
Appeal Decision

Site visit made on 11 June 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/B1740/W/18/3206559

4-6 Rumbridge Street, Totton SO40 9DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Templeton Stockbridge Ltd against the decision of New Forest District Council.
 - The application Ref 18/10413, dated 13 March 2018, was refused by notice dated 18 May 2018.
 - The development proposed is demolition of the existing building and construction of a commercial unit (Use class A1, A2 or A3) with nine apartments.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is submitted in outline, with details of access and scale provided for consideration. I have treated the plans as being definitive as regards scale but illustrative in respect of the reserved matters.

Main Issues

3. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) the effect on the vitality and viability of Totton town centre.

Reasons

Character and appearance

4. The appeal site is prominently located at the intersection of Rumbridge Street, Junction Road, High Street and Eling Lane. It is occupied by a modest two-storey building which is vacant and in a state of some disrepair. The building was formerly occupied as two commercial units at ground floor level and a flat above.
5. Rumbridge Street has a distinctive village feel. The street is characterised by small scale buildings with brick elevations and shallow hipped roofs. There are some three-storey properties and other buildings with accommodation in the roof, but these are in the minority. The architecture is varied, with traditional Victorian designs interspersed with more recent buildings – some less sympathetic to the original character than others.

6. Of note are the County Council offices on the corner of High Street and Junction Road. This three-storey building is significantly taller and bulkier than those surrounding and as such does not reflect the prevailing scale and character of the area. However, it is set back from the road on both frontages, with mature trees providing screening for significant parts of the year.
7. The proposal would have a more extensive footprint than the existing building on the site and it would have a frontage onto both adjoining streets. The development would be set back from Junction Road to reflect the open character of the other corners of this intersection. The plot coverage strikes me as being broadly acceptable; it presents an opportunity to positively address the corner and make an architectural statement. This is recognised within the Totton Town Centre Urban Design Framework (2003) (UDF) which recommends that any building should be strongly innovative or faithfully historical in materials and design.
8. The appearance of the development is not for consideration, but the proposal has been worked up in some detail to illustrate how the scale might translate into the street scene. The scheme would contain three storeys of accommodation with the upper floor contained within the roof space. The eaves, although designed to give the impression of a two-storey building, would be almost a metre higher than the first floor window heads. The roof would be steeply pitched on all sides with a hidden section of flat roof. The resultant structure would be bulkier than many of the traditional buildings along Rumbridge Street. The consistent unbroken eaves and roof lines would create a single unarticulated mass with undue horizontal emphasis; this would be out of keeping with the modular format of the street, which is characterised by its mix of low key, small scale buildings.
9. I accept that the scheme before me is an improvement upon an earlier proposal for the site which was dismissed at appeal¹. The development would have a better overall height relationship with the neighbouring building at 1 Junction Road. Nevertheless, I do not consider that the bulk and massing of building being proposed is appropriate for this location. Whilst it is suggested that a certain quantum of development is necessary to make the scheme viable, this assertion is not supported by any substantive evidence.
10. The Council does not object to the loss of the existing building and does not dispute that redevelopment would improve the appearance of this parcel of land. The site is identified as a development opportunity both within the UDF and in Policy TOT15.9 of the Local Plan Part 2: Sites and Development Management for the New Forest District outside the National Park (2014) (LP2). Notwithstanding this, it is important that proposals integrate with their surroundings, and in this regard, I do not consider that the appeal scheme would be compatible with the prevailing character or appearance of the surrounding area.
11. Accordingly, I conclude that there would be conflict with Policy CS2 of the Core Strategy for New Forest District outside of the National Park (2009) (CS). This policy is consistent with the National Planning Policy Framework (the Framework) in requiring new development to be well designed to respect the character, identity and context of the area. The scheme would fail to comply with the stipulation that new development should contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting.

¹ APP/B1740/W/17/3177627

Vitality and viability of town centre

12. The appeal site lies within the Rumbridge Street Secondary Shopping Frontage in Totton Town Centre. Paragraph 3.48 of the LP2 explains that Rumbridge Street makes an important contribution to the economy of the town centre, providing a range of specialist shops, food and drink establishments, services and other business uses. LP2 Policies DM15 and TOT18 stipulate that no residential uses, including residential development, will be permitted within the ground floor street frontages. The policies seek to ensure that a minimum of 40% of the total street frontage is retained in retail use, with only proposals which enhance the commercial viability of the area being permitted.
13. The proposed development would include a significant element of residential use at ground floor. This would account for over half of the floor area and approximately 40% of the street frontage. There can be no disputing that this would bring the scheme into conflict with the above policies.
14. The existing commercial units at 4-6 Rumbridge Street have been vacant for some time and it has been a while since they have contributed positively to the vitality and viability of the town centre. The appeal scheme would provide a modern retail unit with larger floorspace. The prominent location of the unit on a street corner would make it attractive to retail business and maximise the chances of finding an occupier. These factors weigh in favour of the proposal.
15. The Council's aspiration, clearly expressed within its development plan, is for a greater proportion of commercial use on the site. LP2 Policy TOT15.9 identifies the site as a development opportunity primarily for retail/office use, with other uses being considered as part of a mixed use scheme on upper floors. Whilst I acknowledge the argument that economic considerations have led to the scheme including residential use at ground floor, there is no viability evidence before me and therefore I cannot be certain that the proposal for 80 m² of commercial floorspace is the maximum viable offer.
16. There would be no demonstrable loss of vitality compared with the present situation of a derelict site. However, I give significant weight to the potential economic benefits of a scheme which delivers retail or office use, or a combination of both, across the entire ground floor. There is no robust evidence to convince me that a scheme of this nature is not deliverable. Accordingly, I find that the proposal would conflict with CS Policy CS20 insofar as it seeks to maintain active ground floor frontages and strengthen the vitality and viability of town centres.

Other Matters

17. The scheme does not provide any on-site car parking. The Highway Authority is concerned that future occupiers of the flats would own vehicles which they would then park on the highway outside of the restricted times of 0900 to 1800. This would be detrimental to highway safety by restricting visibility to drivers emerging from Junction Road into Rumbridge Street. I have no reason to disagree with this assessment and note that the appellant has no objection to making a contribution towards a traffic regulation order (TRO) to extend the times of restriction. It may be possible to use a negatively worded condition, along similar lines to that suggested by the appellant, to secure the TRO prior to the commencement of development. However, a planning obligation is the most appropriate mechanism to secure the payment of monies to cover the Highway Authority's costs. There is

no planning obligation before me, but since the appeal is being dismissed for other reasons the case does not turn on this point.

Planning Balance and Conclusion

18. The Council concedes that it is unable to demonstrate a five year supply of deliverable housing sites and therefore paragraph 11(d) of the Framework is engaged. This indicates that in circumstances where the requisite land supply is not available, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposal would deliver social benefits in terms of providing much needed housing in an accessible town centre location. It would generate employment during construction and the new retail unit would provide an opportunity for commercial occupiers. The flats would increase footfall within the centre, making a small but positive contribution to boosting vitality. The scheme would make efficient use of previously developed land in line with government objectives.
20. Against these positives, I must balance the harm arising from the scale of the building and the failure to have regard to the local context. The need for residential use at ground floor is not supported with any viability evidence and this undermines the Council's objectives for redevelopment on this site, one of the few commercial development opportunities in the Rumbridge Street Secondary Shopping Frontage. In my judgement, the adverse impacts would significantly and demonstrably outweigh the benefits. As such, the proposal does not constitute sustainable development as envisaged by the Framework.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR