

Application Number: 16/10602 Full Planning Permission

Site: OLD FORGE, SALISBURY ROAD, BREAMORE SP6 2EA
Development: Use as 1 holiday let; retention of 1st floor side window
Applicant: Miss Blake
Target Date: 06/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**Core Strategy****Objectives**

1. Special qualities, local distinctiveness and a high quality living environment
7. The countryside

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS19: Tourism
- CS21: Rural economy
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM13: Tourism and visitor facilities
- DM24: Loss of rural employment sites, shops, public houses and community facilities

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 7 - Requiring good design

NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 General duty as respects listed buildings in exercise of planning functions.

Planning (Listed Buildings and Conservation Areas) Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Breamore Village Design Statement

SPD - Mitigation of Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 11/97691 - use as holiday let, wrought iron fence. Refused 15.11.12

6.2 10/95978 - use as professional/financial services. Refused 13.10.10

6.3 08/92335 - continued use of building for mixed purposes comprising retail/display/office/residential. Refused 9.7.08

6.4 06/87931 - use as retail/display and dwelling. Refused 3.8.06, appeal dismissed

6.5 05/85801 - use as dwelling. Refused 20.10.05

6.6 03/78910 - use for offices and retail. Granted 24.9.03

7 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council - object most strongly - recent documentation contains information which is not correct, there is interest in the property.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Drainage - no comment

9.2 Ministry of Defence - no safeguarding objections

9.3 Conservation Officer - support subject to condition

9.4 Estates and Valuations - the property has been adequately exposed to the market but the information provided does not conclusively support the view that there is no viable demand for commercial use

10 REPRESENTATIONS RECEIVED

Two local residents have objected concerned with the following:

- property not marketed properly, the DV should assess
- noise and disturbance through use of courtyard
- drainage problems
- no justification to move away from policy requirements

- marketing undertaken is inadequate and misleading as the applicants have no intention of allowing the building to be used for its lawful use
- the side window should be fixed shut as it overlooks
- no reason to overturn Parish Council's view point
- marketing evidence suggesting that the property is being marketed as a dwelling

11 CRIME & DISORDER IMPLICATIONS

None

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.

Clarification of the type of holiday let was sought from the applicant in addition to requesting further details in respect of the marketing of the property and the retention of the side window.

14 ASSESSMENT

Introduction

Members may recall deferring this application at the April meeting where it was agreed to defer consideration pending further consultation responses from the Parish Council, Estate and Valuations and local residents. These views are reported above although nothing further has been received from the Parish Council.

- 14.1 The site lies within the countryside outside the New Forest in the Breamore Conservation Area. It is listed Grade II and has been vacant for several years following several attempts to provide an alternative use to the last lawful use as lawnmower sales/repair. The proposal entails the provision of a holiday let and follows a series of applications for a change of use for the premises. The last application for holiday use was refused by Members in 2012.
- 14.2 As can be seen from above, the property has a lengthy planning history although there have been few approvals in terms of the use of the premises. The application for A2 office use was refused partly for the resultant loss of a retail use. At the time that application was considered, it was understood that there was significant local interest in using the property as a shop following the closure, due to retirement, of the previous village store. However, at the time of its consideration, the planning department had not received any enquiries from anyone in respect of this suggestion. The marketing information supplied for this application confirms some interest in the reuse of the property but none which would be specifically A1 use, rather a mix of studio or workshop/residential use which would require planning permission. The Parish Council suggests some of this information is incorrect but do not provide any further details. Objections received from local residents (and the Parish Council) relate primarily to the marketing of the property. While this may have played a bigger part in the determination of previous applications at this address, policy and legislation has changed over the years to be more flexible. There are now greater permitted development rights which would result in the loss of retail uses such as this to alternative uses like restaurants, offices, mixed uses (e.g. shop with accommodation above), assembly and leisure and residential. Further, policy CS19 supports new tourist provision.
- 14.3 In principle, a holiday let would be acceptable in this location as the property is suitable for conversion without significant alteration. While the proposed use is not commercial, it does provide economic benefits and would secure the future of the listed building. As stated above, there are permitted development rights for the conversion of retail (A1) premises to C3 (residential). These rights do not apply here by virtue of the property's listed status and its location within a Conservation Area. However, in terms of the principle of the loss of the commercial use, it would be difficult to resist given these rights which are only removed due to the heritage interest of the building. The granting of listed building consent and the lack of objection from the Conservation Officer in respect of the proposed change of use support the reuse of the building.

- 14.4 With regard to residential amenity, the proposed use is unlikely to give rise to unacceptable impacts. The property has a small terrace to the rear which would be used by guests. This would be sandwiched between two gardens and could have less of an impact on residential amenity than some potential commercial uses where open storage or the moving around of crates could cause amenity issues. It is noted however, that interest expressed in the recent marketing campaign suggests quieter commercial uses are more likely in this property e.g. art dealers.
- 14.5 The side window at first floor level is an existing window and listed building consent has been granted for its retention. While approval was granted for a replacement window some time ago, it was not implemented in accordance with the approved details and is not fixed shut as required by condition. However, the window is obscure glazed and has an opening top light. Views from the small opening section allow limited visibility across the adjacent neighbouring garage towards the garden but this is restricted in view of the angle and the rear dormer window offers more 'overlooking' of the neighbours garden. The proposal is not considered to adversely affect residential amenity.
- 14.6 There are no concerns in respect of the change of use from a conservation or listed building point of view. It is considered that the property would make a better holiday let than permanent residential dwelling by virtue of the limited amenity space and lack of a full wall between the two upper rooms. The frontage is in need of refurbishment and a condition is suggested in order to improve the appearance of the site as a whole. The Conservation Officer supports this proposal which would bring this building into beneficial use which is currently suffering from damp due to many years of no use.
- 14.7 Bearing this in mind, the fact that the proposed use is supported by part (d) of policy CS19 of the Core Strategy, it would have a limited impact on the residential amenities of the adjoining residential properties and it would bring an empty listed building back into use, the proposal is considered to be acceptable in policy terms.
- 14.8 The site is able to accommodate a car and being sited within a layby, there is adequate parking for holiday occupants.
- 14.9 As the property would be a holiday let, CIL is not applicable. However, in accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.10 In conclusion, it is considered that the proposed use as a holiday let would be appropriate in this location and would achieve significant benefits by bringing the listed building back into use. The suggested conditions make it clear that a dwelling would require a separate consent.

- 14.11 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: Design and Access Statement, 03016 1, supporting letters.

Reason: To ensure satisfactory provision of the development.
3. The building hereby approved shall only be used for the purpose of self-catering holiday accommodation and shall not be occupied by the same person or persons for more than one month in any one calendar year, and shall at no time be used as a dwellinghouse falling within Class C3 of the Use Classes Order 1987 (as amended and revised).

Reason: Permission is granted in this case in order to support sustainable rural tourism, in an area in which housing would normally be resisted in accordance with Policies CS19 of the New Forest District Council Core Strategy and having regard to the objectives of the NPPF.
4. Before the occupation of the holiday let hereby permitted, a scheme of landscaping of the front of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
 - (a) the existing trees and shrubs which have been agreed to be retained;

- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The first floor window on the side elevation of the approved building shall remain glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring property in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

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.

Clarification of the type of holiday let was sought from the applicant in addition to requesting further details in respect of the marketing of the property.

2. In discharging condition No. 5 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee
June 2017**

Item No: 3b

The Old Forge
Salisbury Road
Breamore
16/10602
SU1518

Scale 1:1250

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

