
APPLICATION NO.	23/00932/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	05.04.2023
APPLICANT	Mr Bryan Powell
SITE	Pure Cremation Group Ltd, Units 1 to 5 Threadster Park, 33B West Way, SP10 5JG, ANDOVER TOWN (DOWNLANDS)
PROPOSAL	Change of use of building from general industrial (Class B2) to mortuary (retrospective)
AMENDMENTS	Amended/additional plans and information received: <ul style="list-style-type: none">• 11.07.2023
CASE OFFICER	Emma Jones

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee in accordance with the Member and Officer Interests Protocol, and at the request of a Member for the reason that “*there is an overriding public interest and concerns with the application which have been expressed to them*”. The application is also contrary to the provisions of an approved Development Plan, adverse third party representations have been received, and the recommendation is for approval.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site consists of a row of five attached commercial units located within the Walworth Business Park, in the settlement of Andover. The units are currently being occupied by one operator, that being Pure Cremation Group Ltd (the applicant).

3.0 PROPOSAL

3.1 The application seeks permission to retrospectively change the use of the units from their originally permitted Class B2 use (general industrial) to its current use as a mortuary. No external changes to the existing building are proposed.

3.2 Amended/additional plans and information has been submitted during the consideration of the application in respect of the business operations and level of employment (to address the principle of the change of use), highway matters (including parking and traffic generation), and the location and types of plant/machinery.

4.0 HISTORY

4.1 07/02797/FULLN; Erection of 5 general industrial units (Use Class B2) and associated works – Permission - 27.03.2009.

5.0 CONSULTATIONS

5.1 Planning Policy; Comments, summarised;

- Given the very specific nature of this Sui Generis use and the details of the proposal, it is considered that the application does not prejudice the aim of policy LE10 and the safeguarding of employment land at Walworth Business Park.

5.2 Environmental Protection; No objection subject to condition

5.3 Highways; No objection

6.0 REPRESENTATIONS Expires 29.09.2023

6.1 1 x letter; Objection from Unit 3a Walworth Enterprise Centre, raising;

- Traffic Generation Parking and Safety;
- Whilst the original plans for these units include 23 parking spaces and 10 cycle spaces, and the applicant says that these will be retained for the 23 staff, in practice, this is not the case. Actual parking within the application area is minimal, due to the access required from the constant movement of private ambulances and general vehicles. As a result, Pure Cremations vans, and staff personal vehicles use all of the general parking spaces in the area at the end of West Way (between Pure Cremations and Jungle Jungle), and park all down West Way itself (causing a significant section to become single lane). Generally, around 25 car spaces are taken up by Pure Cremations on West Way;
- Vehicles come and go at any time, and are often parked in excess of 12 hours per day (and we have known cars to be parked constantly for 5 days and more with no movement). Because they generally arrive before 8am, this locks out the parking from other users, resulting in a serious reduction of general parking provision in the area;
- We only object on the parking issue. If the provision and use of the 23 parking spaces inside the application area can be enforced in the planning consent, this will then relieve the parking situation on West Way, and we would be happy to remove the 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

LE10 - Retention of Employment Land and Strategic Employment Sites

E1 - High Quality Development in the Borough

E8 - Pollution

T1 - Managing Movement

T2 - Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Character and appearance
- Amenity and pollution
- Highways

8.2 **The principle of development**

The site is located within the settlement boundary for Andover, as defined by the RLP inset maps. RLP policy COM2 allows for development and redevelopment within the boundaries of settlements, subject to compliance with the other policies of the RLP.

8.3 RLP policy LE10 is relevant to the determination of the application and seeks to retain existing employment land and strategic employment sites. Walworth Business Park is a strategic employment site. RLP policy LE10 sets out that on existing employment sites, allocated employment sites, or sites with planning permission for employment use, which have not yet been fully implemented, development for an alternative use will be permitted provided that:

- a) the land is no longer required to meet economic development needs of the area; or
- b) the current activity is causing, or could cause significant harm to the character of the area or the amenities of residents; and
- c) it would not have a significant detrimental impact on the operation of the remaining occupiers of the site.

In addition, on strategic employment sites identified in Annex E development for an alternative use will be permitted provided that:

- d) it would not have a significant detrimental impact upon the continued primary use of the site for employment; and
- e) criteria a), b) and c) have been satisfied.

8.4 The current lawful use of the site is for 5 general industrial units to operate in a Class B2 (general industrial) use. A condition of the original planning permission for the site (see paragraph 4.1 above) restricts the use of the units to Class B2 uses. The proposal is to use the 5 existing units as a mortuary, which is considered to be a Sui Generis use, that being a class of its own. This does not fall under a use that would commonly be considered as an employment use, for example Class B2 (general industrial) and B8 (storage or distribution) uses, and the former Class B1 (business) use (now Class E), which tend to generate significant levels of employment, and are prevalent across the Borough's business parks.

8.5 No information has been submitted with the application to demonstrate compliance with the requirements and criterion of RLP policy LE10, as set out at paragraph 8.3 above. However, the principle behind RLP policy LE10 is to prevent the loss of employment land/strategic employment sites to non-employment generating uses, so as to prevent the loss of jobs and the significant economic impact that this could cause. Additional information has been submitted during the consideration of the application, which provides

further clarification in respect of the applicant's company and its logistics/operations, including an indication of the number of employees per shift (23 members of staff in total across all shifts) and the proposed business activities. It is considered that this establishes the basis that the proposed use generates a significant degree of employment, and would therefore not conflict with the economic development needs of the area, and would not prejudice the aims of RLP policy LE10 and the safeguarding of employment land at Walworth Business Park. It is considered that the proposal can be accepted as a departure to RLP policy LE10. Furthermore, it is considered that the proposal would not have a significant detrimental impact on the operation of the remaining occupiers of the site, given that the applicant occupies all of the units, or upon the continued primary use of the strategic employment site at Walworth Business Park for employment.

8.6 Character and appearance

The application does not propose any external alterations to the existing units, and the use in terms of the level and general nature of activity would be akin to surrounding existing uses. It is therefore considered that the character and appearance of the surrounding area would be maintained in accordance with RLP policy E1.

8.7 Amenity and pollution

There are four air conditioning units located to the rear of the existing units, on the north west elevation of the building. Given the significant distance between these and nearby residential properties, as well as the intervening land uses, it is considered that their use would not impact adversely on amenity. The Council's Environmental Protection Officer has raised no objection to the proposals. A condition is recommended in the event that additional or replacement plant is required at the site, to ensure that this protects amenity. The proposal is considered to comply with RLP policy E8.

8.8 Highways

The application proposes no internal site layout changes, and the existing site access is being utilised. This is considered to be acceptable. The applicant has submitted a highways assessment of existing and proposed traffic movements, based upon TRICS (Trip Rate Information Computer System) data for the permitted Class B2 use, and real life data for the current use subject of this application. The submitted assessment concludes that whilst the number of daily traffic movements now proposed is slightly more than the permitted Class B2 use, as the mortuary use operates 24 hours a day, the average hourly traffic flows would be reduced. The Highway Authority has confirmed that the assessment demonstrates that the proposal would not represent any material detrimental impact on the public highway network.

8.9 The site currently has 23 car parking spaces, which accords with the original planning permission for the site (see paragraph 4.1 above), and the Council's adopted car parking standards in respect of a Class B2 use. These are shown to be retained as part of the proposals. A parking survey carried out in the areas surrounding the application site has also been submitted, the results of which demonstrate that there is sufficient spare capacity to accommodate any

potential demand for off-site car parking, in the event that the on-site car parking is at full capacity. Noting the existing and proposed associated traffic movements as set out above (in paragraph 8.8), it is considered that the car parking provision would be acceptable.

- 8.10 Overall it is considered that the proposals would not impact adversely on the safety or function of the highway network, and would comply with RLP policies T1 and T2.

9.0 **CONCLUSION**

- 9.1 The site is located within a strategic employment site, and the permitted use of the site is for Class B2 employment uses. The proposed change of use to a mortuary (sui generis use) would not constitute an employment use for the purposes of RLP policy LE10, and no information has been submitted to demonstrate that the land is no longer required to meet economic development needs of the area, or that a Class B2 use is causing, or could cause significant harm to the character of the area or the amenities of residents. However, due to the specific nature of the alternative use now proposed, including in respect of the business operation and the number of staff employed, it is considered that the proposal would not conflict with the economic development needs of the area, and would not prejudice the aims of RLP policy LE10 and the safeguarding of employment land and the strategic employment site at Walworth Business Park. Furthermore, it is considered that the proposal would not have a significant detrimental impact on the operation of the remaining occupiers of the site, given that the applicant occupies all of the units, or upon the continued primary use of the strategic employment site at Walworth Business Park for employment. It is therefore considered that the proposal can be accepted as a departure to RLP policy LE10. In addition, it is considered that the proposed change of use would not impact adversely on the character and appearance of the area, amenity/pollution, or the highway network, and would comply with the relevant policies of the RLP in these respects.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers;**
 - **TV-AP-822.01**
 - **TV-AP-822.02**
 - **TV-AP-822.03 REV B**
 - **TV-AP-822.04 REV A**

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

2. **No new (including replacement) external plant, machinery or equipment shall be installed in association with the use hereby permitted until full details have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, appearance, design, specification and noise performance of the plant, machinery or equipment, and all**

measures required to mitigate any noise emissions to ensure that they will not cause detriment to the amenity of residential occupiers. Any new external plant, machinery or equipment shall be installed in accordance with the approved details, and any mitigation measures required to reduce noise shall be completed prior to the same being brought into use and permanently retained thereafter.

Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 3. The space that has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan shall be reserved for such purposes at all times.**

Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

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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