

Application Number: 18/11436 Full Planning Permission

Site: 306 CALMORE ROAD, CALMORE, TOTTON SO40 2RF

Development: Chalet bungalow; demolition of existing building

Applicant: Swift House Ltd

Target Date: 04/01/2019

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

Adjacent to Grade 2 listed building
Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

Core Strategy

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

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

- DM1: Heritage and Conservation
- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites

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 - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 Change of use of residential premises to printers workshop (NFR/06680) Granted with conditions on the 19th May 1958
- 6.2 Re-construction of printers workshop (BFR 08228) Granted on the 21st August 1959 Extension of existing workshop (NFR 13194) Granted with conditions on the 12th September 1969
- 6.3 Single storey extension to front (46459) Refused on the 19th December 1990
- 6.4 Rebuild front elevation (47385) Granted with conditions on the 5th June 1991

7 PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council: recommend permission: while losing potential business and employment is not ideal, in this case the premises have been unoccupied for a few years and the area is predominantly residential. The scale and design of the new dwelling would be very much in keeping with existing buildings in the vicinity, and the impact on the streetscene would be largely positive. Provided careful consideration is given to potential issue of overlooking, then the Town Council would be in support of this application.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Conservation Officer: support
- 9.2 Tree Officer: no objection subject to condition

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter from neighbour making the following comments. In terms of privacy, the ground floor windows of the new dwelling will face onto the rear entrance of 304 Calmore Road and accordingly a fence should be erected between the properties, its' height relative to the finished floor level of the new property and its' extent past the building line detailed on plan. In addition, the view from the rear bedroom window, would be looking down through the lantern roof into the dining and family room area. We request that the glazing is opaque and believe that this in the interest of both neighbours.

In terms of storm water, there are no storm drain gulleys along this part of the road, a lot of storm water runs off of the highway and pavement between 304 Calmore Road and the former printworks and there are concerns of potential flooding. Are soakaways going to be effective? Concerning foul drainage, it appears that the proposed house would run above a lateral drain that serves 304 Calmore Road.

With regards to demolition, as the existing building has an old asbestos sheet roof and the rear of the building is clad in asbestos, what precautions will apply to the immediate neighbours? In terms of Traffic, this part of Calmore Road has become a feeder route for access to the M27. It is particularly busy during rush hours and is also a route to school for many children attending the Calmore schools. Consideration of this should be made in the planning agreement.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £1224 in each of the following four years, subject to the following conditions being met:

- a. The dwellings the subject of this permission are completed, and
- b. The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £11,942.15.

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 Introduction

14.1.1 The site comprises a single storey detached building, which was previously used by a printing company known as 'Shadow Press', within a predominantly residential area located to the north of Calmore. The existing building is slightly set back from the road and sits on a long narrow plot extending onto a modern housing development. The existing building is a simple narrow and long brick structure with a front gable and the ridge line running front to back, although the rear element has a flat roof. It is understood that the printing works use ceased a few years ago.

14.1.2 This planning application proposes to demolish the existing building and to construct a chalet style bungalow. The proposed chalet style bungalow would be sited in a similar position to the existing building, but would be taller in height and shorter in depth. Two car parking spaces are proposed to the front of the site. Visually the proposed dwelling has been designed as a chalet style bungalow with a front cropped gable end and ridge line running front to back.

14.1.3 The main issues in this case are whether the loss of the existing employment use would impact on the economic/ commercial viability of the area; the effect on the character and appearance of the area; the effect on the setting of the neighbouring listed building 'No 308 Helford Cottage'; the effect on the living conditions of the adjoining neighbouring properties; and public highway safety matters.

14.2 Policy

14.2.1 In considering the potential loss of employment, Core Strategy Policy CS17 relates to employment and economic development and the strategy is to provide for new employment and a diverse local economy. The policy seeks to keep all existing employment sites and allocations for employment use, except for the few small sites identified for release in the Employment Land Review. In assessing the proposal against the policy, it is considered that the proposal does not comply with Core Strategy Policy CS17.

14.2.2 While the proposal is contrary to local plan policy, there are a number of material considerations. Firstly, it is noted that the existing premises has been vacant over the last few years and the extent of commercial floor space to be lost is fairly small (approximately 114 square metres). The premises was used by a local company, and the owner has now retired.

- 14.2.3 Consideration needs to be given to the location of the site which lies within a predominantly residential area. Indeed, the existing building is used for light industrial purposes and is the only business use in this area and a new user could seek to use the business in a far more intensive way which could put pressure on parking and on residential amenity.
- 14.2.4 A further consideration is the 5 year supply of housing land, in which recent studies indicate a need to deliver a significantly greater number of houses in the future than are provided for in the existing local plan. The Council is addressing the need for an increased supply of housing through the emerging local plan and has recently submitted a draft local plan for independent examination. When adopted, the new local plan will establish a housing target from which an annual supply of housing sites will be derived. Until then, in the absence of an up to date housing requirement figure in an adopted local plan, the Council is unable to demonstrate a 5 year supply of deliverable housing sites.
- 14.2.5 The National Planning Policy Framework advises that where a LPA is unable to demonstrate a 5 year supply of deliverable housing sites, policies for the supply of housing should not be considered up to date. Moreover, where plans are out of date, proposals for development should be approved unless specific policies in the NPPF indicate that development should be restricted or unless any adverse impact of allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. The proposal would make a very modest contribution to the District's housing supply.
- 14.2.6 Moreover, national policy which seeks to provide more housing has recently revised the General Permitted Development Order. The changes in the General Permitted Development Order allow, subject to certain criteria, existing buildings to be changed from agricultural, office, light industrial, storage to residential uses, although this is subject to a Prior Approval Application. It is clear that the Government's objective is to provide more housing through re-use of existing buildings, either redundant or occupied.
- 14.2.7 In relation to this case, the existing building is used as light industrial (Class B1 c) and Class PA of the General Permitted Development Order (as amended 2017), allows the change of use to residential subject to meeting certain criteria and the submission of a Prior Approval Application. On the basis that the use of the existing building could be changed to residential without the benefit of planning permission, it is considered that this is a further material consideration that weighs in favour of the development.
- 14.3 Effect on the setting of listed building
- 14.3.1 In assessing the effect on the setting of the adjacent listed building, the site contains a fairly modest single storey building set back from the road. Although the existing building is of no architectural merit, given its scale, form and size, the building has little impact on the character of the area and has a subservient appearance to the adjacent listed building at 'No 308 Helford Cottage'.

14.3.2 No 308 is a Grade II listed thatched, cob cottage that dates from the late eighteenth/early nineteenth century. Maps of 1871 and 1897 show that area of Calmore to be a small, linear settlement 'Calmoor' of which only Helford Cottage and the double-pile nineteenth century cottage - No.302 - remain. As there is little evidence of this settlement in the current Calmore, the historical and evidential value of Helford Cottage is increased. The setting of the cottage is important to its special interest as a heritage asset. While this setting has been eroded by modern development, the cottage still retains its traditional character due to the surrounding greenery, the low height of surrounding development and the traditional style of the neighbour, No.310, and to a lesser extent, No.304.

14.3.3 The Conservation Officer considers that the proposed dwelling is a simple design and would be positioned back from the site frontage, which has helped mitigate harm to the listed building. Whilst the proposed building would be taller than the existing building, the overall increase in scale is fairly small and subject to a high standard of materials, which can be covered by condition, the proposal would not have a detrimental effect on the setting of the listed building.

14.4 Effect on the character and appearance of the area

14.4.1 In assessing the effect on the character and appearance of the area, the site lies within an area which has a mixture of property types, styles, ages and designs including houses, chalet style bungalows and bungalows. The character of the road does have a semi-rural feel with hedgerows and trees defining the front boundaries of the site.

14.4.2 The proposed dwelling has been designed as a simple building form which picks up on some of the styles of buildings along the street. Because of its siting next to a listed building, the detailing and materials of the proposed dwelling would need to be of a high standard. This will help lift the overall appearance of the proposed development and is a matter that can be secured by a planning condition.

14.4.3 Overall it is considered that the proposed dwelling would be contextually appropriate and would be of a scale, form and appearance that would be in keeping with the character of the street. The property would benefit from two car parking spaces and a long rear garden area that would create a good living environment for future occupiers.

14.5 Effect on residential amenity

14.5.1 With regard to residential amenity, the two neighbouring properties that would be most effected by the proposal are No 304 and 308 Calmore Road. In relation to No 304, this neighbouring property is a chalet style bungalow and it does not have any main windows on the side elevation facing the site. While the proposed dwelling would be of greater scale compared to the existing building, the main bulk of the two storey element 'straddles' No 304, and the single storey flat roof element is shorter in depth than the existing building. The proposed dwelling has also been designed with the main windows directed to the front and rear. Roof lights are proposed on the side elevation however, these windows serve bathrooms and it is considered that a condition can be imposed for these windows to be fitted with obscure glass to maintain a reasonable level of privacy.

14.5.2 Representations have been raised in relation to overlooking from the proposed ground floor side windows. These comments are noted and a condition will need to be imposed for the details of the boundary treatment to be submitted and this can mitigate against any potential overlooking on both side boundaries. In terms of the potential overlooking into the proposed roof lantern, this is not considered to be so severe to refuse planning permission.

14.5.3 The proposed dwelling would have an acceptable relationship to No 308. The main two storey bulk of the proposed building would be positioned to the side of No 308, and the overall length of the proposed building would be shorter than existing. In terms of overlooking, the two first floor rooflights would serve a landing and dressing room and a condition can be imposed for these windows to be glazed with obscure glass to maintain a reasonable level of privacy.

14.6 Other matters

14.6.1 Concerning public highway safety matters, the proposal would provide two on site car parking spaces which is considered to broadly accord with the recommended car parking standards. While concerns have been raised in relation to car parking and impact on public highway safety, it is considered that impact from the proposed dwelling, compared to the previous light industrial use, is likely to be neutral or an improvement.

14.6.2 Representations have been made in relation to surface water drainage which should not result in any increase onto the road or surrounding properties. In response, it is considered that the details of surface water drainage can be dealt with by condition. In terms of the foul drainage pipe that runs across the site, this is a private matter or a separate matter for the Water Authority. Comments have also been raised in relation to potential asbestos on the roof of the existing building. This is not a planning matter, any demolition would need to accord with the Health and Safety Executive guidance.

14.6.3 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

14.7 Conclusion and Planning balance

14.7.1 In summary, it is clear that the proposal is contrary to local plan policy which seeks to retain existing employment uses. However, the existing site has been vacant for the last few years and the actual loss of employment use would be fairly small and there are benefits of providing an additional house in a predominantly residential area. The

Conservation Officer raises no objection and the proposal does not have any adverse impact on the living conditions of the adjoining neighbouring properties or public highway safety. Accordingly, in balancing out the issues, it is considered that the benefits that would be created from the proposed development outweigh the loss of employment use and 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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	124	0	124	124	£80/ sqm	£11,942.15 *
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Subtotal:	£11,942.15
Relief:	£0.00
Total Payable:	£11,942.15

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

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: ADP/1803/01, ADP/1803/TPPADP/1803/02, ADP/1803/03, ADP/18P/1803/9/10.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.

- a) the external facing materials
- b) the details of all new windows including heads and cills
- c) large scale drawings/ details of the porch
- d) large scale drawings/ details of the chimney
- e) the details of the eaves, fascias and soffits
- f) the details of the roofs lights and their siting in situ

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the adjacent Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting (species, size, spacing and location);
- c) areas for hard surfacing and the materials to be used;
- d) other means of enclosure;
- e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot and its siting adjacent to a listed building, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area, the setting of the Listed Building and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

8. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

9. The first floor windows on the side [north east and south west] elevations of the approved building shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. The works hereby approved shall be undertaken in full accordance with the provisions set out within the submitted Arboricultural Impact Assessment and Method Statement authored by Mr AJ Scott, dated 19th October 2018 and accompanying Tree Protection Plan reference ADP/1803/TPP or as may otherwise be agreed in writing with the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

Notes for inclusion on certificate:

1. In discharging condition No 8 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here
<http://www.newforest.gov.uk/article/16478/>
2. 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**
January 2019

Item No: 3f
306
Calmore Road
Calmore Totton
18/11436

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.

