

Application Number: 22/10202 Full Planning Permission

Site: 5A BRIDGE STREET, FORDINGBRIDGE SP6 1AH (NB:
SUBJECT TO UNILATERAL UNDERTAKING)

Development: Use of rear ground floor as flat (Retrospective)

Applicant: Mr Herodotou

Agent:

Target Date: 03/05/2022

Case Officer: Judith Garrity

Extension Date: 14/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- The Principle of Development
- Impact on vitality and viability of town centre and on the local delivery of services, including local shops and pubs
- Impact on the character and appearance of the area, including Fordingbridge Conservation Area
- Highway safety, access and parking
- Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy
- On Site Biodiversity and protected species
- Air Quality
- Flood Risk
- Habitat Mitigation
- Housing Land Supply

This application is to be considered by Committee as the recommendation is contrary to the view of Fordingbridge Town Council.

2 SITE DESCRIPTION

The proposal relates to the ground floor of a mixed use premises fronting Bridge Street in Fordingbridge. The site is located within the Fordingbridge Conservation Area, Town Centre, Primary Shopping Area and a Secondary Shopping Frontage.

3 PROPOSED DEVELOPMENT

The application is made retrospectively. The building fronts Bridge Street and would be unaltered externally. It is proposed to retain the frontage of the ground floor in retail use, but to utilise a portion of the former rear shop storage area to form a ground floor flat. Access to the ground floor flat, as well as existing bedsit accommodation on the first floor and second floor of the premises is accessed via a separate door from the adjoining shop. No car parking is provided for occupiers of the development.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|--|---------------|-------------------------------|---------|
| 18/11076 Use of first & second floor as two flats; rooflight. | 01/10/2018 | Granted Subject to Conditions | Decided |
| 18/10493 Use as 3 flats; rooflight; single-storey rear extension; internal alterations to ground floor shop | 23/07/2018 | Withdrawn | |

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy STR3: The strategy for locating new development
Policy STR5: Meeting our housing needs
Policy ECON5: Retail development and other main town centre uses
Policy ECON6: Primary, secondary and local shopping frontages

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM14: Primary shopping frontages

Supplementary Planning Guidance And Documents

SPD - Fordingbridge Town Design Statement
SPD - Parking Standards
SPD - Air Quality Assessments in New Development

Relevant Advice

NPPF Chap 6: Building a strong competitive economy
NPPF Chap 7: Ensuring the vitality of town centres
NPPF Chap 12: Achieving well designed places
NPPF Ch.16 - Conserving and enhancing the historic environment

Constraints

NFSFRA Fluvial
Avon Catchment Area
Plan Area
Flood Zone
Conservation Area: Fordingbridge Conservation Area

Plan Policy Designations

Primary Shopping Area
Built-up Area
Town Centre Boundary

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - recommend refusal under PAR4 due to the loss of retail space as per the previous application.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist - No objection, subject to the development mitigating its recreational, air quality and nutrient impacts on the New Forest SAC, SPA and Ramsar, River Avon SAC and Avon Valley SPA and Ramsar.

9 REPRESENTATIONS RECEIVED

None received.

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. Part of the premises was formerly in commercial use within a Primary Shopping Frontage. 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, at the end of which a conclusion on the planning balance is reached.

Impact on vitality and viability of town centre and on the local delivery of services, including local shops and pubs

Policy ECON05 places emphasis on retaining a good range of Main Town Centre Uses, where complementary to the retail function and would enhance the overall vitality of the centre. Residential development is not defined as a Main Town Centre Use within a Primary Shopping Frontage.

Policy ECON06 states that within the designated Primary Shopping Frontages, proposals for the change of use of ground floor shops and financial and professional services premises to other uses that require planning permission or are subject to Prior Approval, will only be supported where it will not create a concentration of non-shopping uses and result in an unacceptable change in the retail character of the shopping frontage as a whole.

The emphasis of the retail protection policies is to ensure that the commercial vitality and function of local shopping frontages is retained and where appropriate enhanced. While the proposal would result in the loss of 72 sq m the ground floor retail space (formerly used as storage), a sufficient area of retail floorspace is retained at ground floor (20.7sq m) and this retail use retains a street frontage. This floorspace is still in use as such. It also needs to be borne in mind that from 1st August 2021 new permitted development rights were introduced under Class MA, which allow a change of use from Use Class E (retail) to residential, even within a key shopping frontage and Conservation Areas, without a requirement for planning permission. It does have a few limitations and conditions, but the principle of this development is fundamentally acceptable under Class MA.

Overall, the proposal would not compromise the vitality and viability of the Primary Shopping Frontage and Area, the proposed development retaining sufficient ground floor retail space and retail frontage. As such, the proposal would comply with Policies ECON05 and ECON06 of the Local Plan Part 1.

Impact on the character and appearance of the area, including Fordingbridge Conservation Area

The impact of the proposal on the character and appearance of the Fordingbridge Conservation Area and the public realm need to be considered under the provisions of Policies ENV3 and DM1. However, the proposal does not entail any external alterations to the premises and is acceptable in relation to the character and appearance of the conservation area in accordance with Policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) 2014, Policy ENV3 of the NFDC Local Plan Part 1 2016-2036 and Paragraph 197 of the NPPF.

Highway safety, access and parking

In terms of highway impacts, the proposal does not include any off-street parking, which would not ordinarily comply with the adopted Parking Standards. However, it should be acknowledged that few dwellings in the locality have dedicated off-street parking arrangements, including the first and second floors of this property are already in residential use. The site falls within the main town centre of Fordingbridge as defined in the Parking Standards (April 2022) where it is acknowledged that a reduced parking provision will be acceptable subject to the site being well served by existing public and active modes of travel and certain factors including parking pressures not being exacerbated.

The site is in a sustainable town centre location, with good access to public transport and other services, so in this instance it is not considered that a reason for refusal on the basis of non-provision of off-street parking could be substantiated.

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

Policy ENV3 states that new development shall not have unacceptable impacts upon residential amenity of existing and future occupiers, in terms of visual intrusion, overbearing impact, overlooking, shading, noise or light pollution.

There is no operational development proposed which might impact adjoining amenity in terms of overbearing impact, loss of privacy or light loss and use of the site for residential purposes would not conflict with adjoining occupiers. The amenity space afforded to the new dwelling (small courtyard) would not be of such limited extent that it would result in an unacceptable level of provision in respect of the living conditions of future occupiers given this town centre location.

The proposal would have no significant adverse impacts upon adjoining or future occupiers in accordance with Policy ENV3 of the Local Plan Part 1.

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. However the proposal relates to an existing building, with no external alteration and incorporation of measures to incorporate BNG would not be reasonable.

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be no kerbside development, no solid fuel appliances and accessibility to public transport (modal shift).

Flood Risk

The site is within Flood Zone 2, where the Environment Agency refer the Planning Authority to their Standing Advice for 'more vulnerable developments', which states that details of emergency escape plans for any parts of a building that are below the estimated flood level should be provided to demonstrate that occupants can leave the building if there's a flood. The application is accompanied by a Flood Risk Assessment (FRA) to demonstrate the proposal's acceptability in relation to flood risk, including means of escape for future occupiers, in accordance with the Standing Advice.

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. The applicant has completed a legal agreement to secure the contribution.

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 NO_x, 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, which has been secured by the legal agreement.

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 has 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 set out mitigation measures for new development up to the end of March 2020, and thereafter relied 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, there needs to be a mitigation project to provide this development with a phosphate budget that will enable phosphate loading to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and 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. The current proposal is for a modest level of housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

| Type | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargeable Floorspace (sq/m) | Rate | Total |
|-----------------|----------------------------|----------------------------|-----------------------|------------------------------|---------|---------|
| Dwelling houses | 30 | 30 | 0 | 0 | £80/sqm | £0.00 * |

| | |
|----------------|-------|
| Subtotal: | £0.00 |
| Relief: | £0.00 |
| Total Payable: | £0.00 |

11 CONCLUSION

In conclusion, the proposed development would make a modest contribution to housing stock in the District, while preserving the character of the area and Fordingbridge Conservation Area. It would not significantly undermine the vitality or viability of the town's retail offer and has satisfied flood risk concerns. It would not result in any loss of amenity to adjoining or future occupiers, have any significant highway safety implications or impact ecological interests. The proposal has mitigated its impact on protected European sites and is accordingly recommended for approval.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be retained in accordance with the following approved plans:

Planning, Design and Access Statement dated 02/03/2022
Drawing no. BEN 1 - Location Plan; 1:500 Block Plan
Drawing no. 1061/01 Rev A - Existing Plans and Elevations
Drawing no. 1061/02 Rev C - Proposed Plans and Elevations
Flood Risk Assessment dated 22/08/2018

Reason: To ensure satisfactory provision of the development.

2. The development hereby approved shall not be occupied unless
 - A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;

- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

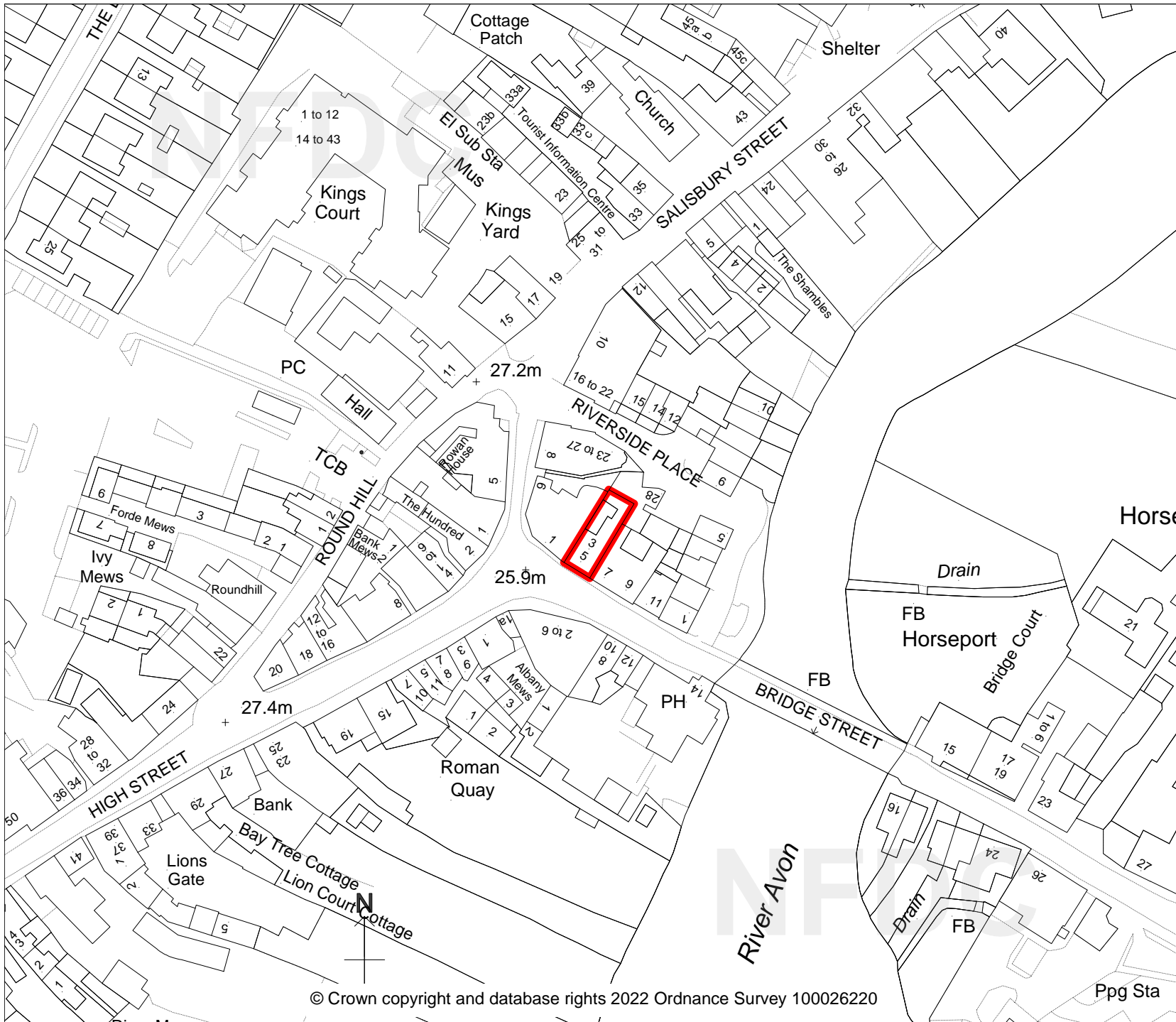
The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

Further Information:

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New Forest

DISTRICT COUNCIL

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PLANNING COMMITTEE

October 2022

5A Bridge Street
Fordingbridge

22/10202

Scale 1:1250

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