
APPLICATION NO.	21/02343/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	26.08.2021
APPLICANT	Mr R George
SITE	Cricklade Lodge, Foundry Road, Anna Valley, SP11 7LX, UPPER CLATFORD
PROPOSAL	Change of use from domestic garage to coffee shop (use class E(b)) (AMENDED DESCRIPTION)
AMENDMENTS	
CASE OFFICER	Katie Nethersole

Background paper (Local Government Act 1972 Section 100D)

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1.0 INTRODUCTION

- 1.1 This application has been called to NAPC at the request of a member as it raises issues of more than local interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application sites consists of a two storey detached dwelling located on the northern side of Foundry Lane within the settlement boundary of Anna Valley. The dwelling is set back from the road behind hedging and there is an existing detached garage located adjacent to the site frontage. To the east and south of the site is existing residential development and to the west are fields and watercress beds, with a farm shop.

3.0 PROPOSAL

- 3.1 This application seeks approval for a change of use of the existing garage to the front of the dwelling to a coffee shop.
- 3.2 The coffee shop would be open between the hours of 10 am and 4pm Mondays to Fridays and would serve hot and cold drinks, as well as food such as sandwiches, cakes and jacket potatoes. There would be six tables and chairs within the coffee shop with a small kitchen and a W.C. Outside to the rear of the building would be a small patio area with space for two tables and chairs.
- 3.3 Parking would be provided to the frontage of the dwelling with 3 spaces for the occupiers of the dwelling and 8 spaces for users of the coffee shop. One of the spaces would accommodate disabled users. To the rear of the coffee shop would be 4 cycle racks.
- 3.4 Bin storage would be located to the western boundary of the coffee shop which would be separate from the bin storage associated with the dwelling and would be collected fortnightly.

4.0 **HISTORY**

- 4.1 16/01948/FULLN Demolish dwelling and erect replacement new two storey dwelling with double garage and summerhouse with alterations to access. Permission subject to conditions and notes 07.10.2016

5.0 **CONSULTATIONS**

- 5.1 **Highways – No objection** subject to conditions

In regard to this proposal, and the proposed change of use from a domestic garage to coffee shop (use class A3), subsequent to the initial HCC Highways consultation response dated 20 October 2021, the additional information requested in the response has been received from the applicant.

This information was in regard to demonstration that suitable visibility splays would be achievable at both the site access and for pedestrians crossing from the southern footway into site; as well as additional vehicles tracking drawings demonstrating that two-way vehicle movements in and out of the site at the same time were achievable.

Having reviewed the additional information, it can be confirmed that additional information provided has demonstrated that these elements are achievable, and as such there is no objection to the proposals from a highway perspective subject to sufficient parking spaces and a condition requiring the visibility splays to be provided.

- 5.2 **Environmental Protection – No objection**

The proposed acoustic fencing would mitigate any noise impact from the proposal on neighbouring properties and is considered acceptable.

- 5.3 **Ecology – No objection**

While the application site is adjacent to a designated SINC habitat, there appears to be no external building or landscaping works to facilitate the proposed development. No alterations to the drainage appear to be proposed, and it is understood that the proposed car park is an existing area of hard standing. I would therefore raise no concern over the proposed development.

Due to the presence of roosting bats on site, I would advise that lighting will need to conform to the specifications outlined within the best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK).

- 6.0 **REPRESENTATIONS** Expired 23.12.2021

- 6.1 8 letters of objection have been received from the occupants of Sunnycliff Highbury Road, Troodos Foundry Road, Pillbrook View Foundry Road, Lyndale Highbury Road, Conifers Foundry Road, Watercress Cottage Foundry Road, Homeleigh Highbury Road, and one unknown address for the following reasons:
- Concern about access and visibility on what is a busy road through the village
 - Concern about limited parking
 - Proposal would be out of character with residential area
 - Impact on residential amenity and noise impact

- Would result in an increase in traffic
- Concern that parking area would be lit and would create light pollution
- Could have an adverse impact on local shop

6.2 Upper Clatford Parish Council – Objection

The scheme would introduce a new business opportunity within the settlement boundary but also within the Local Gap, in close proximity to neighbours and a Site of Importance for Nature Conservation (SINC), accessed from a busy stretch of Foundry Road. The RLP and Upper Clatford NDP both support development proposals for the creation of new businesses which in turn offers local employment opportunities and extra facilities for local residents. Policy UC4 of the NDP states that 'development proposals to enable the creation or expansion of small-scale business enterprises will be supported provided they are of a type and use appropriate to their location and that the impacts on residential amenity and highway safety and capacity are or can be made acceptable. The Parish Council are concerned about the following:

- Hardstanding for a car park has a detrimental impact on the appearance of the immediate area and landscape
- Development in the local gap
- No ecological survey or CEMP has been submitted to assess impact on SINC
- No biodiversity net gain
- No assessment of foul waste or nitrate neutrality implications
- Removes parking provision for Cricklade Lodge
- It lacks details regarding commercial waste collections
- No details on staff parking
- It would lead to increase in on-street parking
- It is known to be a busy stretch of Foundry Road and increase in traffic could create issues
- Restricted turning circle for cars within car park
- Residents of Cricklade Lodge will have to walk through a car manoeuvring area
- No provision for the privacy of neighbouring properties
- Could impact on the viability of neighbouring farm shop

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

E1: High Quality Development in the Borough

E2: Protect, Conserve and Enhance the Landscape Character of the Borough

E5: Biodiversity

E8: Pollution

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

7.3 Neighbourhood Plan

Upper Clatford Neighbourhood Plan 2020

UC6: Design

UC9: Landscape Character

UC11: Andover – Anna Valley/Upper Clatford Local Gap

UC13: Sites of Importance for Nature Conservation

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Biodiversity
- Impact on Residential Amenity
- Highways and Parking
- Other Matters

8.2 **Principle of Development**

The application site is within the settlement boundary of Upper Clatford and therefore having regard to policy COM2 development and redevelopment will be permitted provided that it is appropriate to the other policies of the Revised Local Plan.

8.3 **Impact on the Character and Appearance of the Area**

Policy E1 of the RLP and UC6 of the UCDNP support development that is of high quality and respects the character and appearance of the area. The proposed coffee shop would be within the existing garage building to the frontage of the property. As such there are no major external changes proposed to the building aside from the removal of the garage door for a window and access door. The garage has been constructed in accordance with the previous approval (ref 16/01948/FULLN) and has been designed to be sympathetic to the character and appearance of the area as well as the existing dwelling. It is therefore considered that the proposal accords with policy E1 and UC6.

8.4 The existing boundary hedge to the roadside has partially been removed since the application was submitted, and the applicant has explained that this is partly due to ensuring that the required visibility splays can be achieved and partly due to its health. It is proposed to plant a new hedge on the roadside boundary which would in the future provide screening to the site. Whilst it is acknowledged that the new planting would take time to mature, it would in the long term provide an improved screen to the development. It is noted that the Parish Council have raised concerns about the parking to the frontage and how this would be detrimental to the landscape character of the area, however this area was shown as a parking area in the original permission (ref. 16/01947/FULLN) and there is no change to this arrangement apart from the setting out of parking spaces for the dwelling and the coffee shop. Whilst it is appreciated that the proposal would generate more activity in the parking area than the current situation this would be screened from the road and would not harm the overall character and appearance of the area. It is therefore considered that the proposal would accord with policy E2 of the RLP and UC9 of the UCDNP.

8.5 It is acknowledged that the Parish Council have raised concerns about the impact of the proposal on the local gap. Policy E3 of the RLP and UC11 of the UCNP seek to ensure that local gaps are protected and development does not result in the diminishing of the physical separation and/or visual separation or compromise the local gap. It is considered that the proposal to change the use of an existing building in this location would not undermine the qualities of the local gap as it would not introduce any additional built form over and above that which exists on the site that would harm the physical and visual separation of this designation. It is therefore considered that the proposal would accord with policy E3 of the RLP and UC11 of the UCNP.

8.6 **Biodiversity**

Policy E5 seeks to ensure that development protects, conserves and where possible enhances biodiversity. The Parish Council have made reference to the application not being supported by any ecological survey work and the potential impact on the SINC. However as the proposal is for the change of use of a modern building there is no requirement for such surveys to be carried out and the proposal is not considered to impact any protected species or sites. The Parish Council have also raised concerns about there being no Biodiversity Net Gain (BNG) as part of the proposal, however this is not yet a Planning requirement. The designated SINC is adjacent to the application site and it is considered that the proposal would not have any adverse impact on this designation, in accordance with policy E5 of the RLP and UC13 of the UCNP.

8.7 **Impact on Residential Amenity**

Policy E8 of the RLP seeks to ensure that development does not result in pollution that would cause risk to human health or general amenity. Policy LHW4 seeks to ensure that the privacy and amenity of the occupants and those that neighbour the site is protected.

8.8 The proposed use as a coffee shop has the potential to result in a noise impact to neighbouring properties. This would include the comings and goings of customers, movement of vehicles and customers sitting out on the patio to the rear of the building. The applicant has proposed an acoustic fence along the boundary with the adjacent neighbour to the east. It would be 2 metres high and would extend the length of the boundary but set back from the road to ensure it does not conflict with visibility at the entrance. The Environmental Protection Officer has reviewed the details and has advised that the proposed acoustic fence would be appropriate mitigation for any noise disturbance. A condition to control the hours of use has been recommended which would help limit the activity on the site to an acceptable extent. This condition along with the acoustic fence would help to mitigate any noise disturbance to the neighbouring property and would protect the privacy and amenity of both the occupier and the neighbour in accordance with policies E8 and LHW4.

8.9 Highways and Parking

Policy T1 of the RLP seeks to ensure that development can be accessed safely and efficiently and does not result in an adverse impact on the safety and function of the highway network. The existing access would be utilised through the proposals and widened to 4.8 metres to allow for two vehicles to pass each other. Visibility splays of 2.4 metres by 43 metres can be achieved from this access. The Highways Officer has reviewed the details and the submitted tracking plans and have confirmed that as long as these visibility splays are provided, the proposal would not result in any adverse impact on highway safety in accordance with policy T1. A condition has been recommended to ensure that the required visibility splays are provided and retained for the lifetime of the development.

8.10 Policy T2 of the RLP seeks to ensure that adequate parking is provided and the minimum parking standards are set out in Annex G. For a coffee shop use the minimum requirement is for 1 space per 5sqm of dining area. The total amount of dining space proposed is 38 square metres and therefore a total of 8 spaces would be required to be made available for the coffee shop use. The existing dwelling requires 3 spaces and so the 11 spaces proposed would cater for both the existing dwelling and the proposed coffee shop. There is also a cycle requirement for 1 cycle space in association with the coffee shop and 2 for the dwelling. A total of 4 cycle spaces are proposed and this would exceed the requirement. It is therefore considered that the proposal would be served by sufficient parking to ensure that it would not result in any extra demand for on-street parking in accordance with policy T2.

8.11 In terms of parking provision, there is concern that no staff car parking has been provided. This is not required by the parking standards as set out in Annex G so does not need to be factored in to any calculation of parking spaces. Comments have also been made concerning the proposal increasing the demand for on-street parking, however the proposals include sufficient parking on site and in accordance with the standards as set out in the RLP. The Highways Officer has also reviewed the drawings and proposal and has raised no objection in terms of highway safety and manoeuvrability within the site.

8.12 Other Matters

It is noted that concern has been raised about the potential impact of the coffee shop on existing businesses, including the nearby farm shop. However, as the proposal would only be selling items such as drinks and cold foods to be consumed at the premises and not selling any other goods it is considered that it would not adversely impact on the existing businesses in the locality. Added this concern has been raised about deliveries to the site, however the applicant has confirmed that as this is a small scale operation all food would be purchased by them outside of the opening hours so additional deliveries would be made to the site. Collection of waste would be fortnightly via a standard 1100 litre covered bin.

8.13 It is noted that the Parish Council have raised concerns about there being no assessment of the impact on nitrate neutrality. As the proposal does not include any additional overnight accommodation then it is not necessary to make any assessment on the impact on nitrates. They have also raised concerns about the removal of foul waste. The applicant has confirmed that the proposed W.C would be connected to the mains sewer.

8.14 Third party correspondence has been received concerned about external lighting. Due to the proposed opening hours it is not considered that any external lighting would be required.

9.0 CONCLUSION

9.1 In conclusion it is considered that the proposal is in accordance with the relevant policies of the RLP and the Upper Clatford NDP and is therefore recommended for approval subject to conditions.

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 P21-037-02-03-001 L, P21-037-02-03-004, NJC-006.
Reason: For the avoidance of doubt and in the interests of proper planning.**
3. **The approved visibility splays of 2.4 metres by 43.0 metres shall be maintained and retained for the lifetime of the permission as shown on drawing no. P21-037-02-03-004. Nothing over 0.6 metres in height above the level of the carriageway shall be placed or permitted to remain within the visibility splay.
Reason: In the interests of highway safety and in accordance with policy T1 of the Test Valley Borough Revised Local Plan 2016.**
4. **The approved coffee shop shall only operate between the hours of 1000 and 1600 hours Monday to Friday.
Reason: To protect the amenities of neighbouring properties and in accordance with policy LHW4 and E8 of the Test Valley Borough Revised Local Plan 2016.**
5. **The proposed acoustic fencing to the eastern boundary shall be installed as per the details on drawing no. P21-037-02-03-001 L prior to the coffee shop being brought into use and shall be retained for so long as the approved development remains in operation.
Reason: In the interests of residential amenity and in accordance with policy LHW4 and E8 of the Test Valley Borough Revised Local Plan 2016.**

- 6. Prior to the coffee shop being brought into use, details of the proposed replacement hedgerow as shown on drawing no. P21-037-02-03-001L shall be submitted and approved in writing by the Local Planning Authority. Planting shall be carried out in accordance with the approved details.
Reason: To accord with policies E1 and E2 of the Test Valley Borough Revised Local Plan.**
- 7. The coffee shop shall not be brought into use until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.
Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to 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.**
- 8. The parking spaces as shown on approved drawing P21-037-02-03-001L shall be laid out in accordance with the approved details before the use commences and retained for the lifetime of the permission.
Reason: To ensure sufficient parking and in accordance with Policy T1 of the Test Valley Borough Revised Local Plan 2016.**
- 9. The approved coffee shop shall only be used for Class E (b) as defined in the Town and Country Planning (Use Classes) Amendment (England) Regulations 2020 and for no other use within Class E and only for the named applicant, Mr Ron George.
Reason: To exercise control over the use and to protect amenity of neighbouring properties 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.**
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