

Application Number: 20/11441 Full Planning Permission

Site: 14 ELING LANE, ELING, TOTTON SO40 9GA
(NB: PROPOSED LEGAL AGREEMENT)

Development: Conversion of existing roof space to create an additional residential flat, with construction of 2 no. dormer windows on rear elevation and roof lights on front elevation; amendment to Application Reference 20/10523, to reduce consented 3-bed flat into a 2-bed flat and provide access to the proposed additional flat in roof; refuse and cycle store

Applicant: Forthhold Ltd

Agent: Gemini Planning Services Ltd

Target Date: 02/04/2021

Case Officer: Andrew Amery

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of development
- 2) Design and Layout - impact on the character and appearance of the area
- 3) Design and Layout - ability to provide an acceptable residential environment for future occupiers
- 4) Neighbour impacts including impacts on adjoining businesses within the town centre and secondary shopping frontage
- 5) Layout of the site and highway safety, parking and access issues
- 6) Impacts on designated sites of nature conservation importance

This application has been brought before Committee due to a contrary view from the Town Council.

2 SITE DESCRIPTION

This site is located within Totton Town Centre at the southern end of the terrace of commercial properties fronting Eling Lane. It is within the designated Rumbridge Street Secondary Shopping Frontage.

No.14 is a brick built, two-storey building with mainly glazed ground floor shop frontages. There is a two-storey flat roofed extension on the rear elevation.

Until recently the front part of the ground floor was occupied by two separate businesses including a Beauty Salon. The rear part of the ground floor has been occupied as two small residential units.

There were also previously two residential units at first floor level, one above each retail unit. However, the building currently appears vacant, with internal and external works being undertaken.

The area comprises a mixture of uses, with commercial uses at ground floor and residential above.

The adjacent commercial premises to the south of the site is still operated as a car sales business. The vehicular access to this side of the building is unsegregated from the car sales site, and the alignment of the cars within the cars sales site suggests overlap or shared usage of this area.

The vehicular access also serves commercial servicing and repair garages at the rear of the site. Vehicles accessing the commercial garages pass through a gate, very close to the area designated for parking for this site which comprises a small and poorly surfaced area of hardstanding with space for 3 cars to be parked.

3 PROPOSED DEVELOPMENT

The proposals seek to provide an additional one-bedroom flat within the roofspace, facilitated by the provision of dormer windows within the rear facing roofslope and a change to the layout of one of the first floor flats which formed part of previous planning permission 20/10523.

The affected flat is within the front part of the building and is known as 'Unit 3'. This flat has been approved as a 3-bedroom flat but would now form a two-bedroom flat so as to create internal space for a corridor and staircase to serve the additional proposed flat, Unit 5, within the roof.

Access to Unit 5 would now be shared with first floor units 3 and 4 (approved under Planning Permission 20/10523), with the entrance door in Eling Lane.

It should be noted that there are also two ground floor residential units being created within the same building: a one-bedroom unit at the rear of the building that forms part of planning permission 20/10523; and a two-bedroom unit at the front part of the ground floor that was approved under prior approval application 20/11103.

Whilst this application would amend the proposals approved under planning permission 20/10523, it would not directly affect the layout or access to the unit approved under prior approval application 20/11103.

Initially, the proposals sought to provide a parking space for Unit 5 as one of the three parking spaces at the rear of the site. The plans have subsequently been amended, however, to provide a cycle parking area and a refuse store, with the effect that only 1 car parking space is now proposed to serve all residential units.

The other two spaces were allocated to units 2 and 3 under planning Ref 20/10523, but the third space was not specifically allocated - although it did form part of the planning application showing 3 parking spaces for 3 flats.

The prior approval application 20/11103 did not include parking for the ground floor unit created under that application.

4 PLANNING HISTORY

4.1 Combining of two existing smaller studio units at ground floor to a one single unit; rearrangement of existing 2no. 2-bedroom residential units at first floor level; Minor external changes to fenestration. (20/10523) - Permission granted 03/12/2020.

(It should be noted that this application originally included conversion of the loft space. Following concerns raised about the visual impact of the proposed single strip dormer, and the lack of time available to address these concerns, this element was removed from the application.)

- 4.2 Use of retail units as 1 flat with associated external alterations (Prior Approval Application). (20/11103) -Prior Approval details approved 02/12/2020.
- 4.3 Application under Regulation 75 of the Conservation of Habitats and Species Regulations, in respect of Prior Approval consent ref:20/11103 for conversion of ground floor retail units to residential. (20/11250) - Under Consideration

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1

Policy CCC1: Safe and healthy communities
Policy CCC2: Safe and sustainable travel
Policy ECON6: Primary, secondary and local shopping frontages
Policy ECON6: Primary, secondary and local shopping frontages
Policy ENV3: Design quality and local distinctiveness
Policy HOU1: Housing type, size, tenure and choice
Policy IMPL2: Development standards

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council: RECOMMENDATION REFUSAL (of original plans) but would accept the decision reached by the District Council's Officers under their delegated powers.

This council were in favour of the previous application (20/10523 - granted permission) due to the improvement of residential living arrangements and retention of the commercial area.

Since that application, a further permission has been granted (permitted development) to convert the commercial units to residential.

This takes the total units of residential accommodation to 4 comprising: 3 x 2 bed and 1 x 3 bed.

There will be a total of 3 parking spaces for residents.

This application seeks an additional 1 bed flat in the roof and dormer windows to the rear. This will be unnecessary overdevelopment of the plot, whilst further contributing to a lack of parking.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist: No objection from a habitats or protected species perspective; an Appropriate Assessment will be required.

HCC Highways: No response to consultation

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Principle of Development

The site is located in the built-up area, within Totton Town Centre and within the Rumbridge Street secondary shopping frontage. As such, the principle of creating an additional residential unit is acceptable.

Design and Layout - impact on the character and appearance of the area

Externally, the only change is to provide two subservient dormer windows in the rear facing roofscape. These windows would overlook commercial premises and do not introduce cause for concern on privacy grounds.

Whilst dormer windows are not characteristic of the general area, those proposed are subservient to the roof and appropriate in design and appearance to the property, being set well-in from the side elevations and with clearance to the eaves and ridge. The flat roof and horizontal proportions would also suit the building.

The dormers would not appear visually dominant, and given the scale and depth of the existing two-storey rear extension would appear as a relatively modest addition to the overall scale and massing of the building.

In design terms, the works required to provide the additional unit in the roof are in accordance with Policy ENV3 of the Local Plan.

Design and Layout - ability to provide an acceptable residential environment for future occupiers

Through a combination of the previous planning permission 20/10523 and the previous prior approval, 14 Eling Lane is in the process of being converted from its former use as 2 ground floor retail units and 4 self-contained flats (part ground floor/part first floor). Through these 2 previous consents, 4 flats have been approved, albeit that the flat approved through the Prior Approval process is also subject to habitats regulations requirements.

To serve these flats there is no outside space whatsoever other than 3 parking spaces, and access along the side is shared by 3 separate, car related, commercial units. The immediate residential environment is therefore less than ideal and, in fact, rather poor.

The current approved position is to provide 3 parking spaces to serve 4 flats.

The proposal is now to reduce the number of parking spaces to 1, so as to allow some external space to be provided, including for refuse storage, cycle storage and an area that could be used flexibly for pick up/ drop off, disabled parking and/or a small amount of external sitting or drying space.

In terms of the living environment of future occupiers, the provision of these facilities over parking spaces represents an improvement and removes the current conflict with surrounding commercial uses, which appears potentially difficult.

By improving the facilities and immediate residential environment for all future occupiers, it is considered that the proposals can be supported.

The additional flat has a floor area of 57sq m, significantly above the 37sq m minimum standards set at national level. The open plan kitchen/diner/living space has outlook and light from a rear facing dormer window. The bathroom relies on natural light from rooflights and has no outlook. But the room is reasonably spacious and the arrangement allows for the provision of storage which many small units do not have. On balance, it is considered that the unit has no worse a living environment than those flats already approved and is not sufficiently poor to refuse.

In coming to this balanced view, the highly accessible location of the site has been taken into account, with its access to all facilities and nearby open spaces.

Neighbour impacts including impacts on adjoining businesses within the town centre and secondary shopping frontage.

The site has an active sales use to the southern side and two car related commercial uses to the rear. The shared access area at the side of the site could potentially create difficulties for the occupiers of the flats and the operators of the commercial units. In reducing the number of parking spaces associated with the residential development, these conflicts are reduced.

Layout of the site and highway safety, parking and access issues

The proposals would reduce the amount of parking on the site from 3 to 1 but in doing so significantly improve the facilities available for future occupiers and reduce the clear conflict of car movements with adjoining uses.

The site is located in the town centre and whilst the Town Council has objected to the level of parking provision, the Highways Authority (from their non-response) appear content to leave parking to the Local Planning Authority to determine against a balance of other planning issues.

It is noted that the site is located in a "pedestrian preference zone" (para 6.22, Totton Town Centre Urban Design Framework SPG), where priority is given to pedestrians as well as creating opportunities for cyclists.

Given the location of this site, with easy access to the town centre's extensive facilities, services and public transport, and with a public car park adjacent to the site, the revised scheme showing 1 parking space to serve all 5 units is considered appropriate. The improvements to the layout to provide cycle storage facilities in this location should be supported.

Ecology

The site has no apparent biodiversity value, and meaningful improvement measures cannot be delivered through this application for one additional unit. Given the location of the site and the fact that previous decisions allow residential units here without on-site biodiversity enhancements, it would be inappropriate to require measures through what is a very modest proposal.

Habitat Mitigation

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 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement (or unilateral undertaking) to secure an appropriate habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has agreed in principle to enter into a Section 106 legal agreement (or to submit a unilateral undertaking) to secure the required habitat mitigation contribution.

Managing air quality

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is 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 of whether 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.

Accordingly, a financial contribution is required (to be secured via a Section 106 legal agreement or Unilateral Undertaking) 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.

Nitrate neutrality and impact on Solent SAC and SPAs

Nitrate neutrality and impact on Solent SAC and SPAs 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. A Grampian style condition has been agreed with the applicant and is attached to this consent.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. This will be published around the end of July 2021 and will be the formal

position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a very modest level of housing provision and will not have any significant impact on housing delivery. However, the site is in a highly sustainable location and the concerns raised regarding parking and quality of living environment have been identified as not to represent harm. In this case, the ability to provide an additional dwelling in a sustainable location outweighs the concerns raised.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution of £2630
- Non-infrastructure contribution of £383
- Bird Aware Solent contribution of £361
- Air Quality monitoring contribution of £85

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	58	0	58	58	£80/sqm	£5,942.77 *
Subtotal:	£5,942.77					
Relief:	£0.00					
Total Payable:	£5,942.77					

11 CONCLUSION

The application site has been the subject of a number of applications over the past year or so, through which there are 4 approved dwelling units on the site.

The concerns about the provision of a fifth unit in the manner proposed have been carefully assessed. The limited on-site parking provision is considered justified in the light of the development's sustainable town centre location. Furthermore, it is not considered the proposals would cause material harm to the amenities of the wider area, and there would be clear benefits in the provision of an additional unit, noting the highly accessible and sustainable location of the site, but also the lack of a 5 year housing supply. The scheme's benefits are considered to weigh strongly in favour of granting planning permission. Moreover, the proposals are considered to be consistent with the Council's policies.

For these reasons, subject to the securing of appropriate mitigation for the identified impacts of protected habitats, the proposals for one additional unit within the building at 14 Eling Lane should be supported.

12 OTHER CONSIDERATIONS

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.

13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement / a Unilateral Undertaking to secure contributions to mitigate the development's impacts on internationally designated nature conservation sites within the New Forest and the Solent areas.
- 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:

Location Plan/Block Plan Drg No. P1043-SNUG-XX-XX-DR-A-0050
dated Dec 20 received 15.07.2021

Proposed Site Plan Drg No. P1043-SNUG-XX-XX-DR-A-2000 Rev A
dated Dec 2020 received 21.12.2020

Proposed Ground and First Floor Plan P1043-SNUG-XX-XX-DR-A-2001
dated Dec 2020 received 21.12.2020 Proposed Second Floor and
Roof Plan P1043-SNUG-XX-XX-DR-A-2002 dated Dec 2020 received
21.12.2020

Proposed Cycle and Refuse Store Plan P1043-SNUG-XX-XX-DR-A-2300
dated July 2021 received 15.07.2021

Proposed Section Drg No. P1043-SNUG-XX-XX-DR-A-2200 dated Dec
2020 received 21.12.2020

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied 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.

4. The development hereby permitted shall not be occupied until the parking space shown on plan P1043-SNUG-XX-XX-DR-A-2000-Rev-A has been provided. This space shall be retained and kept available for drop-off, pick-up and parking associated with the flats at 14 Eling Lane and should not at any time be specifically allocated to any one flat unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a parking space is made available in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. The flat (unit 5) hereby approved shall not be occupied until such time as the refuse and cycle storage facilities shown on amended plan Drg Nos. P1043-SNUG-XX-XX-DR-A-2000-Rev A and P1043-SNUG-XX-XX-DR-A-2300 have been provided in accordance with those plans. The cycle and refuse storage facilities shall thereafter be retained and maintained for the unencumbered use of residents of all flats within 14 Eling Lane.

Reason: To ensure the occupiers of the flats are provided with and retain access to appropriate facilities in accordance with the Council's adopted standards.

6. The external facing materials for the dormer windows shall be those stated on the application form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

Further Information:

Andrew Amery

Telephone: 023 8028 5345



New Forest DISTRICT COUNCIL

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

Claire Upton-Brown
Executive Head of Planning,
Regeneration and Economy
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

August 2021

14 ELING LANE, ELING
TOTTON
SO40 9GA
20/11441

Scale 1:1250

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

