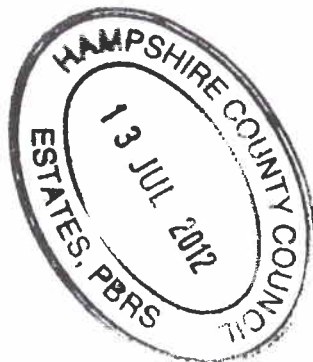




Mr Andrew Trotter  
HCC Property Services  
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TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS

**NOTICE OF OUTLINE PLANNING PERMISSION**

**APPLICATION NO:** 11/02729/OUTN  
**PROPOSAL:** Outline - Residential development for 50 dwellings and provision of vehicular access from Smannell Road  
**LOCATION:** Land To The Rear Of Former Shepherds Spring County Junior School, Smannell Road, Andover  
**DATE REGISTERED:** 08.12.2011

In pursuance of its powers under the above mentioned Act the Council, as local planning authority, hereby grants outline planning permission for the above development in accordance with the approved plans listed below and subject also to due compliance with all conditions and notes specified hereunder:

**Approved Plans:**

Site Location Plan - Plan Ref no. Y0369-111108-LOCATION PLAN - 02/12/11  
Block Plan - Plan Ref no. Y0369-111028-AJT - 02/12/11  
Details - Plan Ref no. Y0369-120512 - Version revised layby access - 18/05/12

01. Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than which ever is the later of the following dates:
  - i) five years from the date of this permission: or
  - ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.
02. Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 1995 (or any order revoking and re-enacting that Order).

03. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.

04. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the works undertaken maintain 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 Local Plan 2006 policies DES10 and AME01.

05. No development shall commence until proposals for the provision of car parking in accordance with the maximum standards in Annex 2 of the Test Valley Borough Local Plan 2006 have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved parking has been provided and made available for use and the parking spaces shall thereafter be retained for vehicle parking purposes at all times.

Reason: In order to ensure the development contributes towards achieving a sustainable transport system and in accordance with Test Valley Borough Local Plan 2006 policy TRA02.

06. Development shall not be commenced until the Local Planning Authority shall have approved in writing, details of:

- a) the width, alignment, gradient and surface materials for any proposed roads including all relevant horizontal and longitudinal cross sections showing existing and proposed levels
- b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution
- c) the method of surface water drainage including local sustainable disposal.

Reason: To ensure that the roads, footway, footpath, street lighting and surface water drainage are constructed and maintained to an appropriate standard to serve the development in accordance with Test Valley Borough Local Plan 2006 policies TRA06.

07. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the

commencement of development and retained for the duration of the construction period.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

08. At least the first 4.5 metres of any drive or vehicle parking area measured from the access point at the nearside edge of the carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

09. The development hereby permitted shall not be occupied until provision for 96 long stay, and 50 short stay cycle parking/storage spaces has been made, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained for this purpose at all times.

Reason: In the interest of providing sufficient safe parking for cyclists and in accordance with the Test Valley Local Plan 2006 policy TRA02.

10. Any single garage shall measure 6 metres by 3 metres internally and be constructed as such and made available for the parking of motor vehicles at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA02.

11. Notwithstanding the submitted Residential Travel Plan (at Annex H of the JMP Consultants Ltd) Transport Assessment, a Residential Site Travel Plan shall be submitted to and approved in writing prior to the first use of the building hereby permitted. The plan shall include details of implementation, monitoring and will form part of an annual review process.

Reason: To reduce the level of car-borne traffic in accordance with Test Valley Borough Local Plan 2006 Annex 2 and the National Planning Policy Framework.

12. No development whatsoever shall commence until such time as the highway works set out below have been completed;

- The works to the entrance to the Smannell Road lay-by access, as shown on plan Y0369-120512-revised lay-by access
- The relocation of the parking provision for the Children's Centre, as shown on Hampshire County Council plan 502727/001 revision A 'General Arrangement' drawing (dated November 2007) submitted at appendix 11 of the submitted Design and Access Statement, as approved by application 11/02362/HCC3N.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA01, TRA05, TRA06 and TRA09.

13. No development shall take place (including site clearance 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 work, in accordance with a written brief and specification for a scheme of investigation and mitigation,

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 Local Plan 2006 policy ENV11.

14. Notwithstanding the submitted details, no development whatsoever shall take place until full details of hard and soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme has been submitted to and approved in writing by the Local Planning Authority. These details shall also include; proposed finished levels or contours; details of parking within parking courts; means of enclosure and hard surfacing materials. The landscape works shall be carried out in accordance with the implementation programme.

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 Local Plan 2006 policy DES10.
15. No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the works undertaken maintain 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 Local Plan 2006 policy DES10.
16. A 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 prior to the first occupation of the development. The approved management plan shall be carried out in accordance with the implementation programme.

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 Local Plan 2006 policy DES10.
17. Notwithstanding the submitted details as shown on the indicative layout plan Y0369-111028-ajt, there shall be a planted landscaping belt to the northern and western site boundaries of not less than four metres in width. Details of this landscaping shall be submitted in accordance with the requirements of conditions 15 and 16 as above.

Reason: To ensure that the works undertaken maintain 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 Local Plan 2006 policy DES10.

18. No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how trees shown on the approved plans to be retained are to be protected has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of any protective fencing, ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority. Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.  
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.
19. Woodland Management shall be carried out in accordance with the RPS 'Woodland Management Recommendations' document accompanying the outline planning application. Details of implementation and management responsibilities shall be submitted in accordance with conditions 16 and 17 as above.  
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.
20. Prior to the commencement of the development hereby approved, a Biodiversity Management Scheme shall be submitted to and approved in writing by the Local Planning Authority, detailing the location and design of bird and bat boxes.  
Reason: To avoid impacts to protected species and to conserve and enhance biodiversity in accordance with policy ENV05 of the Test Valley local plan, the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006.
21. Any external lighting scheme shall be carried out in accordance with the details contained within the Extended Phase 1 Habitat Survey Report and Reptile Survey Report (RPS, December 2010) to maintain dark bat foraging areas.  
Reason: To avoid impacts to protected species and to conserve and enhance biodiversity in accordance with policy ENV05 of the Test Valley local plan, the National Planning Policy Framework, and the Natural Environment and Rural Communities Act 2006.
22. No development shall commence until such time as detail of the reptile receptor area including relevant habitat enhancements and its long-term management have been submitted to and approved in writing by the Local Planning Authority, as outlined in the Extended Phase 1 Habitat Survey Report and Reptile Survey Report (RPS, December 2010) report. Reptile translocation and clearance shall then take place in accordance with this approved detail, and in respect of the requirements of condition 23.  
Reason: To avoid impacts to protected species and to conserve and enhance biodiversity in accordance with policy ENV05 of the Test Valley Local Plan 2006,

the National Planning Policy Framework, and the Natural Environment and Rural Communities Act 2006.

23. Development shall be carried out in accordance with the measures contained within the Extended Phase 1 Habitat Survey Report and Reptile Survey Report (RPS, December 2010) in respect of the trapping, translocation and clearance of the site with respect to reptiles and nesting birds as set out in paragraphs 6.3-6.4 (nesting birds) and 6.9-6.16 (reptiles) report and the Biodiversity Management Scheme that shall have been submitted in respect of condition 20.  
Reason: To avoid impacts to protected species and to conserve and enhance biodiversity in accordance with policy ENV05 of the Test Valley Local Plan 2006, the National Planning Policy Framework, and the Natural Environment and Rural Communities Act 2006.
24. Piling using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details  
Reason: The site lies within the groundwater Source Protection Zone 1 for the Smannell Road abstraction and Andover Public Water Supply. The depth to the water table is likely to be limited (5 to 10 metres). There is a potential risk of turbidity from any works carried out at the site below the water which could impact potable supplies. In accordance with policy HAZ03 of the Test Valley Borough Local Plan 2006.
25. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The use of porous paving will only be acceptable if suitable pollution prevention measures can be incorporated and a risk assessment demonstrates that the proposals do not pose a risk to groundwater.  
Reason: The site lies within the groundwater Source Protection Zone 1 for the Smannell Road abstraction and Andover Public Water Supply. Section 4.4 of the Preliminary Drainage Strategy Report submitted with the application suggests that porous paving may be used on private driveways. In accordance with policy HAZ03 of the Test Valley Borough Local Plan 2006.
26. No development whatsoever shall commence until such time as a scheme of noise mitigation measures to include a 2 metre wall to the western boundary of the site, inside of the four metre landscape belt required in accordance with condition 17, has been submitted to and approved in writing by the Local Planning Authority. The noise control measures shall also include details of the acoustic performance for windows in upper floor rooms, and any mechanical ventilation for any bedrooms where this would be necessary to ensure that a noise exposure level of no higher than 63LAeq,T dB is achieved between the hours of 0700 and 2300, and 57LAeq,T dB is achieved between the hours of 2300 and 0700. Development shall be carried out in accordance with the approved details.  
Reason: To ensure acceptable living conditions are provided for the future occupants of the development in accordance with Test Valley Borough Local Plan

2006 policies AME01, AME04, South East Plan 2009 policy NRM10, and the National Planning Policy Framework.

27. The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved  
Reason: To ensure an appropriate form of Sustainable Housing development in accordance with policy CC4 of the South East Plan 2009 and the National Planning Policy Framework.
28. No development shall take place until details, including plans and cross sections, have been submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the development plot, and the height of the ground floor slabs and damp proof courses in relation thereto. The works shall be carried out in accordance with the approved details.  
Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.
29. Prior to the commencement of development the visibility splays, hatched green on the approved plan [TVBC/11/02729/OUTN/PLAN1] shall be provided. Nothing within the approved visibility splays shall exceed 1.0 metres above the level of the existing carriageway (including the land level and any walls, fences and vegetation). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) these visibility splays shall be maintained in accordance with the above details at all times.  
Reason: In the interest of highway safety in accordance with policy TRA06 and TRA09 of the Test Valley Borough Local Plan 2006.
30. No development whatsoever including any works to the access shall commence until such time as details have been submitted to and approved in writing of new boundary treatment to the Adult Education Centre, and Children's Centre at the boundary with the access, and that boundary treatment has been installed in accordance with the approved details. The boundary treatment shall thereafter be retained in accordance with the approved details.  
Reason: In the interests of the safety of highway users and pedestrians in accordance with policy TRA09 of the Test Valley Borough Local Plan 2006.
31. Notwithstanding the submitted details, no development whatsoever shall commence until such time as a detailed traffic calming scheme for the access road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be to a maximum design speed of 20mph, and this shall be evidenced within the submission. The scheme shall be provided when the access road is constructed, which shall occur prior to the commencement of any other development hereby permitted, other than in respect of the requirements of condition 12. The scheme of traffic calming measures shall thereafter remain in place in accordance with the approved details.

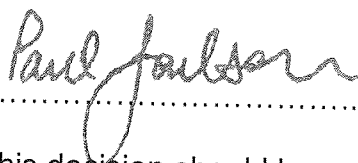
Reason: To limit the speed of vehicles within the site to create an optimised, safe highway environment for existing and proposed users in accordance with Test Valley Borough Local Plan 2006 policy TRA05.

Note(s) to applicant:

01. The following policies in the Development Plans are relevant to this decision:  
South East Plan – May 2009: Policies SP3 (Urban Focus and Urban Renaissance), CC1 (Sustainable Development), CC2 (Climate Change), H4 (Type and Size of New Housing), H5 (Housing Design and Density), T4 (Parking), NRM10 (Noise).  
Test Valley Borough Local Plan (TVBLP); Policies - DES01 (Landscape Character), DES02 (Settlement Character), DES05 (Layout & Setting), DES06 (Scale, Height & Massing), DES07 (Appearance, Detail and Materials), DES08 (Trees and Hedgerows), DES09 (Wildlife and Amenity Features), DES10 (New Landscaping), AME01 (Privacy & Open Space), AME02 (Sunlight and Daylight), AME03 (Artificial Light Intrusion), AME04 (Noise and Vibration), AME05 (Unpleasant Emissions), ENV01 (Biodiversity and Geological Conservation), ENV05 (Protected Species), ENV11 (Archaeology and Cultural Heritage), TRA01 (Travel Generating Development), TRA02 (Parking Standards), TRA04 (Financial Contributions Towards Highways Infrastructure), TRA05 (Safe Access), TRA06 (Safe Layouts), TRA09 (Highway Impact), SET01 (Housing within Settlements), ESN03 (Housing Types, Density and Mix), ESN21 (Retention of Recreational Areas and Facilities), ESN22 (Public Recreational Open Space Provision), ESN30 (Infrastructure Provision with New Development), HAZ02 (Flooding), HAZ03 (Pollution), HAZ04 (Land Contamination).
02. The decision to grant outline planning permission has been taken because the development is in accordance with the policies of the Development Plan. The re-development of the former children's playing fields to provide 50 dwellings, including 20 affordable houses is acceptable in principle. The only matter that is not in outline, and would not be subject of future reserved matters approval is the access. The access was granted planning permission, as is now shown with this proposal, by the County in approving the relocation of the parking from the access to within the Education Centre and Children's Centre. The access and junctions in the vicinity are within capacity so as to accommodate the proposed development without any harm to highway safety. Whilst the layout, appearance, scale, and landscaping are reserved matters, it is considered that the submitted indicative layout demonstrates that 50 dwellings can be readily accommodated at the site, without detriment to the character and appearance of the wider area and without harm to the residential amenity of neighbouring properties. The density of the proposed development is 35 dwellings per hectare which is in keeping with surrounding development and acceptable. Contributions are to be secured in respect of public open space (where provision is not to be made on site) and infrastructure, in respect of highway matters to mitigate the impact of the additional movements within the vicinity, and to secure affordable housing. The development is considered acceptable in other regards including in respect of ecological matters, archaeology, contamination, drainage and crime. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.

03. Please note the illustrative Masterplan has been used for illustrative purposes only. The identified layout is not accepted by the Local Planning Authority, in particular because of the implications for landscaping.
04. A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH, or [www.southernwater.co.uk](http://www.southernwater.co.uk).
05. Should a surface water public sewer be required, the requisition procedures set out in the Water Industry Act 1991 may be appropriate. The applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH, or [www.southernwater.co.uk](http://www.southernwater.co.uk).
06. A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH, or [www.southernwater.co.uk](http://www.southernwater.co.uk).
07. No vehicle shall leave the site unless its wheels have been sufficiently cleaned as to minimise mud being carried onto the highway. Appropriate measures, including drainage disposal, should be taken and shall be retained for the construction period. Non compliance may breach the Highway Act 1980.
08. With regard to the above condition on the submission of highway details, they should be designed to enable an appropriate body in due course to adopt the roads, footway, footpath, cycleway, street lighting and surface water drainage network. The adoption of street lighting and surface drainage will be subject to appropriate arrangements for its maintenance.
09. The proposal appears to involve a structure either under or adjacent to the existing/future highway. You are advised to contact the Group Engineer (Bridges), County Surveyors Department, Hampshire County Council, The Castle, WINCHESTER, SO23 8UD (01962 841841) to obtain approval in principle prior to the development commencing.
10. In respect of condition 5 as set out above, based on the indicative layout shown, and the house types proposed, the maximum parking standard for parking would be 102 spaces.

Paul Jackson  
Head of Planning and Building



Date: 11 JUL 2012

All enquiries relating to this decision should be made to the above address.

**IMPORTANT NOTE:** You are strongly advised to carefully read the attached notes.

**TEST VALLEY BOROUGH COUNCIL – PLANNING AND BUILDING SERVICE**

**IMPORTANT** Please read these notes carefully. Part A sets out an applicant's statutory rights under the Town and Country Planning Act 1990, (hereafter called the '1990 Act') and Part B deals with other matters some of which may affect the implementation of any planning permission. Parts C and D (overleaf) deal with Advertisement and Listed Building appeal procedures respectively.

**PART A:**

**FORMAL NOTIFICATION**

1. **Appeals to the Secretary of State:** If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval or to grant permission or approval subject to conditions, they may appeal to the Secretary of State under Section 78 of the 1990 Act. Time periods for making an appeal are set out in a) to d) below.
  - a) If the decision is to refuse a planning permission for a householder application, if you want to appeal against the Local Planning Authority's decision then you must do so within 12 weeks of the date of the decision notice, unless there is also an enforcement notice in which case the time limits in c) and d) below may apply.
  - b) For other types of application [other than Advertisement applications] and appeals against conditions imposed on householder planning permissions the appeal must be made within 6 months of the date of the decision notice, unless there is also an enforcement notice in which case the time limits in c) and d) below may apply.
  - c) If the decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice served before the date of the decision notice but not earlier than 2 years before the application was made, if you want to appeal against the Local Planning Authority's decision then you must do so within 28 days of the date of the decision notice.
  - d) If an enforcement notice is served on or after the date of the decision notice relating to the same or substantially the same land and development as in your application the appeal must be made within 28 days from the service of the enforcement notice or within 6 months [12 weeks in the case of a householder appeal] of the date of the decision, whichever period expires earlier.

Appeals can be made online or on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Tel. 0117 3726372 or can be downloaded from the Planning Inspectorate's website [www.planning-inspectorate.gov.uk/pcs](http://www.planning-inspectorate.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it with the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

2. **Purchase Notices:** If either the Local Planning Authority of the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. **Compensation:** In certain circumstances, a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 and related provisions of the 1990 Act.

**PART B:**

**OTHER MATTERS RELATING TO THE GRANT OF PLANNING PERMISSION**

1. **Deviation from the Approved Plans/Compliance with Conditions:** Failure to adhere to the approved plans, or to comply with any condition imposed, constitutes a contravention under the 1990 Act which may be liable to enforcement action. Any proposed departure from the approved proposals should be discussed with the Planning Service before development commences.
2. **Applications to Discharge Planning Conditions**  
From 1 October 2008 any request for approval of details required by a condition, other than reserved matters following an outline permission, will require the submission of a formal application (preferably on the appropriate 1APP national form) and payment of the relevant fee.
3. **Extent of permission:** Approval is only granted for the purposes of Sections 70-76 of the 1990 Act and for no other purpose whatsoever under that Act or any other Acts, Bye-laws, Orders or Regulations. In particular, it does not purport to grant Building Regulation Approval and the Building Control Team should be contacted before any work is commenced – telephone 01794 527700
4. **Building Over Public Sewers and Erection of any Structure in Vicinity of Public Sewer:** Planning approval does not include permission from Southern Water Services Ltd. to erect any structure in the vicinity of a public sewer. The applicant is advised to personally inspect the Public Sewer Map held by the Building Control Consultancy at Test Valley Borough Council. Any further advice can be obtained from either this Council's Building Control Team (tel 01794 527700) or the Development Control Manager, Southern Water Services Ltd., Hampshire Division, Southern House, Sparrowgrove, Otterbourne, Winchester, Hampshire SO21 2SW.
5. **Title Deeds:** The decision notice is a legal document and should be retained with the title deeds of the property.
6. **Rights of Way:** If it is necessary to stop up or divert a right of way in order to enable the development to proceed, an application must be made beforehand either to the Council under Section 257 of the 1990 Act or to the Secretary of State under Section 247 of that Act.
7. **Fire Brigade Access:** Under the provisions of Section 12 of the Hampshire Act 1983 adequate means of access for the Fire Brigade must be provided to any building. A copy of the Section can be obtained at the local Building Control office.
8. **Access for the Disabled:** Attention is drawn to the relevant statutory and other provisions dealing with access to particular buildings for the disabled. These provisions are set out in Section 76 (2) of the 1990 Act.
9. **Hours of Working on Building Sites:** Complaints are often received about noise nuisance during unsocial hours and attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 and the Code of Practice issued under that Section.
10. **Display of Advertisements:** The Council encourages developers to co-operate in reducing the adverse effects caused by advertisement clutter on building sites. There is a general policy to challenge and prosecute unauthorised advertisements and, subject to individual circumstances, to restrict advertising on sites to a level consistent with such a policy. Accordingly, attention is drawn to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1989 which, inter alia, regulate the display of advertisements on building sites. An application should be made in respect of any proposal to display an advertisement (including flag poles) which is not expressly granted consent by the Regulations. In certain circumstances, although consent may not be required to display a flag advertisement, permission may be required to erect the pole to which it is attached.

**PART C:**

**ADVERTISEMENT APPEALS**

**1. The Right to Appeal to the Secretary of State**

You have the right to appeal against the local planning authority's:

- (a) refusal of consent for an advertisement;
- (b) grant of consent for an advertisement subject to a condition with which you are dissatisfied;
- (c) failure to issue a decision on an application within a specified time (i.e. 8 weeks from the date the application is formally acknowledged or such longer period you may have agreed in writing with the Council); or
- (d) 'discontinuance notice' requiring you to remove an advertisement, or stop using an advertisement site.

**2. The Choice of Appeal Procedure**

There is a choice of two appeal procedures and the Planning Inspectorate will co-operate with you, or your agent, in enabling your appeal to be processed and decided in the way you would prefer. There may be a few occasions when the Inspectorate has to use a procedure which is not your own preference, in order to ensure that all aspects of the appeal are thoroughly and fairly considered. When this happens the Inspectorate will explain why.

From the outset of an appeal you should give precise grounds of appeal. This enables the local planning authority in its written statement to answer the relevant points and thus avoid unnecessary delays. You will be given the opportunity to respond to its representations.

The available procedures are:

- (a) by written representations which you and the local planning authority make, followed by (i) an unaccompanied site inspection of the appeal site; or (ii) no site inspection, but with consideration of photographs of the appeal site, provided you and the planning authority both agree in advance of this arrangement;
- (b) by a hearing of the parties' oral representations, and (usually) an accompanied site inspection of the appeal site, which are then reported to the Secretary of State.

**3. The Address for Advertisement Appeals and Appeal Forms**

All advertisement appeals have to be submitted to the Secretary of State within 8 weeks of the receipt of the local planning authority's decision against which you are appealing. Appeals can be made online or on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Tel. 0117 3726372 or can be downloaded from the Planning Inspectorate's website [www.planning-inspectorate.gov.uk/pcs](http://www.planning-inspectorate.gov.uk/pcs).

**PART D:**

**LISTED BUILDING/CONSERVATION AREA APPEALS**

- 1. If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant consent subject to conditions to refuse to vary or discharge the conditions attached to a listed building consent or conservation area consent, or to add new conditions consequential upon any such variation or discharge, he may appeal to the Secretary of State for the Environment in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within 6 (six) months of the date of the attached notice. (Appeals must be made on a form which is obtainable from the Department of the Environment). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- 2. If listed building consent or conservation area consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council of the district, or London Borough in which the land is situated (or, where appropriate, on the Common Council of the City of London) a purchase notice requiring that the Council purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3. In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**ONLINE APPEALS SERVICE**

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet at this site. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Inspectorate. Please ensure that you only provide information, particularly of a personal nature, that you are happy will be made available to others in this way. If you provide personal information about a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.



staff car park for  
Education Centre

'defensive landscaping' ground  
cover shown indicatively

T.V.B.C./11/02729/04TN/PLAN 1

Andover