

Mr Anderson, Places For People Leisure Management
c/o Roberts Limbrick Ltd,
Roberts Limbrick Ltd
The Carriage Building
Bruton Way
Gloucester
GL1 1DG

Planning and Building Service
Beech Hurst
Weyhill Road
Andover, Hants SP10 3AJ
Telephone 01264 368000
Minicom 01264 368052
Web site www.testvalley.gov.uk

Contact: Mrs Laura McKay
Telephone: 01264 368179
E-mail: planning@testvalley.gov.uk
Your ref: PP-07354676
Our ref: 18/02807/VARN
Date: 21st January 2019

TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS

NOTICE OF FULL PLANNING PERMISSION

APPLICATION NO: 18/02807/VARN
PROPOSAL: Vary conditions 2, 4, 7, 12, 16, 21, 22, 23, 24, 26, 27, 28, 30, 31, 32, 33 and 34 of 17/01435/VARN (To vary condition 33 of 16/03191/FULLN (Phased demolition of the existing wet and dry Leisure Centre and the construction of a replacement Leisure Centre including associated external works and car parking)) to retain minor changes to the building footprint and design to co-ordinate with existing below ground services, safe construction zones to enable the retention of part of the existing dry centre, a reduction in the building height and increasing the public realm along West Street
LOCATION: Andover Leisure Centre, West Street, Andover, Hampshire
DATE REGISTERED: 25.10.2018

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 Floor Plans - Plan Ref no. PL011 - Version D - 25/10/18
Proposed Floor Plans - Plan Ref no. PL012 - Version B - 25/10/18
Proposed Floor Plans - Plan Ref no. PL013 - Version B - 25/10/18
Roof Plan - Plan Ref no. PL014 - Version B - 25/10/18
Proposed Elevations - Plan Ref no. PL015 - Version C - 25/10/18
Proposed Site Plan - Plan Ref no. L2095/D01 - Version C7 - Drainage Layout - 25/10/18
Landscaping - Plan Ref no. 8229_PL020 - Version C - Hard Landscaping - 11/12/18
Details - Plan Ref no. PL007 - Version C - Phasing plan - 14/12/18

Levels - Plan Ref no. 4895_C_03 - Version C04 - External Works - 17/12/18
 Proposed Site Plan - Plan Ref no. BB_40_PEL37_ELL I - Version I - External Lux Levels - 13/12/18
 Proposed Site Plan - Plan Ref no. 8229_PL010 - Version E - 14/12/18
 Details - Plan Ref no. 4895_C_01 - Version C2 - External works - 17/12/18
 Sections - Plan Ref no. 8229_PL_016 - Version C - 05/12/18
 Details - Plan Ref no. 4895_C_02 - Version C3 - External works - 04/12/18
 Details - Plan Ref no. 8229_L(9)020 - Version External terrace steps - 04/12/18
 Details - Plan Ref no. 8229_L(24)010 - Version C- External service ramp - 04/12/18
 Details - Plan Ref no. 8229_L(24)011 - Version C- Fire escape steps - 04/12/18
 Landscaping - Plan Ref no. EML PEL 1010 01 Rev J - 17/12/18
 Landscaping - Plan Ref no. EML PEL 1010 02 Rev D - 17/12/18
 Landscaping - Plan Ref no. EML PEL 1010 03 - 13/12/18
 Details - Plan Ref no. ZPFPLANDOVER.2/10 - Version C- Highway Works - 04/12/18
 Details - Plan Ref no. BB_41_PEL37_EE1 - Version B1 - 30/11/18
 Details - Plan Ref no. BB_41_PEL37_EE2 - Version B1 - 30/11/18

01. The development hereby permitted shall be begun within three years from 31st March 2017.

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. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

8229 PL007 C
 8229 PL010 E
 8229 PL011 D
 8229 PL012 B
 8229 PL013 B
 8229 PL014 B
 8229 PL015 C
 8229 PL016 C
 8229 PL020 C
 8229_L(9)020
 L2095/D01 Rev. C7
 4895-C-01 Rev. C2
 4895-C-02 Rev. C3
 4895-C-03 Rev. C4
 BB_40_PEL_ELL I
 BB_41_PEL37_EE1 B1
 BB_41_PEL37_EE2 B1
 8229_L(24)010 Rev C
 8229_L(24)011 Rev C
 EML PEL 1010 01 Rev J
 EML PEL 1010 02 Rev D
 EML PEL 1010 03
 ZPFPLANDOVER.2/10 C

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

03. The demolition of the existing buildings on site shall be carried out in strict accordance with the "Safe Method of Work for the Demolition of Swimming Pool and Sports Hall" by John Stacey & Sons Document Reference Number 01/MS/01 Revision 2.
Reason: To safeguard the amenity of neighbouring residents and to control pollution from the site in the interests of human health and the natural environment having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.
04. The demolition of the existing buildings on site and the construction of the replacement leisure centre hereby permitted shall be carried out in phases in accordance with drawing number 8229 PL007 C "Phasing Plan". The existing fitness and studio facilities shall be retained in accordance with the Phasing Plan until the replacement leisure centre is open for public use. The retained facilities shall be made available for use by the public for the duration of the demolition and construction phases other than during the period of works necessary to construct the temporary façade and install temporary plant.
Reason: To ensure provision of some leisure facilities on site to mitigate the impact of the loss of facilities during construction having regard to policy LHW1 of the Test Valley Borough Revised Local Plan 2016.
05. Access for cyclists and pedestrians shall be provided to the retained fitness and studio facilities at all times when those facilities are available for use by the public.
Reason: To provide safe access to the retained facilities having regard to policy T1 of the Test Valley Borough Revised Local Plan 2016.
06. The development shall be carried out in accordance with the Environmental Management Plan by Pellikaan received 10th November 2017 and approved under 16/03191/COND6.
Reason: To safeguard the amenities of neighbouring residents and sensitive ecological features of the River Anton and adjacent pond during construction having regard to policies E5 and E8 of the Test Valley Borough Revised Local Plan 2016.
07. The construction compound, parking and manoeuvring areas shall be provided in accordance with the details for Phases 2 and 3 as shown on the approved plan 8229 PL007 C.
Reason: In the interests of highway safety having regard to policy T1 of the Test Valley Borough Revised Local Plan 2016.
08. During the demolition and construction phases of the development, the following activities shall not take place outside the hours of 0730 - 1800 hrs Monday - Friday (excluding public holidays) and 0800 and 1300 hrs on Saturdays only (excluding public holidays):
- a) The external operation of any plant, machinery and/or power tool;
 - b) The movement of any Heavy Goods Vehicles (i.e. any vehicle exceeding 3.5 tonnes maximum permissible gross vehicle weight), including all deliveries to and from the site of building materials and waste;
 - c) The movement of plant and machinery to and from site.
- Reason: To safeguard the amenities of neighbouring residents during demolition and construction having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.

09. No external plant or machinery shall be installed on the retained fitness/studio building during the construction period unless in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the noise performance of the plant or machinery and any noise mitigation measures proposed. The scheme shall be carried out in accordance with the approved details.
Reason: To safeguard the amenities of neighbouring residents from noise from operation of plant and machinery having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.
10. No fixed plant or machinery shall be operated or brought into operation on the site, other than the 4 no. Combined Supply and Exhaust Air Handling Units, 14 no. Inverter Condensing Units and 1 no. natural gas CHP unit specified in the Noise Impact Assessment 036075 dated 11th December 2018 Revision 01 by Buro Happold, unless a scheme of noise control for that plant or machinery has been installed and is operational as necessary to ensure that the combined BS4142: 2014 'rating level' of noise from all fixed plant and machinery associated with the permitted leisure development (including any other plant or machinery already installed or in operation) shall not, at any time of operation, exceed a level equivalent to 5 dB below the prevailing background noise level, as determined at each of the receptor locations 1 and 2 as indicated in the 3rd December 2018 Noise Impact Assessment. The measurements and assessment shall be made according to BS4142: 2014. All noise control and mitigation measures shall thereafter be retained and maintained to be effective in controlling noise during the life of the development, unless otherwise agreed with the Local Planning Authority.
Reason: To safeguard the amenities of neighbouring residents from noise from operation of plant and machinery having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.
11. No CHP units, Air Handling Units or Inverter Condensing Units shall be installed other than those specified in the Noise Impact Assessment 036075 dated 11th December 2018 Revision 01 by Buro Happold, unless in accordance with details (including noise control measures) that have first been submitted to and approved in writing by the Local Planning Authority. Those Units specified in the report shall be installed in accordance with the details in that report, including the make, model, specification and location of each Unit. None of the Units shall be operated, or brought into operation, unless the noise mitigation measures specified in that report are in place and are operational. All noise control and mitigation measures shall thereafter be retained and maintained to be effective in controlling noise during the life of the development, unless otherwise agreed with the Local Planning Authority.
Reason: To safeguard the amenities of neighbouring residents from noise from operation of plant and machinery having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.
12. All doors on the southern elevation of the building hereby approved shall be fitted with a self-closing mechanism before the leisure centre is first brought into use. All doors on the southern elevation of the building hereby approved (doors to the plant room, HV switch, substation, chemical store and bin store) shall be used as emergency exits only and shall not be left open at any time.

Reason: To maintain the acoustic integrity of the building to safeguard the amenities of nearby residents having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.

13. The doors to the plant room, HV switch, substation, chemical store and bin store shall only be used as an emergency exit or for servicing and deliveries and shall not be left or kept open at any other time.

Reason: To maintain the acoustic integrity of the building to safeguard the amenities of nearby residents having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.

14. The leisure centre hereby approved shall not be open for business other than between the hours of 05:30 to 23:00 Monday to Friday and 07:00 to 23:00 Saturdays, Sundays and Public Holidays except for when in use for elections, as a rest centre or for other emergency purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring residents from noise and disturbance having regard to policies E8 and LHW4 of the Test Valley Borough Revised Local Plan 2016.

15. The lighting hereby approved shall be installed in accordance with approved drawings BB_40_PEL37_ELL I, BB_41_PEL37_EE1 B1, BB_41_PEL37_EE2 B1 and the External Lighting methodology by Barrie Beard Ltd.

No external lighting other than that shown on the approved drawings shall be installed on the building hereby approved (including within or under the covered walkway and entrance canopy), or within the application site, unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the location, number, specification and angle of installation of all lights, and details of light spill. The design of the external lighting shall have regard to the Institution for Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011).

Reason: To safeguard the amenities of neighbouring residents and the character of the local area from light pollution having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.

16. No external lighting hereby approved within the application site (including on the exterior of the building) shall be illuminated later than one hour after the leisure centre is closed to the public or earlier than half an hour before the leisure centre is open to the public on any day, and in any case shall not be illuminated before 05:30 or after 23:00 Monday to Friday or before 07:00 or after 23:00 Saturdays, Sundays and Public Holidays except for when in use for elections, as a rest centre or for other emergency purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring residents and the character of the local area from light pollution having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.

17. No deliveries to the leisure centre hereby approved by heavy goods vehicles or any commercial waste collections from the leisure centre shall take place outside the hours of 07:30 to 18:00 hrs weekdays (excluding public holidays) and 08:00 to 18:00 hrs Saturdays. No deliveries by heavy goods vehicles or any commercial waste collections shall take place on Sundays or public holidays.

Reason: To safeguard the amenities of neighbouring residents from noise and disturbance having regard to policies E8 and LHW4 of the Test Valley Borough Revised Local Plan 2016.

18. Other than those shown on the approved plans, no extract or ventilation equipment (including flues) shall be installed on the exterior or roof of the building unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the specifications of the equipment, drawings and/or plans of its location, the colour and finish of all exterior surfaces.

Reason: To safeguard the amenities of neighbouring residents and the character of the local area from pollution having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.

19. Other than the details approved under approval 17/01435/COND17 on 20th July 2018, no external lighting shall be installed or erected within or around the construction compound unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the location, number, specification and angle of installation of all lights, details of light spill and an assessment of the impact of the lighting on bats.

Reason: To safeguard protected species from disturbance resulting from artificial light having regard to policy E5 of the Test Valley Borough Revised Local Plan 2016.

20. No combustion plant where the single or combined emission rate of nitrogen oxides will be greater than 5mg/second (see Table 6.2, Row 7 of the Institute of Air Quality Management publication dated January 2017 'Land-use Planning & Development Control: Planning for Air Quality') shall be installed until verification has been submitted to the Local Planning Authority that the proposed stack height is appropriate for the setting. The combustion plant shall thereafter be installed in accordance with the submitted details.

Reason: In the interests of safeguarding air quality having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.

21. In the event that contamination that was not previously identified is found at any time during demolition or construction works, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the leisure centre hereby permitted being brought in to use.

Reason: To protect human health from risk of contamination having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.

22. The development shall be carried out in accordance with the Employment and Skills Plan approved under approval 17/01435/COND20 on 20th July 2018.

Reason: To mitigate the impact of the development on the labour market and to contribute to the enhancement of skills training and the provision of apprenticeships within the local community in accordance with policy ST1 of the Test Valley Borough Revised Local Plan 2016.

23. A minimum of 5 standard car parking spaces, 2 accessible car parking spaces and 4 cycle parking spaces shall be provided in accordance with the details shown for Phase 1 on the approved phasing plan 8229 PL007C and shall be available for parking for staff and visitors to the retained fitness and studio facilities until the replacement leisure centre is open to the public for business.
Reason: In the interests of highway safety having regard to policies T1 and T2 of the Test Valley Borough Revised Local Plan 2016.
24. The leisure centre hereby permitted shall not be open to the public for business unless a minimum of 14 standard car parking spaces, 6 accessible parking spaces and 47 cycle parking spaces have first been provided in accordance with the details shown for Phase 3 on the approved phasing plan 8229 PL007C. Those spaces shall be made available for parking of cars at all times until alternative parking provision has been completed pursuant to condition 24 of this permission.
Reason: In the interests of highway safety having regard to policies T1 and T2 of the Test Valley Borough Revised Local Plan 2016.
25. Unless within 6 months of the date that the leisure centre is open to the public for business 14 standard car parking spaces, 6 accessible car parking spaces and 47 cycle parking spaces have been provided in accordance with the approved site plan 8229 PL010 E, the use of the leisure centre by the public shall cease until such time as the spaces have been implemented and made available for use. Those spaces shall thereafter be permanently retained and made available for parking of cars.
Reason: In the interests of highway safety having regard to policies T1 and T2 of the Test Valley Borough Revised Local Plan 2016.
26. The leisure centre hereby permitted shall not be open to the public for business until a Travel Plan has first been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include an action plan setting out details of:
- a) survey methodology;
 - b) measures and targets;
 - c) timescales, including timescales for implementation of each measure;
 - d) the funding available to support and promote the measures in the travel plan;
 - e) a Travel Plan co-ordinator responsible for promotion and monitoring the measures and targets;
 - f) the frequency of review of the measures and targets
 - g) procedures for monitoring;
 - h) the process for amending or altering the Travel Plan periodically to ensure that it is relevant and up to date
- The Travel Plan shall be implemented in accordance with the approved details within 6 months of the leisure centre hereby permitted first opening to the public.
Reason: To ensure that measures are in place to minimise the impact of the development on the highway network having regard to policy T1 of the Test Valley Borough Revised Local Plan 2016.
27. The leisure centre hereby permitted shall not be occupied or brought into use until a layby has first been provided on West Street for deliveries, servicing, customer pick-up and drop-off, and informal crossing arrangements have been provided on the north side of West Street, in accordance with the approved plan ZPFPLANDOVER.2/10

Rev. C, unless subject to such amendments as are required by the Highway Authority under any agreement or licence with that body.

Reason: In the interests of highway safety having regard to policy T1 of the Test Valley Borough Revised Local Plan 2016.

28. The surface water drainage scheme hereby approved shall be implemented in full in accordance with the Flood Risk Assessment by GTA Civils Ltd, 5th Issue dated 26th September 2018 and shall thereafter be maintained and managed in perpetuity in accordance with the details set out in the Surface Water Drainage Maintenance Schedule Rev. B by Furness Partnership hereby approved.
Reason: To safeguard the development from surface water flooding and to ensure that the development does not contribute to flood risk elsewhere having regard to policy E7 of the Test Valley Borough Revised Local Plan 2016.
29. The development shall be carried out in accordance with the schedule of materials and finishes approved under approval 17/01435/COND29 on 2nd January 2018.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Policy E1 of the Test Valley Borough Revised Local Plan 2016.
30. The development shall be carried out in strict accordance with the provisions of the Flood Risk Assessment by GTA Civils Ltd, 5th Issue dated 26th September 2018.
Reason: To safeguard the development from flood risk and to ensure that the development does not contribute to flood risk elsewhere having regard to policy E7 of the Test Valley Borough Revised Local Plan 2016.
31. The soft landscape works shall be carried out in accordance with the details shown on previously approved drawings EML PEL 1010 01 Rev. J, EML PEL 1010 02 Rev. D, EML PEL 1010 03 and shall be completed in accordance with the implementation programme on drawing EML PEL 1010 01 Rev. J.
Reason: To ensure that the existing and proposed landscaping enable the development to positively integrate into the character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016.
32. Notwithstanding the illustrative representations shown on other drawings submitted, the tree mound shall be constructed in accordance with the details shown on drawing EML PEL 1010 03, including the method of construction set out on that drawing.
Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enable the development to positively integrate into the character of the area in accordance with policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016.
33. The hard landscape works shall be carried out in accordance with the details shown on the approved plans and the "Radius Path Edgings - Construction Methodology" by Pellikaan submitted 17th December 2018. The hard landscape works shall be completed no later than 6 months from the date that the leisure centre hereby approved is first opened for business to the public.
Reason: To ensure that the existing and proposed landscaping enable the development to positively integrate into the character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016.

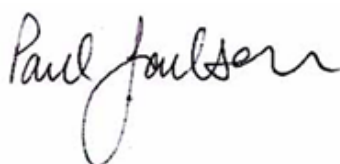
34. The hard and soft landscaping hereby approved shall be maintained in accordance with the schedule of landscape maintenance set out on drawing EML PEL 1010 01 Rev. J. Any planting that dies, becomes diseased, is damaged or otherwise removed within three years of the completion of the soft landscaping shall be replaced in the first planting season after its removal.
Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enable the development to positively integrate into the character of the area in accordance with policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016.
35. The tree protective measures shown on drawing 26720-R1 approved under 16/03191/COND34 on 26th May 2017 shall be maintained and retained in accordance with the approved details for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier(s).
Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with 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 policy E2 of the Test Valley Borough Revised Local Plan 2016.
36. The development shall be designed and built so that it achieves a standard equivalent to Building Research Establishment's Environmental Assessment Method (BREEAM) 'excellent' credit required for water consumption (reference Wat 1). The development shall not be occupied until written evidence demonstrating that this level of water consumption is achieved for the development has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.
Note: Evidence of a suitable BREEAM certificate or written evidence by a BREEAM accredited professional would both be potentially appropriate forms of submission.

Notes to applicant:

01. 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.
02. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All demolition work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

03. Before undertaking any work which affects a public highway (including a public right of way) you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway. For further information, please contact highways.development.control@hants.gov.uk
04. For the purposes of condition 20 of this permission, verification shall be by an appropriately qualified engineer and/or specialist installer with reference to the Clean Air Act 1993 (or any subsequent guidance or legislation applicable at the time of verification).

Paul Jackson
Head of Planning and Building



Date: 21st January 2019

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 or minor commercial application, and 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.

on a form which is obtainable from The Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Tel. 0303 444 5000 or you can submit your appeal electronically from the Planning Portal's website at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

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 or 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 and Building Service before development commences.

2. Non Material Amendment applications: These applications do not fall within the range of applications for which section 78 of the 1990 Act grants a right of appeal. The applicant would need to submit a planning application to seek approval for the proposed amendments.

3. 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.

4. 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 01264 368312

5. 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 contact the Council's Building Control Consultancy who hold an electronic copy of the map of public sewer's in the borough. Any further advice is available from either this Council's Building Control Consultancy (tel. 01264 368312, or email buildingcontrol@testvalley.gov.uk) or the Development Control Manager, Southern Water Services Ltd., Hampshire Division, Southern House, Sparrowgrove, Otterbourne, Winchester, Hampshire SO21 2SW.

6. Title Deeds: The decision notice is a legal document and should be retained with the title deeds of the property.

7. 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.

8. Fire Brigade Access: Under the provision of part B5 (Access and Facilities for the Fire Service) of Schedule 1 of the Building Regulations adequate means of access for the Fire Authority must be provided to any building. For further advice on this requirement, contact the Council's Building Control Consultancy on tel. 01264 368312 or email buildingcontrol@testvalley.gov.uk.

9. Access for the Disabled: Under the provision of part M of Schedule 1 of the Building Regulations, adequate access should be provided to a building for person's with a disability. Further advice is available from the Council's Building Control Consultancy on tel. 01264 368312, or email buildingcontrol@testvalley.gov.uk, or the Equality Act 2010 and the Equalities Act 2010 (Disability) Regulations 2010.

10. 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.

11. 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. You have the right to appeal to the Secretary of State 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 possible procedures for the determination of an appeal – written representations or a hearing. For appeals received on or after 1st October 2013 the Planning Inspectorate will determine the procedure an appeal will follow. The vast majority of advertisement appeals will be most suited to the written representations procedure, with the remaining minority proceeding by a hearing. You are required to provide detailed reasons if you indicate that a hearing is necessary.

Please refer to The Planning Inspectorate's guidance note "How to complete your advertisement appeal form – England" dated 3rd October 2013, which can be downloaded from the Planning Portal website <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess> , or telephone The Planning

Inspectorate for a copy on 0303 444 5000, or write to The Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

3. The Address for Advertisement Appeals and Appeal Forms

All advertisement appeals have to be submitted to the Planning Inspectorate **within 8 weeks** of the receipt of the local planning authority's decision against which you are appealing. Appeals can be made on a form which is obtainable from The Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Tel. 0303 444 5000 or you can submit your appeal electronically from the Planning Portal's website at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

PART D:

LISTED BUILDING APPEALS

1. If the applicant is aggrieved by the decision of the local planning authority to refuse listed building 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 to add new conditions consequential upon any such variation or discharge, he may appeal to the Secretary of State 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 Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Tel. 0303 444 5000 or you can submit your appeal electronically from the Planning Portal's website at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal> . 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 is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State 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.

Please refer to The Planning Inspectorate's guidance note "How to complete your listed building consent appeal form – England" dated 3rd October 2013 which can be downloaded from the Planning Portal website <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess> or telephone The Planning Inspectorate for a copy on 0303 444 5000, or write to The Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

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/pes . 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.