

Application Number: 18/11443 Full Planning Permission

Site: NU-CAR DIESEL CENTRE TOTTON LTD, TOTTON BY-PASS,
TOTTON SO40 9HL

Development: Use as car hire centre (Sui Generis Use); single-storey building;
remove existing portacabin

Applicant: Mr Reeves

Target Date: 24/12/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

Town Centre

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
4. Economy
5. Travel
6. Towns, villages and built environment quality

Policies

Core Strategy 2009

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations

Local Plan Part 2 (Sites and Development Management DPD) 2014

TOT15: Totton town centre opportunity site

DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

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

SPG - Totton Town Centre - Urban Design Framework
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 Temporary use of land for car sales, temporary siting of portable cabin to the north-west boundary and associated landscaping (13/10491) Grant temporary permission on the 23rd December 2013
- 6.2 Display 3 internally illuminated panel signs, 2 internally illuminated post mounted signs (18/11444) Pending decision

7 PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council: recommend permission and comment as follows; The Town Council previously recommended refusal for the application for a car hire centre on this site due to conflicts with local plan policy. Policy had specified that the site be earmarked as a landmark building site for future office use. Since that application, more information has been sought by New Forest District Council about the feasibility of the site being developed as suggested in the local plan. It is now believed that the possibility of an office development on the site are very slim, primarily due to the overall size and narrowness of the plot but also economic factors which make an office tenant unlikely in this area. It is now thought that an industrial/commercial type usage such as this car hire unit would be more representative of prospective tenants and would still be in keeping with the surrounding area. The jobs both created and retained on the site would also be beneficial to the community. The key issue in this case is the provision of the landscape plan which has been submitted with the application. It is felt that with the implementation of this landscaping the overall look of the site would be greatly improved. Under the previous temporary permission for car sales at the site the landscaping in the application was not fulfilled, the Town Council are keen to stress that permission should not be granted unless the landscape plan is implemented.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Landscape Officer: no objection. The proposed plans demonstrate that a suitable soft boundary can be achieved on this site that reflects the sites location and local landscape context, whilst enhancing the site itself.
- 9.2 Estates and Valuation Officer: The site is irregular in shape and narrow and located adjacent to a noisy busy main road which has poor air quality issues. This would make it expensive and difficult to construct an office building on this site with the requisite environmental safeguards. The

nearby 2 storey office building at Linden House has been marketed for nearly 18 months with no offers and that site is a more superior location. It is considered that a car hire use is a reasonable use given the site's constraints.

- 9.3 Economic and Business Development Manager: This proposal retains employment on the site and whilst the number of jobs is not significantly increased and/or upskilled, the retention of the jobs element should not be undervalued. Whilst it is acknowledged that the originally preferred use for this site is for an office development; it is considered that an office on the site would not be desirable to a prospective tenant owing to its proximity to the main carriageway and associated restricted access. On the basis of the above, I find no economic development based reasons to object to this application being against policy.
- 9.4 Environmental Health (Pollution): There are some concerns that use the building into the evenings may result in significant adverse impact to the nearby residential properties. This can be overcome by restricting the hours the premises is open to in line with those in the application (8am-6pm Monday to Saturday). Should such a restriction be applied to this application, I have no further comments.
- 9.5 Environmental Health Officer (historic land use): no objection subject to condition
- 9.6 Hampshire County Council Highway Engineer: no highway objection subject to condition. In terms of traffic generation, it is considered that the proposed level of traffic is unlikely to cause material impact to operation and safety of the surrounding highway network.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

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 paragraphs 186 and 187 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.

- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

14.1 The site and location

14.1.1 The application site occupies a prominent position at the eastern end of Totton High Street adjacent to the A35 Totton by-pass. The site lies on the edge of, but within the defined boundary of, Totton town centre. The site is narrow and has an approximately 80 metre frontage onto the bypass and is about 10-20 metres in depth. The site is currently being used for car sales, and has been for a number of years. Other than a portacabin, there are no other buildings or structures on the site, and the land is currently laid to hardstanding displaying cars for sale.

14.1.2 The application site was historically in use as a petrol filling station, and this remains the site's lawful use, even though the use has not operated as a petrol filling station for a number of years.

14.1.3 In terms of the surrounding character, a commercial development currently bounds the northern boundary of the site with the railway line beyond. The A35 Totton By-pass extends across the southern boundary of the site with reedbeds and marshes of the River Test and Eling Wharf beyond. A short distance to the west in Station Road South, are residential properties.

14.2 The proposal

14.2.1 This proposal seeks consent for the use of the site as a car hire centre (Sui Generis Use). The planning application also proposes a single storey building to be used as an office, which would replace the existing portacabin together with new landscaping. The current use of the site as car sales would cease and the existing portacabin would be removed.

- 14.2.2 The proposed building would be sited in the central part of the site and would be a small single storey structure constructed from grey coloured cladding. The proposed building would measure 6.8 metres by 10 metres by 4 metres high.
- 14.2.3 A detailed landscaping scheme is proposed which with new trees, shrubs and hedgerows around the perimeter of the site. The remainder of the site would be used to display cars, but this is a much reduced area compared to the current situation. It is not proposed to alter the existing access into the site.
- 14.3 Planning history
- 14.3.1 The site has a complex history in relation to the use of the site as car sales with portacabins. A number of applications were refused permission mainly because of the inappropriate appearance of the portable cabins, and because it was felt that the visual impact of the proposed car sales use had not been adequately mitigated through appropriate landscaping.
- 14.3.2 The most recent and relevant application was in 2013, in which temporary planning permission was granted for a period of 5 years to use the land for car sales, including the siting of a temporary portable cabin, which was already in situ. That temporary consent expires on the 31st December 2018. In considering that application for temporary consent, while the proposal was considered to fail to secure the Council's long-term design aspirations for the site, in the short-term, it was felt the landscaping would (if fully implemented) result in a site that would have an acceptable impact on the character and appearance of the area.
- 14.3.3 A detailed landscape scheme was included and the application was additionally accompanied by a more comprehensive economic justification. It should be noted that the landscape scheme proposed at that time was well-considered and would result in the provision of a much greener frontage to the site, add appropriate visual interest and would help to soften the visual impact of a large number of parked cars as well as the proposed portable cabin. However, the approved landscaping scheme was never implemented.
- 14.4 Assessment of the proposal
- 14.4.1 Starting with the policy position, Core Strategy Policy CS20 relates to town, district, village and local centres. The strategy seeks to provide a range of shopping, office and leisure facilities as well as retaining existing active uses. Local Plan Part 2 Policy DM16 is also applicable and states that development for retail and appropriate non-retail uses will be permitted.
- 14.4.2 The application site is a Town Centre Opportunity Site which Policy TOT15.12 of the Local Plan Part 2 indicates should be developed for office use. Although an office building is proposed on the site, this is a small building, which would be ancillary to the primary use of the site as a car hire centre. Accordingly, the proposal to use the site as a car hire centre would therefore not accord with this policy. It is noted that the Local Planning Authority granted planning permission for the redevelopment of this site with offices in 2006, although that planning permission has now lapsed.

- 14.4.3 The Totton Town Centre Supplementary Planning Guidance (SPG) identifies the corner of the site at the junction of the By-pass with the High Street as one of the locations at an entrance to the town where any proposed new building should be of high quality and innovative design, so that it reads as a landmark within the townscape.
- 14.4.4 There are two key issues in relation to this proposal. Firstly, whether it is acceptable to support the principle of the use of the site as a car hire centre, given the site is identified within the Totton Town Centre Supplementary Planning Guidance (SPG) as having a landmark/significant frontage building, recognising its visual significance, and is also identified as a Town Centre Opportunity site, suitable for office development. If it is considered that the proposed use of the site as a car hire business is acceptable, an assessment needs to be made about whether the overall proposals including new landscaping would have a positive impact on the character and appearance of the area.
- 14.4.5 In assessing this proposal, no evidence or information has been provided that the site has been actively marketed or whether there has been any interest in developing the site for a more comprehensive development creating a significant landmark office building. However, while no marketing has taken place, the Council is not aware of any interest and no planning applications have been submitted for office developments for the last 10 years. Even though planning permission was granted for an office back in 2006, this was never carried forward.
- 14.4.6 As stated above, the application site has a number of constraints. The site is narrow and irregular in shape, positioned immediately adjacent to the busy dual carriageway into Southampton. Both the Council's Valuer and Economic Development Manager consider that the proposal to use the site as a car hire centre would offer local employment opportunities and ensure the continued employment use of existing commercial space.
- 14.4.7 In particular, the Council's Valuer and Economic Development Manager consider that while no marketing has taken place, there is some concern in respect of an office building on the site, due to its specific location, narrow shaped plot, and more especially when it is known that air quality is an issue in this particular locality. Given the noise and air quality issues, they consider that it would be both expensive and unrealistic to construct an office building with requisite environmental safeguards. The Council's Valuer also highlights the fact that the nearby 2 storey office building at Linden House has been marketed for 18 months with no interest and that property is a far more attractive proposition than the application site.
- 14.4.8 Accordingly, in assessing the proposal against the policy position, given the comments from the Council's Valuer and Economic Development Manager and the circumstances of the site, it is considered that the use of the site as a car hire centre would be appropriate subject to being appropriate in design and character terms.
- 14.5 Effect on the character and appearance of the area
- 14.5.1 It is considered that there is a clear opportunity to provide a landmark/significant building on this site, however, as stated above, this has never been forthcoming. The key issue is whether the current proposal would result in an enhancement to the character of the area.

14.5.2 It is accepted that the extensive hard surfaced areas of the site and the cars displayed on the site create a harsh appearance. The proposed layout shows that the extent of hard surfacing and areas for displaying cars would be reduced, which would be an improvement compared to the current condition on the site.

14.5.3 The proposal provides a detailed landscaping scheme for the site, which includes new hedgerows, tree planting and shrubs around the perimeter of the site. The Council's Landscape Officer considers that the submitted landscaping scheme is acceptable and would significantly enhance the appearance of the site. The proposed planting picks up the oak and field maple theme above a hedge that will stay vegetated for much of the year, and so provide an adequate foil to the site while reflecting the sites location on the edge of the settlement that is influenced by views of the river Test and its edges. Shrub species within the site are robust and mainly evergreen, and would provide a suitable softening to car parking, which is the primary function of the site.

14.5.4 The proposed building is a modest structure which would be positioned centrally on the site. While the proposed building is not of a high quality design, given the primary use of the site as a car hire centre, it would be a functional simple building that would have minimal impact on the character and appearance of the area. The most important aspect is to secure the implementation of the soft landscaping which would make a significant positive contribution to the character of the area. Should planning permission be granted, it is considered that a condition would need to be imposed to require the landscaping to be implemented in the next available planting season, before the approved use comes into effect.

14.6 Other matters

14.6.1 With regard to residential amenity, it is not considered that the proposal would result in any unacceptable impacts on the living conditions of the adjoining neighbouring properties. The site has been used for car sales for many years, and there has not been any noise complaints arising from its use. Indeed, a car sales use or care hire centre, which involves vehicles displayed and stationed on the forecourt is not a use which result in unacceptable levels of noise and disturbance. Moreover, the site lies adjacent to the busy A35 Totton By-pass which generates significant levels of noise throughout the day.

14.6.2 In relation to public highway safety matters, the proposal does not result in any changes to the access, and nor is it considered the proposal would result in increased use of the existing access. Accordingly, it is not felt an objection on highway safety grounds would be sustainable. Whilst the Highway Authority have suggested a planning condition be imposed which limits the number of rental vehicles at any one time on the site to 15, this would not be reasonable or appropriate given that the restrictions on the site from the landscaping and building, which will limit the number of spaces.

14.7 Conclusion and planning balance

14.7.1 In conclusion, while the site is identified for a landmark/ significant building for office use, this would appear to be unrealistic in the short term and it is considered that a car hire centre is an appropriate use,

providing that it can be satisfactorily mitigated by landscaping to secure a well designed frontage. In this case, the proposed layout of the site and detailed landscaping proposals would make a significant enhancement to the appearance of the site and the wider context. Moreover the use of the site for car hire would provide economic benefits including employment opportunities. Accordingly approval is recommended.

- 14.7.2 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

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: 1155/01 Rev B, 1155/02, C18/077.01; C18/077.02; C18/077.03; C18/077.04.; C18/077.05

Reason: To ensure satisfactory provision of the development.

3. The landscaping scheme shall be implemented in accordance with the submitted Landscaping planting plan and details by Linda Oak Landscape Design Ltd drawing No 1155/01 Rev B and Boundary Cross Sections and Fence Details Drawing No 1155/02 by the end of the first planting and seeding seasons, prior to the use hereby approved coming into effect. 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 achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. During any (site clearance, removal of floor slab and) foundation excavations a suitably qualified contaminated land consultant shall carry out a watching brief with regards to asbestos, hydrocarbons and any other ground contamination. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If no contamination was found during excavation work, once the development is complete, written confirmation of this should be submitted and approved by the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. No activity shall take place on the site in connection with the approved use other than between the hours of 8:00 and 19:00 Monday to Saturdays, and between the hours of 10:00 and 16:00 on Sundays not including recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (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 and as the application was acceptable as submitted no specific further actions were required.

Further Information:

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**Planning Development
Control Committee
December 2018**

Item No: 3e
Nu-Car Diesel Centre
Totton By-Pass
Totton
18/11443

Scale **1:1250**

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the internet, it will not be to
scale.

