

Application Number: 18/10164 Full Planning Permission

Site: ASHLETT COURT, THE SQUARE, FAWLEY SO45 1DD

Development: Use as 2 flats; replacement front single-storey extension; window & door alterations; boundary wall and gate; use of land for 4 parking spaces

Applicant: DSI Group Ltd

Target Date: 30/03/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Local Shopping Frontage
HSE Consultation Zone
Archaeological Site

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
CS5: Safe and healthy communities
CS15: Affordable housing contribution requirements from developments
CS20: Town, district, village and local centres
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites
DM18: Local shopping frontages in Marchwood, Blackfield, Holbury, Fawley, Milford on Sea, Hordle, Bransgore

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

6 RELEVANT PLANNING HISTORY

Use as house (92330) Granted with condition on the 3rd July 2008

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: recommend permission.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Environmental Health Contaminated Land: no concerns

9.2 Hampshire County Council Highway Engineer: no objections

10 REPRESENTATIONS RECEIVED

4 letters of objection concerned with the lack of car parking and associated noise.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £0

Tables setting out all contributions are at the end of this report.

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 This application relates to a two storey building which is located on the corner of The Square and Ashlett Road within the Fawley Local Shopping Frontage. The ground floor of the building is a vacant former commercial unit and on the upper floor is a three bedroom residential flat. The property currently has no rear garden space and has no on site car parking spaces. The property is a white rendered building under a slate roof with a ground floor glazed frontage.
- 14.2 The application proposes to use the building as two residential flats, together with fenestration alterations, replacement of the front single storey extension and a front boundary wall. It is also proposed to use the four car parking spaces on an existing car parking area to the rear of the site. It is understood that the ground floor has been vacant since 2015.
- 14.3 In terms of the planning history, in 2008, under planning reference 92330, planning permission was granted to use the whole of the building as a dwelling, however, this was not implemented and is no longer extant. The neighbouring premises to the north is currently being converted from a commercial use into 2 flats.

- 14.4 Because the site is within the Fawley Local Shopping Frontage, Policy DM18 of the Local Plan Part 2 is relevant. The policy states that a minimum of 40% of ground floor units within the defined frontage should be in retail use. The policy also states that residential development will not be permitted at ground floor level in premises within the defined frontage. The submitted application is therefore contrary to this policy. As such, the proposal should not be approved unless there are material considerations that would justify a departure from this policy.
- 14.5 The applicant has not sought to justify their proposal. Notwithstanding this, the site's recent planning history is of some relevance. In 2008, planning permission was granted to convert the building into a dwelling. As such, in 2008, (when there was a different policy framework) the loss of the existing ground floor commercial units was considered acceptable.
- 14.6 It is also relevant to note that the existing commercial use has been vacant since 2015, is sited towards the edge of the Local Shopping Frontage and makes only a limited contribution to the vitality of the Fawley Local Shopping Frontage. The proposal would not result in the loss of an existing retail use or an important shop in the village. Moreover the actual loss of floorspace relates to a commercial use other than a shop and the extent of floor space to be lost equates to only 107 square metres.
- 14.7 There are other vacant premises within the shopping frontage, which have recently been granted planning permission to be converted to residential use, which is indicative of a shopping frontage that has struggled in recent years.
- 14.8 A further consideration is the change in central government guidance, where there is a general steer and emphasis towards creating new residential development. This is highlighted in government legislation as set out in the Town and County Planning (General Permitted Development) Order (GPDO), which permits the change of use of a building from offices (Class B1), to residential (Class C3) without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use does require planning permission because the site lies within a safety hazard zone. Moreover, permitted development (allowed by the GPDO) also extends to allow changes from retail and light industrial to residential subject to certain criteria.
- 14.9 Visually the proposed physical alterations would entail removing the single storey glazed frontage and replacing this with a similar single storey addition, slightly smaller in size. The proposed fenestration alterations entail new windows and doors which would have minimal impact on the building or on the character and appearance of the area. It is also considered that the proposed boundary wall would be acceptable and would reflect the appearance of the wall being constructed on the adjoining property. While the site does not contain an extensive area of outdoor amenity space, it is considered that the levels provided would be acceptable in this location, particularly given that the building and its outside space are existing.

- 14.10 With regard to residential amenity, given that the proposal would not increase the scale or bulk of the existing building and that the proposed fenestration alterations entail new ground floor windows only, it is considered that the proposal would not materially impact on the living conditions of the adjoining neighbouring properties.
- 14.11 In terms of public highway safety matters and car parking, the site currently does not have any car parking spaces. The proposal seeks to use four car parking spaces which are provided in a car parking area to the rear of the site, which is accessed from Ashlett Road. In total, there are 9 car parking spaces provided within the car park area and it is understood that the remaining 5 car parking spaces would be used by the adjoining building known as DSI which has recently been converted into flats. On the basis that the proposal would provide four additional car parking spaces, this is considered to be a significant benefit.
- 14.12 While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with national Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.
- 14.13 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.
- 14.14 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.
- 14.15 Overall, the proposed development would not accord with Local Plan Policy DM18. However, it is felt that there would be a compelling justification to permit this proposal contrary to policy, having regard to the site's planning history, the benefits of providing additional housing, and the specific limited contribution the premises makes to the vitality of the existing shopping frontage. The development could be provided without detriment to the character and appearance of the area and without harming the amenities of neighbouring properties. As such, the application is recommended for permission.

14.16 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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	154.9		154.9	154.9	£80/sqm	£14,918.06 *
			0	0		£0.00 *
Subtotal:	£14,918.06					
Relief:	£0.00					
Total Payable:	£14,918.06					

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

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: tcf sht 4 Rev X, tcf sht 3 Rev A, tcf sht 2 Rev X

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the spaces shown on plan tcf sht 4 Rev X for the parking of motor vehicles have been provided. The spaces shown on plan tcf sht 4 Rev X for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

4. The external facing and roofing materials (brick and tile) shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.

5. 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. This decision relates to amended / additional plans received by the Local Planning Authority on the 1st March 2018.
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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

3. 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:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee April 2018

Item No: 3b
Ashlett Court
The Square
Fawley
18/10164
SU4503

Scale 1:1250

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

