

# **Notice of Meeting**

# Northern Area Planning Committee

Date: Thursday 15 July 2021

**Time:** 5.30 pm

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

A live audio stream of the meeting can also be accessed here: http://www.audiominutes.com/p/player/player.html?userid=tvbc

#### For further information or enquiries please contact:

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## **Legal and Democratic Service**

Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ www.testvalley.gov.uk

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

Councillor C Borg-Neal (Chairman)

Councillor T Burley (Vice-Chairman)

Andover Harroway

Councillor Z Brooks

Andover Millway

Councillor J Budzynski Andover St Mary's

Councillor D Coole Anna

Councillor C Ecclestone Andover Millway

Councillor V Harber Andover St Mary's

Councillor L Lashbrook Charlton & the Pentons

Councillor P Lashbrook Bellinger

Councillor N Lodge Andover Downlands

Councillor J Neal Andover Millway

Councillor K North Andover Romans

Councillor R Rowles Andover Winton

## **Northern Area Planning Committee**

Thursday 15 July 2021

## **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 24 June 2021	
6	Information Notes	4 - 9
7	21/01365/FULLN - 07.05.2021	10 - 19

## (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 and this will happen if any of the following reasons apply:

- (a) 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.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (c) 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.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, 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 within the Application Publicity Expiry Date 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 Democratic Services 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 Democratic Services 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 on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent and relevant Ward Members who are not Committee Members will have a maximum of five minutes. 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.

## 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 on the Council's website. 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), and 'made' Neighbourhood Plans. 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 19<sup>th</sup> February 2019 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. 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.** 21/01365/FULLN

**APPLICATION TYPE** FULL APPLICATION - NORTH

**REGISTERED** 07.05.2021

APPLICANT Rosebourne Limited

SITE Rosebourne Garden Centre, Amesbury Road, Weyhill,

SP11 8ED, AMPORT

**PROPOSAL** Erection of open sided canopy extension

**AMENDMENTS** Additional information received;

22.06.202125.06.2021

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 of the existing Rosebourne garden centre. The site contains the garden centre building, an outside sales area, and car parking.

#### 3.0 PROPOSAL

- 3.1 The proposal is for the erection of an open sided canopy extension to the south west elevation of the existing garden centre building, attached to an existing open sided canopy, and on an area currently used for outdoor plant and garden product sales, as previously approved. The proposed open sided canopy extension would occupy a ground area of approximately 615 sq.m, and would be constructed largely of glazing to match the existing building.
- 3.2 Additional information has been submitted during the consideration of the application, to provide clarification as to the requirement for the proposed development, as follows (summarised);
  - The proposed canopy does not reduce the amount of outdoor plant sales space but simply covers over what already exists. The reason for more garden centres wanting to cover over the outside plant sales areas is twofold:
  - The reason for this has come about over the past 12 months where the supply chain problems have led garden centres to order more stock. As a consequence, with more plants being 'stored' at the garden centre there is a need to protect them from wind and rain;

- Secondly, again as a result of the past 12 months more customers who
  want to take refreshments wish to sit outside in the fresh air rather than
  inside in the coffee shop. Therefore, there is a compromise to be made
  between having sufficient space to display outdoor plants and allowing
  space for outside customer seating;
- Both of these issues were not present in 2018 when the application to extend the open sales area was proposed;
- In the present application the amount of outdoor space is 53% greater than in 2018:
- The proposed canopy side is completely open (the north-west and southeast elevations have walls for security purposes).
- 3.3 An annotated floor plan has also been submitted during the consideration of the application showing the existing and proposed uses under the canopies. It is set out that "there is no change to what is being retailed, the proposed canopy just covers over the existing open plant sales area to give greater protection. The plants/products listed will change with the seasons (for example come late November/December Xmas trees replace bedding plants). Likewise the seating area will shrink down in the Winter months although it is difficult to predict with covid-19 whether more customers would prefer to drink their tea or coffee outside under cover so that they are in the fresh air whatever the season".

#### 4.0 **HISTORY**

- 4.1 18/02362/FULLN; Extension to plant sales area and car park Permission 17.05.2019
- 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 17/03317/FULLN; Extension to plant sales area and car park Withdrawn. 08.03.2018
- 4.4 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.
- 4.5 16/01377/FULLN; Proposed landscaping and drainage works Permission 05.08.2016.
- 4.6 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**; No objection.
- 5.2 **Ecology**; No objection, subject to condition

#### 6.0 **REPRESENTATIONS** Expired 15.06.2021

#### 6.1 Amport Parish Council; No objection

#### 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

T1 – Managing movement

T2 – Parking standards

#### 8.0 PLANNING CONSIDERATIONS

- 8.1 The main planning considerations are:
  - The principle of development
  - Character and appearance
  - Highway network

## 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 proposed development would be an extension to an existing building in the countryside, and would be located within the confines of the original site (prior to its extension under application 18/02362/FULLN see paragraph 4.1 above). The need for the proposed extension is set out at paragraph 3.2 of this report, and light of this, it is considered that it has been demonstrated that it is essential for the proposed development to be located in the countryside, in accordance with RLP policy COM2.
- 8.4 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. Given that the proposed extension would be located on an area that is already being used for sales of goods, and that there would be no increase in the sales areas at the site, it is considered that neither a sequential assessment nor impact assessment are necessary in this instance, and there would be no conflict with the requirements of RLP policy LE11. A condition is recommended to restrict the goods sold within the proposed extension, which is consistent with previous planning permissions at the site.

#### 8.5 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.

- 8.6 Public views of the application site are available from the Amesbury Road highway and from within the garden centre site itself. 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.
- 8.7 The proposed open sided canopy extension would be seen in conjunction with the existing garden centre building and its external sales areas and car parks. The scale, form and appearance (including materials) of the proposed extension would be in keeping with the existing building at the site.
- 8.8 It is considered that the proposed development would integrate, respect and complement the character of the area, in accordance with RLP policy E1.

## 8.9 **Highways**

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.

8.10 It is considered that the level of additional trips that would be associated with the proposed development would be modest, and could be safely accommodated on the public highway network in this location. In accordance with the Council's adopted car parking standards, the proposal to cover an existing uncovered sales area would result in a requirement to increase the car parking provision at the site by 10 spaces. Given that there was an overprovision of 12 car parking spaces being proposed within the previous planning application at the site, which was for an extended plant sales area and associated car park (see paragraph 4.1 above), and which has now been implemented, it is considered that this would also provide sufficient parking to serve the development now proposed. The proposal would comply with RLP policies T1 and T2.

#### 9.0 **CONCLUSION**

9.1 The proposed development is, subject to conditions, 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:

- The development hereby permitted shall be begun within three years from the date of this permission.
   Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. No development shall take place above DPC level of the development hereby permitted until a detailed scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, and photographic evidence of the biodiversity enhancements having been installed shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the first occupation of the development hereby permitted. Reason: To enhance biodiversity in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.
- 3. No external lighting shall be installed at the site until full details of such lighting 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 that one hour prior to the premises opening to the public. No further lighting shall be installed at the site.

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.

- 4. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
  - RBWEY 02 Rev B
  - RBWEY 04 Rev B
  - RBWEY 05 Rev B

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

- 5. The external materials to be used in the construction of all external surfaces of the development hereby permitted shall match in type, colour and texture those used in the existing building.

  Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1
- 6. 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.

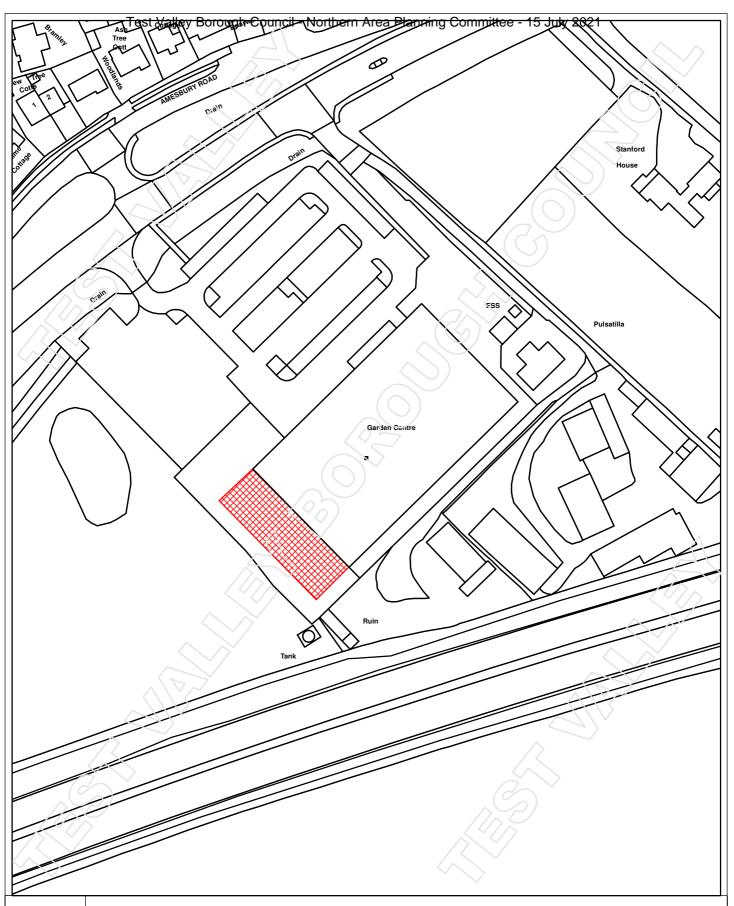
Reason: In the interest of the local amenities and the character of the area in accordance with Policies E8 and E2 of the Test Valley Borough Revised Local Plan 2016.

- 7. 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.
- 8. The open sided canopy extension hereby permitted shall only be used for the sale of plants and garden related products, as per the plan and information submitted on the 25 June 2021.

  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.

## 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.





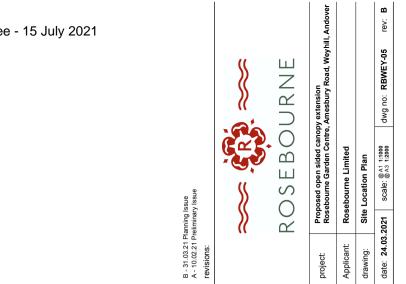
Siteplan



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21/01365/FULLN

TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013



Application Site Boundary:
0.15 Acres (0.06 Hectares)
Additional Land owned by applicant:
8.54 Acres (3.45 Hectares)

80

50 60 70

Scale in Metres

