

Application Number: 15/11545 Full Planning Permission

Site: 120 COMMERCIAL ROAD, TOTTON SO40 3AD

Development: Use of land for car sales & waiting for repair; demolition of existing building

Applicant: Mrs Newman

Target Date: 15/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Discretion of Head of Planning and Transportation and contrary to Cllr view in part

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town Centre
Part of site in Flood Zone 2/3

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
6. Towns, villages and built environment quality

Policies

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS6: Flood risk
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

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

SPG - Totton Town Centre - Urban Design Framework
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

Use for day care centre and offices (82548) Granted with conditions on the 16th Feb 2004

7 PARISH / TOWN COUNCIL COMMENTS

Totton Town Council: Recommend refusal. The application seeks to demolish the building on the site fronting on to Commercial Road and replace it with additional hardstanding parking area for use by nearby car sales business. This is a prominent road within Totton and replacing the building with additional car parking area would not be beneficial to the area. Although the building has no particular merit, its demolition would add to the open and empty feel of the road which is contrary to the regeneration of the town centre. The site is also employing approximately 10 staff with an additional 25 volunteers which would not be achieved with the new use, and provides an essential service for a large number of vulnerable people in the surrounding area. The social and economic factors add significant weight against this application.

8 COUNCILLOR COMMENTS

Councillor D Harrison: Request the application be heard at the Planning Committee and to raise an objection to the application. The proposal would result in the demolition of a functional building that is operated by a well respected charity that provides employment for local people and a valuable local service for users. The demolition of the building will not enhance the street scene and the loss of the building will expose poor features behind the building that would have a detrimental impact on the area, which is the main entrance to the town. Concerns that Commercial Road is a sensitive highway site, being one of the main accesses into Totton and any addition to the existing car sales facility will increase the problems with traffic obstructions and increase the hazards of extra vehicle movements. The present car sales is about the right size, not being over dominant a feature in the variety of businesses and properties in the locality. Allowing permission to extend it will make the business an over dominant feature in the street scene and reinforce an undesirable impression that the town is completely swamped with cars.

Councillor Davis: Objection. Totally Against the demolition of this wonderful place helping people who have suffered brain injury. Finding another suitable building will be difficult, leaving vulnerable people without this facility. It will also make the area less attractive with the removal of the trees and bushes.

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: No highway objections subject to conditions

- 9.2 Policy: The proposal would fail to comply with Core Strategy policies
- 9.3 Natural England: No objection
- 9.4 Tree Officer: No objection subject to condition

10 REPRESENTATIONS RECEIVED

- 10.1 Dr. Julian Lewis MP has forwarded a letter he has received from the applicant asking that concerns raised are considered and shares the worry that Headway's work will be put at risk if it has to leave its current home. It has also been suggested to him that it is debatable that this important gateway to the town will be enforced by further expanding the space presently occupied by cars owned by the car dealership.
- 10.2 Petition with 44 signatures raising an objection.
- 10.3 256 letters of objection concerned that the proposal would result in the loss of a community use which provides training, rehabilitation and support for people with brain injuries in the area. The building is currently leased to Headway. The site is located in a sustainable location close to public transport and the shops in the town centre. The Company provides volunteering and work experience opportunities for local people including students. Re-locating such a service to another building would take considerable time and money, which is not available. The loss of the community facility would be contrary to policy
- 10.4 If Headway is evicted forty nine people with a wide range of disabilities may lose their support and service. Any loss of service will increase the pressure on their families and carers. The proposal would result in the loss of employment, the loss of which would have a negative impact on the local economy. 10 people are currently employed at the premises. The proposal would result in traffic jams and highway problems in the area with deliveries by car transporter. The neighbouring car business causes problems with car transporters.
- 10.5 The proposal would have a negative impact on the character of the area and would appear as a large car parking area. The proposal would also result in the loss of trees and hedgerows of which there is very little along Commercial Road. Totton doesn't need a larger car showroom. The landlords gave us no formal notice of the application.

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.

No pre application advice was sought and on the basis that there are concerns in principle with the proposal, amended or revised plans would not address the objections raised and the proposal is therefore recommended for refusal.

14 ASSESSMENT

- 14.1 The application site comprises a two storey 1960s building and a car parking area on the south side of Commercial Road in Totton. The building is currently occupied as an office and day centre by a company known as 'Headway' and the building is a long rectangular structure, with a flat roof, fronting onto Commercial Road. The existing car parking area and building are largely screened by birch trees and a hedgerow set behind a low brick wall. Although the existing building is of no architectural merit, it does front onto the road and, together with the trees and vegetation, the site does have a positive impact on the character of the area. Vehicular access into the site is gained from Station Road North and the access is also shared with the neighbouring car business. The site occupies a very prominent location in Commercial Road, which is the principle route through Totton. The site is located in a sustainable location immediately adjacent to Totton train station, with a bus stop outside the site, and is also within walking distance of the town centre.
- 14.2 The site lies within a very mixed area with residential properties situated opposite in Station Road North. There is a restaurant outlet across the road to the north. Immediately to the west of the site there is a large car sales business with cars displayed on the forecourt adjacent to Commercial Road with industrial type buildings set back from the road, which form part of their business operations. These buildings appear to be used as offices with general car repair and servicing.

- 14.3 This planning application seeks consent to demolish the existing building and to use the site for car sales and car storage. The submitted plans indicate that all of the existing vegetation and trees adjacent to Commercial Road will be removed. The site would be surfaced and laid out as a car parking area with new cars for sale displayed to the front of the site and cars waiting for repair and servicing to be provided to the rear.
- 14.4 Starting with the policy position, the site lies outside the shopping core but within the town centre boundary and there are several local plan policies that are applicable. Core Strategy Policy CS8 relates to community facilities and the overall aim is to ensure the delivery of adequate infrastructure and services to serve existing and proposed development in the district and to support the local economy. While the policy has support for new and improved community facilities such as health care, education and social facilities in meeting the needs of the District, the policy also seeks to resist the loss of existing facilities. The policy states that there will be a presumption against any development that involves the loss of education, health, social and other publicly provided, community services, except where it is part of a service providers plans to provide improved local services in equally accessible locations. The subtext to the policy states that community facilities and services include education, health and social services, public and emergency services, village halls, community buildings, social clubs, libraries, cultural facilities, places of worship, allotments and cemeteries.
- 14.5 Core Strategy Policy CS17 relates to employment and economic development and the strategy is to provide for new employment and the importance of providing a diverse local economy. The policy seeks to keep all existing employment sites and allocations for employment use, except for the few small sites identified for release in the Employment Land Review. The policy also highlights the importance of encouraging and making provision for office development within the town centre where this is appropriate to the scale and role of the centre.
- 14.6 Local Plan Part 2 Policy DM16 is applicable and states that "Within the town centre, boundaries defined on the Policies Maps outside the defined Primary Shopping Areas and other Secondary Shopping Frontages, development for retail and appropriate non-retail uses (defined in para.2.92) will be permitted."
- 14.7 In assessing the proposal against the policies, it is firstly important to note that planning consent was granted in 2004 under planning reference 80081 to use the building as a day care centre and offices. The building was originally used as an office (Use Class B1) and the permission in 2004 sought to use the premises as an office and community use. In reviewing the previous application it was submitted by the current tenants, Headway, and the company has continued to occupy the premises since the consent was granted. It is also clear that the application at that time was supported by the Council due to the need to provide suitable premises in good locations for beneficial community uses.
- 14.8 'Headway' is a charity which is publicly funded and provides advice, rehabilitation and training services to people with brain injuries. The company is a tenant and the business currently provides volunteering, training and work experience opportunities for local people including students from the local colleges. It is understood that the company

provides employment and volunteers to local people, and provides services and support to up to 49 people with a wide range of disabilities.

- 14.9 In assessing the proposal against Policy CS8 of the Core Strategy, it is clear that this proposal would involve the loss of a building that is used to provide community services. The existing lawful use provides a community service and no alternative facilities or sites have been put forward for other appropriate or sustainable locations. On this basis, this proposal would conflict with Policy CS8.
- 14.10 Notwithstanding the concerns raised regarding the loss of the community facility, the proposal is also considered to conflict with Policy CS17 of the Core Strategy which seeks to retain existing employment uses. The proposal to demolish the existing building, which currently provides employment would fail to comply with policy. Indeed, it is not only the loss of the community facility on its own that raises an objection, but the fact that the premises can provide a reasonable amount of employment through the provision of a two storey building. The premises is positioned in a sustainable location close to public transport and the town centre and is considered to be an appropriate site for an office or community use. Accordingly, it is considered that the proposal would fail to comply with policy on the grounds of the combination of the loss of the community use and employment use on the site. It should be noted that while a car sales use is akin to a retail use, and in part will benefit the economy, it is clear that only half the site would accommodate car sales and the overall amount of employment generated would be insignificant compared to the existing use of the building as offices or other employment type uses.
- 14.11 In terms of the effect on the character and appearance of the area, while the existing building is not of any architectural merit, it does have an active frontage onto Commercial Road, hidden behind an established hedgerow and trees. The site occupies an important, prominent, location and the combination of the loss of existing hedgerow and trees along the frontage adjacent to the road and loss of an active frontage building is unfortunate. It is considered that the proposal to create additional car parking for both car sales and storage use would have a negative impact on the character of the area and would have a very harsh impact on the street scene. The submitted plans indicate that the car parking area would be sited right up to the front boundary of the site with no scope to retain any of the existing hedgerow and no scope for any new planting. The Tree Officer has noted that these trees are not worthy of protection, but recognised that the trees provide amenity value and soften the area with landscaping.
- 14.12 Although the neighbouring site is dominated by car sales on a large forecourt, this does not positively contribute to the character of the street and the proposal would exacerbate the impact of large forecourts and car parking areas on this main road frontage. Indeed, the length of the neighbouring car sales including car parking, extends to around 50 metres. If the proposal was permitted, this would result in a total length of car sales and forecourts of approximately 90 metres.
- 14.13 Overall it is considered that the proposal to create a forecourt for car sales and car storage would have a detrimental impact on the street scene and character and appearance of the area.

- 14.14 In terms of the impact on public highway safety, the Highway Authority does not raise any objections to the proposal. The site currently benefits from an access onto Station Road North which it shares with an adjacent business premises immediately to the south. The application seeks to effectively abandon this access by erecting a low boundary fence which would prevent vehicles from accessing the site from Station Road North. This would result in a potential decrease in vehicular movements at the junction of Station Road North and Commercial Road which given the poor visibility looking east out onto Commercial Road would be desirable in the interest of highway safety. The plans appear to show that the existing vehicular access to Commercial Road in front of the entrance to the existing building would be stopped up and the existing drop kerbs removed, which would be supported by the Highway Authority.
- 14.15 In conclusion, it is considered that there are two main issues in this case. The first concern is the loss of the community and employment use, which would fail to comply with policy. The second concern is the visual impact of removing all of the features and the building on the site and replacing them with a large car parking area with no scope for any soft landscaping.
- 14.16 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in the loss of a building that provides a valuable community service, which would be detrimental to the provision of employment opportunities in the local area, harmful to the economic well being of the area and loss of this community facility that is located in a sustainable location in Totton. For this reason, the proposal is contrary to policies CS8 and CS17 of the Core Strategy for the New Forest District outside the National Park.
2. The site is located in a prominent location along the main road leading through Totton and is occupied by a two storey building that provides an active frontage onto the road, together with a substantial hedgerow and trees which make a positive contribution to the street scene. The proposal to remove all of these features and replace them with a single car parking area

for both car sales and car parking would appear intrusive in its setting with a negative impact on the street scene, which would be exacerbated by the extent of car parking on the neighbouring land to the detriment of the character and appearance of the area. For this reason, the proposal is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. 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.

No pre application advice was sought and on the basis that there are concerns in principle with the proposal, amended or revised plans would not address the objections raised and the proposal was therefore recommended for refusal.

Further Information:

Major Team
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**Planning Development
Control Committee
January 2016**

Item No: 30

**120 Commercial Road
Totton**

**15/11545
SU3613**

Scale 1:1250

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

