

Application Number: 18/10277 Full Planning Permission

Site: 27B ST THOMAS STREET, LYMINGTON SO41 9NE

Development: Use of first-floor and new second floor as two maisonettes; entrance lobby and cycle/bin store on ground floor; roof alterations; ground-floor front extension; front dormers; rooflights; fenestration alterations; access deck; railings (AMENDED PLANS)

Applicant: Crystals of Lymington

Target Date: 20/04/2018

Extension Date: 15/06/2018

RECOMMENDATION: Refuse

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Member request

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Primary Shopping Area
Town Centre Boundary
Secondary Shopping Frontage
Lymington Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- 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

DM15: Secondary shopping frontages

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. 6 - Delivering a wide choice of high quality homes

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Lymington - A Conservation Area Appraisal

SPD - Lymington Local Distinctiveness

SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: recommend permission but would accept a delegated decision.

8 COUNCILLOR COMMENTS

Cllr Penson requests Committee consideration if refusal is recommended

9 CONSULTEE COMMENTS

9.1 Southern Gas Networks - offer advice

9.2 Hampshire County Council Highway Engineer - comment only

9.3 Conservation Officer - unable to support scheme

10 REPRESENTATIONS RECEIVED

Support has been received from 12 local residents who raise the following points:

- enhances building
- well thought out showing consideration for adjacent properties
- property is in need of updating
- would add balance to front of building
- provides much needed accommodation
- the proposal will reflect the high standards of the applicants

- infill will hardly be noticeable
- appropriate to provide new dwellings in an older building
- long term investment to the town, applicants contribute to local economy
- applicants have made significant improvements to the shop in recent years
- applicants have clearly made compromises

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £2,448 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 £4,574.50.

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.

The proposal was preceded by pre-application advice over a period of several months and this included both office and site based meetings. Whilst the principle of providing residential accommodation above the shop has not been an issue, the format of how it is provided has been consistently of concern and the scheme for consideration has not addressed all concerns raised previously.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Town Centre and Lymington Conservation Area. The ground floor shop falls within the secondary shopping frontage. The first floor is currently in use as a store and staff facilities in association with the shop. The proposal entails the creation of a second floor in connection with the provision of two flats above the shop. The alterations include infilling the valley, roof lights, dormer windows and access via the single storey side element of the building.
- 14.2 Policy DM15 of the Local Plan Part 2 permits residential development on upper floor where it does not result in the loss of retail and/or other appropriate non-retail uses capable of being satisfactorily used for an alternative business or employment use appropriate to a town centre location. In this case the proposal would lead to the loss of staff and store facilities for this ground floor shop, however, the shop unit is of a reasonable size and can accommodate an office and store. As such it would be difficult to justify a refusal of permission on this issue. In addition, in terms of central government guidance it is clear that there is a general steer and emphasis towards creating new residential development, highlighted by changes to government legislation as set out in the Town and Country Planning (General Permitted Development) Order (GPDO) which would permit this change of use without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use requires planning permission only because the building is within a Conservation Area. In balancing out the issues it is not considered that the loss of the first floor would have a materially harmful impact on the economical and commercial vitality of the town centre and, accordingly there is no reasonable case to resist the principle of residential use.
- 14.3 With regard to residential amenity, the site is in very close proximity to a block of flats to the rear. At present, the two rear first floor windows are obscured through a vinyl transfer although it is possible to see that within 1.5m of these windows is a first floor roof terrace to the property behind. This terrace is further protected through trellis work and imitation planting. The proposal would retain these window openings and provide a further window at this level. All three would be obscure glazed and would relate to either a bathroom or landing areas. It is not considered that this would adversely affect the occupants of the flat to the rear.
- 14.4 Above these rear windows would be roof lights for the second bedroom. Although the cross section (A-A) does not indicate the position of these roof lights, it is likely that the cill level would be approximately 1m above finished floor level. However, in view of the angle between these windows and the adjacent roof terrace, it is unlikely that there would be a

significant loss of privacy to this property. Similarly, the first floor amenity space would have limited angled views towards the adjacent roof terrace.

- 14.5 In visual terms, the scale, proportions and mass of the building with its infilling of the valley are all incongruous with the historic proportions of the host structure and those around it. The differing double pile pitch of the existing building would be lost through the provision of a large area of flat roof with hipped sides and roof lights. Although the size of this infill has been reduced since the initial pre-application submission, it is still considered to be too large and conflicts with advice given suggesting space to accommodate the staircase could be provided whereas the infill proposed also includes space to provide for 4 shower rooms. The design of the scheme in this case does not respect the architectural character of the host building nor does it respond well to its contextual setting. It is accepted that the building has had an industrial past and is not the quality of a listed building however, it does have traditional proportions and character and the alterations are considered to be harmful to this.
- 14.6 The number of windows to the front roof slope has been reduced and this is welcomed. However, their proportions are still too large and dominating in the roof slope and the bonnet roofs over them appear to try and gentrify the building in conflict with its simple nature.
- 14.7 The application does not include any parking provision for the new dwellings although each unit would have access to a ground floor secure area for refuse and cycles. In this town centre location, there are no objections to a car free development.

Other material considerations

- 14.8 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 significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.
- 14.9 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 With regard to affordable housing, Government Guidance issued in 2014 advises that contributions should not be sought from developments of 10 units or less. 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. On this basis, no affordable housing or tariff style contributions would be sought from this proposal, in accordance with National Planning Practice Guidance but contrary to the provisions of Policy CS15 of the Core Strategy.

14.11 In conclusion, while the proposals to form two residential units is welcomed, the alterations proposed would not be appropriate in this sensitive Conservation Area setting, close to Listed Buildings.

14.12 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£6,712		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	187.16		187.16	47.5	£80/sq m	£4,574.50 *
Shops	107.26		107.26	27.22	No charge	£0.00 *

Subtotal:	£4,574.50
Relief:	£0.00
Total Payable:	£4,574.50

* 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:

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

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

Refuse

Reason(s) for Refusal:

1. The proposal external alterations to the building would be harmful to the simple form of the building through the provision of the infill between the two roof slopes and the oversized and inappropriately detailed dormer windows. The proposal is therefore contrary to policies CS2 and CS3 of the New Forest District Council Core Strategy and policy DM1 of the Local Plan Part 2.

Notes for inclusion on certificate:

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The proposal was preceded by pre-application advice over a period of several months and this included both office and site based meetings. Whilst the principle of providing residential accommodation above the shop has not been an issue, the format of how it is provided has been consistently of concern and the scheme for consideration has not addressed all concerns raised previously.

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

June 2018

Item No: 31

27b
St Thomas Street
Lymington
18/10277

Scale 1:1250

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

