicant estimates that the operational capacity of a car park is nearer to 85% of its total capacity, and that over the course of a year it is estimated that the existing car park capacity will be exceeded on approximately 152 days. The applicant states that through the expansion of the car park on site this would decrease the likelihood of patrons parking on highway verges and allow for the continued growth and success of the business;

- Further evidence has been supplied by the applicant detailing the need for the expanded planteria within the countryside location. In comparison to other competitive centres the applicant believes their planteria (approx. 1,437sqm) falls short of the 3 examples given where the average was 4,166sqm. Even by doubling the size of the current planteria to 2,963sqm as proposed would still fall short of these competitors.
The majority of the space gained would be given over to greater choice and improved stock availability which was identified from consumer feedback; the ability to order large numbers of stock was also highlighted as a benefit to the business as this might allow for lower prices, which would keep the business competitive, including against internet retailers which are able to offer a wider range than traditional garden centres;
- Policy LE11: Main Town Centre Use – The applicant has carried out a sequential assessment with regards to the location of this use which is considered a main town centre use. The applicant states that it is unlikely that a suitable site of over 1,000m² which has an adjacent service yard capable of taking large articulated vehicles would be available, they concluded that it was unlikely that a suitable site could be found within, or close to, a town centre that has sufficient space or is financially viable; and that of the sites currently available closer to the centre of Andover none were of an appropriate size to meet their needs;
- Regarding any potential retail impact of the increased planteria any potential retail impact upon high street stores would be minor. It is predicted the proposed extension would divert only approximately a proportion of £25,000 of consumer spend away from town centre grocery stores, with the majority of the impact being other competing garden centres within the catchment area;
- On the basis that specifically ‘plant sales’ (rather than garden centre sales of various types of goods in general) are not considered to constitute a type of retail that would fall within definition of ‘main town centre uses’, then the requirements of Policy LE11 do not apply, in this particular case. No planning policy objection in principle on basis of any conflict with Policy LE11;
- However, this is subject to it also therefore being considered appropriate and justified that a condition be added if permission was to be granted, to restrict the use of the extended sales area created to be for the ‘sale of plants’ only. This is considered reasonable to avoid the extended sales area being use for the sale of types of goods which could fall within the scope of ‘main town centre use’ retail.

5.2 **Landscape**; No objection, with comments;

- The proposed extension area is to the west of the site, the proposed field is currently undeveloped land (open countryside); it has no landscape or ecological designations;

- There are two public rights of way in close proximity to the site; approximately 50m south of the site, a route runs east to west, south of the A303 and follows the line of the A303. Another footpath is located 35m to the northwest of the site (north of the extension area). Views may be visible from the path and Amesbury Road particularly in winter months;
- From a previous submission and discussions with the applicants it was noted that the access through the centre of the overflow car park into the field to the west had to be retained for maintenance. It is noted that there is a gate shown along the northern boundary of the field where tractors/maintenance vehicles can gain access to the site from Amesbury Road, therefore this access area can now be planted up;
- No external lighting is shown within the overflow area. This should be kept informal, any lighting here would be inappropriate;
- No's of plants to be submitted along with density of planting for hedgerows. This should also be accompanied by a landscape management plan to ensure the successful establishment of all new planting.

5.3 **HCC Highways;** No objection, with comments;

- The addition of the overflow/additional parking facility is considered acceptable in terms of layout and surface treatment;
- With regards to traffic impact, it is considered that the proposal will improve highway safety considerations with the removal of vehicles from the public highway, and remove the likelihood of vehicles entering and leaving the site in search of parking spaces;
- It is considered that the modest level of additional new trips can be safely accommodated on the public highway network in this location and the traffic itself is highly seasonal and in the majority, outside of the traditional network peak hours.

5.4 **HCC Ecology;** Comments;

- The proposed work will impact an area of bare ground, bare soil and existing plant sales area. There has been previous site work that identified a small population of slow worms along the north of the site, the survey report has detailed a mitigation strategy to avoid impacts to slow worm during works. The bare soil was formerly semi improved rabbit grazed grassland with rougher boundary edges, therefore a biodiversity management plan has been included to restore and mitigate the habitats lost previously and by this development and ecological enhancements have been recommended;
- I would support all these measures and, provided that the agreed mitigation proposals are implemented, I would have no concerns over these proposals. I would suggest that a condition be added to the decision notice.

5.5 **HCC Archaeology**; Comments (made in respect of previously withdrawn application reference 17/03317/FULLN);

- The areas on either side of the site have both been the subject of archaeological evaluations in the past. Both of these evaluations have identified prehistoric features, probably dating from the Bronze Age (2200-800BC), to the north east and south west of the current proposal. On this basis and considering the undisturbed nature of the proposed extension to the “Planteria” and Car Parking Area, it is entirely possible that further well preserved archaeological features dating from the later prehistoric era may exist within the site;
- Would therefore advise that a condition is attached to any planning permission that may be issued. Such a condition would require the preparation of a Written Scheme of Investigation (WSI) that sets out the methodology for an archaeological watching brief of the ground works associated with the construction of the proposed “Planteria” and car park extensions, along with the access road to the car park, so that any archaeological remains encountered are recognised, characterised and recorded. Provision should also be made for the public dissemination of any results and the WSI should satisfy the Local Planning Authority that the scheme is sustainable under the terms of NPPF.

6.0 **REPRESENTATIONS** Expired 12.10.2018

6.1 **Amport Parish Council**; No objection, with comments;

- Concerns were raised about extra traffic flow from the additional car parking.

6.2 **1 x letter**; Comments from Ashtree Cottage, Amesbury Road, raising;

- Would be grateful if you could give careful consideration to this proposal with a view to consent and also to review the speed limit on this road given the increased traffic load in a residential area;
- An increase in the parking space availability will reduce the nuisance caused by inconsiderate parking when customers park in the side roads surrounding the garden centre, often this is without regard for the residents and their ability to gain access or egress to their properties;
- Of particular concern is the crossing that the exit from the car park forms with the spur road to Dauntsey Lane and the lack of understanding, to my appreciation of the Highway Code, as to right of way. This combined with an open speed limit on the road has led to a number of ‘near misses’;
- Also, one of the benefits to the supermarket and café is that it has mobilised a lot of the elderly in the area who had otherwise suffered a significant degree of social isolation. This does however mean that there are a number of elderly residents with reduced mobility or using walking aids/mobility scooters who are crossing the road at this point. For their safety it is imperative that the council reduces the speed limit as otherwise their new freedoms will be cruelly taken away once they feel unable to cope with the traffic.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 – Settlement hierarchy

LE11 – Main town centre uses

E1 – High quality development in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

E5 - Biodiversity

E7 – Water management

E8 – Pollution

LHW4 - Amenity

T1 – Managing movement

T2 – Parking standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Character and appearance
- Heritage
- Biodiversity
- Highway network
- Water management
- Amenity

8.2 **The principle of development**

The site lies within the countryside, outside of any settlement boundaries as defined by the RLP inset maps. Policy COM2 of the RLP sets out that development outside the boundaries of settlements will only be permitted if:

- a) it is appropriate in the countryside as set out in other RLP policies; or
- b) it is essential for the proposal to be located in the countryside.

8.3 The proposal is for the extension of the existing outdoor plant sales area at Rosebourne Garden Centre, as well as an extension to the existing car park. The proposals would extend into the countryside, outside the existing boundaries of the garden centre site. There are no specific RLP policies that allow for the development as proposed in the countryside. The proposal would therefore not comply with criterion a) of RLP policy COM2. It is therefore necessary to determine whether it is essential for the proposal to be located in the countryside as required by criterion b) of RLP policy COM2, as discussed below.

8.4 Extension to plant sales area

It is advised within the submission that when Rosebourne Limited acquired Weyhill Garden Centre they implemented their business model which had been developed at their site near Northampton. This business is a 'market place'

“where plants and food produce are available as the seasons dictate – if for example roses are not in flower then they will not be stocked during the autumn and winter months. This approach to stocking hardy plants and annuals requires a smaller outdoor plant sales area than a conventional garden/plant centre. The existing plant sales area of approximately 1437m² at Rosebourne Weyhill was thus developed as a smaller areas compared with ‘mainstream’ garden centres”. Examples of other garden centres in Dorset, Surrey and Avon have been given, setting out that their open plant sales areas are more in the region of 3500m²-4600m², and that they offer a wide range of outdoor plants on an all year round basis. It is also advised that internet plant retailers are now promoting themselves with a much wider range of plants than the range stocked by garden centres (4,000 plant varieties compared with 400 at a garden centre).

- 8.5 *It is advised within the submission that “customer feedback at Rosebourne Weyhill has indicated that customers want a wider range of plant stock available all year round which compares with that offered by competing destination garden centres. The threat posed by garden centres with large plant sales areas has necessitated a re-adjustment by Rosebourne management as to their business model with regard to their A to Z hardy plant offer as they now need to stock a wider, all year hardy plant range. At some 1437m² the existing open plant sales area at Rosebourne is too small and it needs to increase to double in size. The planning application therefore increases the plant sales area to approximately 2,963m². By extending the plant sales area this not only gives customers a greater choice and improved stock availability but it also allows the business to order larger quantities which helps keep prices lower. It is hoped that both these advantages will enable the business to remain competitive with other larger garden retail outlets within, or close to their catchment area, and remain price competitive with internet retailers”.*
- 8.6 *In respect of the location of the extension to the plant sales area, being within the countryside and outside the existing boundaries of the garden centre, it is advised within the submission that “it is logical to locate it adjacent to the existing plant sales area. It is set out that it cannot be located in the existing open sided canopy as this is not only too small an area but it also does not provide the right light levels for hardy nursery stock (it is acceptable for bedding plants/annuals as these plants have a quicker stock turn and do not become ‘leggy’ or drawn when displayed under cover), and outdoor plants cannot be located within a shop since the environment is unsuitable”. It is also advised that it is not possible to use a vacant urban site because of the land values involved – with open sales areas achieving net sales less than that of high street shops, that would not be sufficient to pay the high street levels of rent.*
- 8.7 *The supporting information advises that “it is also necessary to consider that a plant sales area needs to be located adjacent to an open-sided canopy where some plants need to be protected from inclement weather, for example shrubs in flower. The plant sales area also needs to be where linked sales can be generated such as fertiliser, insecticides, fungicides, garden tools, soil conditioners and so on”. The supporting information concludes that “it is clear, therefore, that with regard to the sale of hardy plants the business model cannot be disaggregated without undermining its viability. It is unlikely that a suitable site*

could be found within, or close to, a town centre that has sufficient space or is financially viable.”

- 8.8 On the basis of the justification provided with the application in respect of the proposed extension to the plant sales area, it is considered that it is essential for this element of the proposal to be located in the countryside, and would comply with criterion b) of RLP policy COM2. In addition, it is noted that the NPPF supports a prosperous rural economy and sets out that planning policies and decisions should (among other things) enable the sustainable growth and expansion of all types of business in rural areas.
- 8.9 Policy LE11 of the RLP requires assessments to be undertaken for development for main town centre uses (such as large scale retail) that would be located outside of Andover Town centre, in order to demonstrate that the vitality and viability of the town centre would not be harmed. On the basis that the proposed extension to the plant sales area would be for the sale of plants and larger garden centre specific goods (fencing/sheds/ponds etc), as opposed to more generalised goods that might be comparable with those expected to be sold in town centre shops, it is not considered that the proposal would constitute a type of retail that would fall within the definition of a ‘main town centre use’, and therefore would not conflict with the requirements of RLP policy LE11. A condition is recommended to restrict the goods sold within the extended plant sales area to reflect this.
- 8.10 Extension to car park
It is advised within the submission that *“the business keeps an accurate record of till transactions by hour and by day over the course of the year allowing them to plan staff requirements and availability, stock levels, marketing and, indeed, car parking requirements. We have therefore taken these statistics and the projected sales for 2023 (Year 5)...to show the predicted car parking demand.”* The existing car park has 216 spaces, and it is advised within the submission that this is regularly being exceeded, and with the proposed extension to the plant sales area, the lack of capacity will increase. It is noted that third party representations have been received that verify that parking in association with the garden centre has previously occurred on the surrounding highway network. It is set out that when planning permission was originally granted for the garden centre, the Transport Assessment at that time estimated that 231 spaces would be required based on the Council’s adopted standards, however it was considered that 218 spaces would provide an adequate parking provision at the site and this was shown on the originally approved plans. The customer parking demand per hour has now been assessed in respect of the site, based upon estimated arrivals per hour and the estimated length of stay on site using till transactions. Staff parking has also been included in the assessment. Consideration has been given to the “operational capacity” of the car parking provision, which is said to be 85% of the total capacity. It is predicted by the applicant that the existing car park capacity will be exceeded on at least 152 days of the year, however this does not take into account events held at the site (mobile post office/Easter, Halloween and Christmas attractions/food festivals) which will have additional parking requirements. Taking this into account, the applicant estimates that the existing car parking capacity would be exceeded for more than 200 days per annum.

Going back to the original estimated requirement of 231 car parking spaces in association with the existing garden centre, together with the requirement to now provide an additional 51 spaces in association with the extended plant sales area, would result in a total requirement at the site of 282 spaces. The proposal is for 63 car parking spaces to add to the existing 216 spaces at the site, resulting in an overall proposed car parking provision at the site of 279 spaces.

- 8.11 The application submission concludes that the analysis “*demonstrates that the existing car parking capacity is being exceeded on a frequent basis. The implication of this situation is not only the concern that an accident might occur if customers park on the highway verge but also there is the loss of trade and potential damage to the reputation of the business. In a very challenging trading environment it is essential that Rosebourne Weyhill continue to offer a quality service (on their food offer they do not compete with the low price grocery chains) and to have inadequate car parking for those customers who travel by car will lead to a less satisfactory shopping experience. As a major employer in a rural area to restrict the growth and success of the business would be damaging both to the company and the local economy.*”
- 8.12 The proposed car park extension would provide additional car parking required in association with the proposed extended plant sales area, as well as some additional parking to relieve existing parking capacity issues at the site that is known to result in parking on the surrounding highway network. On this basis, and taking into account the justification provided, it is considered that it is essential for this element of the proposal to be located in the countryside, and would comply with criterion b) of RLP policy COM2.
- 8.13 The proposed development is considered to comply with criterion b) of RLP policy COM2 and is acceptable in principle.
- 8.14 **Character and appearance**
Policy E1 of the RLP requires development to be of a high quality in terms of design and local distinctiveness, that should integrate, respect and complement the character of the area in which it is located in terms of layout, appearance, scale, materials and building styles. Development should also make efficient use of the land whilst respecting the character of the surrounding area.
- 8.15 Policy E2 of the RLP seeks to ensure the protection, conservation and enhancement of the landscape of the Borough, and sets out that development should not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located. Development should also be designed and located to ensure that the health and future retention of important landscape features is not likely to be prejudiced, and that existing and proposed landscaping and landscape features enable it to positively integrate into the landscape character of the area, including ensuring arrangements for its long term management and maintenance.
- 8.16 Public views into and across the application site are available from the Amesbury Road highway and from within the adjacent garden centre site. There are also Public Rights of Way within the vicinity of the site, including to the north west and

south west, from which views would also be obtained, to varying extents. Glimpsed views of the overall garden centre site are also possible from the A303 highway to the south, albeit from a lower ground level and with intervening vegetation. The site is currently open and devoid of features (including built form and landscaping), aside from the sunken swale and its post and rail fence surround. Whilst the site is currently bare ground, previous planning applications proposed that it would become a wildflower meadow, and therefore it contributes positively to the open and verdant character of the wider landscape/countryside beyond to the south west.

- 8.17 Whilst the proposal would result in a fairly substantial encroachment of development into the countryside adjacent to the existing garden centre site, in the form of hardstanding on the extended plant sales area and car park, these areas would be set back from the Amesbury Road by at least approximately 40m with existing vegetation intervening. The proposals would also be screened by a new soft landscaping scheme which would also enhance this site and provide additional screening to the existing garden centre site overall, particularly when approaching from the countryside to the south west. It is noted that the hardstanding associated with the car park extension would be limited to the spaces and access roads, as opposed to occupying the entire site area, enabling a grassland zone to be retained around it. It is considered that the landscape proposals would assist in maintaining the contribution that the site makes to the verdant character of the wider landscape/countryside.
- 8.18 A condition has been recommended in respect of any external lighting that might be required in association with the proposals, to ensure that this would be appropriate in this countryside location. Conditions are also recommended in respect of the submission of further details regarding the landscaping scheme, including a management plan.
- 8.19 Subject to conditions, it is considered that the proposed development would integrate, respect and complement the character of the area, and would provide sufficient opportunities for new landscaping and landscape features to enable the proposed development to integrate into the landscape character of the area. The proposed development would comply with policies E1 and E2 of the RLP.
- 8.20 **Heritage**
Policy E9 of the RLP requires development to make a positive contribution to sustaining or enhancing heritage assets, and this includes below archaeology.
- 8.21 The area surrounding the application site has been subject of archaeological evaluations previously in connection with recent developments, which identified prehistoric features within the vicinity of the site. It would therefore be expected that further investigations take place prior to the construction of this proposal, including the preparation of a Written Scheme of Investigation (WSI) that sets out the methodology for an archaeological watching brief of the ground works associated with the construction of the proposed development. A condition is recommended in respect of this, and subject to this, the proposal would comply with RLP policy E9.

8.22 Biodiversity

Policy E5 of the RLP requires development to conserve, and where possible restore and/or enhance biodiversity.

8.23 The proposals would impact on an area of bare ground, bare soil and the existing plant sales area. Previous ecological assessments carried out at the site identified a small population of slow worms along the north of the site, and the currently submitted survey report has detailed a mitigation strategy to avoid impacts to slow worm during the proposed works. The bare soil at the site was formerly semi improved rabbit grazed grassland with rougher boundary edges, therefore a biodiversity management plan has been included with this current application to restore and mitigate the habitats lost previously and by this proposed development, and ecological enhancements have also been recommended. These measures are supported by the Hampshire County Council Ecologist, and a condition is recommended to ensure that they are implemented. Subject to condition, the proposals would comply with RLP policy E5.

8.24 Highway network

Policy T1 of the RLP requires development to minimise its impact on the highway network, and to enable safe and functional access for all users. Policy T2 of the RLP also requires development to make adequate provision for on site parking, which should be well designed and appropriately located so as to be convenient to users. The Council's parking standards are set out at Annex G of the RLP.

8.25 The proposed car park extension is considered to be acceptable in terms of its layout and surface treatment. With regards to traffic impact, the Hampshire County Council Highways Officer considers that the proposal would improve highway safety considerations with the removal of vehicles from the public highway, and would remove the likelihood of vehicles entering and leaving the site in search of parking spaces. It is considered that the modest level of additional trips associated with the proposed extended plant sales area can be safely accommodated on the public highway network in this location. The proposed amount of car parking spaces being provided (63 spaces) would comply with the Council's adopted standards in order to serve the proposed extension to the plant sales area, which generates a requirement of 51 spaces, and also provide additional parking to relieve existing demonstrated parking issues at the site. Subject to conditions, the proposal would comply with RLP policies T1 and T2.

8.26 Water management

RLP policy E7 sets out that development will be permitted provided that supporting criteria relating to the water environment are satisfied where relevant, including in respect of surface water drainage.

8.27 The proposals would allow for the retention of the existing swale at the site, which is required to catch surplus rainwater from the existing garden centre site. The proposed car parking areas would be constructed in permeable gravel to allow water to infiltrate to the ground below. The proposed extension to the plant sales area would be constructed in impermeable block paving, but would include

a below ground soakaway to provide storage for excess surface water flows. It is considered that the proposed development would comply with policy E7 of the RLP.

8.28 Amenity

Policies LHW4 and E8 of the RLP seek to ensure that proposals do not impact adversely on residential amenity in terms of privacy, daylight/sunlight, and pollution such as noise, light and odour.

8.29 The proposals would be well separated from the nearest residential properties on Amesbury Road and the surrounding area, and subject to conditions in respect of hours of opening/deliveries and external lighting, it is not considered that the proposals would impact adversely on their residential amenity in compliance with policies LHW4 and E8 of the RLP.

9.0 CONCLUSION

9.1 The proposed development is considered to be acceptable and would comply with the relevant policies of the Test Valley Borough Revised Local Plan 2016.

10.0 RECOMMENDATION

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. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 2911-10-P08 C.**

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. No development shall take place until a Written Scheme of Investigation (WSI) that sets out the methodology for an archaeological watching brief of the ground works associated with the construction of the proposed development, so that any archaeological remains encountered are recognised, characterised and recorded, has been submitted to and approved in writing by the Local Planning Authority. The WSI should also make provision for the public dissemination of any results. Development shall be carried out in accordance with the approved details.**

Reason: Archaeological work is required prior to construction of the development in order to assess the extent, nature and date of any archaeological deposits that might be present, to assess the impact of the development upon these heritage assets, to mitigate the effect of the works associated with the development upon any heritage assets, and to ensure that information regarding these heritage assets is preserved by record for future generations in accordance with Test Valley Borough Revised Local Plan 2016 policy E9.

- 4. Notwithstanding the details submitted, the development hereby permitted shall not be occupied or brought into use until full details of the soft landscape works within the site have been submitted to and approved in writing by the Local Planning Authority. The details of the soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. Details shall also include a landscape implementation programme and a management plan for a minimum period of 5 years. The soft landscape works shall be implemented and managed in accordance with the approved details.**

Reason: To ensure that landscaping and landscape features enable the development to positively integrate into the landscape character of the area and to ensure that arrangements for the long term management and maintenance of proposed landscaping have been made in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.
- 5. No external lighting shall be installed at the site until full details have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and shall be switched off within one hour of the premises closing to the public, and shall not be switched on any earlier than one hour prior to the premises opening to the public.**

Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan 2016 Policies E2 and E8.
- 6. The development hereby permitted shall be carried out in accordance with the measures set out in sections; "Precautionary Methods of Working With Respect to Reptiles"; "Ecological Enhancement"; and "Long Term Management Strategy for Biodiversity" of the submitted SLR Update Ecological Walkover (2018) document.**

Reason: To conserve, restore and enhance biodiversity in accordance with Test Valley Borough Revised Local Plan 2016 Policy E5.
- 7. The plant sales area hereby permitted shall not be brought into use until the car park extension hereby permitted 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 Revised Local Plan (2016) Policy T1.
- 8. The extended plant sales area hereby permitted shall only be used for the sale of plants. Any non-plant goods to be sold in this area shall only be those listed on the submitted "Proposed Expansion of Merchandising in the Open Sales Area" document (received 29.10.2018).**

Reason: To protect the vitality and viability of the town centre in accordance with Policy LE11 of the Test Valley Borough Revised Local Plan 2016.

- 9. The development hereby permitted shall not open to customers except between the following times; 09:00 and 18:00 hours Monday to Saturday, and between 10:00 and 16:00 hours on Sundays and bank and public holidays.**

Reason: In the interest of the local amenities and the character of the area in accordance with Policies E8 and E2 of the Test Valley Borough Revised Local Plan 2016.

- 10. No deliveries shall be taken to or dispatched from the site except between the hours of 08:00 to 18:00 hours Monday to Saturday, and between the hours of 09:00 to 16:00 hours on Sundays and bank and public holidays.**

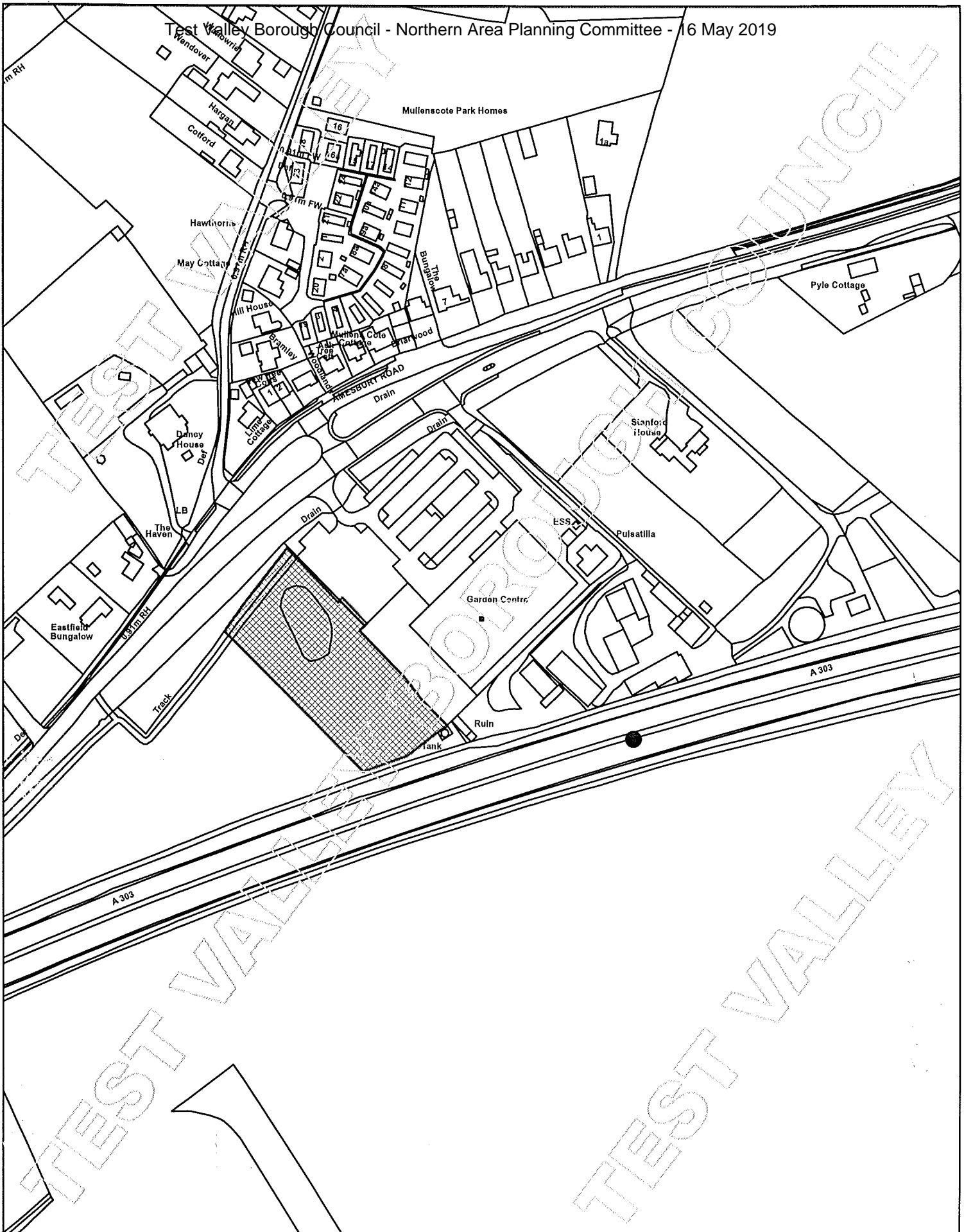
Reason: To protect the amenities of residents in the vicinity in accordance with Policy E8 of the Test Valley Borough Revised Local Plan 2016.

- 11. No goods, plant or material shall be deposited or stored in the open (or displayed for sale in the open) on the site (other than within the areas expressly authorised by this permission).**

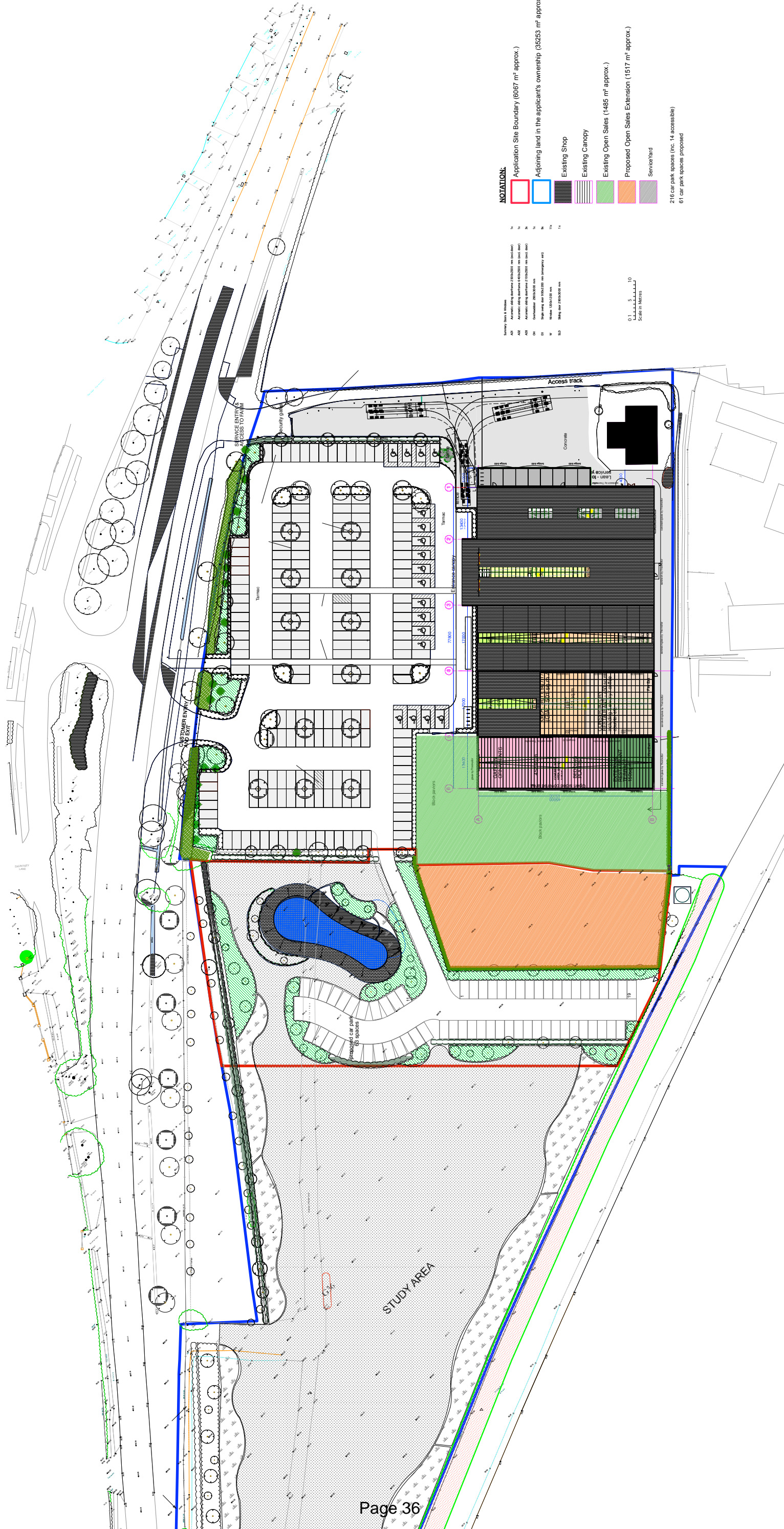
Reason: In order to protect the amenities of the area in accordance with Policy E2 of the Test Valley Borough Revised Local Plan 2016.

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to 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.**
-



Siteplan



NOTATION:

- Application Site Boundary (6067 m² approx.)
- Adjoining land in the applicant's ownership (35253 m² approx.)
- Existing Shop
- Existing Canopy
- Existing Open Sales (1485 m² approx.)
- Proposed Open Sales Extension (1517 m² approx.)
- ServiceYard

216 car park spaces (inc. 14 accessible)
61 car park spaces proposed

Summary Data & Notes

AP1	Application Site Boundary (6067 m ² approx.)
AP2	Adjoining land in the applicant's ownership (35253 m ² approx.)
ES	Existing Shop
EC	Existing Canopy
EO	Existing Open Sales (1485 m ² approx.)
PO	Proposed Open Sales Extension (1517 m ² approx.)
SV	ServiceYard
CP	216 car park spaces (inc. 14 accessible)
CP1	61 car park spaces proposed

0.1 : 5
Scale in Metres

HPW Architecture Ltd Wade Park Farm, Ower, Southampton, Hampshire, SO51 6AG, UK T +44(0)23 80 811808 E design@hpw.co.uk W www.hpw.co.uk	DRAWING INFORMATION This drawing is the property of HPW Architecture Ltd and is not to be used, copied, reproduced or disseminated without the written permission of an agent of the company. © HPW Architecture Ltd	CLIENT Rosebourne Ltd	TITLE Proposed Car Park Extension	PROJECT Proposed Garden Centre Weyhill Garden Centre Amesbury Road, Weyhill, Andover	STATUS Planning	DWG NO 2911-10-P08	REV C
					SCALE @ A1 1:500	DATE 05.9.18	
					SCALE @ A3 1:1000	DRAWN JP	



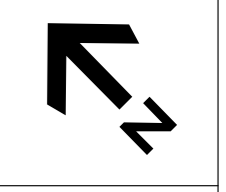


Application area boundary 1.5 Acres (0.61 Hectares)
 Ownership boundary 7.09 Acres (2.87 Hectares)

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CLIENT
Rosebourne Ltd



TITLE
**Existing Site Plan
 PLANNING DRAWING**

PROJECT
**Car Park Extension
 Weyhill Garden Centre
 Amesbury Road, Weyhill, Andover**

STATUS	Planning	DWG NO	2911-10-51	REV	B
SCALE @ A1	1: 250	DATE	Nov 2017	DRAWN	KLH
SCALE @ A3	1: 500				