



Central And Country Developments Limited
c/o Blue Sky Planning Limited
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PLANNING SERVICE

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TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS

NOTICE OF FULL PLANNING PERMISSION

APPLICATION NO: 08/00973/FULLN
PROPOSAL: Development of the site for a trade centre (for the storage and sales of goods primarily to the trade) with ancillary showrooms and/or B8 use (units 1-7), a drive through restaurant and, roads, parking, servicing and landscaping
LOCATION: Plot 60, West Portway, West Portway Industrial Estate
DATE REGISTERED: 14.04.2008

In pursuance of its powers under the above mentioned Act the Council, as local planning authority, hereby grants full 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:

Proposed Elevations - Plan Ref no. 6324/L(00)/89 - 08/04/08
Proposed Elevations - Plan Ref no. 6324/L9000/86A - 08/04/08
Proposed Elevations - Plan Ref no. 6324/L(00)/87 - 08/04/08
Proposed Elevations - Plan Ref no. 6324/L(00)/88 - 08/04/08
Proposed Elevations - Plan Ref no. 6324/L(00)/90 - 08/04/08
Proposed Elevations - Plan Ref no. 6324/L(00)/83/B - 08/04/08
Proposed Elevations - Plan Ref no. 6324/L(00)/91 - 08/04/08
Proposed Elevations - Plan Ref no. 6324/L(00)/85B - 08/04/08
Proposed Elevations - Plan Ref no. 6324/L(00)/84/B - 08/04/08
Roof Plan - Plan Ref no. 6324/L(00)/79B - 08/04/08
Site Layout - Plan Ref no. 6324/L(00)/77B - 08/04/08
Details - Plan Ref no. REMOVAL OF ATM - 09/07/08
Site Location Plan - Plan Ref no. L(00)76 A - 08/04/08
Site Layout - Plan Ref no. L(00) 62 N - 08/04/08
Landscaping - Plan Ref no. L(00)74 D - 08/04/08
Roof Plan - Plan Ref no. L(00)75 D - 08/04/08
Proposed Elevations - Plan Ref no. L(00)66 C - 08/04/08



Proposed Elevations - Plan Ref no. L(00) 67 C - 08/04/08
Proposed Elevations - Plan Ref no. L(00) 65 - 08/04/08
Composite Plan - Proposed - Plan Ref no. L(00) 69 C - 08/04/08
Composite Plan - Proposed - Plan Ref no. L(00) 70 A - 08/04/08
Composite Plan - Proposed - Plan Ref no. L(00) 71 - 08/04/08
Composite Plan - Proposed - Plan Ref no. L(00) 72 C - 08/04/08
Sections - Plan Ref no. L(00) 73 A - 08/04/08
Composite Plan - Proposed - Plan Ref no. L(00) 54 B - 08/04/08

01. 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.
02. 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.
03. Units 1-6 (as detailed on plan6324 L(00)62P) of the development hereby permitted shall only be used for purposes within Class B8 of the Town and Country (Use Classes) Order 1987, or for trade counter uses for the storage and sale of goods primarily to the building trade. Any retail sales shall be ancillary to the primary use of the unit and no unit or part of a unit shall be used for retail purposes within Classes A1, A3 or A5 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Nor shall any more than 30% of the net internal floor area of any unit be occupied by showrooms or areas accessible to customers.
Reason: To enable the Local Planning Authority to control the location of retail uses in accordance with Government policy as set out in Planning Policy Statement 6 and policy ESN17 of the Test Valley Borough Local Plan 2006 seeking to maintain the primary role of the Town Centre.
04. Unit 7 (as detailed on plan6324 L(00)62P) of the development hereby permitted shall be used only for;
 - a) the sale and storage of countryside and agricultural related supplies only, and for no other purpose, including any purpose in Class A1 of the Schedule of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. No more than 50% of the annual turnover of the unit shall be retail sales to the public; or,

- b) purposes within Class B8 of the Town and Country (Use Classes) Order 1987, or for trade counter uses for the storage and sale of goods primarily to the building trade. Any retail sales shall be ancillary to the primary use of the unit and no unit or part of a unit shall be used for retail purposes within Classes A1, A3 or A5 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Nor shall any more than 30% of the net internal floor area of any unit be occupied by showrooms or areas accessible to customers.

Reason: To enable the Local Planning Authority to control the location of retail uses in accordance with Government policy as set out in Planning Policy Statement 6 and policy ESN17 of the Test Valley Borough Local Plan 2006 seeking to maintain the primary role of the Town Centre.

05. Unit 7 (as detailed on plan6324 L(00)62P) of the development hereby permitted, shall first be occupied only by SCATS, and by no other company, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the location of retail uses in accordance with Government policy as set out in Planning Policy Statement 6 and policy ESN17 of the Test Valley Borough Local Plan 2006 seeking to maintain the primary role of the Town Centre.

06. No development shall take place until full details of hard/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; means of enclosure and hard surfacing materials (where appropriate). 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.

07. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 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.

08. Before the use hereby approved is commenced, a scheme for the provision of an adequate extract ventilation system, including details of the external appearance of equipment to be installed and its intended position on the premises, shall be submitted to and approved by the Local Planning Authority in writing. The equipment shall be installed as approved and shall be in full working order prior to the commencement of the use; as long as the use continues, shall be operated and maintained in such a manner as to effectively suppress the emission of fumes and smells; and shall include such equipment (including grease filters and odour neutralising plant) as may be specified to meet this requirement.
Reason: To protect the amenities of occupiers of adjoining units and to ensure that a satisfactory external appearance of the flues is achieved and does not detract from the aesthetics of buildings across the site and to accord with policy AME05 of the adopted Test Valley Borough Local Plan (2006).
09. No development approved by this planning permission shall be commenced until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented to a programme approved by the Local Planning Authority.
Reason: For the avoidance of surface water flooding from the development.
10. No infiltration of surface water drainage into the ground is 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 controlled waters.
Reason: SUDS can increase the potential for pollution if located in contaminated ground causing infiltration of contaminated water to groundwater beneath the site. If any unexpected contamination is identified on site, testing should be carried out and soakaways not used in those areas.

Note(s) to applicant:

01. The following policies in the Development Plans are relevant to this decision:
Test Valley Borough Local Plan (2006) (TVBLP) env17, haz04 esn15, esn16, esn17, tra01, tra02, tra04, tra05, tra06, tra08, tra09, des02, des03, des05, des06, des07, des10, ame04, ame05, haz02, haz03.
02. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
03. The decision to grant planning permission has been taken because subject to the imposition of specific conditions the principle of the development is considered acceptable having regard to the proposed uses and the form, scale and appearance of proposed development and its relationship with adjoining uses and buildings. The proposal would not adversely affect highway safety or the amenity

of adjoining land uses. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service.

Madalene Winter  Date: 14 JUL 2008
Head of Planning Date:

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.

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, he may appeal to the secretary of State for the Environment in accordance with Section 78 of the 1990 Act, within 6 (six) months from the date of the attached notice. Appeals can be made online (see note on back page) 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. Forms can be returned by post, fax or email. A check list for appellants as well as general guidance on appeals is provided in the Planning Inspectorate's booklet "Making your Planning Appeal". The Secretary of State has the power to allow a longer period for 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. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him. (The statutory requirements are those set out in Section 79 (6) of the 1990 Act, namely Sections 70 and 72 (1) of the Act.).

In cases where a Government Department has expressed views on the proposals which are incorporated in the reasons for refusal or the reasons for imposition of conditions and the applicant wishes to lodge an appeal against such decision then a representative from that Government Department will attend any planning inquiry and be available to give evidence if the appellant asks for the presence of such a witness at the inquiry. In such cases the appellant should notify the Council at the address given on the attached notice without delay. The representative would not be liable to cross-examination on questions of Ministerial policy but only on matters of fact and expert opinion.

2. **Purchase Notices:** If permission to develop the land 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 development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter 1 of the 1990 Act.
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. **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 Section should be contacted before any work is commenced.
2. **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 in the Building Control Department at these offices. Any further advice can be obtained from either this Council's Building Control Department or the Development Control Manager, Southern Water Services Ltd., Hampshire Division, Southern House, Sparrowgrove, Otterbourne, Winchester, Hampshire.
3. **Title Deeds:** The decision notice is a legal document and should be retained with the title deeds of the property.
4. **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 departure from the approved proposals should be discussed with the Planning Service before development commences.
5. **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 for the Environment under Section 247 of that Act.
6. **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.
7. **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.
8. **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.
9. **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 Class III (c) of Regulation 14. 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.