

<b>Application Number:</b>	<b>24/10065</b> Full Planning Permission
<b>Site:</b>	58-60 COMMERCIAL ROAD, TOTTON SO40 3AG
<b>Development:</b>	Demolition of existing building; construction of replacement commercial building (Use Class E and B8)
<b>Applicant:</b>	Exbury Properties Ltd
<b>Agent:</b>	C&L Management
<b>Target Date:</b>	19/03/2024
<b>Case Officer:</b>	Sophie Tagg
<b>Officer Recommendation:</b>	Grant Subject to Conditions
<b>Reason for Referral to Committee:</b>	Town Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Design, site layout and impact on the character and appearance of the area
- 3) Impact on highway safety, including matters relevant to car parking and access
- 4) Impact on the residential amenity of existing occupiers of neighbouring properties
- 5) Impact on ecology

## 2 SITE DESCRIPTION

The application site is located in Totton town centre, on the south side of Commercial Road, a classified road, positioned behind the row of frontage properties, at the end of a 2-storey terrace.

The site is currently occupied by a vacant 2-storey outbuilding that was previously used in connection with commercial uses in the adjacent frontage buildings. The site falls within the Totton Primary Shopping Area, and the frontage buildings and the larger retail units to the south are designated as Primary retail frontage.

There are residential properties above ground floor commercial uses in the buildings fronting Commercial Road.

An access track wraps around two sides of the building, providing access from Commercial Road to the rear of neighbouring properties along Commercial Road and those on Junction Road. There is evidence that the track to the rear is used by vehicles to park in rear gardens/garages. However, the width of the track precludes vehicles passing within the site.

There is a high fence and brick wall along the edge of the access track, separating it from the service bay and parking associated with the adjoining retail units at Totton retail park.

### 3 PROPOSED DEVELOPMENT

The proposal seeks to demolish the existing building and replace it with a commercial building to be used independently from the frontage buildings. Access would be from the access track to the side, with no provision for on-site parking. Cycle parking and bin storage is proposed externally to the north of the proposed building. The building is proposed to have a flexible use covering uses with Use Class E and Use Class B8.

With respect to Use Class E, the applicant's agent has clarified that permission is sought for the following specific uses:

E(a) Display or retail sale of goods, other than hot food

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

Use Class B8 covers Storage or distribution - this class includes open air storage.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10296 Construction of 2no. flats; demolition of existing building	19/05/2023	Refused	Decided
22/10180 Use as 2 flats (Prior Approval)	11/04/2022	Prior Approval refused	Decided
14/10807 Use of the ground floor and outbuilding as ice cream parlour (Use Class A3); shop front alterations	08/08/2014	Granted Subject to Conditions	Decided
95/NFDC/58172 Conversion of ground floor to unit of accommodation	06/03/1996	Refused	Decided
XX/NFR/02653 Storage building.	30/12/1953	Granted	Decided

### 5 PLANNING POLICY AND GUIDANCE

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

Policy STR1: Achieving Sustainable Development

Policy STR4: The settlement hierarchy

Policy ENV3: Design quality and local distinctiveness  
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 CCC1: Safe and healthy communities  
Policy CCC2: Safe and sustainable travel

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

DM2: Nature Conservation, biodiversity, and geodiversity  
DM5: Contaminated land  
TOT15: Totton town centre opportunity sites

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

SPD - Air Quality in New Development. Adopted June 2022  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards  
SPD - Planning for Climate Change  
SPG - Totton Town Centre - Urban Design Framework

## **6 PARISH / TOWN COUNCIL COMMENTS**

### *Initial response*

**Totton & Eling Town Council:** recommend REFUSAL

The lack of satisfactory vehicular access and parking is a concern should the building be granted a commercial use.

Whilst the building would benefit from refurbishment, due to the building's history it should be preserved rather than demolished.

### *Amended response*

**Totton & Eling Town Council:** recommend REFUSAL

It was acknowledged that Highways raised no objection to the proposal (subject to satisfactory Construction Management plan). However, the main area of concern would be the complete lack of satisfactory vehicular access to the site and the absence of any parking arrangements for potential staff, visitors or customers.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

### **Environmental Health (Contaminated Land)**

No concerns

### **Environmental Health (Pollution)**

No objection in principle - conditions suggested relating to hours of operation, burning of waste, demolition, activity outside building, noise.

### **Ecologist**

No objections to the proposals on ecological grounds; the supplied PEA undertaken by EcoSupport Ltd highlights the building as being unlikely to support roosting bats. Recommendations are made in Section 6 of the report for ecological enhancements; these should be secured.

## **HCC Highways**

No objection subject to conditions

## **NFDC Conservation**

The current building on the site appears to date to the mid-20th century and is of concrete block construction. Map regressions shows the building has no association with the mills that were historically located to the south of Commercial Road. The building is not considered to have any significant historic or architectural interest.

## **9 REPRESENTATIONS RECEIVED**

None

## **10 PLANNING ASSESSMENT**

### Principle of Development

The site is located in the built-up area where the principal of new development is acceptable subject to compliance with policy. The site is within the town centre of Totton, one of the most sustainable and well served urban centres in the District and included in the top tier of the settlement hierarchy identified by STR4.

Policy ECON1 of the Local Plan seeks to support the redevelopment or intensification of employment uses provided that:

- safe and suitable access can be provided;
- the proposal would not unacceptably impact the environment, landscape or amenity of neighbouring residents;
- the proposal would not impact the operation of other businesses;
- the use is proportionate in scale for its location with regard to the settlement hierarchy.

Policy ECON2 seeks to support the retention of employment use wherever possible.

At the moment, the existing building is in a poor state of repair and of limited architectural merit. It is not being used in conjunction with the frontage unit and lies empty. The proposal seeks to demolish the existing building and erect a new building, severing the site from the frontage use so that it is used as an independent planning unit. The new building is proposed to be used for employment purposes, and whilst the exact use is not yet known, the different proposed Class E uses as well as the proposed Class B8 use would be compatible with this central town centre location. The building would provide valuable employment opportunities and accommodation for local businesses.

Being in the town centre, the site is well located for users such as staff and visitors to be able to easily access sustainable forms of transport, via a bus stop on Commercial Road in front of the site and Totton train station which is within 5 minutes easy walk. There are also several large public car parks in easy walking distance of the site.

The principle of the development would therefore accord with strategic policy ECON2 of the development plan, as set out above. However, a consideration of various details as set out within Policy ECON1 and other relevant considerations including the design and layout, highway safety, impact upon residential amenity and ecology, is necessary to determine if the proposal is sustainable development in accordance with the development plan as a whole.

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

Policy ENV3 of the Local Plan stipulates that new development will be required to be well-designed to respect the character, identity and context of the area's towns. Moreover, the policy states that new development will be required to create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features.

Having regard to the overall design and site layout, as set out above, the proposal seeks to sever the site, with the existing building being demolished. Given the state of disrepair of the existing building, it is considered that the character and appearance of the area would be preserved. The replacement building would be sited slightly further into the site, set off the northern boundary, with a pedestrian door sited on the northern elevation and a roller shutter door and pedestrian door sited on the eastern elevation fronting the access path.

As noted above, the Agent has set out proposed uses of the building, encompassing various Class E uses and B8 storage. However, it is clear that the overall design and siting of the building, with its minimal fenestration and its position not on the street frontage, would make some of the proposed uses far more likely than others - with a storage use being the most likely use. From a character perspective, these uses are considered appropriate.

The overall height of the existing building is 7.7m to the ridge and 4.7m to the eaves. The existing depth of the building is 10.5m and the width is 9m. The proposed building would be considerably lower: the height would be 5 metres to the ridge and 3.2m to the eaves. The overall footprint is also reduced: the depth would be 9.5m and the width would be 8.5m. Within the site a bin storage area and cycle store is proposed. It is considered that the replacement building would improve the character of the area, being constructed in facing brick and cladding, with composite doors and windows, and solar panels to the roof. The development of the site with access proposed from the pathway would increase the footfall and improve the overall character of this pathway. Overall, it is considered that the proposal would have an acceptable impact upon the character and appearance of the area.

Overall based on the assessment above it is considered that the proposal would accord with the principles set out within Policy ENV3 of the Development Plan.

### Highway safety, access and parking

Drawing upon the relevant considerations within Policy ECON1 of the Development, the commercial use needs to identify that a safe and suitable access can be provided.

The building would be accessed from Commercial Road, using the side access route. This side access route is approximately 3 metres wide. The Highway Authority have been consulted on three occasions as part of the application process and have confirmed that they raise no objection to the building being used as a separate unit. Deliveries to the site can be made from Commercial Road using the allocated 20 minute restricted parking bays. The access path from Commercial Road provides safe access for pedestrians into the site. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Officers are satisfied that the proposals would not be of severe detriment to the operation and safety of the local highway network. Overall, it is considered that the proposal would not result in severe harm to public highway safety.

Having regard to the construction phase of the demolition and replacement building, HCC Highways have identified within their consultation response that a construction method statement is to be submitted setting out the management of the works required and this forms a recommended condition.

There is no parking available or proposed as part of this proposal. However, in line with Policy ECON1 and Policy ENV3 of the Development Plan, the Parking Standards SPD and as set out above, the site is well located so visitors and staff can easily access sustainable forms of transport, and there are several large car parks in easy walking distance. This therefore does not form a reasonable reason to refuse the application.

Overall the proposal is considered to be in accordance with Policy ECON1 of the Development Plan, providing a safe and suitable access arrangement for pedestrians, cyclists and for the types of vehicles making deliveries to the site.

### Residential amenity

Policy ENV3 seeks to ensure that proposals would avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity. Policy ECON1 sets out that any proposal should not unacceptably impact on the amenity of nearby residents.

The closest residential property lies directly adjacent to the site above the frontage unit. The building is sited in the same position as the existing building, with a slightly smaller footprint and reduced height. The Council's Environmental Health team have been consulted and requested a condition to seek to limit the hours of deliveries to protect the amenities of residents in the locality. The uses proposed are considered to be compatible with this town centre location, and overall the use and design of the building would not result in a detrimental impact upon the amenities of local residents. The condition relating to the hours of use of the building and deliveries proposed seeks to ensure that the building is not used and no deliveries accepted or despatched from the site outside the following times: 08:00 and 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays, and at no time on Sundays, Bank or Public Holidays. It is considered that this appropriately limits the activity within the building and in relation to deliveries externally to ensure that there is not a detrimental impact upon the amenities of nearby residents.

It is considered that the proposal would accord with ENV3 of the Development Plan in respect of the impact on residential amenity with the imposition of the condition set out above.

### Ecology

In accordance with Policy DM2 of the Development Plan and Chapter 15 of the NPPF which seeks to ensure mitigation and site management measures are imposed where necessary to provide compensatory and enhancement measures, a Preliminary Ecological Appraisal has been submitted and the Council's Ecologist raises no objection to the works, provided development is carried out in accordance with the report and ecological enhancement recommendations set out within Section 6. A condition has been attached in this regard.

## 11 CONCLUSION / PLANNING BALANCE

Overall, on balance, it is considered that the proposal would be in accordance with policies set out in the development plan specifically Policy ECON1, Policy ECON2, Policy ENV3 of the Local Plan 2016-2036 Part 1: Planning Strategy and Policy DM2 of the Local Plan Part 2: Sites and Development Management 2014 as set out in the planning assessment above. It would not have a harmful impact upon the character of the area, highway safety or neighbouring amenity, subject to conditions as set out in the report above. The application is therefore recommended for approval subject to conditions.

## 12 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:

1132-110 Rev C  
1132-111 Rev C  
1132- 202 Rev C  
1132-203 Rev D  
1132- 310 Rev F  
1132-311 Rev F  
1132- 400 Rev F.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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.

4. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;

- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (h) Wheel washing facilities and mud prevention methods

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In order that the Local Planning Authority can properly consider the effect of demolition / construction works on the amenity of the locality.

5. 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 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall only be used for uses falling within Use Class E (a), Use Class E (c), Use Class E (d), Use Class E (e), Use Class E (g) (i), Use Class E (g) (ii) and Use Class B8 and for no other use purposes, whatsoever, including any other purpose in Use Class E 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 protect the amenities of nearby residents.

6. The building shall not be used and no deliveries accepted or despatched from the site outside the following times: 08:00 and 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays, and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of nearby residents.

7. The development hereby approved shall be undertaken in full accordance with the recommendations described in Section 6 of the ecosupport Preliminary Ecological Appraisal dated 2nd April 2024 unless otherwise first agreed in writing with the Local Planning Authority. The new bat and bird box features described within the Appraisal shall be provided before the replacement building hereby approved is first occupied.

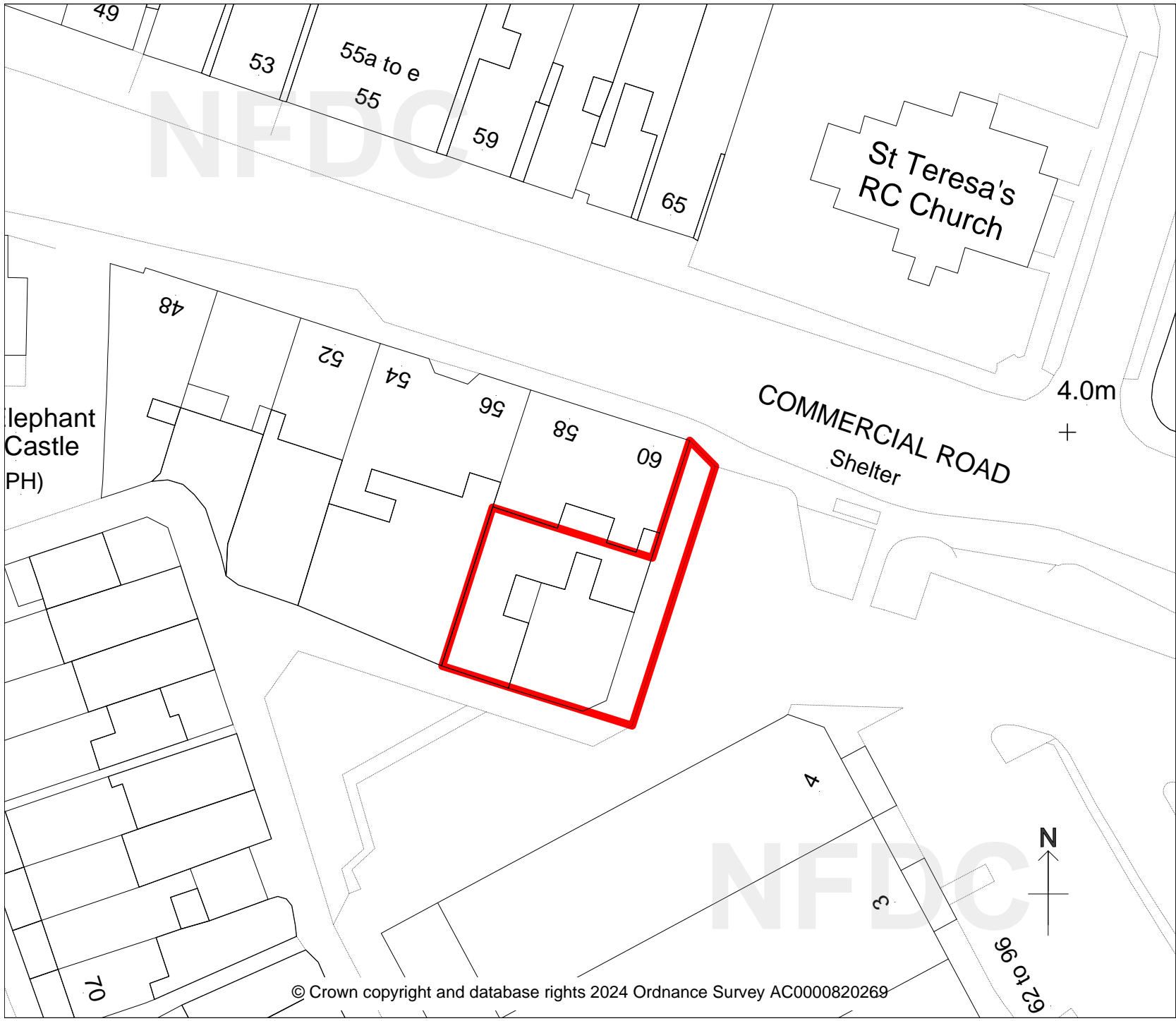
Reason: To safeguard protected species in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1 and DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

**Further Information:**

Sophie Tagg

Telephone: 023 8028 5439





# New Forest DISTRICT COUNCIL

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

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

July 2024

58-60 Commercial Road  
Totton

24/10065

Scale 1:500

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