

Application Number: 21/11256 Full Planning Permission

Site: KINGFISHER COTTAGE, SALISBURY ROAD, BURGATE,
FORDINGBRIDGE SP6 1LX

Development: Change of use of existing leisure building to holiday let; windows
to south elevation

Applicant: Mr Pritchard

Agent:

Target Date: 08/11/2021

Case Officer: James Gilfillan

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of the use
- 2) Flood Risk
- 3) Ecology

This application is to be considered by Committee because of the support of Fordingbridge Town Council

2 SITE DESCRIPTION

The site is on the east side of Salisbury Road to the north of Fordingbridge in Burgate. It is sandwiched between Salisbury Road and the River Avon to the east. The New Forest National Park boundary cuts across the site.

The site is occupied by a house with 2 large outbuildings, one in use as a garage and garden store, the second a games room used by the residents. There are 2 vehicle accesses to the site, either side of the house.

The applicant owns land across the river, accessed by bridges, and extending alongside it to the north. The application site is restricted to the south west part of the site falling in the jurisdiction of the District Council, relating to the games room outbuilding.

The ground slopes down away from Salisbury Road towards the river. Being adjacent to the river, the area is at risk of flooding, however the river is heavily managed by sluice gates and a slipway, both within the control of the applicant.

The site is outside the built-up areas identified by the development plan. Land opposite on Salisbury Road is within the built-up area of Fordingbridge, being allocated for housing as Strategic Site 18. The Fairgate employment centre is located on the land opposite the site, Burgate farm and Fordingbridge day nursery.

3 PROPOSED DEVELOPMENT

Change of use of existing leisure building to holiday let; windows to south elevation

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
11/96666 Outbuilding (Lawful Development Certificate that permission is not required for proposal)	19/04/2011	Was Lawful	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR3: The strategy for locating new development

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM13: Tourism and visitor facilities

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

Relevant Advice

National Planning Policy Framework

Constraints

NFSFRA Fluvial

Plan Policy Designations

Countryside

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Recommend PERMISSION under PAR3, as it is a good use of the building.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency: No objection subject to a condition securing the building remains ancillary to the main house and does not become a separate dwelling itself.

New Forest National Park Authority: No objection subject to securing mitigation for recreational impact on protected habitats in the New Forest National Park.

Hampshire Fire & Rescue Service: Comment Only

9 REPRESENTATIONS RECEIVED

None received

10 PLANNING ASSESSMENT

Principle of Development

The building subject to this application is subject to a certificate of lawfulness as an outbuilding, used as a games room, incidental to the enjoyment of the occupiers of the house.

The application proposes to convert the building to a three bedroom holiday residential unit. Such proposals are managed by policy DM13 of local plan part 2. That policy directs such holiday uses to the identified built up areas across the district. However it does recognise that where, as with this application, the site falls outside the built-up areas, in the open countryside that tourism accommodation can be supported in a range of circumstances. This application does not meet any of the scenarios supported by the policy.

This proposal would be contrary to that policy, however it has to be recognised that the site is immediately adjacent to the built-up area of Fordingbridge and on a site that is not readily open countryside, nor in such an isolated location.

Tourism is accepted as an important part of the local economy by the development plan and DM13 seeks to balance the environmental impacts such development can have. Largely down to the impact on the character and appearance of the rural landscape due to increased built form, but also leading to additional activity in rural parts of the district not readily supported by services and facilities.

This proposal would have economic benefits, investing in an existing building and bringing spend to local towns and tourism attractions.

Despite being outside the built up area, the site is not isolated from other development or a significant distance from services likely to support its use. Furthermore the mixed character of the area, would be able to accommodate the proposed use.

Whilst the proposal is not directly supported by the aspirations of DM13, it is also not considered to result in the impacts the policy seeks to manage. Most notably it would not give rise harmful impacts on rural communities or the countryside.

Flood Risk

Being adjacent to the river, the site is at risk of fluvial flooding. The representation from the Environment Agency accepts no greater risk would arise, provided occupation remains ancillary to the main house and does not become a separate residential unit, a change that would require planning permission.

Based on the range of sluices, the slipway and height of the embankment between the site and the main river, it is considered there would be a low risk of flooding occurring to the extent of placing occupants at significant risk.

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

The building has limited architectural merit, contrasting with the appearance of the surrounding building. It is set back behind the house so not readily visible in the streetscene.

The application proposes to add two windows to the south elevation, facing the boundary. These would be in keeping with the character of the existing building.

Conversion of the building would preserve the existing landscape setting. In accordance with NPPF para 176 great weight is given to the importance of conserving and enhancing landscape and natural beauty in National Parks. The building already exists as does its presence in the backdrop of the National Park. The alternative proposed use would not introduce any features to the detriment of the landscape and scenic setting of the National Park.

There are listed buildings close to the site, at Burgate Farm and to the south on Salisbury Road. However, these buildings are not so close that their setting and integrity as heritage assets would be effected.

Highway safety, access and parking

The house already benefits from two vehicle accesses, as such should the access directly serving the proposed holiday unit, be retained for that unit, the house would still be safely served by adequate parking and manoeuvring space.

Sufficient space is available for parking for the proposed use, the existing access would be retained, providing safe access.

Residential amenity

The outdoor space associated with the proposed holiday unit and the existing house are immediately adjacent to each other, potentially compromising each others enjoyment. However, this is a matter for the applicant, as occupier/owner of the house to consider and manage accordingly.

The amenity and privacy of neighbours to the south would be unaffected due to the respective layouts, distances and outbuildings.

Ecology

Conversion of the building would have not impact on local ecology. There would be no loss of landscape around the building, nor any activities materially different or greater in scale than the existing residential occupation that would impact on ecology.

All overnight tourism accommodation is recognised as contributing to effects on protected habitats and species in the important and sensitive habitats in the New Forest. Financial contributions towards identified mitigation projects could be secured. Furthermore contributions towards monitoring air quality in the New Forest would be required.

At the time of writing no such mitigation has been made or secured by way of binding S.106 undertaking. As such the likely significant effects on the important sensitive habitats would not be mitigated.

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 River Avon European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon.

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new overnight accommodation 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.

Developer Contributions

As part of the development, the following is required to be secured via a Section 106 agreement:

- New Forest recreation Infrastructure projects: £4,020.90
- New forest recreation non-infrastructure revenue projects £584.22
- Air quality monitoring £85.00

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	83.56	83.56	0	0	£80/sqm	£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

11 CONCLUSION

The principle of the development has economic benefits and environmental benefits of preserving the character of the area and being located adjacent to the built-up area.

However such benefits would be outweighed by the failure to mitigate the effect of the development on protected and sensitive habitats in the New Forest and along the River Avon, in the absence of which the scheme would fail an Appropriate Assessment of the habitats regs and would not deliver sustainable development.

The application is recommended for refusal.

12 RECOMMENDATION

Refuse

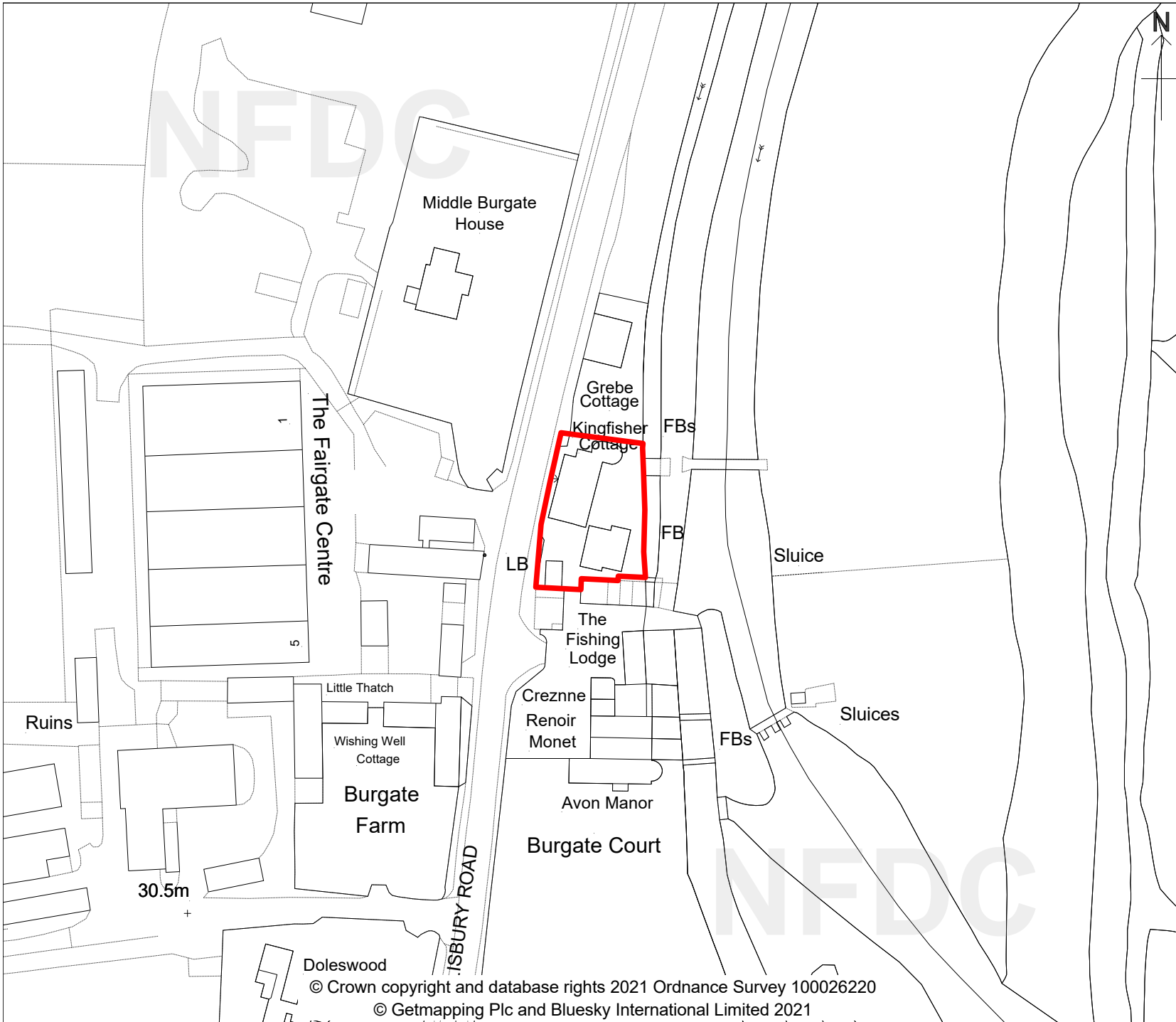
Reason(s) for Refusal:

1. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policies STR1 and ENV1 of the New Forest District Local Plan Part 1: Planning strategy 2020.
2. 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 new units of residential accommodation which will potentially 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), the Avon Valley Special Protection Area and the River Avon Ramsar site. A precautionary approach is required to be adopted and, in this case, an Appropriate Assessment has been carried out, with it not being possible to rule out adverse impacts on the integrity of the SAC, SPA and Ramsar site. 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 and Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District (outside of the National Park).

Further Information:

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New Forest

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PLANNING COMMITTEE

January 2022

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 SALISBURY RD, BURGATE
 FORDINGBRIDGE, SP6 1LX
 21/11256

Scale 1:1250

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