

Application Number: 18/10801 Reserved Matters

Site: FORMER PUBLIC CONVENIENCES, SCHOOL ROAD,
FAWLEY SO45 1EA

Development: Two-storey building for flexible use (Use Class A1, A2, B1a)
(Details of appearance & landscaping, development granted by
Outline Permission 14/11133)

Applicant: Mr & Mrs Cleall

Target Date: 15/08/2018

Extension Date: 17/12/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities
- 4. Economy
- 6. Towns, villages and built environment quality.

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS9 Settlement hierarchy - Fawley is a level 3 settlement with potential for small scale development.
- CS5: Safe and healthy communities
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 - Sustainable development
DM1 Heritage and conservation
DM19 Small local shops and public houses

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD Parking standards

6 RELEVANT PLANNING HISTORY

- 6.1 **17/11577** - Two storey building for flexible use (Class A1, A2, B1a) - reserved matters application refused 5 April 2018
- 6.2 **14/11133** - Two storey building for flexible use (Class A1, A2, B1a) - outline permission granted 2 July 2015
- 6.3 **11/97141** – Use as dwelling; single storey extensions and associated external alterations - refused 1 July 2011
- 6.4 **10/96285** – Use as dwelling; single storey extensions and associated external alterations - refused 2 February 2011

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend refusal as we query whether the time scales /conditions of earlier planning applications have been complied with, we note the concerns of the local community, including parking and raise concern as to who has agreed the stated removal of trees which would result in a loss of community amenity.

8 COUNCILLOR COMMENTS

None received.

9 CONSULTEE COMMENTS

- 9.1 Tree Officer: there is a protected oak tree on the north east boundary of this site. Overall I have no objections to the proposed landscaping scheme for this site. However, the plans show the existing hardstanding within the root protection area of the oak tree being removed and replaced with soft landscaping. There is potential to damage the tree. Therefore a condition will be required to require a method statement to be provided.
- 9.2 SSE Lighting: further to a discussion with David Atherton at Hampshire County Council I can confirm that the proposed location for the lighting column is acceptable. He has also confirmed that the 'client' (for purposes of payment) shall be the Developer.

9.3 Hampshire County Council Highway Authority: confirmed that amended site layout plan is acceptable and that the new bus stop position is agreed. The County Council also will fund the new bus stop and associated works.

10 REPRESENTATIONS RECEIVED

10.1 3 letters of objection and petition on behalf of 51 residents raising the following concerns

- Highway safety and traffic generation issues with no parking provided for users and customers will exacerbate existing problems
- Decreased parking available generally in this area following changes to the public house and elsewhere
- Overspill parking into privately owned roads nearby will be exacerbated.
- Existing use of the site is unacceptable being a builder's materials store. This is now creeping onto land at the rear as well.
- Proposed development is visually unacceptable and very little difference with the refused application – out of character with other buildings and noted Listed Building next door is affected.
- Unsure why amended plans have been produced. Were these requested by the LPA? Queries removal of Cherry tree at rear of site on land not part of the application site. There are still conditions from the outline application which have not been discharged although development appears to have commenced.

11 CRIME & DISORDER IMPLICATIONS

None relevant on this occasion.

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply. Amendments were required to the design of the building and the location of the bus stop. Amended plans have now been submitted allowing a more positive consideration of the application.

14 ASSESSMENT

14.1 Site description, proposals and background information

14.1.1 The application relates to the closed public conveniences on the south side of School Road, Fawley. The site comprises a disused single storey toilet block faced in brick under a hipped tiled roof and set back from the street with an operational bus stop within the site and a bus pull in layby forming part of the public highway to the front of the site. At the rear of the site lies a fenced off portion of land which has been referred to by objectors but is not part of this application. The site lies immediately adjacent to, but not within, the Fawley Local Shopping Frontage. To the east of the site lies the Falcon Hotel which is a Listed Building. The Hotel has its own car park and access between the building and the application site. To the west of the site lies a terrace of houses. To the north of the site lies a number of commercial properties including the main village shop. In the north eastern corner of the site lies a protected oak tree.

14.1.2 The bus stop immediately in front of the existing toilet block is to be relocated as a part of this proposal, the details of which are the subject of a planning condition attached to the outline planning permission (14/11133).

14.1.3 The earlier reserved matters application replicated the suggested design submitted with the outline planning application with a gabled roof at the front and with domestic style windows and doors and was refused for the following reason

The proposed development that would occupy a prominent position at the centre of Fawley village, would provide a poor quality and contrived addition to the street scene. This harm would be readily apparent by virtue of the poorly proportioned roof shape, the unsympathetic elevations and the poor quality design and layout of fenestration that is proposed. Moreover, the building would appear overtly residential in character and as such, would appear a cramped and incongruous addition to the street scene by reason of the restricted plot size, lack of spatial setting and poor quality landscaping scheme that is proposed. The proposal is therefore considered to be contrary to the provisions of the NPPF and Planning Policy CS2 of the New Forest District Core Strategy (Adopted) 2009.

14.1.4 This current application now shows a revised design which is based on that which accompanied the outline planning application but without a gabled extension of the roof at the front and with more commercial style fenestration at ground floor level. The latest plans show a two storey building under a simple hipped roof with timber windows and doors. The facing materials would be red brick for the walls and plain clay tiles for the roof. The ground floor is shown as being laid out as two separate business spaces with a shared kitchen and WC facility between them. A staircase accessed from the side of the building would allow access to the first floor which is shown as being laid out for two separate offices with a staff room between them. The building measures 9.5m by 5.5m with a ridge height of 6.5m. This compares to the current WC building which measures 9.8m by 4.4m with a ridge height of 4 metres. The new building would provide 35 square metres of internal floor space on each of the ground and first floors.

- 14.1.5 The outline planning permission included means of access, scale and layout with matters of appearance and landscaping to be dealt with as reserved matters. A number of other conditions were also applied to the outline permission requiring the submission of other matters such as surface water drainage, details of the bus stop, implementation of tree protection measures, and the location of bin and cycle storage.
- 14.1.6 The outline permission imposed restrictions on the use of the building to A1 (shops), A2 (financial and professional services) and B1 a (office use). The date of the outline permission was 2 July 2015. The current reserved matters application was received as a valid application on 20 June 2018 being within the 3 year time period set out and the outline application which establishes the principle of development is therefore still extant. The current application includes a detailed site layout plan and a detailed elevation and floor plan and a landscaping plan. It is these details that now fall to be considered and not matters of principle.
- 14.1.7 The key issues with this application are therefore impact on the character and appearance of the area; impact on highway safety and parking, including the need to move the bus stop and other infrastructure; and impact on neighbour amenity.

14.2 Character and appearance impact

- 14.2.1 Policy CS2 requires development to exhibit appropriate design which respects local character and context and to contribute positively to the local distinctiveness and sense of place as well as being appropriate and sympathetic to its setting in terms of scale, height, layout, appearance and materials, and its relationship to adjoining buildings and landscape features.
- 14.2.2 The original submission showed a gable end on the front of the building and a poor choice of materials. The amended plans now show a simpler building with a hipped roof and better bricks and clay tiles and with timber windows and doors. The building would be in character with other local hipped roof buildings and the materials have been chosen to blend acceptably with other buildings in the village centre. The two storey scale of the building has already been agreed at outline permission stage. There is no adverse impact on the setting of the Listed Building, The Falcon Hotel and public house.
- 14.2.3 The new works also include a picket style fence to demarcate a front courtyard for the building and a detailed landscaping scheme. The single protected tree at the front of the site will be protected during the works by virtue of a condition imposed on the outline permission requiring tree protection measures to be put in place. The plans indicate the removal of a tree at the rear of the site on land not included in the red line area. This tree removal may need the permission of any landowner but this is not a matter which is material to this current application. The landscaping scheme shows a selection of flowering shrubs. Tree planting has not been included because of the tight restrictions of the site.

14.3 Highway safety, parking and bus stop infrastructure

- 14.3.1 The site is located in a central area of the village and next to a bus stop. There is no vehicular access to the site and no on-site parking. This is a matter of site layout which reflects the outline planning permission. To

provide a vehicular access would be difficult given the tight restrictions of the site. Any access could potentially interfere with the safe use of the bus stop and conflict with the access into the adjoining public house car park.

14.3.2 The applicants' latest site layout and landscaping plan shows four secure cycle spaces to the side of the building. Whilst the SPD on parking standards would normally require 1 car parking space per 30 square metres of B1 floor space or 1 space per 20 square metres of retail floor space these are guidelines only and each case must be treated on its merits. The total floor space of the building in this case is only some 70 square metres. The site enjoys a bus service in close proximity and the site can be accessed from existing public parking spaces nearby albeit these are in constant demand. The small scale nature of the proposal will not however create an unacceptable pressure on parking spaces. Ad hoc parking in the nearby private road to the west of the site is a matter for the residents and owners of the road to take their own action over. The fact that no car parking provision would be made was also accepted at the outline stage.

14.3.3 The processing of the application has been delayed by difficulties in achieving a revised site layout plan to which the Highway Authority and provider of bus stop infrastructure could agree. Following a meeting on site with all parties including the Highway Authority, SSE street lighting company, and the Parish Council, a new location for the bus shelter and related signage and street light have now been agreed. This new position has been reflected on the latest amended site layout and landscaping plan. The Highway Authority have confirmed their agreement as have the street lighting company. The Highway Authority will control the physical bus stop 'furniture' in line with their standard equipment. There is no need to control this through condition requiring any further details. The outline condition no.9 requires the bus stop to be in its new position prior to occupation of the building. It is likely that the works would be carried out as a first phase of development on site however.

14.4 Neighbour amenity

14.4.1 The proposed new building would not create any direct overlooking of nearby dwellings. The nearest dwellings are those to the west of the site. These will be more impacted perhaps by the movement of the bus stop in their direction. That said the actual bus movements themselves would not change and the position of the layby and bus pull in remains unaffected.

14.5 Other matters

14.5.1 The outline permission included a condition requiring details of surface water disposal to be submitted to and agreed prior to commencement of development. Similarly, the position of any bin store needs to be submitted and agreed. These conditions remain in force and will need to be complied with in due course. The applicant's agent has been reminded of these matters. A final amended elevation, floor plan and site plan has now been received which provides all these details, including correcting a minor discrepancy between the floor plan and elevation plan relating to the front doors. There are now no matters outstanding.

- 14.5.2 Other conditions restricting the use of the building and the implementation of tree protection measures also remain in force. The applicants have been reminded about these conditions.
- 14.5.3 The use of the land at the rear has been raised. The applicants have been storing building materials in the area at the back of the building but they have promised to clear this area shortly. This is the subject of an enforcement case. There appears to be a dispute over the ownership of this land but this is not a matter which is material to this current application. The Enforcement officer has now visited the site and confirms the land has been cleared.
- 14.5.4 The use of the area at the front for the storage of materials is for materials in connection with the building works. No objections are raised to this element of storage in the event of detailed permission being granted.
- 14.5.5 The applicants have been reminded that the creation of a dwelling on this restricted site would not be acceptable. Any application that may be submitted in the future to convert a commercial building into a dwelling house will be judged at the time on its merits.
- 14.5.6 The existing planters either side of the bus stop belong to the Parish Council. They have agreed to move the planters to a more suitable location as part of the works.

14.6 Conclusions

- 14.6.1 The site still benefits from an outline permission for a two storey commercial building. The plans now submitted deal simply with the appearance of the building and landscaping. Matters relating to the movement of the bus stop have now been resolved and the Highway Authority have agreed to fund these works. Similarly the existing street light can be moved but at the applicant's expense. There are now no outstanding matters and work can proceed if Members are minded to approve the application. The concerns raised locally have been carefully considered but these are considered to be insufficient to warrant a refusal of reserved matters in this case.
- 14.6.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Reserved matters of appearance and landscaping and bus shelter relocation as specified in conditions 1 and 9 of outline permission reference number 14/11133 dated 2 July 2015

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

Site and location plan 1614/TP.01A; Proposed elevations 1614 A101 rev C; Proposed floor plans 1614 A102 rev A; Proposed landscaping/site plan 1614 A103 rev C; As existing elevation 1614 A104; As existing floor plan 1614 A105

Reason: To ensure satisfactory provision of the development.

2. All new windows and doors shall be constructed in timber with a painted timber finish (Farrow and Ball 'Vert de Terre') and shall be set back into their openings so as to provide a minimum reveal of 100mms. All new windows and doors shall be provided with re-constituted stone cills (Haddonstone Bath colour).

Reason: In the interests of the character and appearance of the building and surrounding area and to comply with policy CS2 of the Core Strategy.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

4. The materials to be used in the development hereby permitted shall be Autumn Flame Istock Grosvenor and Acme Brindle play clay tiles.

Reason: To comply with Policy CS2 of the Core Strategy.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply. Amendments were required to the design of the building and the location of the bus stop. Amended plans have now been submitted allowing a more positive consideration of the application.

2. Wildlife and protected species are widespread in the New Forest District and the issuing of planning consent should not be taken as acceptance that they may not be present at the time of development operations. Given that disturbance or harm to wildlife can result in criminal offences being committed by those undertaking or commissioning works, due regard should be given to the law and relevant professional advice. (Whilst professional information supporting this application suggests risks to protected species may be low, regard should be given to ecological advice and) as wildlife is mobile and may occupy sites where evidence was not previously found, the risk of presence should be appropriately addressed during works. If evidence of protected species (such as bats, nesting birds and reptiles) is encountered, works should stop immediately and Natural England, as well as an ecological consultant, contacted for advice, Works should only proceed in accordance with the advice provided.
3. The developer is reminded of the terms and conditions as attached to outline planning permission 14/11133 which remain in force and must be complied with.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
December 2018

Item No: 3a
Former Public Conveniences
School Road
Fawley
18/10801

Scale **1:1250**
N.B. If printing this plan from
the internet, it will not be to
scale.

