

Application Number: 14/11785 Full Planning Permission

Site: SOLENT HOUSE, 5 BATH ROAD, LYMINGTON SO41 3RU

Development: Use as 1 residential unit (Use Class C3)

Applicant: Mr Osmond

Target Date: 12/03/2015

1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee Consideration, Item A12 - March 2015

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area, Conservation Area, Grade II Listed Building

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
4. Economy
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS7: Open spaces, sport and recreation
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation 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

None

6 RELEVANT PLANNING HISTORY

6.1 Change of use from residential to office accommodation (29660) - granted 6/8/85

6.2 Relief of Condition 2 on PP29660 (56918) - granted 13/7/95

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- no objection

9.2 Natural England:- No objection

9.3 Environmental Health (contaminated land):- No concerns

9.4 Land Drainage:- No comment

9.5 Policy: - No objection to the loss of an employment use given the small amount of employment floorspace lost and the residential character of the premises.

9.6 Environmental Design (Conservation & Design):- No objection to residential use

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling formed, the Council will receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6th April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £0.00 because no new floorspace is proposed and the property was previously in office use..

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of 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 (subject to small scale amendments) no specific further actions were required.

14 ASSESSMENT

Introduction

- 14.1 This application was considered at the March 2015 Planning Development Control Committee. The March Committee report is set out in the following paragraphs 14.1.1 to 14.1.8.
- 14.2 At the Committee Meeting it was resolved that the Head of Planning and Transportation be authorised to grant planning permission until 30th March 2015 and if permission had not been granted by that time, the Head of Planning and Transportation was authorised to refuse permission. Although the requisite Section 106 legal agreement was completed before 30th March 2015, a decision to grant planning permission was not then, unfortunately, issued within the requisite timescale. As such, it has been necessary to bring this application back to the May meeting for a final decision.
- 14.3 Since the application was considered by the March Meeting, the Council has begun to apply the Community Infrastructure Levy (CIL). The proposed development is potentially CIL liable, although in this case, the applicants have provided appropriate evidence to show that there would

be no increase in floorspace, given that there has been a recent active B1 use within the building. Accordingly, it is not considered this proposal would be liable to pay any CIL contributions and, as such, the requirements of the completed Section 106 legal agreement (which only covers habitat mitigation) would continue to apply.

- 14.4 Overall, it is regrettable that permission was not granted within the previously agreed timescales, but given the completed Section 106 legal agreement, it is considered that planning permission can now be reasonably granted for this proposal subject to the previously agreed conditions.

March Committee Report

- 14.1.1 Solent House is a Grade II Listed building within the Lymington Conservation Area. The building, which is 2-storeys high and detached, is set back from Bath Road. The building is currently vacant, but its most recent use has been as a B1 office. The property now has only a limited garden area to the rear. The surrounding area is comprised of a mix of commercial and residential properties.
- 14.1.2 The submitted application seeks to change the use of the building back to a single dwelling. No external alterations to the building are proposed. Internal alterations are the subject of a separate application for Listed Building Consent.
- 14.1.3 Core Strategy Policy CS17 seeks to keep all existing employment sites and therefore as this proposal would result in the loss of a B1 office it would not accord with this policy. However, in this case there are considered to be a number of factors that would support a residential conversion. Firstly, were the application building not a Listed Building it would now be possible to convert the building to a dwelling under permitted development rights (subject to the submission and approval of a Prior Approval application). Secondly, the building was historically a dwelling and was in residential use as recently as the mid 1980s. Thirdly, the existing B1 office permission was personal to "The Anaesthetics Agency" meaning that the building cannot be used for a more general B1 office use without an application to remove a previous planning condition. Fourthly, there would be benefits in a residential conversion as historic buildings such as this are generally best used for their original purpose. Taking all of these factors together it is felt that a residential conversion is fully justified.
- 14.1.4 The residential conversion that is proposed could take place without detriment to the heritage interest of the Listed Building or the character and appearance of the Lymington Conservation Area. Furthermore, the proposed conversion would not have a material impact on the amenities of neighbouring properties.
- 14.1.5 The creation of an additional dwelling would generally be expected to secure contributions to affordable housing and public open space in line with Core Strategy policies. In this case the target affordable housing contribution would be £45,900 and the target contribution to public open space would be £3504.90p. However, were the building not Listed then neither of these contributions would be required because permitted development rights would apply. It is felt unreasonable to require an

applicant to make contributions to affordable housing and public open space simply as a result of the building's listed status. Therefore, it is felt that these contributions should both be waived.

14.1.6 The provision of an additional dwelling would potentially result in increased recreational use of designated European sites. There is therefore considered to be a need for this impact to be mitigated. A mitigation contribution of £4250 would be appropriate in this instance. Because such a contribution would also be required under the prior approval procedure, it is felt the need for this contribution is fully justified. At the time of writing, the applicants have yet to secure this contribution by means of a completed Section 106 legal agreement.

14.1.7 Overall, the proposed development is considered to be consistent with Local Plan policies and Core Strategy objectives that seek to ensure that new development is well designed and sympathetic to its setting. The loss of an employment site is considered justified by the site's planning history, by recent changes to national planning legislation and by the resulting heritage benefits of this proposed conversion.

The development would not harm the amenities of the wider area and there is considered to be a reasonable justification to waive contributions to affordable housing and public open space. As such, the application is recommended for permission.

14.1.8 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£45,900	0	-£45,900
Public Open Space			
On site provision by area	0	0	0
Financial Contribution	£3504.90p	0	-£3504.90p
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£4250	£4250	0

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: 1405_PP-001 (amended version received 02/02/15), 1405_PP-002 (amended version received 02/02/15), 1405_PP-008_col, 1405_PP-010 (amended version received 20/02/15), 1405_PP-011, 1405_PP-005, 1405_PP-006, 1405_PP-007.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

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, all the above apply and as the application was acceptable as submitted (subject to small scale amendments) no specific further actions were required.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
May 2015**

Item No: 3(a)

Solent House
5 Bath Road
Lymington
App No 14/11785
SZ3295

Scale 1:1250

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

