

**Application Number:** 18/10898 Full Planning Permission

**Site:** Land rear of THE OLD CINEMA IN JUNCTION ROAD, MAYNARD ROAD, TOTTON SO40 3BU

**Development:** 4 flats; associated landscaping; cycle store; fenestration alteration to The Old Cinema building

**Applicant:** Yeganegy

**Target Date:** 28/08/2018

**Extension Date:** 13/09/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Richard Natt
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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to policy; contrary to Town Council view and contrary to consultee view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Town Centre  
Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

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

**Policies**

CS2: Design quality  
CS4: Energy and resource use  
CS10: The spatial strategy  
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**

TOT15: Totton town centre opportunity sites

DM3: Mitigation of impacts on European nature conservation sites  
DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

#### **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**

SPG - Totton Town Centre - Urban Design Framework  
SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

#### **6 RELEVANT PLANNING HISTORY**

- 6.1 Three-storey building of five two-bedroom flats (80690) - refused 14/4/04
- 6.2 1 block of 5 flats, parking alterations, bin and cycle store (12/98892)  
Refused on the 13th September 2012

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

Totton Town Council: recommend refusal.

The application is for 4 additional flats on the site to the south of the Old Cinema fronting onto Maynard road. Although the principal of residential development is reasonable on this site there are a number of concerns. The Town Council strongly objects to this application primarily due to the lack of parking provision made on the site and it seems as though the site would use existing parking currently supplied for the flats at the Old Cinema. The 8 spaces provided for the two sites would fall well short of the provision needed for all 25 flats. It also seems as though the site has also been slightly overdeveloped as there seems to be a lack of outside amenity space and the loss of the trees fronting onto Maynard road would be disappointing as they provide good screening.

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: objection - There is a lack of supporting information to demonstrate either whether the proposed development could be sustainable as car free in perpetuity or there is sufficient on street parking capacity in surrounding area. The lack of parking within the scheme would be likely to lead to additional on street parking in the area.
- 9.2 Environmental Health (pollution): no objection. The control measures outlined in the noise report would be sufficient to overcome concerns of noise from external sources affecting residents of the proposed accommodation, and this department would request a condition requiring such measures to be implemented.

9.3 Southern Gas Networks:- advise of site's proximity to gas main

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus £4896 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 £31,781.54.

## **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 and as the application was acceptable as submitted no specific further actions were required.

## **14 ASSESSMENT**

### **14.1 The site and location**

14.1.1 This full planning application relates to a vacant piece of land fronting onto Maynard Road to the south west of a block of flats known as 'The Old Cinema', formerly named 'Savoy House' within the town centre of Totton. This application also includes part of 'The Old Cinema' and the surrounding land. This vacant parcel of land is largely laid to hardstanding and is in an untidy and neglected condition. Although currently vacant, very limited car parking does take place on the land. The application site is bounded by a 3 metre high wall on its western side, beyond which is the service yard for Asda. To the east and south-east side of the site is a community hall, which is an attractive building that makes a positive contribution to the character of the area. 'Totton Timber' lies directly opposite the site. The 'Old Cinema' is a 2-3 storey residential building in which there are 21 individual flats.

14.1.2 The site lies within the town centre of Totton, very close to all the amenities and facilities including public transport. The site occupies a prominent position in the street scene, in which Maynard Road is a busy road linking Totton with Eling. The site lies within a highly accessible location. It is within a very mixed area comprising residential, retail and community uses. Terraced housing lies to the east of the site in Junction Road.

### **14.2 The proposal**

14.2.1 This application is for a two storey building to accommodate 4 two bedroom residential flats, a cycle store, together with landscaping and a 1.5 metre high boundary wall adjacent to Maynard Road. It is also proposed to make fenestration alterations to two existing residential flats at 'The Old Cinema' to include a new ground and first floor window. The proposed building would fill most of the vacant plot and has been designed with its main elevations facing Maynard Road and the south west corner of The Old Cinema. The proposed building would be staggered on the site to reflect the shape of the site and visually would be two interlinked buildings with front gables and protruding bay windows. The proposal does not seek to provide any on site car parking spaces and the development would result in the loss of 4 car parking spaces that currently serve The Old Cinema. The loss of the 4 car parking space would be replaced with a larger area of landscaping and amenity space.

### **14.3 Relevant planning history**

14.3.1 Two previous applications were refused on this site for a block of 5 five flats. The most recent application was in 2012, under reference 12/98892 and the application was refused for 7 reasons. The rejected application was considered to be contrary to policy in that the site is a Town Centre Opportunity Site where development should be primarily for retail, office and community uses and it was considered that the proposed residential development would not be in accordance with the

aims of the policy and would potentially prejudice the ability to secure an appropriate development on the adjacent parts of the Opportunity Site.

14.3.2 The proposed development was also deemed to be cramped, with a lack of amenity space and poor quality design that would have been harmful to the character and appearance of the area. In particular, it was considered that the proposed development would fail to address the public realm in a satisfactory manner due to the inappropriate orientation to Maynard Road and due to the relatively weak quality appearance of the building which lacks sufficient visual interest for what is an important public frontage. Moreover, it was considered to have an uncomfortable massing and a significant footprint, which is further compromised by the lack of amenity space and landscaping setting.

14.3.3 The application was also refused on the grounds that as a result of the proximity of the development to the adjacent flats in the 'Old Cinema' the proposal would have resulted in mutual overlooking. Objections were also raised on the grounds that as a result of their proximity to the Asda Service Yard, the Local Planning Authority was not satisfied that the occupants of the proposed flats would enjoy a satisfactory living environment due to potential noise and disturbance. The final reasons for refusal related to the lack of contributions towards affordable housing, transport and open space improvements.

#### 14.4 Policy

14.4.1 Starting with the policy position, the application site is a Town Centre Opportunity Site which Policy TOT15.8 of the Local Plan Part 2 indicates should be developed primarily for retail / office / community uses. The proposal to develop the site for residential would therefore not accord with this policy.

14.4.2 Core Strategy Policy CS20 relates to town, district, village and local centres. The strategy seeks to provide a range of shopping, office and leisure facilities as well as retaining existing active uses. Local Plan Part 2 Policy DM16 is also applicable and states that residential development will be permitted where it does not result in the loss of retail, appropriate non-retail, or other employment or business uses which are capable of being satisfactorily used for an alternative business or employment use appropriate to a town centre location. The policy also states that residential development will be permitted where it is not on the ground floor (street level) of a defined Town Centre Opportunity Site. The proposal does not accord with this policy.

14.4.3 The applicant understands that the proposal does not accord with policy, but considers that a residential use is the only viable option for the site. To help support their case, the application is supported by a Marketing Assessment Report, which concludes that the site does not represent a viable proposition for commercial, community or retail use. The site was marketed for alternative uses, however, no interest was shown. The report goes on to say that the most suitable use for development of this redundant land would be as an extension to the existing residential development to the north.

14.4.4 The Council's Valuer has assessed the Marketing Assessment Report and agrees with the findings that it is not possible to envisage anything

other than residential development on this small site. Accordingly while the proposal is clearly contrary to local plan policy, considerable weight should be given to the Marketing Assessment Report which concludes that residential is the only viable use for the site.

14.4.5 It should also be noted that recent studies indicate a need to deliver a significantly greater number of houses in the future than are provided for in the existing local plan. The Council is addressing the need for an increased supply of housing through the emerging local plan and anticipates submitting a draft local plan for independent examination later this year. When adopted, the new local plan will establish a housing target from which an annual supply of housing sites will be derived. Until then, in the absence of an up to date housing requirement figure in an adopted local plan, the Council is unable to demonstrate a 5 year supply of deliverable housing sites.

14.4.6 The National Planning Policy Framework advises that where a Local Planning Authority is unable to demonstrate a 5 year supply of deliverable housing sites, policies for the supply of housing should not be considered up to date. Moreover, where plans are out of date, proposals for development should be approved unless specific policies in the NPPF such as Green Belt policy indicate that development should be restricted or unless any adverse impact of allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. Accordingly, the need to provide additional housing within a sustainable town centre location should be given considerable weight.

14.4.7 Moreover, the site lies in an excellent location within walking distance of the town centre with its range of shopping and health care facilities. It is well located in relation to local transport infrastructure with bus stops nearby. The site lies within the Town Centre boundary as set out in the Local Plan. As part of its Core Strategy the Council has set out its key priorities and objectives. In this case the key objective centres on housing provision and the proposal would provide much needed residential flatted development in Totton town centre, to a site which has been vacant for a considerable amount of time and has no real prospect of being developed along the lines suggested in the Local Plan.

#### 14.5 Effect on the character and appearance of the area

14.5.1 In assessing the effect on the character and appearance of the area, the site lies within an area which comprises a mixture of property types, styles and uses. The large warehouse type structure of 'Totton Timber' directly opposite the site dominates this part of the road. Equally when travelling along Maynard Road, Asda supermarket adjoining the site is a large scale building, although there are some trees and soft landscaping which help soften its impact on the street. The other adjoining building known as Fairways School is considered to be an attractive traditional brick building with simple pitched roofs.

14.5.2 The site occupies a very prominent position in the street scene. Currently the site makes a negative contribution to the character of the area. When viewed from Maynard Road, there is a large area of concrete hardstanding set behind an unattractive chain link fence

which bounds the highway. Along the side boundary of the site is a 2 metre timber high fence and car parking beyond.

- 14.5.3 The proposed development also has regard to the Totton Town Centre - Urban Design Framework Supplementary Planning Guidance (SPG). The SPG identifies the site as a proposed Primary Public Frontage. The SPG suggests that development in these areas should contribute to completing, maintaining and improving the integrity of these frontages. It indicates that built development should define the fronts of sites and that windows and doors should be positioned on the frontages. The site also forms part of a perimeter block where the SPG indicates that development proposals should adhere to the concept of recreating and retaining the perimeter block structure of the town. Accordingly it is considered that there is an opportunity to make enhancements to the street by creating an attractive building addressing Maynard Road.
- 14.5.4 The proposed building would rise to two storeys in height and be located close to the road. Between the pavement and building, there would be a 1.5 metre high brick wall with railings including space for soft landscaping and front garden. The proposed building has been designed to address Maynard Road, which is the correct design approach. The building's main windows, including the protruding bay windows, would face onto Maynard Road, which would give the building a positive, active, frontage onto the public realm.
- 14.5.5 Visually the proposed buildings staggered orientation, simple roof forms with gaps created between the roofs of the two interlinked buildings and detailed fenestration, would appear contextually appropriate and would make a positive contribution to the street scene. Indeed, the proposed building is well articulated which helps reduce its massing and would also pick up on the building line of the neighbouring retail store and community hall. Overall it is considered that the proposed development is designed to a high standard which would make a positive enhancement to the street scene.
- 14.5.6 While the proposed building would fill most of the plot, the layout does provide space for soft landscaping and amenity space, which would help provide an appropriate setting for the building. Because of its location in the town centre, slightly higher densities are encouraged and in this case, it is considered that the proposed development does not appear significantly cramped or overdeveloped.
- 14.5.7 Representations have been made that the proposal would result in the loss of trees adjacent to Maynard Road. In response, the proposed development would not result in the loss of existing trees. A line of Conifer trees previously existed adjacent to Maynard Road, however, these trees were removed a few years ago and it should be noted that they were not particularly good quality specimens.
- 14.6 Effect on residential amenity
- 14.6.1 With regard to residential amenity, there are two main issues. One issue is whether the proposed development would have an unacceptable impact on the adjoining neighbouring properties. The other issue is, given the proposed development's close proximity to the Asda Service yard, whether occupants of the proposed development

would enjoy a satisfactory living environment.

14.6.2 Starting with the effect on the adjoining neighbouring properties, the proposed development would be set fairly close to neighbouring flats in The Old Cinema. The distance between the rear elevation of the proposed building and the nearest flats in The Old Cinema would be around 7 metres. Due to the siting of the proposed building, only the south west corner of The Old Cinema building would be affected by the proposed building, in particular the existing ground and first floor windows.

14.6.3 Because of this close relationship, the proposal has been designed to minimise the impact on these neighbouring flats. This has been achieved by installing obscurely glazed windows on the ground and first floor rear elevation directly facing these neighbouring flats, which will help maintain a reasonable level of privacy. This can be secured by way of condition.

14.6.4 It is also considered that the physical relationship between the proposed development and the existing flats at The 'Old Cinema' is not ideal and there would be some impact on the light and outlook of the two existing windows on the end elevation facing the proposed building. In order to improve this relationship, it is proposed to add ground and first floor windows in the west elevation of 'The Old Cinema' and this will provide additional light and outlook for the existing residential flats. Indeed, the ground floor bedroom and first floor lounge would benefit, with an additional window into these rooms.

14.6.5 The other issue in relation to residential amenity is the proposed development's close proximity to the Asda Service yard, and whether occupants of the proposed development would enjoy a satisfactory living environment. The use of the Asda service yard is not restricted in any way. Thus noisy operations can potentially take place in that service yard area at any time of day. It is felt that given the proposed building would be around 1 metre away from the service yard, there is a strong likelihood that future occupants of the proposed development would be subject to unreasonable levels of noise and disturbance and so consequently would not enjoy satisfactory levels of amenity.

14.6.6 The application is accompanied by a noise/ acoustic report, which provides a number of mitigation measures in terms of type of glazing, ventilation and external walls. The Councils Environmental Health Officer concludes that the control measures outlined in this report would be sufficient to overcome concerns of noise from external sources affecting residents of the proposed accommodation. This can be secured by condition.

#### 14.7 Access and car parking

14.7.1 In terms of access and car parking, the proposal would be a 'car free' development. In addition, 4 existing car parking spaces that currently serve The Old Cinema would be lost. This would mean that the existing 21 one bedroom flats at The Old Cinema would retain 11 car parking spaces and the proposed 4 two bedroom flats would have no car parking.

- 14.7.2 The parking standards for the site are set out in Supplementary Planning Document (SPD) as adopted in October 2012. These standards indicate 6 unallocated spaces for the proposed development. However, as stated above, the proposal would not provide any on site car parking spaces. The proposed development provides cycle parking which meets the recommended standards.
- 14.7.3 In support of the application, the applicants have submitted a Transport Statement which states that the site is sustainably located close to all the facilities and amenities in the town centre including public transport. The report also states that there are parking restrictions on Maynard Road which prevent parking at any time and that there are parking restrictions on Junction Road which prevent parking at any time or prevent parking between 9am and 7pm Monday to Saturday.
- 14.7.4 The Highway Authority have raised concerns over the lack of on site car parking and consider that there is a lack of supporting information to demonstrate either whether the proposed development could be sustainable as car free in perpetuity or there is sufficient and adequate on street parking capacity in the surrounding area. The Highway Authority consider that the lack of parking within the scheme would be likely to lead to additional on street parking in the area and this is likely to intensify existing on street parking pressure, thus leading to more frequent incidences of illegal and inconsiderate parking
- 14.7.5 In assessing this proposal, Officers do not agree with the comments from the Highway Authority. There is no evidence that the proposed development, in providing no dedicated parking spaces, will cause severe residual cumulative impacts on the road network. The proposed development is a fairly small scale development providing 4 residential flats. In recent years there has been a number of new residential developments created including the change of use of upper floors of buildings in the town centres which have been provided with no on site car parking. Moreover, it is noted that a development for 8 residential flats at 39 Salisbury Road in Totton town centre was recently approved by the Planning Committee with no on site car parking.
- 14.7.6 There are double yellow lines along Maynard Road and Junction Road. In addition, in Junction Road there are parking restrictions which do not allow parking during parts of the day. Accordingly, because of these parking restrictions around the site, this will prohibit car parking for the residents, and would also mean that residents will not wish to park their cars if they are located a considerable distance away from their homes. Paragraph 103 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. This is particularly important in this situation given the close proximity to bus and rail services and in walking distance to all the facilities and amenities of the town centre. Moreover, the site was previously located within a Air Quality Management Area and Officers would not wish to encourage more on site car parking spaces which will only add to increasing pollution in this area. In sustainable town centre locations, it is considered that on site car parking space provided should be very limited.
- 14.7.7 The proposed development would result in the loss of 4 car parking spaces to the existing flats at The Old Cinema and this would be replaced with soft landscaping and amenity. Whilst the proposal would result in the loss of 4 car parking spaces, the site will retain 11 spaces and there is no evidence that the site is already at capacity. Indeed, the applicant has stated that the existing car parking areas that serve The Old Cinema is never full. It should also be noted that the site subject to

this application is allocated for new development and it is not intended to be used as an overflow car park.

- 14.7.8 In summary whilst Officers can appreciate the concerns from the Town Council and Highway Authority in relation to lack of car parking, Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. In this case, given the location of the site within the town centre, which is close to a number of facilities, train station and public transport, it is considered that a 'car free' development would be acceptable and there is no evidence that severe public highway safety issues would result.

#### 14.8 Other matters

- 14.8.1 With regard to affordable housing, Governance 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.
- 14.8.2 In accordance with the Conservation of Habitats and Species Regulations 2017 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.
- 14.8.3 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect

#### 14.9 Conclusion and planning balance

- 14.9.1 In conclusion, it is considered that this is a fairly restricted site and there are a number of constraints. However the site has laid dormant for a number of years and the proposal would create a development which would make a positive contribution to the street and provide

much needed additional residential units. While the site is earmarked for office or retail uses, the marketing report demonstrates that the only viable use for the site is residential. Given the focus in the local plan and NPPF for providing new housing, together with the visual enhancements, this outweighs the policy objection. Moreover, the proposed development would not have any adverse impact on the living conditions of the adjoining neighbouring properties and the fact that no car parking is provided should not mean that the application should be refused. Accordingly approval is recommended.

- 14.9.2 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.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution			
<b>Habitats Mitigation</b>			
Financial Contribution			

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	330	0	330	330	£80/sqm	£31,781.54 *

Subtotal:	£31,781.54
Relief:	£0.00
Total Payable:	£31,781.54

\* 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) x CIL Rate (R) x 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: Floor plan for existing ground floor flat, floor plan for existing first floor flat, 104, 105, 102, 103, 101, 100.  
  
Reason: To ensure satisfactory provision of the development.
3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.  
  
Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.
4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.  
  
Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
5. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. All external works (hard and soft landscape) as approved at condition 6 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. 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.

8. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed

to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

9. The development hereby approved shall only take place in accordance with the recommendations and mitigation measures for sound attenuation as set out in the Ian Sharland Limited Noise and Vibration Controls Specialist noise assessment, unless otherwise agreed in writing by the Local Planning Authority. The development hereby approved shall only be implemented and thereafter maintained in accordance with the approved scheme of sound attenuation.

Reason: In the interest of the amenities of the future occupants of the dwellings hereby approved in accordance with policy CS2 of the New Forest District outside the National Park Core Strategy.

10. No works shall take place above ground floor level to the block of 4 residential flats hereby approved, until the two new windows are inserted into the existing residential flats at The Old Cinema as shown on Drawing No 104.

Reason: Given the close relationship between the proposed development and the existing residential flats at The Old Cinema, it is necessary that additional windows to the existing rooms in the flats are provided to maintain a reasonable amount of outlook in accordance with with policy CS2 of the New Forest District outside the National Park Core Strategy.

11. The lower parts of the ground and first floor windows on the rear [ north west ] elevation of flats identified as 2 and 4 of the approved building as shown on Drawing No 101 shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

**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 and as the application was acceptable as submitted no specific further actions were required.

2. In discharging condition No.7 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  
September 2018**

**Item No: 3m**

Land rear The Old Cinema  
Junction Road/Maynard Road  
Totton  
18/10898

Scale 1:1250

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

