

Application Number: 18/10885 Full Planning Permission

Site: REAR OF, RASHLEY HOUSE, 77 HIGH STREET, LYMINGTON
SO41 9AL

Development: Change of use of office (B1) to ancillary use to Rashley House (C3)

Applicant: Mr Harley

Target Date: 28/08/2018

Target Date: 13/09/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Primary Shopping Area
Town Centre

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 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)
- CS20: Town, district, village and local centres

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
- DM14: Primary shopping frontages

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
NPPF Ch.2 - Achieving sustainable development
NPPF Ch. 4 - Decision-making
NPPF Ch.7 - Ensuring the vitality of town centres
NPPF Ch.16 - 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 - Lymington - A Conservation Area Appraisal
SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

6.1 02/73920 - rebuild rear external wall, create new doorway, infill existing doorway, internal alterations and velux conservation roof lights. Granted 11.3.02

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. In support of the Conservation Officer.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Conservation Officer: no objection to change of use

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 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 although clarification was sought due to discrepancies between the plans.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Primary Shopping Area of the Town Centre. It is also within the Lymington Conservation Area and attached to a listed building. The proposal entails the change of use of the existing B1 office space (approximately 18m²) to residential in conjunction with the existing residential lobby adjoining the site.
- 14.2 The site is part of the rear projection to the frontage building on the High Street which is currently in retail use. To the north of the site in Rashley Mews are further retail premises with residential accommodation above. Between the frontage building and the site is the existing entrance door and lobby to the residential accommodation and the proposal would enlarge this lobby through the removal of the modern partition between the two areas. Listed building consent is required for the removal of the partition although the applicant has not at this stage applied for the physical alterations.
- 14.3 Policy for town centre areas advises that there should be no loss of retail premises in the primary shopping area. The lawful use of the site is B1(a) meaning that there would be no loss of retail and planning permission would be required in order to make this change. There are no

objections to the loss of B1 accommodation.

- 14.4 However, policy also states that residential should not be allowed at ground floor level in such areas and although it is accepted that the adjacent part of the building is in residential use, it is a small area (approximately 8m²). The proposal would enlarge this area and enable an additional room to be included in the residential accommodation. While this proposal would be contrary to policy, the proposal is for a limited amount of residential floorspace in an area where other residential uses exist. It would be difficult to demonstrate harm in these circumstances when the vitality and viability of this part of the Town Centre would be unlikely to be adversely affected.
- 14.5 There are no external alterations proposed and the Conservation Officer does not object to the principle of the proposal given the mix of uses in this area at present.
- 14.6 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: Planning Statement, Heritage Statement, location plan, site plan, 002, 005, 007, 008, 009, 010, 011, 022, 045, 047, 048, 049, 050, 051.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 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 although clarification was sought due to discrepancies between the plans.

2. You are advised that the proposal includes physical alterations to the property which will require the prior benefit of listed building consent.

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development
Control Committee
September 2018

Item No: 3k
Rear of Rashley House
77 High Street
Lymington
18/10885

Scale 1:1250

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

