

Application Number: 15/11584 Full Planning Permission

Site: 32 RINGWOOD ROAD, TOTTON SO40 8BZ

Development: Continued use as hand car wash and valeting facility

Applicant: Mr Memishi

Target Date: 06/01/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

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

- CS2: Design quality
- 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

TOT15: Totton town centre opportunity sites

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

6 RELEVANT PLANNING HISTORY

6.1 Replace fuel filling station with conveyor wash and vacuum facility

- 6.2 Continued use as hand car wash (08/92041) - refused 7/5/08
- 6.3 One 2-storey block of retail units & offices (Use Classes A1 & A2); car wash & valeting canopy & bays; access alterations; new access (09/94113) - refused 13/8/09
- 6.4 Continued use as hand car wash & valeting facility (09/94493) - grant temporary permission 10/12/09
- 6.5 Continued use as hand car wash and valeting facility (11/98069) - grant temporary permission 15/3/12
- 6.6 Continued use as hand car wash & valeting facility (14/10433) - withdrawn - 3/6/14
- 6.7 Continued use as hand car wash & valeting facility (14/10959) - grant temporary permission 9/10/14

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council:- Recommend refusal - the previous proposals were granted for a temporary period of 1 year. In that case the Town Council believed that although the car wash business was beneficial to the economy currently, the Town Centre location was not an appropriate site for this type of business. The area has potential to provide redevelopment into residential and commercial space which better suits the location. Keeping this land use would shift much needed homes and mixed use commercial premises further away from Totton Town Centre.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection
- 9.2 Land Drainage:- No objection
- 9.3 Estates & Valuation:- Considers that redevelopment for policy compliant uses would not be seen as a viable option at the current time. - See Paragraph 14.8 below for detailed comments.
- 9.4 Southern Gas Networks:- advise of site's proximity to gas main
- 9.5 Southern Water:- No objection - advice given

10 REPRESENTATIONS RECEIVED

- 10.1 64 letters of support from local residents:- proposal provides a much valued service to local people.

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 application site is a former petrol filling station, which has been used as a car wash and valeting facility since at least 2007. The site is located in a prominent position in the centre of Totton, directly opposite a large Asda retail store. The site is bounded on its western side by Popes Court which is a residential development providing sheltered accommodation for the elderly, while to the north and east of the site are a number of mainly commercial properties that front onto Salisbury Road and Water Lane.
- 14.2 The existing car wash and valeting facility has been the subject of a number of temporary planning permissions. In fact, a car wash and vacuum facility was initially refused by the Local Planning Authority in November 2006 as being contrary to policy and of an unduly poor design

quality that failed to accord with the Council's design aspirations for the site. A subsequent appeal was dismissed. By the time the appeal was considered, it appears that a hand car wash facility had already unlawfully commenced on the site. The appeal inspector deemed the development to be wholly inconsistent with the design framework embodied in the "Totton Town Centre - Urban Design Framework" Supplementary Planning Guidance (SPG). A further application for the retention of the car wash facility was refused by the Local Planning Authority in May 2008 for similar reasons to the earlier refusal.

- 14.3 In December 2009 a further planning application for the continued use of the site as a hand car wash and valeting facility was given a 2 year temporary planning permission. It was recognised that the proposal was contrary to policy. However, it was felt the conflict with policy was outweighed at that time by short-term economic benefits. The proposal allowed for the retention of jobs in very difficult economic conditions. It was also felt that granting a 2-year temporary permission would give the applicant additional time to provide an acceptable scheme for the redevelopment of the site. In March 2012, planning permission was granted for the continued use of the car wash and valeting facility for a further 2 year temporary period (expiring on 31st March 2014). It was felt that a renewal of planning permission was justified on economic grounds given the difficult economic conditions that still existed at that time. It was again felt that granting a temporary planning permission would give the applicant more time to provide an acceptable scheme for the redevelopment of the site that would be capable of meeting the Council's design aspirations for the site.
- 14.4 The most recent application at this site that was submitted last year sought to retain the existing hand car wash facility and valeting business for a further temporary period. The Local Planning Authority granted a 1 year temporary permission, which constituted a shorter-term permission than the previous temporary permissions. The Local Planning Authority recognised that the proposal was still contrary to policy and it was also recognised that economic conditions had improved significantly since the previous temporary planning permissions had been granted. However, it was also recognised that the commercial property market was only at the early stages of improvement and for this reason it was felt that a short-term planning permission was still justified. In granting a 1 year temporary planning permission, the Local Planning Authority made it clear to the applicant that it would expect the site to be actively marketed in an appropriate manner before the temporary permission expired so as to more clearly establish what demand there is to redevelop the site. It was made clear that if the site was not marketed in an appropriate manner, and if it could not be adequately demonstrated that there is no demand to redevelop the site for policy compliant purposes, then a further temporary planning permission would be unlikely to be granted.
- 14.5 The application that has now been submitted seeks to continue using the application site as a hand car wash and valeting facility for a further temporary period.
- 14.6 The existing development site and associated use is considered to have a negative townscape impact. The existing canopy, and the associated structures and external spaces are of a poor design quality, which fail to make a positive contribution to the character and appearance of the area. The Totton Town Centre - Urban Design Framework SPG

promotes the redevelopment of this site with a 2-3 storey building on the street frontage encompassing retail and other 'A' class uses, as well as various mixed uses on the upper floors. The SPG seeks to integrate the application site more successfully with the shopping core by establishing well designed frontage uses which would attract pedestrians. It is felt that the continued use of the site as a car wash and valeting facility would be in clear conflict with this SPG. It is also felt that the proposal would be in clear conflict with Local Plan Part 2 Policy TOT15. This identifies the application site as a Town Centre Opportunity site and it is suggested that it should be redeveloped primarily for a retail use, although it is also indicated that other uses may be acceptable as part of a mixed used scheme on upper floors. The proposal would also be contrary to Core Strategy Policy CS20, which seeks to protect the primary retailing role of defined shopping areas, and which also seeks to strengthen the vitality and viability of town centres.

- 14.7 The applicants do recognise that their proposal would be contrary to policy. They still, however, are of the view that it will be difficult to meet the policy aspirations and strategy for this site in the immediate future. They consider that a redevelopment of the site will not generate an adequate return on the investment at the present time. They have submitted a financial viability report and development appraisal to support their view that redevelopment of the site would be too high a risk in view of a likely poor financial return. This is the same viability appraisal that was submitted with the previous 2014 application. Far more significantly, the applicants have submitted details of their recent marketing of the site. The site was marketed in 2015, resulting in a single offer by a prospective purchaser who was interested in using the site as a petrol filling station with an associated retail convenience store. Reversion of the site to its former use as a petrol filling station (albeit with a small retail store element) would not achieve the Council's policy aims for this site.
- 14.8 The Council's Senior Valuer has considered the applicant's recent marketing exercise. He advises that the property has been marketed by an experienced firm of commercial property agents, and notes that the site has been openly exposed to the market through advertising on local and national websites. The Council's Senior Valuer feels that offers from persons interested in redevelopment of the site for a use other than the site's lawful use (as a petrol filling station) will have been hindered because the site has been marketed on the basis of unconditional offers only. Consequently, it needs to be considered whether a greater site value could be generated through a re-development of the site that would be consistent with the Council's policies. If there is little expectation that redevelopment options would generate a higher site value than the current use value, then it would not be reasonable to expect the owners to prepare illustrations of potential development options for marketing purposes. Noting the single offer (of £500,000) that was made, the Council's Senior Valuer feels that developers interested in redeveloping the site with a mixed retail / residential development would not be able to offer so much for the site as someone who wished to recommence the former use as a petrol filling station (which would become the site's lawful use again if the temporary car wash use is not permitted). In these circumstances, the Council's Valuer has concluded that, if the site falls vacant and is sold, the most likely scenario is either the re-establishment of the former use as a petrol filling station or alternatively long-term vacancy.

- 14.9 Based on the recent marketing of the site and the advice of the Senior Valuer, it would appear that there is not currently a realistic prospect of the site being redeveloped for purposes that would meet policy aspirations for this site. It would be better that the site is put to an economically beneficial use (that appears to be well supported by local people) rather than remain vacant. Furthermore, the possible alternative of a petrol filling station use (with a small convenience store element) would not meet the Council's policy aspirations for the site, and would not therefore deliver any clear benefits over and above the benefits of allowing the existing temporary car wash use to continue. As such, it is felt that a further temporary planning permission would be justified, notwithstanding a conflict with policy. The car wash use has now operated at this site for over 7 years. It is not felt likely that the current set of circumstances affecting this site is likely to change in the short to medium term. Therefore, it is felt that a longer-term temporary permission would now be justified. It is felt that a 5 year temporary permission would provide the applicant with greater certainty, while at the same time ensuring a more suitable permanent development is still encouraged and hopefully delivered in the longer term.
- 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 Temporary Permission

Proposed Conditions:

1. The use shall cease on or before 31st December 2020 and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: The proposed use would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park, Policy TOT15 of the Local Plan Part 2: Sites and Development Management, and the Totton Town Centre - Urban Design Framework Supplementary Planning Guidance. Temporary planning permission has previously been given for the proposed use on a number of occasions. It is felt that a further temporary planning permission would be justified as the applicant's marketing evidence suggests that the site is unlikely to be redeveloped for a policy compliant development in the short to medium term, and therefore as the proposed use would deliver economic benefits, it would be a justified use until such time as more sympathetic alternative uses become more economically viable.

Notes for inclusion on certificate:

1. Please note that planning permission would only be renewed for this proposal after 5 years, if it is still clear at that time that more policy compliant uses / redevelopments would not be commercially viable. The Local Planning Authority would still encourage the applicant to market the site to establish demand to redevelop the site with a well designed building that could contribute positively to the quality of Totton Town Centre, whilst meeting the Council's economic objectives.
2. 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, as the application was acceptable as submitted and no specific further actions were required.

Further Information:

Major Team

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**Planning Development
Control Committee
January 2016**

Item No: 3r
32 Ringwood Road
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15/11584
SU3513

Scale 1:1250

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the internet, it will not be to
scale.

