

**Application Number:** 15/10280 Full Planning Permission

**Site:** 10A THE PARADE, ASHLEY ROAD, ASHLEY, NEW MILTON  
BH25 5BS

**Development:** Use of building as office

**Applicant:** Juno Developments

**Target Date:** 07/05/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Previous committee consideration

**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

**Core Strategy**

- CS2: Design quality
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS24: Transport considerations

**Local Plan Part 2 Sites and Development Management Development Plan Document**

None relevant

**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**

SPD - Parking Standards  
SPD - New Milton Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

Continued use of garage as 1 residential unit (10135) Refused on the 27th March 2014.

Continued use of garage as 1 residential unit (10627) Refused on the 18th June 2014. Appeal dismissed.

Use of building as office (10627) Refused on the 13th Feb 2015

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council: objects; the proposed development is contrary to policy CS2 which sets design standards for all development; the use garage as an office is not appropriate in the 'back of shopping precinct' yard setting accessed by a gravel road; it would constitute poor design for an office with insufficient access, parking and landscaping resulting in a sub-standard working environment.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

None

## **10 REPRESENTATIONS RECEIVED**

2 letters of objection concerned that the building is unsuitable for an office. The rear of the shops is limited for parking and the building is only fit for a garage use which was the originally approved use for the building. The building should be demolished and re-built as a garage. Concerned over the impact on traffic on this unmade road and the proposed use would lead to public highway safety concerns.

## **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 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 site comprises a single storey building originally granted permission as a garage in 2009 but which has been converted into a one bedroom dwelling. There is no planning permission for the use of the building as a dwelling and currently the unauthorised use is subject to Enforcement Action. The site occupies the majority of the rear yard/open area at No 10, one of several ground floor shop units in The Parade with flats on the first floor accessed from the rear. There is a narrow path to the side of the building giving access to its entrance door, as well as a rear door to the ground floor shop unit and the door to the first floor flat at No 10A.
- 14.2 The rear of the shops and flats is serviced from a partially paved access track, which runs between Lower Ashley Road and Molyneux Road. The rear of these units is characterised by garages or hard surfaced parking areas either for the shop units or flats above, as well as by mainly commercial bulk refuse bins. On the other side of this access track from the site is a builder's yard with a large quantity of building materials stored in the open.
- 14.3 This planning application seeks the change of use of the building to an office and follows a very recent and nearly identical application that was refused by the Planning Development Control Committee on the 13<sup>th</sup> February 2015 under planning reference 10627 to convert the building into an office. In comparison to the recent refusal, the only difference is that the garage door on the front elevation facing the access road would be replaced with a large window. Internally the building would comprise an office area with kitchenette and separate room used for a toilet. There are no other changes made compared to the recent refusal.
- 14.4 Officers had recommended the application to use the building as an

office under reference 10627 for permission but the application was refused on the grounds that the use of this building as an office would give rise to a substandard working environment, of a poor design, in an inappropriate location.

- 14.5 In assessing this current planning application, Officers still consider that the use of the building as an office, would be acceptable in planning terms and the proposed changes to install a large glazed opening to the front of the building, would provide a better working environment for the future occupiers of the building through additional light and a better outlook from the building. The building would have windows on two sides which would create a more than reasonable working environment and place to work.
- 14.6 From a policy perspective, Officers consider that Core Strategy Policy CS17 supports employment development and growth and the site is surrounded by different types of employment development with a builder's yard opposite, offices at No 2 Lower Ashley Parade, although most of the employment uses are along The Parade.
- 14.7 In terms of other matters, it is not considered that the use of the building as an office would give rise to unacceptable noise and disturbance to neighbours so as to justify a refusal of planning permission. The building has a small floor area and the number of people that could be accommodated within it is limited and accordingly there would be no significant comings and goings to the site.
- 14.8 The site does not have any space for car parking but consideration should be given to the fact that the building is very small and would not generate a significant level of traffic to the area. The Highway Authority have no objection to the proposal based on no parking being available on site. Given the small scale of the building with a floor space less than 100m<sup>2</sup>, it would not be reasonable to seek transport contributions.
- 14.9 In conclusion, while it is accepted that Members previously refused the application to use the building as an office, it is considered that the use of the building as an office would be appropriate and would provide employment for two or three people in the area that would not have a harmful impact on the character and appearance of the area or living conditions of the adjoining neighbouring properties. In addition the proposed changes in this current application with a large window opening would enhance the quality of the working environment for occupiers of the building and address the concerns previously raised. Accordingly approval is recommended.
- 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 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: 1084/200 C.

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used for office (Class B1a) purposes only and for no other use purposes, whatsoever, including any other purpose in Classes B2 or B8 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

#### 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 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  
Lynchhurst  
SO43 7PA

**Planning Development  
Control Committee  
May 2015**

**Item No: 3(e)**  
10a The Parade  
Ashley Road  
Ashley New Milton  
App No 15/10280  
SZ2595

Scale 1:1250

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

