

Application Number: 19/10545 Full Planning Permission

Site: 3-7 WATER LANE, TOTTON SO40 3DF
Development: First & second floor extension to create 8 flats on first & second floors; landscaping/communal area; cycle and bin stores
Applicant: Sandkot Ltd.
Target Date: 20/06/2019
Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following matters are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, Officer Comments, of this report after which a conclusion on the planning balance is reached.

- 1) Principle of development and local and national policy
- 2) Impact on character and appearance of area
- 3) Highway safety, parking access and refuse storage
- 4) Standard of living accommodation
- 5) Local residential amenity issues
- 6) Ecological impact and habitat mitigation

This matter is being considered by Committee as the Town Council have a contrary view (recommended refusal).

2 THE SITE

The site is located within Totton town centre near the junction of Water Lane with Salisbury Road. The site comprises a two storey modern building fronting Water Lane. The building currently has a Post Office and Subway sandwich bar on the ground floor with three residential flats above. The site fronts onto an open grassy area to the north, and to a large three storey complex of flats (Popes Court) to the west separated by a narrow access lane giving pedestrian access to the rear service area of the shops and access to the flats. To the east of the site lies a two storey shop with a flat above (11 Water Lane). Further to the north over the road lies a further three storey building again in use for commercial purposes on the ground floor with flats above. The site backs onto a former petrol filling station to the south which is currently used as a car wash.

The site lies approximately 500 metres from Totton Railway Station and within 150 metres of two town centre car parks. Local bus services are also available within 100 metres of the site.

The existing building has modern shop fronts on the ground floor above which the building has a concrete render finish all under a synthetic slate type roof. The gable ends are finished in brick and render. The adjoining 3 storey flatted complex of Popes Court has a combination of red and buff coloured facing bricks under a concrete tiled roof. The adjoining 2 storey building to the east is faced in red brick under a slate roof with a modern shop front to the ground floor. Short stay parking for customers to the shops is available on the Water Lane frontage.

Two of the flats on the first floor are accessed via the alleyway between the building and Popes Court. The third flat is accessed from another alleyway between the building and 11 Water Lane.

The size of the existing flats are as follows -

Flat 1 three bed unit	= 80 sq. m
Flat 2 one bed unit	= 41 sq. m
Flat 3 bedsit	= 36 sq. m

The three flats currently have access to an open amenity area at first floor level which measures some 100 square metres in area. This area overlooks the car wash to the south. There is no dedicated car parking or cycle parking at present.

3 THE PROPOSED DEVELOPMENT

The proposal is to redevelop the existing building by building a second floor above the existing first floor flats and redeveloping the resulting building to provide for a total of 8 flats: 6x1 bed flats and 2x2 bed flats on the first floor and second floor. This will replace the existing 3 flats and thereby result in a net increase of 5 flats. A new internal staircase will give access to all the flats from the side entrance facing Popes Court, with individual flat bin storage and cycle undercover storage (for 10 cycles) at ground level to serve the flats. The retail units will retain their own bin storage and rear access points.

The existing rooftop amenity area which currently serves the three existing flats will be retained albeit reduced to an area of 89 sq. m and landscaped. The existing Subway shop and post office on the ground floor will be retained and the rear service yard for Subway re-arranged to make room for the new flats bin store and cycle store.

The floor area of the new flats rounded up or down measures as follows -

- Flat 1 two bed = 61 sq.m
- Flat 2 one bed = 50 sq.m
- Flat 3 one bed = 51 sq.m
- Flat 4 one bed = 52 sq.m
- Flat 5 two bed = 61 sq.m
- Flat 6 one bed = 50 sq.m
- Flat 7 one bed = 51 sq.m
- Flat 8 one bed = 52 sq.m

4 PLANNING HISTORY INCLUDING NOTES on PRE APPLICATION DISCUSSIONS

08/92595 - Ground, first & second floor extensions to create 9 flats – refused 18/07/08 for reasons of overdevelopment, impact on Popes Court flats, inadequate parking, and no contributions to public open space or local transport infrastructure.

ENQ/18/21189 - Pre application advice for redevelopment to form 8 flats in May 2019 stating principle likely to be acceptable for upwards extension even without car parking in this town centre location, cycle storage and bin storage essential, further consideration on design and impact on adjoining residents would be made at application stage. Subject to contributions on habitat mitigation but no other contributions or affordable housing now required for this scale of development.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Local Plan (Core Strategy)

CS1 – Sustainable development principle

CS2 – Design quality

CS9 – Settlement hierarchy

CS20 – Town and settlements retail policy

CS24 - Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 NPPF - presumption in favour of sustainable development

DM1 Heritage and conservation

DM2 Nature conservation, biodiversity and geodiversity

DM3 Mitigation of impacts on European Sites

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and is under Examination. It is therefore a material consideration which can be given weight in decision-making. However, the weight to be given to it will need to reflect unresolved objections to the policies. A policy or proposal subject to objections considered at the Local Plan Examination can be given less weight than a policy/proposal not subject to objections.

Supplementary Planning Guidance and other Documents

SPD Mitigation Strategy for European Sites

SPD Parking standards

SPD Totton Town Centre Urban Design Framework

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Relevant Advice

NPPF 2019

- Section 2 definition of sustainable development and presumption in favour particularly if local plan policies are out of date.
- Section 7 ensuring the vitality of town centres – encouraging residential development on suitable sites
- Section 9 promoting sustainable transport and encouraging development where there are a range of transport options.
- Section 11 making effective use of land including promotion of airspace above existing residential and commercial premises
- Section 12 achieving well designed places, sympathetic to local character and visually attractive
- Para 63. Provision of affordable housing should not be sought for residential developments that are not major developments

2015 – Technical housing standards- nationally described space standards

- 1 bed 1 person flat 39 sq.m
- 1 bed 2 person flat 50 sq.m
- 2 bed 3 person flat 61 sq.m
- 2 bed 4 person flat 70 sq.m

7 PARISH / TOWN COUNCIL COMMENTS

Totton Town Council: recommend Refusal

While the addition of residential flats above ground floor commercial units is generally acceptable, the amenity and the quality of these residential dwellings are important to consider as well as the impact upon surrounding properties. The unit will match with the height of the adjacent building and would not be out of keeping with its Town Centre location. It is not felt that the impact from this increased height would be detrimental on neighbouring properties. The primary concerns of the Council are the poor quality and amenity space that these new flats would provide. Some of the flats have very little light and outlook. Amenity space is being reduced despite the additional dwellings and there are no proposed parking spaces for these additional flats. It is felt that a reduction in the density of these properties with better quality living and amenity space would go some way to alleviate these concerns.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the comments received which can be read in full via the link set out at the head of this report. The comments set out below are initial comments based on the original plans. Any comments on amended plans will be reported verbally at the meeting.

Hampshire County Council Highways: no objection

This site appears to have no on-site parking or a vehicular access currently. The proposed development does not alter this. As the site is located in a sustainable location it is not necessary to provide parking on site, that said, this subject is a matter for the LPA.

Environmental Health (Contaminated Land): no comments or concerns

Environmental Health (Pollution): no significant adverse impact is anticipated particularly as similar residential accommodation already exists both within the development and on adjacent plots.

However, concerns are raised over noise relating to the construction activity given the location and proximity to receptors; therefore a condition limiting the hours of construction is requested.

NFDC Building Control comment that there should be vehicle access for a pump appliance to within 45m of all points within each dwelling. No other comments at this stage.

Waste Management: they will not be able to use 1100lt bins. They will have to use black sacks for general waste and clear sacks for recycling waste. We will also need access to any gate keys/codes for the new metal gates

Southern Gas Network: offers standard safety advice. Low pressure main in Water Lane but no other mains affecting this site

10 REPRESENTATIONS RECEIVED

No comments received on original plans. Any comments received on amended plans will be reported at the meeting.

11 OFFICER COMMENTS

Introduction

11.1 The key considerations in this case are as set out at the start of this report. The application plans have now been amended in order to respond to the concerns raised by the Town Council in particular. These amended plans have been the subject of a re-consultation exercise with consultees and interested 3rd parties. The consultation deadline will expire before the Committee meeting and any comments received will be considered and reported at the meeting.

Principle of development and local and national policy

11.2 The site lies in a highly sustainable location within the town centre of the largest town in the district. There are a full range of services and facilities within easy walking distance of the site including a range of public transport options. Both local and national policy point to a preference of accommodating new residential development in sustainable locations and for maximum growth numbers to be accommodated in the principal settlements. The NPPF encourages development of an upwards nature in town centres thereby maximising opportunities for new housing development subject to other environmental considerations of which design is a key consideration.

11.3 The living conditions of any new occupants are an important design

consideration. Amenity issues raised by the Town Council have been considered and a number of improvements have now been made to the proposed plans such as larger and more fenestration units allowing Juliet or full balconies to all flats, and additional windows to light darker areas within the flats. In addition there would be an outdoor amenity area includes a sitting out area and landscaping which is an improvement over the current tarmacadam finish yard. Whilst the outdoor area has been reduced the increased amenity and improved internal arrangements of the flats are considered to outweigh that loss on this occasion. It should be noted that the Council does not have adopted space standards as there are national space standards the proposed flats all compare favourably with national space standards as set out above.

- 11.4 As the number of units proposed falls below the threshold that triggers a requirement for the provision of affordable dwellings within this scheme it is the case that the open market units now offered will be at the lower end of the cost scale and will be more affordable to those who at present cannot access the housing ladder. Given the size of the units proposed it is likely that the flats will appeal most to single persons or couples.
- 11.5 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted

Impact on character and appearance of area

- 11.6 The street scene along both sides of Water Lane is of mixed appearance with some two and some three storey units. The large flatted development to the west (Popes Court) is already 3 storey in nature as are the run of buildings and flats on the opposite side of the road. Whilst No. 11 Water Lane is 2 storey it is considered that a taller building on the application site will not be intrusive or look out of place. The ridge line of the new development will match that of Popes Court. The earlier refused application on this site proposed a development for a larger number of units and for a taller building. The building also filled the whole of the site removing any external communal area.
- 11.7 In design terms the current proposal as originally submitted was generally acceptable, following pre application advice. Further improvements in architectural terms have been sought and agreed by the applicants which give the façade a more contemporary approach. This improves the appearance of the existing building and adds some interest in the street scene which is dominated by development from the 1960s and 1970s. Other improvements to the fenestration have also assisted both in improving the external appearance and making the flats more attractive and pleasant to occupy internally. Apart from internal bathrooms all rooms within the new flats will have adequate light and ventilation.

Highway safety, parking and access

- 11.8 The comments of the Highway Authority are noted. In particular it does

not object to a lack of car parking to serve this site commenting that this is a matter for the Council to consider. The Council has adopted an SPD which requires parking spaces for new flats of 1.4 spaces per 1 bed unit and 1.5 spaces for 2 bed units on a shared basis with 1 and 2 cycle spaces per flat respectively. In this case it is not physically possible to provide on-site parking because of the tight knit nature of the site in relation to the neighbouring buildings. The site is landlocked at the rear and has no room on the frontage or to the sides to create parking spaces. The National Planning Policy Framework highlights the need to optimise density of development in town centres and be more flexible around parking provision in town and city centres where there are a range of public transport options available as is the case here. In addition if any occupiers do own a car there are public car parks available with at present free parking in the evenings within easy walking distance.

- 11.9 Whilst no parking is provided the scheme does provide secure cycle parking for each flat. On this occasion taking policy and guidance into account there are considered to be no sustainable grounds to refuse planning permission on the basis of lack of parking provision.

Local residential amenity issues

- 11.10 The scheme has been developed to respect the occupiers of flats on both sides of the application site. The potential for overlooking of No.11 has been reduced by screen fencing on balconies. The impact of the development on No.11 has also been taken into account by reducing the depth of the new building in this location. On the Popes Court side of the building there are no windows serving habitable rooms. No objections have been received currently to the scheme as initially proposed. The amended plans are also considered acceptable in this respect. Any further comments received will be considered and reported to Committee

Ecological impact and habitat mitigation

- 11.11 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.

11.12 Other Issues

The Environmental Health Officer has recommended a condition to restrict the hours of construction given the proximity of existing residential properties. However, the construction period will be relatively short and given the need to comply with other legislation relating to statutory nuisance, it is not considered to be necessary or reasonable to include this as a condition of this planning permission.

12 CONCLUSION ON THE PLANNING BALANCE

- 12.1 The site lies in a highly sustainable location and proposes a development

that optimises density on a brownfield site. The Council cannot demonstrate a 5 year Housing Land Supply and therefore in accordance with Paragraph 11 of the NPPF should grant permission unless there are any adverse impacts of doing so that would significantly and demonstrably outweigh the benefits. Whilst the site cannot provide its own car parking on this occasion the site is in a highly sustainable location with a range of services and public transport options. The proposed development accords with national and local policies relating to housing development in such areas. The relationship between the proposed development and nearby dwellings and the design is considered acceptable, positively enhancing the visual amenity of the locality. The planning balance on this occasion is to approve the development subject to conditions.

13 OTHER CONSIDERATIONS

Proactive Working Statement

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. The Council and the applicant have agreed changes to the proposed plans to address the concerns raised by the Town Council on this occasion.

Crime and Disorder

No significant issues arise with this application.

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings $5 \times \text{£}1224 = \text{£}6120.00$) 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 £31,702.15.

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution			
Habitats Mitigation			
Financial Contribution	TBC	TBC	

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	497	173	324	324	£80/sqm	£31,702.15 *
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Subtotal:	£31,702.15
Relief:	£0.00
Total Payable:	£31,702.15

* 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:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

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 2019 this value is 1.22

14. 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:

KWL 60 rev A - Proposed and existing front elevation
KWL 61 rev B - Proposed and existing east elevation
KWL 62 rev A - Proposed and existing west elevation
KWL 63 rev B - Proposed and existing rear elevation
KWL 55 rev A - Proposed ground floor plan
KWL 56 rev B - Proposed first floor plan
KWL 57 rev B - Proposed second floor plan
KWL 65 rev A - Proposed section details

Reason: To ensure satisfactory provision of the development.

3. All bin stores for residential and commercial properties, together with all bicycle storage shall be in place and available for use prior to the occupation of the flats hereby approved. Such facilities shall be maintained in perpetuity to serve the needs of the residential and commercial occupiers.

Reason: To ensure that appropriate facilities are in place to service the needs of the flat occupiers and commercial users.

4. All balcony screens as shown on the approved plans shall be provided before first occupation and thereafter maintained in perpetuity in the approved form.

Reason: To protect the residential amenity and privacy of other nearby dwellings.

5. 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.

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. The Council and the applicant have agreed changes to the proposed plans to address the concerns raised by the Town Council on this occasion.

2. This decision relates to amended / additional plans received by the Local Planning Authority on 22nd July 2019
3. In discharging condition No.5 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/>
4. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/agent/developer is strongly advised to contact the pipeline

operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

5. 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 any risks to protected species may be low, regard should be given to appropriate ecological advice 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.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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PLANNING COMMITTEE

August 2019

Item No: 3d
3-7 Water Lane
Totton
19/10545

Scale 1:1250

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

