

Application Number: 20/10601 Full Planning Permission

Site: 1 MELBURY CLOSE, LYMINGTON SO41 9HS

Development: Change of use of C3 dwelling to letting rooms in association with the adjacent 8 Highfield Bed & Breakfast accommodation

Applicant: Aquashore Ltd

Agent: Bob Hull Planning

Target Date: 17/08/2020

Case Officer: Arleta Miszewska

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development
2. Impact on the character and appearance of the area, including the setting of the Lymington Conservation Area
3. Impact on residential amenity
4. Impact on highway safety
5. Impact on ecology
 - a) Ecology on site
 - b) Nutrient neutral development (nitrates)
 - c) Habitats mitigation
6. Impact on air quality
7. Development standards
8. Other concerns

This application is to be considered by Committee following the Town Council's recommendation that the application be refused.

2 SITE DESCRIPTION

The application site is located on the eastern side of Melbury Close and accommodates a two-storey, detached, 3-bedroom dwelling. The dwelling benefits from a rear garden and a fairly ample and wide frontage which serves car parking. The front boundary treatment consists of a wooden panel fence painted brown and planting rising over the top of the fence. The common boundary with 8 Highfield is made of unpainted wooden panel fencing. The property is served by a vehicular access from Southern Road.

In planning policy terms, the application site is located within the built-up area boundary and largely adjacent to the Lymington Conservation Area, with the rearmost parts of the rear garden being located within the Conservation Area. To the south-east of the application site, there is a group of Listed Buildings fronting onto Highfield.

3 PROPOSED DEVELOPMENT

The application seeks planning permission for a change of use of a 3-bedroom detached dwelling to a bed and breakfast business comprising of 6 bedrooms in

association with the bed & breakfast business run at 8 Highfield. The submitted statement explains that the guests accommodated at the application site would have the opportunity to breakfast at 8 Highfield and so an access between the two properties would be provided.

To facilitate the proposed change of use external alterations are also proposed. These mainly concentrate around the fenestration and include additional first floor windows in front and side elevations and further ground floor windows in the rear elevation. It is also proposed to replace an existing garage door with a window.

The proposed used would be served by 6 car parking spaces located within the frontage of the property and accessed via existing vehicular access from Southern Road. No alterations to the existing vehicular access are proposed.

4 PLANNING HISTORY

18/10097 – Part use as bed and breakfast and part use as residential at Abbeyfield House, 8 Highfield. Granted subject to conditions. 10/04/2018.

5 PLANNING POLICY AND GUIDANCE

Local Plan Review 2016-2036 Part One: Planning Strategy

Policy STR1: Achieving sustainable development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR6: Sustainable economic growth

Policy STR8: Community services, infrastructure and facilities

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer contributions

Policy IMPL2: Development standards

Core Strategy (saved policies)

CS9: Tourism

Local Plan Part 2: Sites and Development Management (saved policies)

Policy DM1 Heritage and Conservation

Policy DM2 Nature conservation, biodiversity and geodiversity

Policy DM13 Tourism and visitor facilities

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Advice

National Planning Policy Framework

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: PAR4: Recommend REFUSAL.
Proposal is not appropriate for a residential area.
Additional car parking and movements will adversely affect residential amenity.
Inappropriate change of use for this property.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

HCC Highways - no objection.

NFDC Environmental Health (Pollution) - no objection.

NFDC Conservation - no objection.

9 REPRESENTATIONS RECEIVED

12 letters from 10 households have been received objecting to the proposal on the following grounds:

Impact on car parking and road safety: dangerous corner, poor visibility, the development will add to existing dangers, additional congestion, will add to car parking pressure, safety of pedestrians compromised, footpath hazards.

Impact on residential amenity: noise and fume pollution, loss of privacy to 1 Melbury Close, proposed window at front would overlook 1 and 2 St Anne's Gardens, noise and disturbance during early morning and night hours, security lighting should be installed to reduce light pollution from 8 Highfield, boundary treatment should be provided to improve privacy.

Impact on character of the area, including Conservation Area: not in keeping with the character, removal of planting to facilitate access will be in breach with 18/10097 and would have impact on Conservation Area.

Other concerns: loss of residential dwelling, ecology not addressed, no need for another B&B, erodes the sense of community & poses an elevated security risk.

10 PLANNING ASSESSMENT

Principle of development

The application site is located within a built-up area where development is supported in principle, subject to compliance with relevant planning policies, in particular those promoting tourism and safeguarding character of areas, residential amenity, ecology and highway safety.

Saved Policy CS19 Tourism of the adopted Core Strategy encourages tourism and provision for visitors appropriate to the area, including the provision of new as well as enhanced amenities. The policy recognises that improved visitor facilities can increase the economic and environmental benefits arising from tourism. In addition, saved Policy DM13 supports the provision of visitor accommodation and facilities in built-up areas, subject to compatibility with adjoining uses and no unacceptable impacts.

Impact on the character and appearance of the area, including the setting of Lymington Conservation Area

Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions in a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area.

It is noted that it is only the rearmost parts of the garden of the application site that are located within the Lymington Conservation Area.

The proposed development involves minor external alterations to the existing dwelling to facilitate changes in the internal layout to provide 6 guest bedrooms.

These changes focus around fenestration to provide each bedroom with an appropriately designed window. As such, these alterations would not harm the appearance and character or the host property or the street scene.

In terms of impacts on the setting of the Lymington Conservation Area, the Council's Conservation Officer has confirmed that the small scale of external alterations would not cause harm to the setting of the Conservation Area. Officers concur with this view.

Concerns have been raised over removal of planting and its impact on the setting of the Conservation Area. However, the NFDC Conservation Officer did not object to this proposal on these grounds and there is no reason to reach a different conclusion on this matter.

The proposal would result in the existing 3-bedroom dwelling being converted into 6 double bedrooms and associated facilities including a store and staff area. Whilst the potential comings and goings would increase in frequency, the application site is located in a residential area where such activity is to be expected. Whilst the frequency of vehicular and pedestrian movement into and out of the property would increase, this is not considered to be harmful to the character of the area. The NFDC Conservation Officer did not raise concerns over the use causing harm to the Conservation Area, namely that it would not preserve or enhance the character or appearance of the Lymington Conservation Area.

In light of this, it is considered that the proposed development would not harm the character and appearance of the surrounding area. Furthermore, insofar as the statutory duties imposed by Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving or enhancing the character and appearance of the Lymington Conservation Area are satisfied.

Finally, due to the location of the application site away from the listed buildings located in Highfield, it is considered that their setting would be preserved. Therefore, duties imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are satisfied.

Impact on residential amenity

Third party concerns over privacy of 1 and 2 St Anne's Gardens have been raised. The application proposes to insert an additional first floor window in the front elevation of the existing dwelling. The window would provide a view across the road and onto the properties located opposite. However, in a built-up area, such an arrangement is not untypical and is not considered harmful. The application dwelling already benefits from a first floor level bedroom window in the front elevation. The properties at St Anne's Gardens are readily visible from vantage points alongside the road and pedestrian footpath. It is not considered that the additional window as proposed by this application would materially affect the privacy of the properties located opposite.

It has been suggested in third party comments that a boundary treatment should be provided to improve privacy. The proposal does not include any new clear windows to be inserted in the elevations directly facing no. 2 Melbury Close. There is an existing ground floor window in the rear elevation next to the common boundary. The window currently serves a kitchen. The proposal would change the room to a bedroom and the width of the window would be reduced. In light of this, it is considered that the proposed development would not materially change the degree of overlooking of no. 2 Melbury Close. Furthermore, the potential for more intensified use of the rear garden does not in itself justify a refusal. Subsequently, in planning terms, a condition requesting more robust boundary screening would not be necessary or reasonable.

Concerns have been raised over the proposed development causing noise and disturbance during early morning and night hours as well as noise, fume and light pollution. The existing dwelling could be occupied in a relatively intense manner if a family with adult children or an extended family occupied the current dwelling. There is considered to be no planning harm resulting from the proposed development in terms of additional light, noise or fumes associated with the proposed development. Additional parking is provided as part of the development. However, the design and layout of the parking will ensure that vehicles can access and egress from the spaces with ease, and therefore the level of noise and fumes associated with this parking provision is minimal.

Finally, it is noted that concerns over light pollution from 8 Highfield have been raised. However, this is not a matter relevant to the development under consideration and therefore is not material to the consideration of this application.

Impact on highway safety

In accordance with the adopted Parking Standards, 6 on-site car parking spaces are required (one space per each bedroom). The application demonstrates that the site can accommodate a provision of 6 car parking spaces within the frontage of the property.

Given the sensitive location of the proposal on the boundary with Lymington Conservation Area, the provision should be incorporated in a manner which respects the character and appearance of the Conservation Area and the associated heritage assets, in particular in terms of the amount of necessary hard standing visible from public vantage points. This can be secured by a planning condition.

It is appreciated that many local residents are concerned about the effect of traffic generation from the proposed development on local roads, safety at the existing access due to its location near a bend on the street as well as pedestrian safety due to inadequate provision of pedestrian footpaths near the application site. However, the Highway Authority did not object to the proposal for these reasons and there is no reason to reach a different conclusion on these matters. Therefore, these concerns do not give grounds to refuse this application on highway safety grounds.

Impact on ecology

a) Ecology on site

The scale and nature of the proposed development is not one which would trigger the need for on-site biodiversity enhancement and therefore, the application is considered acceptable in terms of impacts on ecology in accordance with Policy STR1 and DM2.

b) Nutrient neutral development (nitrates)

The site is located within an area where a requirement for a development to be nutrient neutral applies.

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 permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development.

Relevant information has been submitted to confirm agreement to secure appropriate mitigation prior occupation.

c) Habitats mitigation

Under the requirements of the Habitats Regulations the Council has a duty to ensure that the development proposed in its Plan does not have an adverse effect on the integrity of any European nature conservation designations. The Habitats Regulations Assessment of the Local Plan identified potentially harmful recreational impacts arising from new residential development on both the New Forest European Sites and the Solent Coastal European Sites.

The Habitats Regulations Assessment of the Local Plan Parts 1 & 2 concludes that significant effects on both the New Forest and the Solent and Southampton Water SPA/SAC/Ramsar nature conservation designations associated with recreational impacts from the planned residential development cannot be ruled out. A precautionary approach is appropriate in line with the requirements of the Habitats Regulations until the evidence base is refined. The HRA concludes that mitigation is therefore required for all additional housing development within the Plan Area. The proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the integrity of European sites, having regard to their conservation objectives but the adverse impacts would be avoided by securing proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

The application is recommended for approval subject to the applicant entering into such an Agreement.

Impact on air quality

Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy requires all new residential development to provide for air quality monitoring, management and mitigation. To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required

towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated and, by extension, those of the other International designations. Given the uncertainties in present data, a contribution would be required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

At the moment, the contribution amounts to £20 and is secured by a Section 106 Agreement or Unilateral Undertaking. The application is recommended for approval subject to the applicant entering into such an Agreement.

Development standards

In accordance with Policy IMPL2, the development is expected to be designed to enable the provision of plug-in charging points for electric and hybrid vehicles. This is secured by a planning condition.

Other concerns

Concern has been raised that the proposed access between the two properties would be in conflict with the landscaping scheme approved under 18/10097 which granted planning permission for a change of use of parts of 8 Highfield for bed & breakfast business. Whilst this is not a reason to refuse this application, further detail of landscaping can be secured by a condition to ensure adequate landscaping of the application site and 8 Highfield.

Concerns over loss of a residential dwelling are noted. However, there are no policies which prevent the conversion of a dwelling to a non-residential use. Furthermore, the Council can demonstrate a 5 year housing land supply. Therefore, the loss of a residential dwelling does not add weight against the proposal. Whilst views over the lack of need for another B&B are acknowledged, this is for a market to decide on the basis of supply and demand. There are no local policies which prevent a concentration of visitor related facilities or amenities.

In respect of ecology requirements, the application does not propose a new-build which would trigger a requirement for an on-site biodiversity enhancement. However, as described above, the application, if granted would trigger the need for a contribution towards habitat mitigation as well as achieving nitrates neutral development.

Finally, concerns over erosion of the sense of community and an elevated security risk have been taken into consideration. However, given that the application proposes to change the use of a single dwelling, which is located within a residential area and surrounded by other dwellings, the proposal is unlikely to alter the existing strong sense of community as described in third party comments. There is no reason to believe that the use of the dwelling as a B&B would prevent other residents in the vicinity from maintaining their strong community connections. As to security risk, the proposal would function under the same management as the existing business at 8 Highfield and no third party comments were made over incidents at the existing site which would lead to a conclusion that security risk would be elevated as a result of the proposed change of use at the application site.

11 CONCLUSION

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of interested consultees and 3rd parties. The application is considered to raise no significant issues and the planning balance is for approval.

12 OTHER CONSIDERATIONS

None

13 RECOMMENDATION

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the prior completion of a Section 106 legal agreement to secure the necessary habitat mitigation measures and air quality monitoring, management and mitigation measures in association with this planning permission;
- ii) the imposition of the conditions set out below.

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:

7711 PL03 REV B PROPOSED PLANS & ELEVATIONS
7711 PL02 REV A EXISTING PLANS & ELEVATIONS
7711 PL 01 LOCATION & SITE PLAN

Reason: To ensure satisfactory provision of the development.

3. Before the development hereby approved commences, a landscaping plan accompanied by scale drawings shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include all of the following details:

- a) details of the landscaping associated with the frontage car parking area;
- b) boundary planting details;
- c) details of the access between the application site and 8 Highfield;
- d) details of the provision of a single plug-in charging point for electric and hybrid vehicles;
- e) cycle storage details;
- f) an implementation and future maintenance plan.

Development shall only proceed in accordance with the approved details.

Reason: In order to secure a satisfactory development, in accordance with Policy ENV3 and IMPL2 of the of the Local Plan Review 2016-2036 Part One: Planning Strategy and Policy DM1 Heritage and Conservation of the Local Plan Part 2: Sites and Development Management.

4. The use hereby permitted shall not commence until:

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Further Information:

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PLANNING COMMITTEE

October 2020

Item No:

1 Melbury Close
Lymington SO41 9HS

20/10601

Scale 1:1250

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

