

**Application Number:** 15/11444 Full Planning Permission

**Site:** OFFICE REAR OF 10A, THE PARADE, ASHLEY ROAD,  
ASHLEY, NEW MILTON BH25 5BS

**Development:** Use of building as physiotherapist or chiropractors and external alterations (Use Class D1)

**Applicant:** Juno Developments

**Target Date:** 26/11/2015

---

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area  
Local Shopping Frontage outside town centre

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

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

Policies

**Core Strategy**

- CS1: Sustainable development principles
- CS2: Design quality
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM18: Local shopping frontages in Marchwood, Blackfield, Holbury, Fawley, Milford on Sea, Hordle, Bransgore

#### **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 - Parking Standards

SPD - New Milton Local Distinctiveness

#### **6 RELEVANT PLANNING HISTORY**

- 6.1 Continued use of garage as 1 residential unit (10135) Refused on the 27th March 2014.
- 6.2 Continued use of garage as 1 residential unit (10627) Refused on the 18th June 2014. Appeal dismissed.
- 6.3 Use of building as office, external alterations (10280) Refused on the 6th May 2015. Appeal allowed

#### **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council: Recommend refusal:

- (1) No parking provision given to facilitate frequent appointment slots, which is considered quite a different situation to that assessed at appeal.
- (2) The unmade road means access is not acceptable for use by clients of this type of business.

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

Hampshire County Council Highway Engineer: objection.

#### **10 REPRESENTATIONS RECEIVED**

- 10.1 2 letters of objection concerned that there is no parking and this would lead to the access road being blocked up. The proposal would increase traffic in the area. Impact on pedestrians. There is already a physiotherapist along the parade and the proposal to create a further facility is unacceptable. There is no space for wheel chair users to access the building.
- 10.2 The applicants have written in support of the application stating that the building is in an accessible location in an area of mixed use that would provide appropriate internal space for the use proposed. In addition it is stated that the proposed use would be consistent with the approved office use and appropriate in this area of mixed uses. It is also stated that the building is in a sustainable location that can be accessed by public transport or on foot, there is also unrestricted parking on the neighbouring roads.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

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

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

## **14 ASSESSMENT**

14.1 The building subject to this application was originally built as a detached garage to the rear of 10 The Parade, a ground floor shop unit with residential use above (10A). The building fronts onto a fairly poorly maintained service road that runs between Lower Ashley Road and Molyneux Road to the rear of The Parade. It occupies the majority of the rear curtilage to No 10/10A but with space to one side providing a gated pedestrian access. This gate serves the application building, which has an entrance door and windows along its side elevation, as well as the ground and first floor uses in the main building. The building has

previously been unlawfully occupied as a dwelling, permission for which was refused retrospectively and a subsequent appeal dismissed in October 2014 (Under planning reference 10267).

- 14.2 In 2015, under reference 10208, a planning application to use the building as an office (Class B1a) was refused planning permission against the recommendation of Officers. An appeal was lodged and subsequently allowed. That application also entailed external alterations. In allowing the appeal for the building to be used as an office, the Inspector considered that the use was appropriate in this location and the building would be wholly suitable for future occupiers.
- 14.3 This application seeks to use the building as a physiotherapy and chiropractic clinic (Use Class D1). The application also proposes external alterations to the building which would be exactly the same as that approved under the previous consent. The permission has not been implemented and the external alterations have not taken place.
- 14.4 In assessing this proposal to use the building as a physiotherapy/ chiropractor clinic, the same principles and policies apply. It is considered that the building is appropriate for this type of use and sufficient light and outlook would be provided into the building. The building offers an open plan with toilet and kitchen area, natural light and access to the building would be suitable for a workplace.
- 14.5 The site lies within a sustainable location accessible to many residents and close to a number of other facilities in the parade. In allowing the appeal for the office use under planning reference 10280, the Inspector felt that *'the building stands out as one of significantly greater quality than other utilitarian structures that line the sides of the service road'*. Overall it is considered that such a use would be appropriate in this location and would be similar to the activities that would be generated from an office use.
- 14.6 With regard to residential amenity, a physiotherapy and chiropractic use does not generate noise within the building, and the only disturbance that would be likely to occur is from customers arriving and leaving the premises. It is accepted that such a use could generate more movements compared to an office use, however, given that there is no on site car parking, customers would need to park near the site and walk to the site which would not generate any noise or disturbance. Accordingly, it is considered that the proposed use would not result in an unacceptable relationship to the neighbouring properties.
- 14.7 Concerning highway safety matters, no parking is provided for the proposed use. Whilst that may not satisfy the recommended parking provision for a physiotherapy/ chiropractor use, that does not render the working environment poor. There is no dispute that the site is within an accessible location where staff and clients could arrive by alternative means of transport.
- 14.8 Indeed, there is a car parking lay by along Ashley Road where customers can park or on street parking along Lower Ashley Road and any user of the building would know that the site offers no on site car parking, which is likely to make the building more attractive to persons living close to the site. Moreover, there is very limited space to park along the access road given its narrow width, and the fact that several

driveways and garages access onto the road. There is no evidence that the proposal would prejudice public highway safety. The narrow width of the pedestrian access may restrict access to the premises for some people. In addition the Highway Engineer has commented that the proposed use would have a similar impact on the highway office use that was allowed on appeal.

14.9 In conclusion it is considered that the site is located in a sustainable and accessible location in an area of mixed use and would provide appropriate internal space for physiotherapy and chiropractor use, which would accord with local and national planning policies. The proposed use would not have any adverse impact on residential amenity or public highway safety.

14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 1084/200 C.

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactments thereof, the use hereby approved on the ground floor shall be used for medical related purposes only (to include osteopathy, acupuncture, podiatry, chiropody, physiotherapy, massage counselling and audiology) and for no other use purposes, whatsoever, including any other purpose in Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To allow the Local Planning Authority the opportunity to control the future uses of the premises, in the interest of safeguarding the amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

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 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:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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

Chris Elliott  
Head of Planning & Transportation  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
December 2015**

**Item No: 3i**

Office r/o 10a The Parade  
Ashley Road  
Ashley New Milton  
15/11444  
SZ2595

Scale 1:1250

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

