

**Application Number: 23/10220** Full Planning Permission

**Site:** 22-24 COMMERCIAL ROAD, TOTTON SO40 3BY  
**Development:** Change of use of bank (ground floor rear) to dwelling houses (2 no. 1 person studios); change use of bank offices (first floor) to dwelling houses (2 no. 1 person studio and 1 no. 1 bedroom flat)  
**Applicant:** Mr Toor  
**Agent:** Abay Architecture  
**Target Date:** 27/04/2023  
**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the proposed development
- 2) Design, materials and impact on the surrounding area
- 3) Amenity
- 4) Flood risk
- 5) Access and parking provision
- 6) Air quality
- 7) Ecology and BNG
- 8) Habitats mitigation

This application is to be considered by Committee because of the recommendation of refusal received from Totton and Eling Town Council.

## 2 SITE DESCRIPTION

The application relates to a two-storey mid-terrace building (a former High Street bank premises - now vacant) and includes ancillary office space at first floor level. The building has a commercial shopfront with pedestrian access at the front and a small enclosed rear yard area, also with pedestrian access. There is no vehicular access or parking.

## 3 PROPOSED DEVELOPMENT

The application proposes the reduction of the ground floor commercial unit and the conversion of the remaining ground and first floor areas of the building to provide 5 x one bedroom flats, with associated minor external alterations.

The proposal was first submitted to the local planning authority under the GPDO prior approval procedure - Class MA *commercial, business and service uses to dwellinghouses* (22/11289 refers). However, the specifics of the proposal exceeded that which could be considered under the procedure and a planning application was required.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
22/11289 Change use of bank (ground floor rear) to dwelling houses (2 no. 1 person studios); change use of bank offices (first floor) to dwelling houses (2 no. 1 person studio and 1 no. 1 bedroom flat) (Prior Approval Application)	23/12/2022	Prior Approval refused	Decided
18/10977 Re-locate ATM & surround; re-glaze shop front; internal layout alterations	14/09/2018	Granted Subject to Conditions	Decided
06/87499 2.1 metre high security fence at rear	28/04/2006	Refused	Decided
04/83148 Alterations to shopfront	22/12/2004	Granted Subject to Conditions	Decided

## 5 PLANNING POLICY AND GUIDANCE

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ECON1: Employment land and development  
Policy ECON2: Retention of employment sites and consideration of alternative uses  
Policy ECON6: Primary, secondary and local shopping frontages  
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
Policy ENV2: The South West Hampshire Green Belt  
Policy ENV3: Design quality and local distinctiveness  
Policy HOU1: Housing type, size, tenure and choice  
Policy IMPL1: Developer Contributions  
Policy IMPL2: Development standards  
Policy STR1: Achieving Sustainable Development  
Policy STR5: Meeting our housing needs  
Policy STR8: Community services, Infrastructure and facilities  
Policy CCC1: Safe and healthy communities

### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity  
DM14: Primary Shopping Frontage

### **Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development. Adopted June 2022  
SPD - Parking Standards  
Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

### **Relevant Advice**

Chap 14: Meeting the challenge of climate change, flooding and coastal change  
Chap 12: Achieving well designed places

### **Constraints**

NFSFRA Fluvial

## **Plan Policy Designations**

Built-up Area  
Primary Shopping Area  
Town Centre Boundary  
Primary Shopping Frontage

## **6 TOWN COUNCIL COMMENTS**

**Totton & Eling Town Council:** We recommend REFUSAL, for the reasons listed.

Following the refusal of the previous prior approval application, the positive amendments are the improved layout of the commercial unit with the addition of storage and staff facilities.

The first-floor studio flats benefit from roof lights, improving the amount of natural light to habitable areas.

The main area of concern is the ground floor studio flats having only one window on the front elevation. Enlarging the existing windows is not sufficient to improve the amount of natural light to serve the entire plot.

The addition of internal bicycle storage areas to each plot is unacceptable and has interfered with the layout, making it more disjointed.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**Environment Agency:** No response received

**Ecologist:** I have no objections to the proposals from an ecological perspective.

## **9 REPRESENTATIONS RECEIVED**

No third party representations were received

## **10 PLANNING ASSESSMENT**

### **Principle of Development**

The application relates to a building that is located within the built-up area of Totton, where development is acceptable in principle subject to accordance with relevant local plan policies and local and national planning policy guidance.

### **Retention of the ground floor commercial use**

The subject building was last used as a commercial bank (a Class E use) and is within the designated Primary Shopping frontage and Primary Shopping area. As such, local plan policy ECON6 (Primary, secondary and local shopping frontages) is relevant to the proposal.

Policy ECON6 seeks to resist proposals for the change of ground floor shopping and professional services premises (now use Class E). The current application accords with the provisions of ECON6 by retaining the existing shopfront and a meaningful area (approx. 72 sq.m) of ground floor Class A floorspace with associated WC, kitchenette and internal store.

In retaining a ground floor commercial unit within the Primary Shopping Frontage of the town, the proposal is considered accordant with the provisions of Policy ECON6 and can be considered acceptable in principle.

### **Housing Land Supply**

The Council cannot demonstrate a five-year supply of deliverable housing land. 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).

Whilst the current proposal is for a relatively modest level of housing provision, officers are mindful that the NPPF tilted balance does constitute a material planning consideration in the determination of the proposal.

### Design, site layout and impact on local character and appearance of area

The proposal makes very limited external alterations:

- The existing ground floor shop frontage and first floor fenestration are unaltered
- The metal louvre shutters over the rear door and windows are to be removed, and openings are provided with domestic style doors and windows
- Four rooflight windows (two on each side) are inserted into the existing side facing roofslopes

By reason of the very limited external alterations proposed, the development is considered acceptable in terms of its design and impact on the character of the surrounding area.

### Amenity considerations

Careful consideration has been given to the amenity and living conditions of occupiers of the proposed residential units in terms of space and the availability of natural daylight to habitable rooms.

The floor area of each of the proposed residential units exceeds the minimum standards set out within government guidance (Statutory guidance Technical housing standards – nationally described space standard, published 27th March 2015) which prescribes a minimum floor area of 37 sq.m for single occupancy dwellings with a shower instead of a bathroom.

Generally, the layout of the proposed residential units is considered to be appropriate and acceptable in terms of occupier amenity.

### **Provision of natural light**

The Town Council has raised a concern that the ground floor studio flats, having only one window on their front elevation, would not be sufficiently provided with natural light.

These concerns appear to be based on the criteria set out within the GPDO prior approval procedure and are not therefore directly relevant to the consideration of a full planning application. However, when the proposal is considered in the context of the 'natural light' criteria in the GPDO, it is important to make the distinction that the natural light requirement applies to "habitable rooms" only. There is no single legal definition of "habitable room", as its use and meaning is subject to context. Normally, for planning purposes, habitable rooms would include bedrooms and lounges but not kitchens or bathrooms.

The current planning application differs (and is improved in terms of the provision of natural light to the accommodation proposed) by the addition of rooflight windows within the side facing roof slopes, by the rearrangement of the internal accommodation layout (putting habitable areas towards the areas best provided with natural light) and by the enlargement of casement windows and the incorporation of glazed access doors to the two ground floor studio units. These amendments are considered to provide better and adequate levels of natural light.

Additionally, the application is accompanied by an Internal Daylight and Sunlight Study (Base Energy Services Ltd, January 2023) which has assessed the levels of natural light which would be achieved in each of the five proposed flats. The Internal Daylight and Sunlight Study concludes that all habitable rooms assessed would meet or exceed the minimum requirements for natural light in accordance with BRE guidelines. The proposed development is therefore considered acceptable in terms of the provision of natural light to habitable areas and in terms of the amenity of future occupiers in general.

In these respects the proposed development is considered to be in accordance with the provisions of policy ENV3 of the adopted local plan.

#### Flood risk

Whilst the application site is not within Environment Agency Flood Zones 2 or 3, a significant part of the footprint of the subject building is within NFSFRA Fluvial Flood Zone 2 (which post dates the EA Flood maps and is therefore the most up to date flood map source). The application site is therefore at risk of flooding. However, as this is a change of use application without new or additional built form, the Environment Agency sequential test is not relevant.

The applicant has submitted a Flood Risk Assessment (RIDA, February 2023) for the proposed development which concludes that subject to the proposed mitigation measures, the site can be developed in a manner that will be safe in terms of flood risk for its design life and will not increase the flood risk elsewhere.

In these respects, the proposal is considered accordant with the provisions of local plan policy CCC1 and the aims and objectives of the NPPF.

#### Highway safety, access and parking

The application site is located very centrally within Totton Town centre, with very good access to a broad range of local facilities and services, as well as good public transport links to other areas.

The application site has no vehicular access, and no car parking provision is available. The application is submitted as a 'zero parking' proposal.

The Council's Parking Standards SPD (Adopted 6 April 2022) includes a provision under Principle PS1 regarding residential development within the Main Town Centre locations of Fordingbridge, Hythe, Lymington, New Milton, Ringwood and Totton, whereby a reduced car parking provision will be acceptable subject to the site being well served by existing public and active modes of travel. Proposals in these Main Town Centre locations will be assessed on a site by site basis, with account taken of the layout and design of the development.

Taking into consideration the highly sustainable town centre location of the proposed residential units, together with the provision of internal cycle storage for each, the zero provision for the parking of cars is considered acceptable in this case.

The Town Council has raised a concern with respect to the proposed internal cycle storage provision for each of the residential units. The Council's Parking Standards SPD sets out at Principle PS8 that:

*'Cycle parking should be provided on-site using at least the minimum standards set out for residential and non-residential development.'*

*'It should be provided in convenient, sheltered, safe and secure locations, both at home and at other destinations such as places of work, education and other community establishments.'*

The cycle parking standards for one-bed dwellings are 1 cycle parking space per unit.

The proposed development meets the Council's cycle parking criteria and is considered acceptable in that respect.

### Air quality

The Council's 'Air Quality in New Development' Supplementary Planning Document (SPD) was adopted on 1 June 2022. To make development acceptable the Council will expect mitigation measures to be implemented by the applicant to reduce emissions to air from all proposed development.

The SPD provides guidance on when an Air Quality Assessment will be needed to support a planning application and what the assessment needs to address. It also confirms when an Air Quality Statement is required. Where necessary to enable development to take place, appropriate mitigation measures will be required, and the document contains suggested mitigation measures.

In the case of an application for less than 10 dwellings, an Air Quality Statement rather than an Air Quality Assessment will be required. The Air Quality Statement should include a Statement confirming 3 mitigation measures to be implemented as part of the development from the list detailed in Appendix 1. In this case, an Air Quality Statement can be required to be submitted via a planning condition.

### Habitat Mitigation

#### a) Managing Recreational Impact

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 those sites' 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 mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. In this case, an appropriate mitigation contribution can be secured through a S106 legal agreement or unilateral undertaking.

**b) Nitrate neutrality and impact on the Solent SPA and SACs**

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. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

The Council has a policy in its Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment.

As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget. For this reason, a Grampian style Condition can be imposed and a further Appropriate Assessment carried out on discharge of this condition.

### **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<sub>x</sub>, 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 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.

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. An appropriate contribution can be secured through a S106 legal agreement or unilateral undertaking.

## Developer Contributions

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

- Infrastructure contribution of £16,005
- Non-infrastructure contribution of £2,335
- Bird Aware Solent contribution of £2,215
- Air quality monitoring contribution of £515

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	246	246	0	0	£80/sqm	£0.00 *
Shops	72	72	0	0	No charge	£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

## 11 CONCLUSION

The proposed development is considered acceptable in principle and would accord with the provisions of local planning policies and local and national planning policy guidance.

## 12 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement (or unilateral undertaking) to secure appropriate habitats mitigation contributions as set out in the officer report, and
- 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:

1356-P-006 PROPOSED ELEVATIONS  
1356-P-003 PROPOSED FLOOR PLANS  
1356-P-004 PROPOSED ROOF PLAN  
1356-P-001 SITE LOCATION & BLOCK PLAN  
INTERNAL DAYLIGHT & SUNLIGHT STUDY REV 0  
NOISE ASSESSMENT REPORT  
FLOOD RISK ASSESSMENT

Reason: To ensure satisfactory provision of the development.

3. None of the residential units of the development hereby permitted shall be occupied until:

(i) 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; and

(ii) 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

(iii) The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

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. Before development commences, an Air Quality Statement setting out a minimum of three mitigation measures (as detailed within Appendix 1 of the Council's Air Quality Assessments in New Development Supplementary Planning Document (SPD) shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in full accordance with the agreed air quality mitigation measures.

Reason: In the interests of amenity and public health, in accordance with the provisions of the Council's Air Quality Assessments in New Development SPD.

5. The development hereby approved shall be carried out in full accordance with the flood protection and mitigation measures set out at Section 6.3 within the submitted Flood Risk Assessment (RIDA, February 2023).

Reason: To mitigate the risks and potential impacts of flooding.

**Further Information:**

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# New Forest DISTRICT COUNCIL

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## PLANNING COMMITTEE

May 2023

22-24 Commercial Road  
Totton  
SO40 3BY  
23/10220

Scale 1:378

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

