

Notice of Meeting

Northern Area Planning Committee

Date: Thursday 14 December 2023

Time: 5.30 pm

Venue: Conference Room 1, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ

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 J Budzynski (Chairman)	Andover St Mary's
Councillor Z Brooks (Vice-Chairman)	Andover Millway
Councillor I Andersen	Andover St Mary's
Councillor C Borg-Neal	Andover Harroway
Councillor C Donnelly	Andover Downlands
Councillor A Gillies	Andover Winton
Councillor L Gregori	Andover Harroway
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 J Sangster	Andover Romans

Northern Area Planning Committee

Thursday 14 December 2023

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 previous meeting | 4 - 9 |
| | To approve, as a correct record, the minutes of the meeting held on 23 November 2023. | |
| 6 | Information Notes | 10 - 15 |
| 7 | 23/02440/VARN - 27.09.2023 | 16 - 23 |

(OFFICER RECOMMENDATION: PERMISSION)

SITE: 87 Weyhill Road, Andover, Hampshire, SP10 3NR

ANDOVER TOWN (MILLWAY)

CASE OFFICER: Katie Nethersole

ITEM 5 Minutes of the **Northern Area Planning Committee**
of the **Test Valley Borough Council**
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover
on Thursday, 23 November 2023 at 5.30 pm

Attendance:

Councillor J Budzynski (Chairman) **Councillor Z Brooks (Vice-Chairman)**

Councillor I Andersen
Councillor C Donnelly
Councillor A Gillies
Councillor L Gregori

Councillor N Lodge
Councillor J Neal
Councillor K North
Councillor J Sangster

Also in attendance
Councillor M Flood

Councillor S Hasselmann

325 **Apologies**

Apologies for absence were received from Councillors Borg-Neal, L Lashbrook and P Lashbrook.

326 **Public Participation**

In accordance with the Council's scheme of Public Participation, the following spoke on the application indicated:

<u>Agenda Item No.</u>	<u>Page No.</u>	<u>Application</u>	<u>Speaker</u>
8	71 - 84	21/03028/FULLN	Mr Heslop (Upper Clatford Parish Council) Mr Burley (Supporter) Councillor Flood (Ward Member)

327 **Declarations of Interest**

There were no declarations of interest.

328 **Urgent Items**

There were no urgent items for consideration.

329

Minutes of the previous meeting

Councillor Andersen proposed and Councillor Neal seconded the motion that the minutes of the previous meeting were an accurate record. Upon being put to the vote, the motion was carried.

Resolved:

That the minutes of the meeting held on 12 October 2023 be approved and signed as a correct record.

330

22/02668/FULLN

APPLICATION NO.	22/02668/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	18.10.2022
APPLICANT	Mr Chris Rees
SITE	Land adjacent to Test Valley Farm, Little Drove Road, CHILBOLTON
PROPOSAL	Demolition of existing building and erection of four residential dwellings with associated landscaping, access and parking
AMENDMENTS	Amended/additional plans and information received: <ul style="list-style-type: none">• 10.02.2023• 02.03.2023• 22.05.2023• 15.08.2023• 30.08.2023• 25.09.2023• 18.10.2023
CASE OFFICER	Emma Jones

The application was WITHDRAWN from the agenda by the Head of Planning and Building.

331

21/03028/FULLN

APPLICATION NO.	21/03028/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	15.10.2021
APPLICANT	DC Li
SITE	Land North of Bury Hill Farm, Upper Clatford, Hampshire, UPPER CLATFORD
PROPOSAL	Conservation and Ecological Enhancement Scheme
AMENDMENTS	
CASE OFFICER	Katie Nethersole

Delegated to the Head of Planning and Building that subject to the prior conclusion of legal agreement/undertaking being completed to secure the provision of a public footpath, then PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers APP-01, DET-01-W3 and unnumbered sections plan dated May 2023.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place (including site clearance or removal of building fabric) within the application site/area indicated red, until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological building recording in accordance with a written brief and specification, for a scheme of investigation, which has been submitted by the developer and approved in writing by the Local Planning Authority.
Reason: The site is potentially of archaeological significance in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.
4. Development shall proceed in accordance with the measures set out in Bury Hill Farm Ecological Appraisal (Tetra Tech, September 2021), Bury Hill Farm Ecological Mitigation Plan (Tetra Tech, September 2021), Bury Hill Farm Reptile Survey Report (Tetra Tech, September 2021) and Bury Hill Farm Botanical Survey (Tetra Tech, September 2021). Thereafter, mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details, with photographic evidence provided to the Local Planning Authority within 6 months of completion.
Reason: To ensure the favourable conservation status of protected sites, habitats and species and enhance biodiversity in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.
5. Prior to commencement, a Construction Environmental Management Plan (CEMP) and method statement, incorporating measures to avoid impacts on the designated sites, habitats and species during the proposed works shall be submitted to and approved in writing by the Local Planning Authority. This should include, although not exclusively:

 - a) Biosecurity measures
 - b) Removal of non-native plant species
 - c) Arrangements for the routing of machinery on site
 - d) Pollution prevention measures
 - e) Mitigation for protected species, such as avoidance and protection of suitable habitat
 - f) Storage of materials
 - g) Minimising noise and vibration
 - h) Ecological supervision of works
 - i) Lighting requirements during construction phase
 - j) Details of any environmental management systems
 - k) Timing of the works, especially with regards to the construction of the inlets and outlets connecting the Pilhill Brook to the wetlands avoiding sensitive fish migration and spawning times
 - l) Necessary pollution prevention methods

- m) Movement of materials on site including silt, soil, surface water, groundwater and sediment management

Development shall subsequently proceed in accordance with any such approved details.

Reason: To protect designated sites, habitats and species in accordance with Policy E5 of the Revised Test Valley Local Plan DPD.

6. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. A long term management plan covering a minimum of 10 years shall also be submitted. Details shall include:

- proposed finished levels or contours;
- means of enclosure;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);
- retained historic landscape features and proposals for restoration, where relevant.

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.

The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

7. No external lighting shall be installed on the site.

Reason: To safeguard the amenities of the area and protected species in accordance with E5 and E8 of the Test Valley Borough Revised Local Plan 2016.

8. The development shall be carried out in accordance with the submitted flood risk assessment (ref: A117923 – *Bury Farm Andover Flood Risk & Drainage Technical Note Desk Top Study, version 2.0, June 2021, Tetra Tech Ltd.*) and the submitted planning statement (ref: 784-A117923 – *Bury Hill Farm Upper Clatford Conservation and Ecological Enhancement Scheme Planning Statement, October 2021, Tetra Tech Ltd.*) In particular:

- [3.2.1] An ongoing maintenance agreement will be put in place to make sure that the constructed ponds are kept in a good, serviceable condition in perpetuity.
- [3.2.1] No increase in flood risk will be created by the proposed development.
- [5.1] There will be no net loss of floodplain storage as a result of the development; if required the applicant should produce evidence showing the calculated change in floodplain storage as a result of the earth works.

- [3.6.2, 4.1.10, 4.2.11] At the completion of the works, all excess excavated material that has not been put to a beneficial use on site must be removed from the site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding elsewhere by ensuring that there is no net loss of floodplain storage in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

9. No development shall take place until a scheme for the provision and protection, during construction and operation, of a minimum 6 metre wide buffer zone alongside the Pilhill Brook has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme. The buffer zone shall be free from built development including lighting, the new constructed wetlands and new landscaping/planting but can include no more than 2 separate inlets from the Pilhill Brook into the proposed wetlands and one outlet from the proposed wetlands into the Pilhill Brook (as shown on drawing number DET01 W5). The scheme shall include:

- Plans showing the extent and layout of the buffer zone
- Details of any proposed planting scheme associated with the inlets and outlets and immediately adjacent to the buffer zone. Species must be native, of local provenance and appropriate for the location. Measures to avoid introduction of inappropriate or invasive non-native species must be included
- Details demonstrating how the buffer zone will be protected during construction (as part of a Construction Environmental Management Plan), during operation and managed over the longer term including adequate financial provision and named body responsible for management (as part of a detailed Site Management Plan or Strategy)
- Detailed design of the inlets and outlets connecting the Pilhill Brook to the wetlands, including levels, cross-sections and long-sections

The works shall be carried out in accordance with the approved details.

Reason: To protect the priority habitat of the Pilhill Brook and the species it supports, in accordance with policy E5 of the Test Valley Borough Revised Local Plan 2016.

10. Details of the public information board shall be submitted to and approved in writing by the Local Planning Authority before the site is brought into use. The board shall be implemented in accordance with the approved details.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

11. Prior to development commencing, full details of the construction of the footpath, including levels and details of the recycling and/or disposal of excavated material from forming the ponds, shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall be constructed in accordance with the approved details.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

Notes 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.**
- 2. Environmental permits may be required for the wetland and should be obtained from the Environment Agency.**

(The meeting terminated at 5.56 pm)

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.

The Natural Environment and Rural Communities (NERC) Act 2006 and Environment Act 2021

The Council has a duty under the Environment Act 2021, from the 1st January 2023, to ensure consideration is given to what can be done to conserve and enhance biodiversity through the exercise of its functions, agree policies and specific objectives based on those considerations and to act to deliver these policies and achieve objectives.

Previously the Council had 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 secured either by condition or, where appropriate, legal Obligation 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 and enhanced, 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.

In July 2021 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.	23/02440/VARN
APPLICATION TYPE	VARIATION OF CONDITIONS - NORTH
REGISTERED	27.09.2023
APPLICANT	Mrs Adefunke Owolabi
SITE	87 Weyhill Road, Andover, Hampshire, SP10 3NR, ANDOVER TOWN (MILLWAY)
PROPOSAL	Variation of Condition 8 of TVN.05858/1 (Erection of retail unit) to allow for the change in opening hours to 0800hrs to 2100hrs Monday to Saturday (Change of Description)
AMENDMENTS	Change of description 9.11.23
CASE OFFICER	Katie Nethersole

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 This application has been called to NAPC at the request of a ward member as there is an overriding public interest and concerns with the application which have been expressed to them.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site consists of a large detached single storey retail unit located on the southern side of Weyhill Road. It was previously used as a cycle repair shop and café until this summer. It is set back from the road with a low brick wall at the frontage and a small parking area to the front. An access to the side of the building leads to a larger hardstanding to the rear which is used for parking. Either side of the site are residential dwellings, 85 and 89 Weyhill Road and to the rear is St Michael and All Angels Church.

3.0 PROPOSAL

- 3.1 Planning permission was granted in 1997 for the erection of a retail unit under reference TVN.05858/1 and included the following condition:

*‘The use of the building for retail purposes shall be restricted to the following hours only: 0800 – 1900 Monday to Saturday, 1000 – 1600 Sundays, and 1000 – 1600 on Bank Holidays and recognised Public Holidays.
Reason: To protect the amenities of adjoining residents.’*

- 3.2 This application seeks to vary this condition to extend the opening hours until 2100 hours 6 days a week.
- 3.3 Following comments from the Environmental Protection Officer (see section 5.1), the applicant has agreed to change the description to retain the original opening hours for Sundays and Bank Holidays.

4.0 **HISTORY**

4.1 TVN.05858/1 Erection of Retail Unit. Permission subject to conditions and notes 23rd December 1997

4.2 23/01441/FULLN Installation of Kitchen Extraction Equipment. Permission subject to conditions and notes 20.11.2023 with the following condition added:

'The kitchen extraction system shall only be in operation during the approved opening hours of the premises.'

Reason: In the interests of protecting residential amenity in accordance with policies E8 and LHW4 of the Test Valley Borough Revised Local Plan 2016.'

5.0 **CONSULTATIONS**

5.1 **Environmental Protection** – No objection subject to conditions

This application should be viewed in combination with the below application 23/02441/FULLN.

The current hours of use are:

Monday – Saturday	08:00-19:00
Sunday and Public Holidays	10:00-16:00

The proposed extension of use is by 2 hours from 19:00-21:00 Monday to Saturday and by 5 hours on Sunday and Public Holidays. Comment has been made in section 8.2 of the noise impact assessment (submitted in support of application 23/02441/FULLN) concerning noise other than from the kitchen extraction system. It is concluded that the proposed extension of hours is not expected to cause a change in noise impact. Despite this assertion, I believe it unlikely that there will be no impact. The types of noise such as vehicles arriving and departing (more likely to be noticed by the house adjacent to the access drive to the rear carpark), car doors and boots closing and people talking will be audible in neighbouring premises as customers and staff go to and from the carpark. Besides noise, there is also potential impact from headlight glare shining into properties on the opposite side of Weyhill Road from vehicles leaving the premises.

This impact is most likely to be felt on Sundays. This is because, currently, the premises closes at 16:00 hours and so to permit an extension to 21:00 would mean an additional 5 hours of trading and associated noise. In addition, background noise levels and general disturbance on Sundays, and in particular Sunday evening, is lower than the rest of the week and so to permit the proposed use on Sundays will result in the biggest contrast in noise levels as compared to the current situation and consequently the biggest impact.

Therefore, if you are minded to grant permission for the proposal I recommend that the extension of hours on Sunday not be approved.

I would also recommend that the following conditions are applied should permission be granted:

Condition:

No incoming deliveries shall be received at the site nor waste collections made except between the hours of 08:00 – 18:00 Monday to Friday, and 08:00-13:00 on Saturdays and public holidays. No incoming deliveries to the site nor waste collections may be made at any time on Sundays.

5.2 Highways – No objection

Given the proposal is purely to extend the opening hours for a moderate length of time outside of the peak highway network hours, whilst there might be some minor inconvenience at intermittent times, there would be no defensible grounds for an objection.

6.0 REPRESENTATIONS Expired 10.11.2023

6.1 8 letters of objection from the occupiers of 85 Weyhill Road, 89 Weyhill Road, 91 Weyhill Road, 102 Weyhill Road (x2), 116 Weyhill Road, 120 Weyhill Road, 122 Weyhill Road for the following reasons:

- Loss of amenity to neighbouring residential dwellings through noise as a result of extended hours
- Lack of parking placing pressure on surrounding roads
- Air and light pollution as a result of increased traffic
- Increase in waste from the restaurant use
- Smell of food from restaurant
- Change of use to a restaurant is not supported

11 letters of support from the occupiers of 70 Fuller Way Andover, 87 Fleece Close Andover x 2, 6 Telegraph Road Andover, The Wickets Picket Piece, 6 Halter Way Andover, 199 Cashmere Drive Andover, 56 Saddle Way Andover, 34 Alder Way Andover, 10 Quicksilver Crescent Andover, 11 Manor Road Salisbury for the following reasons:

- Provision of African cuisine
- Would be a benefit to the community
- Diversity local dining options
- Benefit to the local economy
- Creation of jobs

6.2 Andover Town Council – No response received

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)

LHW4: Amenity

E8: Pollution

T1: Managing Movement

T2: Parking Standards

8.0 PLANNING CONSIDERATIONS

8.1 The main planning considerations are:

- Impact on Residential Amenity
- Access and Parking
- Other Issues

8.2 The application seeks permission to vary condition 8 of planning permission TVN.05858/1 to allow the premises to open for longer hours Mondays to Saturdays. The current condition restricts the opening hours Monday to Saturday until 7pm and on Sundays and Bank Holidays till 4pm. The application seeks an extension until 9pm on Mondays to Saturdays with Sunday and Bank Holiday opening times remaining the same. Therefore this application is focussed on the increase in the amount of activity at the premises as a result of the proposed extension to the opening hours. Planning permission is not required for the use of the premises as a shop and restaurant as it already has permitted use under Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

8.3 Impact on Residential Amenity

As the retail unit is located within a residential area of Andover it is important to consider the proposed extension of opening hours on the amenity of these neighbouring properties.

8.4 The application has been supported by a Noise Impact Assessment which concludes that the extension of hours would unlikely have a harmful impact in terms of noise, which has been reviewed by the Environmental Protection Officer. It is considered that the proposed extension of hours would result in additional noise from vehicles arriving and departing, car doors and boots closing, people talking as staff and customers go to and from the car park. Besides noise, there is also potential impact from glare coming from car headlights shining into properties on the opposite side of Weyhill Road from vehicles leaving the premises. From a site visit carried out by the case officer during an evening, it was clear that there would be some glare possible from headlights of cars leaving the site but that this would be for a short period of time and intermittent so as not to result in any adverse impact on the neighbouring properties, 120 and 122 Weyhill Road opposite to the site. Furthermore there is already light spill from the street light outside of the property and from lights within the building, and it is not considered that additional glare from car lights would result in an adverse impact to neighbouring amenity.

8.5 With regards to the increase in hours Mondays to Saturdays, there would be a 2 hour increase in the opening times at the end of the day. The Noise Impact Assessment concludes that the increase in hours would not likely have an adverse impact in terms of noise to the adjacent dwellings. This is because of the location of the premises, being located on a busy road where there is background noise from general traffic using Weyhill Road. This background noise during the proposed extended hours is such that it would reduce the overall impact of any additional noise from the premises during this additional period of time. As a result of this and as the proposals represent a minimal

extension to the opening hours from those currently permitted, it is not considered that there would be any adverse impact in terms of noise disturbance. Added to this the restaurant would only have 30 covers which is a relatively small and would restrict the number of people visiting the restaurant at any one time.

- 8.6 It is therefore considered that as the opening hours would continue to be restricted to 10pm to 4pm on Sundays and Public Holidays, the proposal would not result in an adverse impact on the residential amenity of neighbouring properties, in accordance with policies LHW4 and E8 of the RLP. A condition has also been recommended to restrict the hours of deliveries and waste collection.

8.7 **Access and Parking**

The existing building is accessed from an access point off Weyhill Road and this would be retained with no alterations being proposed. This access leads to hardstanding areas to the front and rear of the building which would be used for parking by customers. The Highways Officer has reviewed the proposal and has confirmed that as the proposal is for the extension of opening hours for a moderate length of time outside of the peak highway network hours, whilst there might be some minor inconvenience at intermittent times, the proposal would not result in any harm to the safety and efficiency of the highway network.

- 8.8 Parking is provided to the front and rear of the site and a total of 11 spaces would be provided for customers to park on site. Whilst this number of spaces falls below the parking standards, because this application is not for a change of use of the premises and only for the extension to opening hours then this is considered acceptable. It is considered that the proposal to extend the opening hours would not result in any highway impact or additional pressure on parking and would accord with policies T1 and T2 of the RLP.

8.9 **Other Issues**

It is noted that third party correspondence has been received regarding the change of use to a restaurant. The building has permission to be used as retail which is within Use Class E of the GPDO and restaurants and shops fall within that same use meaning that there is no change of use taking place.

9.0 **CONCLUSION**

- 9.1 In conclusion it is considered that the variation to the opening hours condition is acceptable and would accord with the requirements of policies LHW4, E8, T1 and T2 of the RLP.

10.0 **RECOMMENDATION**

PERMISSION subject to:

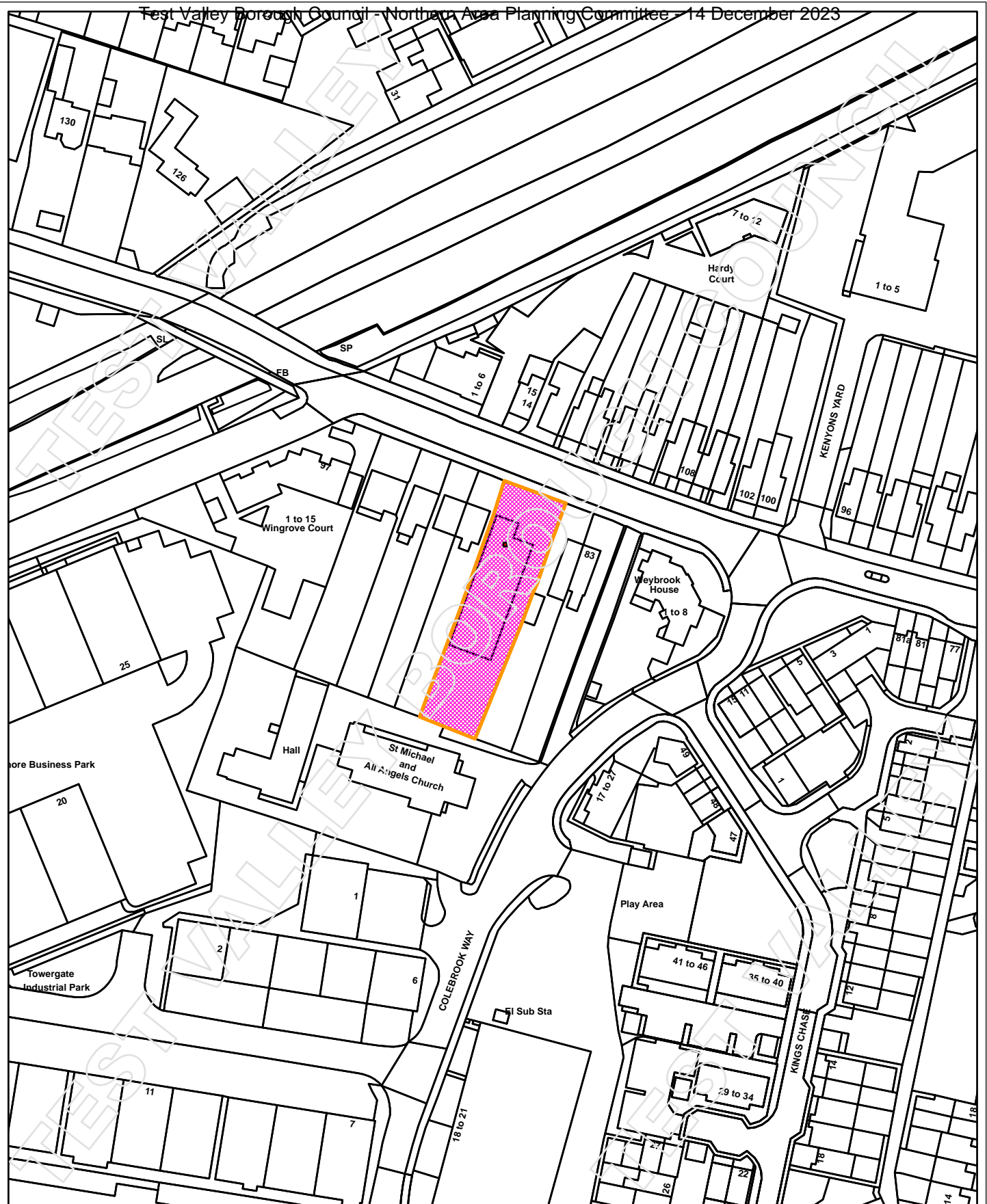
1. **The use of the premises shall be restricted to the following hours only: 0800 - 2100 Mondays to Saturdays and 1000 - 1600 on Sundays and Public Bank Holidays.**
Reason: To protect the amenities of nearby residential dwellings and in accordance with policy LHW4 and E8 of the Test Valley Borough Revised Local Plan 2016.

2. **No incoming deliveries shall be received at the site nor waste collections made except between the hours of 08:00 – 18:00 Monday to Friday, and 08:00-13:00 on Saturdays and public holidays. No incoming deliveries to the site nor waste collections may be made at any time on Sundays.**

Reason: To protect the amenities of nearby residential dwellings and in accordance with policy LHW4 and 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 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

Test Valley
Borough Council 

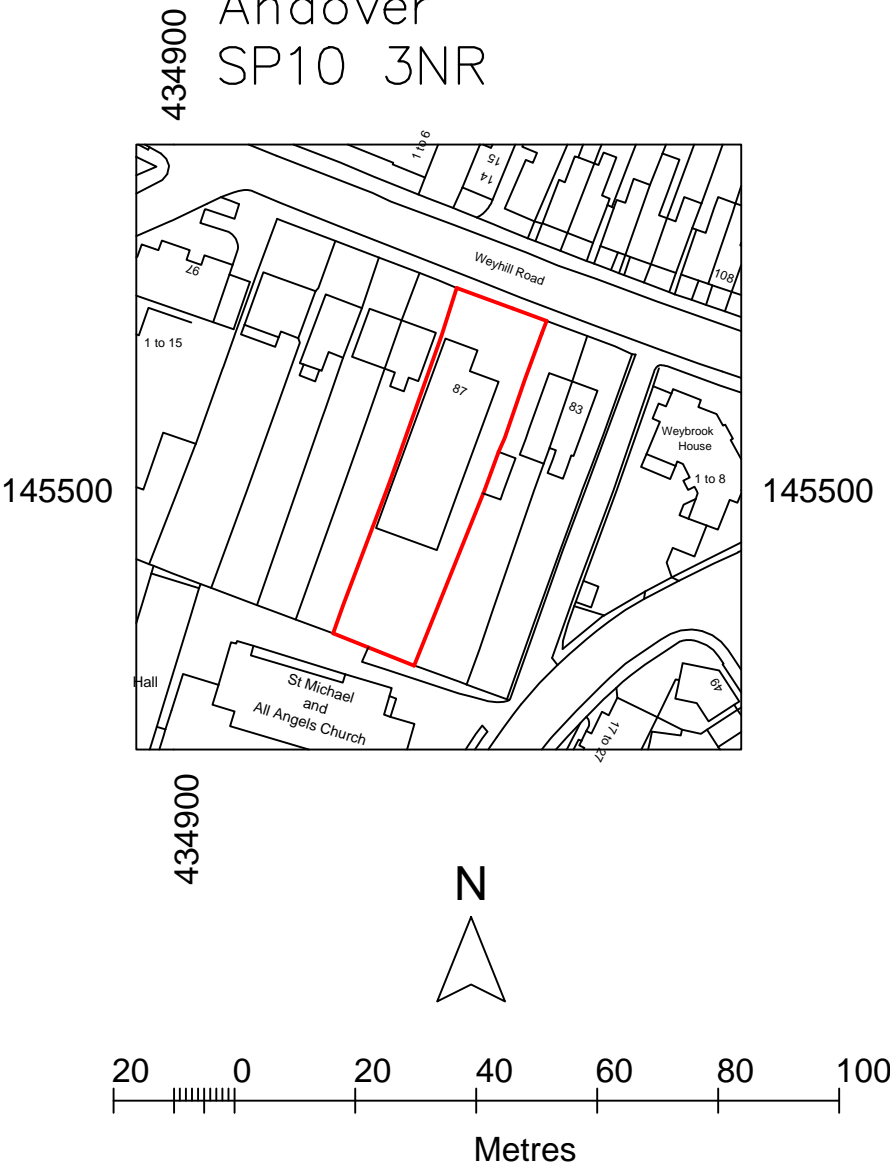
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