

**Application No: 17/00036/FULL Full Application**

**Site:** Lloyds TSB, Sway Road, Brockenhurst, SO42 7ZH

**Proposal:** Change of use to dental practice (Use Class D1); 2 No. flats (C3);  
Internal alterations

**Applicant:** C/O Sherlock Boswell Architecture

**Case Officer:** Ann Braid

**Parish:** BROCKENHURST

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area  
Defined New Forest Village

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
DP6 Design Principles  
CP1 Nature Conservation Sites of International Importance  
CP7 The Built Environment  
CP8 Local Distinctiveness  
CP14 Business and Employment Development  
CP12 New Residential Development

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Development Standards SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 6 - Delivering a wide choice of high quality homes  
Sec 7 - Requiring good design  
Sec 11 - Conserving and enhancing the natural environment  
Sec 12 - Conserving and enhancing the historic environment

**6. MEMBER COMMENTS**

None received

## **7. PARISH COUNCIL COMMENTS**

Brockenhurst Parish Council: Not able to support the application as insufficient information is supplied:

1. Provision for a disabled car park space should be made
2. Detail of the service(s) to be provided by the clinic
3. The drawings for the conversion of the flats are not clear

## **8. CONSULTEES**

8.1 Highway Authority (HCC): No objection to amended plans subject to condition

## **9. REPRESENTATIONS**

9.1 Four letters of representation have been received, making comments as follows;

- Raising initial concern about parking, but supporting the amended parking layout and access
- Requesting the maintenance of the retaining wall to the adjoining property in Sway Road
- Requesting the retention of a boundary fence to prevent overlooking.
- Supporting the proposal with the provision of a fence to prevent overlooking from the area outside the first floor doors to the flats
- Commenting that there may not be a pressing need for parking as there are good transport links and village centre parking.

The Friends of Brockenhurst object on the grounds of inadequate parking, turning and manoeuvring space.

## **10. RELEVANT HISTORY**

10.1 None

## **11. ASSESSMENT**

11.1 The application site is a commercial premises situated within the defined village of Brockenhurst in the Conservation Area. The building is not listed however it has been identified within the Conservation Area Character Appraisal as a building of vernacular / local historic interest. The property occupies a prominent corner plot. There is a garage and an area for parking at the rear of the building, with access from Sway Road.

11.2 Consent is sought for the use of the ground floor as a dental practice, which falls within Use Class D1 (the specified dental use has only very recently been confirmed). It is also proposed to

convert the former office space on the first and second floors into two residential units, with a one bedroom flat on the first floor and a three bedroom flat on the first and second floors.

- 11.3 The issues to be assessed are;
- The suitability of the proposed use
  - Provision of car parking and turning
  - Impact on neighbouring amenity
  - Impact of new residential units on designated areas
- 11.4 Use Class D1 includes clinics, health centres, crèches, day nurseries, day centres, museums, public libraries, art galleries, exhibition halls, law court, non-residential education & training centres, places of worship, religious instructions and church halls. These uses would have different impacts on the locality, and in particular would generate different requirements for car parking. It would be reasonable to restrict the use to a dental surgery within Class D1 to ensure control over future changes of use of the building.
- 11.5 The building is a prominent and valuable feature in the Conservation Area. The proposed use would make minimal changes to the external appearance of the building. Internal alterations would also be minimal and would make good use of the available space. There would be no conflict with Policy CP7 which seeks to preserve the character of the Conservation Area.
- 11.6 Policy CP14 permits the use of buildings within the defined New Forest villages for business uses, as the villages are considered to be the more sustainable locations within the Park. The change of use of the building from a bank to a dental practice would retain the building in business use in a sustainable location as set out in Policy CP15. With reference to the proposed new flats, Policy CP12 directs new residential development to sites within the defined villages, so there would be no policy conflict, in principle, in providing 2 additional dwelling units.
- 11.7 With regard to parking, the proposed use would generate a requirement for 9 parking spaces. The flats would require a total of 3 spaces to meet the adopted standards. An amended plans shows the demolition of the existing garage and a layout of 11 spaces, and in response to the Parish Council's comment, one of these is an accessible space. The existing access would be widened to 4.5 metres to allow two cars to pass, which would avoid the possibility that vehicles entering the site would be forced to reverse back on to the highway. The Highway Officer is content that the amendments made would overcome the initial concerns, and would accept a shortfall of one parking space as this is a location in the village centre with public car parking in the vicinity.

- 11.8 It is clear that users of the first floor access to the flats would be able to overlook the private gardens of the properties in Auckland Avenue. The applicant has therefore agreed to provide a horizontal "hit and miss" fence which would prevent any views over the neighbouring properties. One neighbour has seen the specified fencing and has confirmed that he is content with the proposal. The neighbour in Sway Road has requested that the low retaining wall between the car park and her property be retained in good repair. Any damage to her property during construction or as a result of the use would need to be rectified, but this could not be controlled through planning. However there is also a request for a boundary fence to protect their privacy and may be the subject of a condition.
- 11.9 The site lies within 400 metres of the New Forest SPA and 5.6 km of the Solent SPA and in accordance with Policy CP1, additional residential and recreational impacts caused by the development will require adequate mitigation. The Agent has confirmed that contributions will be paid in accordance with the Development Standards SPD. This can be secured by condition.

## 12. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any re-enactment of these Orders) the use of the ground floor of the building shall be restricted to a dental clinic and no other use within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no change of use shall take place without express planning permission having first been obtained

Reason; An unrestricted use would be likely to have an adverse impact on the amenities of neighbouring occupiers and users of the highway, contrary to Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 Prior to the commencement of development, a fence of the type specified in the agent's letter of 14 February shall be installed at first floor level on the south elevation in the location shown on the approved plan, unless otherwise agreed in writing with the National Park Authority. The approved fence shall be retained thereafter.

Reason: To ensure neighbouring amenity is protected, in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 The building the subject of this permission shall not be first occupied until:

(a) details of the treatment of the south west boundary of the site with 1 Sway Road have been approved in writing by the New Forest National Park Authority, and

(b) the means of enclosure have been implemented in accordance with the details thus approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policies CP8 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 Prior to the commencement of development, ecological mitigation for the Solent and New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's adopted Development Standards (SPD) and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies CP1 and CP2 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD, Development Standards SPD and the SRMP.

- 6 The development hereby permitted shall not be occupied until the arrangements for car parking and turning within its curtilage, in accordance with the approved plans have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development

Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 7 The development hereby permitted shall not be occupied until plans and particulars showing details of the provision of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate cycle parking provision is made in the interest of highway safety and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 8 Development shall only be carried out in accordance with drawings: 01B, 02A, 03F, 04B and 05A. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable development in accordance with policies CP7, CP8 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

