

**Application Number: 18/11019 Full Planning Permission**

**Site:** THE OLD PINE STORES, SALISBURY ROAD, BREAMORE SP6 2EA

**Development:** Use as one dwelling; new windows to front and rear

**Applicant:** Mr Ward

**Target Date:** 21/09/2018

**Extension Date:** 12/10/2018

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

Contrary to Policy and Parish Council view.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Plan Area  
Breamore Conservation Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

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

DM1: Heritage and Conservation  
DM19: Small local shops and public houses Outside of town centres and defined local shopping frontages  
DM20: Residential development in the countryside  
DM24: Loss of rural employment sites, shops, public houses and community facilities

**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  
Breamore Village Design Statement

## **6 RELEVANT PLANNING HISTORY**

- 6.1 ENQ/18/20523/HDF - The applicant sought the Planning Authority's advice on the form of development proposed, which was broadly supported.
- 6.2 05/83897 - Retention of wall mounted signs - refused April 2005 - appeal dismissed
- 6.3 02/74429 - Change of use from a mixed residential and retail use to a separate residential use (flat above) and shop - granted May 2002

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

Breamore Parish Council - recommend REFUSAL, for the reasons listed.

- Members are disappointed with comments in the Officer's Report as the application is contrary to NFDC planning policy DM24 in relation to the loss of village amenities in rural locations
- The property should be marketed as a retail concern at a commercial rate prior to applying for change of use as it would be disappointing to see the remaining retail premises disappear from the village
- There are concerns in relation to lack of parking for a residential property - this concern has been raised by a resident via your online facility.
- The application is contrary to the Breamore Village Design Statement, particularly Planning Policy DW-E21 - Shop fronts in Conservation Areas
- Further to the change of use of The Old Forge (16/10602), the members will continue to seek to keep commercial and retail properties in the village and will support any future enforcement action.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Conservation Officer: the proposal for the change of use has been reasonably sympathetically carried out with very few changes to the front elevation and the proposal to retain the shopfront as it is, is to be encouraged. However the split window replacing the timber door at first floor level looks rather jarring and would not relate to anything else in the Conservation Area at this point nor would it respond to the character of the host building. Consequently it is suggested that the timber door is retained and pegged back against the wall of the building. Two sash windows to match the others in the building could then be fitted into this space. The timber door at first floor is integral to the character of the building and important as a remnant of Breamore's more humble past.

Amended plans have addressed the concerns raised in the previous consultation response and no objections are raised, subject to the following conditions:

- Permitted Development rights removed for the front elevation - no changes should be made to the shopfronts, front door, windows or timber door at first floor level without permission from the Local Planning Authority
- No vents, flues, ducts or pipes should exit the building via the front elevation
- Joinery details for the new front windows at a scale of 1:10 to be submitted and approved
- Details of the fixing of the door to the front elevation

## **10 REPRESENTATIONS RECEIVED**

10.1 One letter has been received, which states: "While having no major objections to the change of use, concern is raised over the lack of access to the rear of the property for car parking. The lack of parking space on the approach road is becoming a problem due, in part, to another recent change of use. This problem could be alleviated to some extent were the section on the ground plan named "Display" on the existing layout and "Studio" on the proposed layout, be re-designated as an integral garage, Were such a change approved, our stance would become "Support".

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

Based on the information provided at the time of this report this development has a CIL liability of £15,091.42.

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

## **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 suitably amended plans were received in relation to fenestration arrangements and retention of the existing timber door, which satisfied the concerns of officers. Further supporting information was submitted by the applicant in light of the Parish Council's objection to the proposal, following consideration of which the scheme was acceptable as amended.

## **14 ASSESSMENT**

### **14.1 The site and proposal**

- 14.1.1 The proposal relates to the former Old Pine Stores premises fronting the Salisbury Road in Breamore. The Old Pine Stores is a non Listed Building within the Conservation Area of Breamore, bound on both sides by residential Listed Buildings of potentially earlier dates. The site is within the countryside, being outwith any defined built-up area.
- 14.1.2 The proposal relates to the ground and first floor of the premises, which was previously in retail use at ground floor, with a separate flat above. The applicant seeks alterations to the fabric of the building as well as the change of use of the whole building from an A1 retail use to use as a single dwelling.

### **14.2 Visual Impacts of the development**

- 14.2.1 Policies CS2, CS3 and CS10 of the Core Strategy relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. It needs to be considered whether the form and scale of the new development would be appropriate in the context of the conservation area. External alterations are limited to minor fenestration changes, which following receipt of amended plans are acceptable. The Conservation Team raise no objections subject to conditions to ensure appropriate detailing is incorporated into the finished scheme and to the removal of permitted development rights from the premises.
- 14.2.2 The Parish Council consider the proposal to be contrary to the Breamore Village Design Statement, in respect of shopfronts in Conservation Areas. However, there are no proposals to remove the existing shopfront or windows, which will be retained in situ.

### **14.3 Loss of the shop unit**

- 14.3.1 Policy CS20 of the Core Strategy seeks to protect retailing in village and local centres to help meet the needs of the local community. Emphasis is placed on the retention of premises in A1 use. Policies DM19 and DM24

seek to retain small local shops outside of town centres and defined local shopping frontages. Proposals which result in the loss of small local shops will not be permitted where the proposal would result in the loss of an important local facility or if this would leave the local area without such a facility.

14.3.2 The planning history of this building is pertinent to consideration of the current proposal. An application was approved in 2002 for the creation of a self-contained flat at first floor level with a shop retained below. Since 2003 the shop has been used as the Old Pine Stores for the sale of bulk durable pine furniture. While providing a retail facility, the type of retail offered by the Old Pine Stores (bulk durable) is not considered to provide an 'important local facility', unlike the post office/Happy Shopper, which previously occupied the premises. The Old Pine Stores does not offer a convenience retail outlet and members of the local community are unlikely to visit the premises frequently. The applicant explains that most of their business is conducted online and that the requirement for a retail outlet is much diminished recently. They go on to state that problems have been experienced gaining advertisement consent for signage on the premises, which the applicant considered would have enhanced the kerbside appeal of the retail premises. The applicant also states that marketing of the premises was considered, but discouraged by local agents and the application is supported by correspondence from a local estate agent stating that the premises is marginal in relation to its location and commercial viability.

14.3.3 In terms of central government guidance, 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 County Planning (General Permitted Development) Order (GPDO), which permits the change of use of a building from retail (Class A1), to residential (Class C3) without requiring planning permission, through the Prior Approval procedure. In this case, the change of use requires planning permission only because the building is within a conservation area. In balancing out the issues, whilst the proposal would result in the loss of a retail use, it is not felt the loss of this bulk durable retail unit, in a rural location and a predominantly residential area would have a materially harmful impact on community facilities or economic vitality of the area. In this instance officers consider that provision of an additional dwelling would outweigh the limited harm caused by loss of the retail use, particularly in light of the need for additional housing across the District. Consequently officers consider the proposed development may be supported, as a departure to the provisions of Policies CS20, DM19 and DM24.

#### **14.4 Housing within the Countryside**

14.4.1 Policy DM20 states that residential development in the countryside will only be permitted where among other things it is; a limited extension to an existing dwelling; or the replacement of an existing dwelling. In all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts. The purpose of the policy is to prevent indiscriminate residential development in the countryside. While the proposal is not for limited extension or replacement of a dwelling, it will not increase the built form of development, its character impacts

would be acceptable and the principle of residential development may be supported, subject to the removal of permitted development rights for further extensions. In addition, this proposal would not result in the formation of a new dwelling as the existing first floor flat would be replaced by a single dwelling. Furthermore, the LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.

## 14.5 Amenity Impacts

14.5.1 In terms of neighbouring amenity, the insertion of a new window in the front of the building and use of the ground floor for residential purposes would not result in any significant detriment to adjoining residential amenity, in accordance with Policy CS2. The level of amenity space provided for future occupiers is acceptable. Concern is raised over the lack of access to the rear of the property for car parking, as the lack of parking space on the approach road is becoming a problem. In light of the extant permission for retail use of the premises, with residential above, it is not anticipated that use of the building as a single dwelling would result in significant additional traffic movements or parking problems, when compared with the fall-back position to use the premises for bulk durable retail and residential.

## 14.6 Conclusion

14.6.1 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	0	0	0
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	0	0	0

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	224	67.3	156.7	156.7	£80/ sqm	£15,091.42 *
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Subtotal:	£15,091.42
Relief:	£0.00
Total Payable:	£15,091.42

\* 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: Drawing nos. 1802/01, 1802/02, 1802/03A, 1802/04A, 1802/05, Heritage Statement dated 27th July 2018 and Design and Access Statement dated 20th July 2018

Reason: To ensure satisfactory provision of the development.

3. Before development commences, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- Joinery details for the new front and rear windows at a scale of 1:10;
  - Details of the fixing of the first floor timber door to the front elevation;
  - Details of vents, flues, ducts or pipes.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no changes shall be made to the shopfronts, front door, front windows or timber door at first floor level without permission from the Local Planning Authority having first having been granted.

Reason: To ensure that any future development proposals do not adversely affect the visual amenities of the area or character of Breamore Conservation Area, contrary to Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. No vents, flues, ducts or pipes should exit the building via the front elevation.

Reason: To ensure that such additions do not adversely affect the visual amenities of the area or character of Breamore Conservation Area, contrary to Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM1 of the Local Plan Part 2 Sites and Development Management Development Plan Document.



**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 suitably amended plans were received in relation to fenestration arrangements and retention of the existing timber door, which satisfied the concerns of officers. Consequently the scheme was acceptable as amended.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.

**Further Information:**

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# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
October 2018

Item No: 3e  
The Old Pine Stores  
Salisbury Road  
Breamore  
18/11019

Scale: 1:1250  
N.B. If printing this plan from  
the internet, it will not be to  
scale.

