

Application Number: 21/10903 Full Planning Permission

Site: 30 PARK ROAD, FORDINGBRIDGE SP6 1EQ
Development: Two-bedroom dwelling; associated parking; new parking surface for number 30
Applicant: Mr Edmunds
Agent: Williams Lester Architects
Target Date: 31/08/2021
Case Officer: Jim Bennett

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development
2. Planning History of the Site
3. Design, site layout and impact on local character and appearance of area
4. Impact on highway safety, including matters relevant to car parking
5. Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy
6. On Site Biodiversity and protected species
7. Habitat Mitigation
8. Housing Land Supply

This application is before Committee as the reasons for refusal are not in complete alignment with Fordingbridge Town Council's Par4 objection on grounds of reduced car parking capacity and harm to wildlife habitat.

2 SITE DESCRIPTION

The site lies within the built-up area of Fordingbridge. The existing property is a sizeable, semi-detached dwelling, situated at the junction of Park Road with Whitsbury Road. The majority of the site is currently utilised as a parking area for no. 30 Park Road, with access onto Park Road. The proposal would also utilise a portion of no. 30's garden area, set at a higher level than the surrounding roads. An attractive hedge fronts Park Road, at an elevated level, as well as a tree at road level. The application site occupies a prominent corner plot and its surroundings have a spacious feel with uniform spaces between semi-detached dwellings and well-treated, generous garden areas.

3 PROPOSED DEVELOPMENT

It is proposed to utilise the parking area, garage footprint and a portion of garden to erect a detached chalet bungalow. The dwelling would be separate and independent of no. 30. Two parking spaces would be provided for the proposed dwelling and two for no. 30, both accessed from Park Road.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
91/NFDC/47793 Convert existing dwelling to five self-contained flats	25/07/1991	Refused
XX/RFR/15242 Dwelling.	25/07/1972	Refused
XX/RFR/13604 Change of use from residential to office.	15/07/1970	Refused
XX/RFR/13408 Change of use from dwelling to Laundrette.	15/04/1970	Refused

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development
Policy STR5: Meeting our housing needs
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Fordingbridge Town Design Statement

Relevant Advice

NPPF Chapter 5 - Delivering a sufficient supply of homes
NPPF Chapter 12 - Achieving well designed places

Plan Policy Designations and Constraints

Built-up Area
Plan Area
River Avon Catchment

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - Recommend refusal under PAR4, as the application goes against the Fordingbridge Town Design Statement, paragraph 9.6, which states that back-garden in-filling in Salisbury Road, Park Road, Alexandra Road and Whitsbury Road should be resisted. Such developments would have an adverse impact on the character of the original street pattern, reduce car parking capacity due to access roads and destroy valuable wildlife habitat in large gardens and large trees which enhance the views from existing properties

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways - The visibility splays for the left-hand access, the distance is not actually correct, the applicant states the y distance is 33m when in fact it is more likely to be 20m. However, regarding the access/parking for no. 30 in relationship with the junction of Whitsbury Road, given that the new access is located roughly 20m away from the junction, it is anticipated that vehicle speeds would be low, and therefore the highway authority would have no objection to this. It would also be required that there is no obstruction within these visibility splays and that any vegetation is kept below 600mm.

NFDC Ecologist - Appropriate Assessments considering the recreational and nutrient impacts of the scheme are required. No ecological enhancement measures have been incorporated within the proposed new dwelling. Built in ecological enhancements should be provided to demonstrate biodiversity net gain in line with the NPPF and the Local Plan e.g. bird boxes. Further details of suitable enhancement measures are provided in the NFDC Interim Ecology and Biodiversity Net Gain Advice Note available here: Ecology and Biodiversity Net Gain - New Forest District Council. The relevant section is entitled "Demonstrating biodiversity net gain on small sites ('minor applications').

NFDC Tree Officer - A maturing London plane tree that is growing on the frontage of this site, adjacent to Park Road will be lost. This tree is a prominent tree the road, which has limited tree coverage within the street scene. Given the importance of this tree it has been recently protected by Tree Preservation Order TPO/0012/21. The proposal is objected to on tree grounds due to the loss of the London Plane tree that contributes to the local urban environment. Recent changes to the NPPF have highlighted the importance of trees to the street scene in paragraph 131.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Impact upon the availability of light
- The central upstairs window on the rear/north elevation will result in overlooking.
- Impact on wildlife
- Biodiversity enhancements should be incorporated
- Queries are made in respect of access rights, boundaries and maintenance
- A more detailed drainage survey is required to establish how the proposal will affect adjoining drainage and surface water discharge
- The proposal will reduce existing on-road parking, removing 3-4 spaces
- There will a loss of parking space during construction.
- The proposed new off-road parking for number 30 will require removal of the existing retaining brick wall and hedge. Detailed assessment of the impact of this is required as our property is several feet above road level due to the topography of the site and levelling of the site may impact our foundations.
- The proposed use for the building is queried

For: 0

Against: 3

10 PLANNING ASSESSMENT

Principle of Development

The application site lies within Fordingbridge's built-up area, where there is a presumption in favour of new housing. However, the benefits of the proposal in terms of new housing provision must be weighed against the potential harm caused, which is examined in the following sections.

Design, site layout and impact on local character and appearance of area

Policy ENV3 and the Fordingbridge Town Design Statement, stipulate that new development will be required to be well-designed to respect the character, identity and context of the area's towns. The surrounding area is characterised by semi-detached dwellings fronting Park Road and Whitsbury Road, all with good sized, linear gardens extending to the rear.

The proposal would result in the new plot having by far the smallest rear garden in the locality, of between just 5m and 5.5m in depth. In this respect, the dwelling would not reflect the existing pattern of development and distinctiveness of the area, appearing cramped in its layout, all surrounding dwellings benefiting from good sized, linear gardens extending to the rear. Paragraph 9.6 of the Fordingbridge Town Design Statement states that back-garden in-filling in Park Road and Whitsbury Road should be resisted, due to the adverse impact on the character of the original street pattern, reduced car parking capacity and harm to wildlife habitat and large trees. The cramped form of development is exemplified by the limited degree of separation between the back of the existing dwelling and side of the proposed dwelling, at just 5m, which is exacerbated by the introduction of two parking spaces for no. 30, further eroding the garden space and verdant character of the corner plot. A maturing and attractive tree and length of attractive hedge would need to be removed from the Park Road frontage, which contribute to street scene, replaced with hardstanded parking. Paragraph 131 of the NPPF states that 'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined and that existing trees are retained wherever possible'

The frontage parking spaces would be a hard and unfortunate feature in the street scene, where most dwellings have planted front gardens lending a verdancy the proposal cannot offer. Furthermore it is not clear from the submitted plans how parking for no. 30 will be provided, as it is at a lower level than the garden and hedge, possibly requiring retaining wall. It is unlikely that the level of excavation required would cause stability issues for surrounding properties, although plans demonstrating how the parking spaces would be provided and retaining structures required should have been provided. The visibility splay plan provided suggests a substantial portion of the hedge will need to be removed to provide safe egress, to the detriment of the street scene.

The proposed shallow garden and parking spaces to the front, with limited scope for landscaping, coupled with the removal of the tree and hedge from the street scene are symptomatic of an overdeveloped form of development. The proposal is cramped and overdeveloped in its layout, which would fail to comply with the design and character related provisions of Policy ENV3 of the NFDC Local Plan Part 1 2016-2036, the Fordingbridge Town Design Statement, and Chapter 12 and paragraph 131 of the NPPF.

Impact on highway safety, including matters relevant to car parking

The site currently has a single existing access from Park Road. It is proposed to widen the access to provide parking for four vehicles. The plans show that the new dwelling would be a two-bedroom unit. Two off-street parking spaces would meet with the Council's Parking Standards SPD, which recommend the provision of two spaces. While the proposal would result in the loss of on-street parking provision, through the introduction of dropped kerbs along more of the Park Road frontage, this cannot substantiate a reason for refusal on highway safety grounds. However, it is symptomatic of the overdeveloped form of development, which weighs against the principle of providing an additional dwelling on this site.

The impact of the proposal on the safe operation of the local highway network would be very modest, and a reason for refusal based on traffic generation would not be justified. While querying the submitted visibility splays, the Highway Authority raise no objections to the proposal.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles, details of which could have been secured by condition.

Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy

Policy ENV3 also requires the impact of development proposals upon the amenity of existing and future occupiers to be taken into consideration, in relation to residential amenity. It therefore needs to be considered whether the relationship of the development would be acceptable in respect of loss of privacy, loss of light and overbearing impact; and also whether the proposed development would provide sufficient private open spaces arrangements for occupiers of the existing and proposed dwellings.

While not ideally related to the host dwelling due to the limited degree of separation, the relationship is just about acceptable and perhaps a matter for the applicant to consider. Nevertheless it is a further symptom of the cramped form of development sought.

In response to the comments of adjoining occupiers that the proposal would impact upon the availability of light, the dwelling would be broadly in line with the dwellings either side, would be 1.5 storey with low eaves and located 5m away from the garden to the rear. Coupled with the fact that an existing structure would be removed from the boundary of no. 18, its impact on adjoining owners would not cause significant light loss.

The central upstairs window on the rear/north elevation could have resulted in overlooking. The window serves a stairwell and had planning permission been granted a condition could have been applied to ensure the window was obscure glazed and fixed shut, to address the privacy issue.

The plot would provide a very modest garden area, due to the overdeveloped form of the proposal, although it would provide adequate amenity space for future occupiers. Overall, the proposal complies with the amenity related provisions of Policy ENV3.

On Site Biodiversity and protected species

As of 7th July 2020, the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2. The Council's Ecologist notes that Appropriate Assessments considering the recreational and nutrient impacts of the scheme are required. No ecological enhancement measures have been incorporated within the proposed new dwelling, which should be provided to demonstrate BNG e.g. bird boxes. This could have been addressed by a condition applied to any approval.

Habitat Mitigation

a) Recreational Impacts

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, in 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. In the absence of a completed a Legal Agreement to secure the contribution, a further reason for refusal must be introduced.

b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. In the absence of a completed Legal Agreement to secure the contribution, a further reason for refusal must be introduced.

c) Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. However, Natural England have recently drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan sets out mitigation measures for new development up the end of March 2020, and thereafter relies on the delivery of the Wessex Water River Avon

Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar sites) are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, a further reason for refusal must be introduced.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land, although the Council's Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. It is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing). The current proposal is for a very modest level of housing provision and the harm identified above in respect of character, amenity and habitat impacts weighs against the proposal.

Other Matters

With regard to the comments of notified parties not addressed above, the position of soakaways will be a matter for further consideration at the Building Regulation stage. There is nothing to suggest that surface water drainage would be a problem in the locality, but had permission been granted a condition would have been applied to ensure sustainable urban drainage techniques were employed. Queries are made in respect of access rights, boundaries and maintenance are private legal matters and not relevant to determination of this planning application. Disruption caused by construction activity and parking is an inevitable consequence of any new development, but not a substantive reason for refusal.

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	82	21	61	61	£80/sqm	£6,250.15 *
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Subtotal:	£6,250.15
Relief:	£0.00
Total Payable:	£6,250.15

11 CONCLUSION

In conclusion, while the proposed development would make a modest contribution to housing stock, it would fail to preserve the character of the area. Furthermore, no information has been submitted to demonstrate that the impact on protected European sites can be successfully mitigated. Accordingly, the proposal is recommended for refusal.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

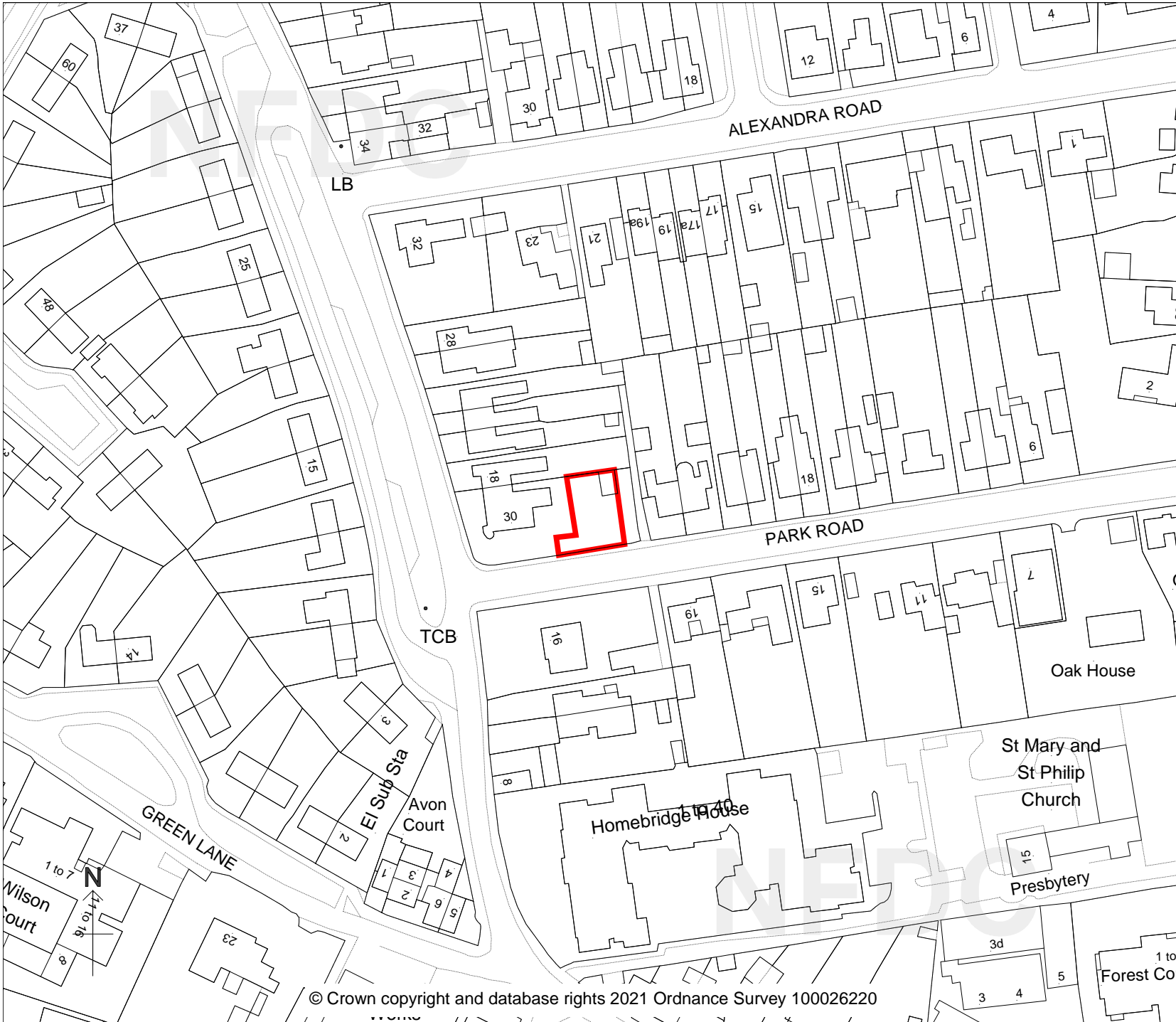
1. The character and appearance of the area would be undermined by the cramped and overdeveloped form of development sought. This is exemplified by the limited level of space around the new dwelling, hardening of the frontage to the street caused by parking and access arrangements and erosion of the site's green and verdant setting through loss of tree and hedge cover, which contribute street scene and to the wider character and distinctiveness of the area. Consequently, the proposal would be contrary to the design and character related provisions of Policy ENV3 of the Local Plan Part 1, Chapter 12 and paragraph 131 of the National Planning Policy Framework and the Fordingbridge Town Design Statement.
2. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1, Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

3. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal will result in a new unit of residential accommodation which will have an adverse impact through greater phosphates being discharged into the River Avon, thereby having an adverse impact on the integrity of the River Avon Special Area of Conservation (SAC), River Avon Ramsar site and River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). A precautionary approach is required to be adopted and in the absence of an Appropriate Assessment being carried out an adverse impact on the integrity of the SAC, Ramsar and SSSI cannot be ruled out. As such, the proposal does not accord with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 in that at present there is no proof that the new dwellings will be phosphate neutral or that there is adequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017, Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

Further Information:

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New Forest

DISTRICT COUNCIL

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PLANNING COMMITTEE

October 2021

30 PARK ROAD
 FORDINGBRIDGE
 SP6 1EQ
 21/10903

Scale 1:1250

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