

Application Number: 21/10343 Full Planning Permission

Site: 23 HIGH STREET, FORDINGBRIDGE SP6 1AS
Development: Change of use of part of ground floor from retail to two self-contained flats; fenestration alterations
Applicant: Mr Baggot
Agent: Sennitt Planning
Target Date: 25/06/2021
Case Officer: Judith Garrity
Extension Date: 14/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Impact on vitality and viability of town centre and on the local delivery of services, including local shops and pubs;
- 3) Impact on the character and appearance of the area, including Fordingbridge Conservation Area
- 4) Impact on residential amenity of adjacent neighbouring properties, in respect of noise, light, visual intrusion and privacy
- 5) Flood Risk
- 6) Impact on highway safety, including matters relevant to car parking;
- 7) Impact on ecology;
- 8) Air Quality
- 9) Habitat Mitigation
- 10) 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 site lies within Fordingbridge Conservation Area, town centre and within a Primary Shopping Frontage and Primary Shopping Area. The area is characterised by commercial/retail uses. The ground floor premises has been vacant for a number of years, but recently received approval for a sui-generis use as a tattoo studio. The first floor has recently been converted to residential accommodation (2 flats).

3 PROPOSED DEVELOPMENT

The application is made for the conversion of approximately 55% of the ground floor from retail use, to create 2 no. flats to the rear of the premises. Modest external alterations are proposed through the insertion of new window openings and erection of amenity decking for the ground floor flat. Internally, partition stud walls are proposed to facilitate the scheme of conversion. The shop frontage will be retained in retail use.

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|---|---------------|-------------------------------|---------|
| 20/10998 Change of use from A1 to Sui-generis (Tattoo Studio) | 09/12/2020 | Granted Subject to Conditions | Decided |
| 19/11186 Variation of condition 2 of planning permission 18/11424 to allow new door for independent access. To refer to a new drawing reference 4284:14A | 22/04/2020 | Granted Subject to Conditions | Decided |
| 18/11424 Shop front alterations to allow new front door for independent access to upper floors; new door and window in rear elevation; re-paint existing woodwork white | 21/02/2019 | Granted Subject to Conditions | Decided |
| 18/10331 Use of first-floor as 2 flats; first-floor rear extension; roof terrace; Juliette balcony; window alterations; rooflights | 20/07/2018 | Granted Subject to Conditions | Decided |

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 ECON5: Retail development and other main town centre uses

Policy ECON6: Primary, secondary and local shopping frontages

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

Relevant Advice

NPPF Chap 6: Building a strong competitive economy

NPPF Chap 7: Ensuring the vitality of town centres

NPPF Chap 11: Making effective use of land

NPPF Chap 12: Achieving well designed places

NPPF Chap 14: Meeting the challenge of climate change and flooding

NPPF Chap 16: Conserving and enhancing the historic environment

Plan Policy Designations and Constraints

Flood Zones 2 and 3

Built-up Area

Town Centre Boundary

Primary Shopping Area

Local Shopping Frontage

Avon Catchment

Fordingbridge Conservation Area

Supplementary Planning Guidance And Documents

SPD - Parking Standards
Fordingbridge Conservation Area Appraisal
SPD - Fordingbridge Town Design Statement
SPD - Air Quality Assessments in New Development 2022

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - Recommend REFUSAL under PAR4, as the lack of parking is an issue and more space needs to be kept for retail.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environment Agency - objection withdrawn based on additional Flood Risk Assessment submitted. Also give informatives.

Wessex Water - no objections, but give informatives

Environmental Design Team (Conservation) - no objections, although there is a concern about the proposed fenestration alterations, particularly with relation to the left side elevation. The proposed ground floor windows should be aligned more accurately with the existing first floor windows and should more closely reflect the existing width and vertical emphasis of the existing windows. This would help to ensure that the side elevation, which is visible from the High Street, would appear more visually balanced and traditional in appearance.

Council Ecologist - no objections to proposals from an ecological perspective. The only comment relates to nutrient neutrality and phosphates in the River Avon.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- The 3 new ground floor windows on the left side elevation will look out onto a private driveway and rear courtyard. This will result in a significant further loss of privacy and overlooking, which will impinge on the privacy of the neighbouring property.
- There is no parking and concern is raised that cars will park on our property.
- Fordingbridge needs to encourage retail not reduce it.
- Shopkeepers would have to endure noise, dust, traffic and material inconvenience.

For: 0

Against: 1

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. The site 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, which are 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 (Class A1) and financial and professional services premises (Class A2) 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. The premises could attract a wide range of appropriate Main Town Centre Uses, indicated by the recent approval for use as a tattoo studio. The proposal relates to a building with a very large footprint by comparison with those units about it. While the proposal would result in the partial loss (approximately 55%) of the ground floor space, the premises is large and approximately 90 sq.m of retail floorspace, storage and ancillary space would be retained for use by the end user. There is a presumption against the loss of commercial premises in Primary Frontages, except where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. Residential development to the extent proposed would not be complimentary but the retail frontage would be retained. It also needs to be considered 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, therefore despite the loss of retail floorspace, the proposal would not compromise the vitality and viability of the Primary Shopping Frontage and Area. The proposed development would retain sufficient ground floor retail space and retail frontage within Fordingbridge's Primary Shopping Frontage to maintain the viability and vitality of the area. 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. Section 72(1) also requires special regard to be paid to

preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework 2021 (NPPF) makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Concern was raised by the Conservation Team about the proposed fenestration alterations, particularly with relation to the left side elevation. Amended plans have been received aligning the ground floor windows more accurately with the existing first floor windows and more closely reflect the existing width and vertical emphasis of the existing windows. This ensures that the side elevation, which is visible from the High Street, would appear more visually balanced and traditional in appearance.

As a result, it is considered that the proposal would be 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 192 of the NPPF.

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 or light loss and use of the site for residential purposes would not conflict with adjoining occupiers. The introduction of windows in the side elevation could have implications for adjoining amenity. However due to the positioning of the windows they would face the gable end of number 19/21 High Street, across a vehicular access. Number 19/21 is a commercial property, with an extensive curtilage to the rear and the level of overlooking would not be significant or harmful.

The premises has a substantial garden area leading down to the river and the application states that it would be made available communally and as such the amenity space afforded to the new dwellings would be acceptable in respect of the living conditions of future occupiers.

With regard to the comment that building work will cause disruption to adjoining premises, this is an unfortunate consequence of most forms of development but it is a short term impact only and cannot substantiate a reason for refusal.

The proposed change of use would have no significant adverse impacts upon adjoining occupiers in respect of noise, loss of light, overbearing impact or privacy in accordance with Policy ENV3 of the Local Plan Part 1.

Impact on highway safety, including matters relevant to car parking

No off-street parking would be provided for the proposed dwellings, which would not meet with the Council's Parking Standards SPD recommended standard, which require four spaces. Due to the nature of the site, there is little prospect on parking being provided on site, as there is no right of access for vehicles to the rear of the premises. 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.

Therefore, as a proposal is located within a sustainable town centre location in close proximity to shops and public services and considering the modest size of units proposed (1 no. one bed and 1 no. two bed unit), a reduced standard is acceptable in this instance.

Flood Risk and Drainage

Part of the application site lies within Flood Zones 2 and 3. Based on available flood risk maps, the site is wholly within Flood Zone 2, which is land defined by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding.

A key consideration must, therefore, be whether the proposed development is acceptable in the light of its location within a flood zone, having regard to relevant local and national flood risk policies.

The NPPF states that LPA's should only consider development appropriate in areas at risk of flooding where they are informed by a site specific flood risk assessment. The aim of planning policy on development and flood risk is, along with other things, to avoid inappropriate development in areas at risk from flooding, to ensure that the occupiers of new development would not be at risk from flooding and to ensure that the development does not increase the risk of flooding elsewhere.

The planning submission is supported by a flood risk assessment and additional information has been submitted to address the initial objections raised by the Environment Agency. The additional information sets out that the reported finished floor level is 26.60m AOD which is shown to be almost 600mm (540mm) above the Local Authority SFRA (2018) 1 in 1000 year flood level. There is also a direct pedestrian access link at the same level and above to the High Street from the flats. This additional flood risk information includes design flood levels (derived by NFDC and published in the SFRA), finished floor levels, and topographic survey. This information is sufficient to demonstrate the acceptability of the proposal in relation to flood risk, to which the Environment Agency raise no objections.

Impact on ecology

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 limited 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 modal shift, as a car free scheme.

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 will complete a legal agreement to secure the contribution prior to the planning consent being issued.

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 will be secured by the legal agreement prior to the planning consent being issued.

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 Mobilisatie 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 | 79 | 79 | 0 | 0 | £80/sqm | £0.00 * |
| Shops | 94.8 | 94.8 | 0 | 0 | No charge | £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, 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 subject to the completion of a legal agreement to secure these measures. Accordingly the proposal is recommended for approval.

12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion, by 2nd December 2022, of a planning agreement to secure air quality monitoring and habitat mitigation contributions
- ii) the imposition of the conditions set out below.

BUT, in the event that the agreement is not completed by 2nd December 2022, Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **REFUSE PERMISSION** for the reason set out below.

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, the Solent and Southampton Water Special Protection Area / Ramsar site and the Solent Maritime Special Area of Conservation, 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 and 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.

Conditions to be attached to any consent:

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. The development permitted shall be carried out in accordance with the following approved plans:

Drawing number 001-BAGGOT (Existing Floor Plans and Elevations),
Drawing number 002-BAGGOT rev D (Proposed Floor Plans and Elevations)

Drawing number 003-BAGGOT Rev A (Site Plan)

Drawing number 004-BAGGOT (Location Plan)

Flood Risk Assessment and Drainage Strategy dated 7/6/2021 and supplementary information dated 1/9/21 by Aqua Callidus
Heritage Statement

Reason: To ensure satisfactory provision of the development.

3. Before the occupation of any part of the development hereby approved, the proposed cycle and bin storage shall be provided as shown on approved drawing number 002-BAGGOT Rev D (Proposed Floor Plans and Elevations) and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel, in accordance with Policy ENV3 of the Local Plan 2016-2036 Planning Strategy.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities and character of the Conservation Area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2.

5. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. 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.

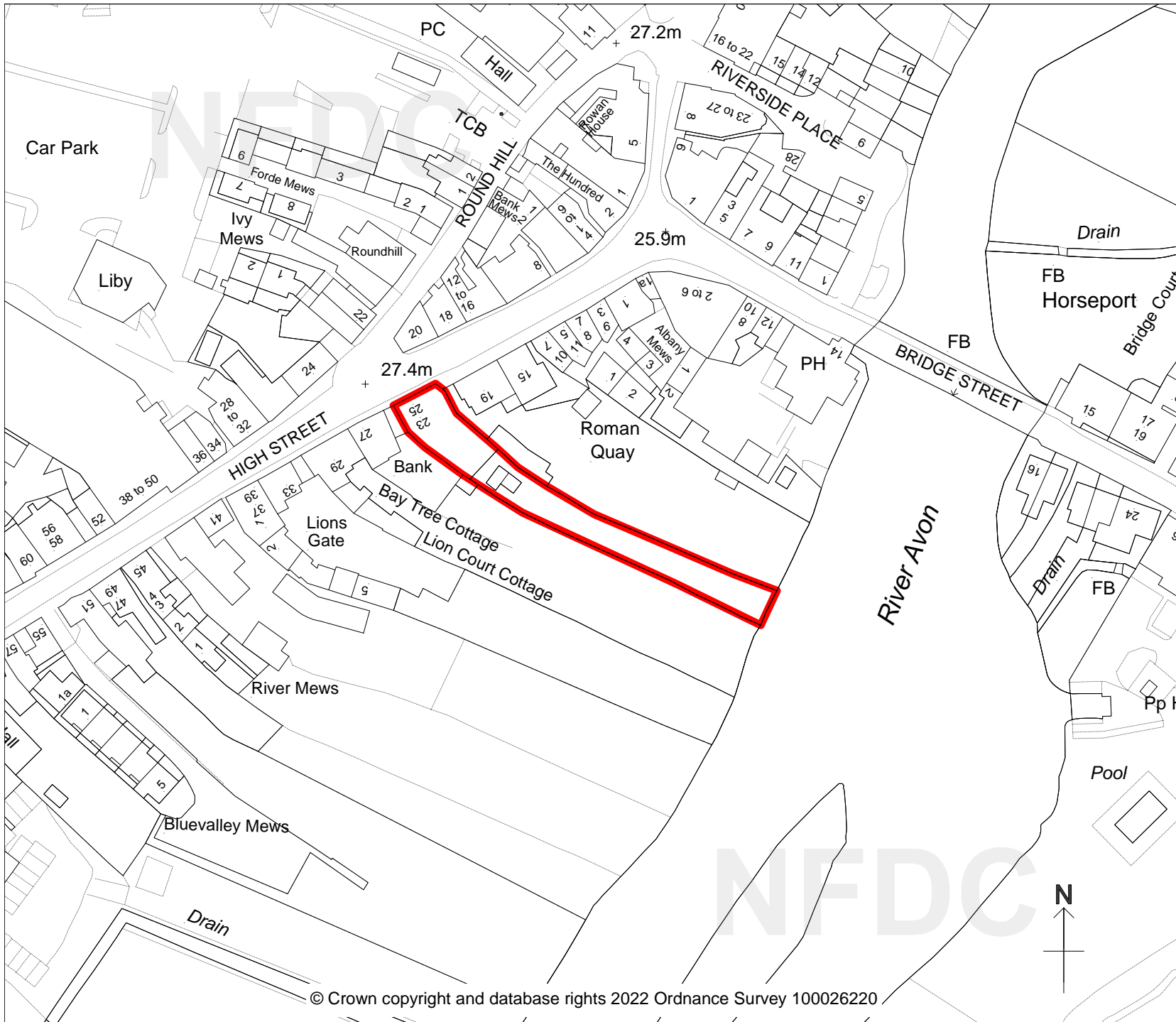
7. The external fenestration shall match those used at first floor level on the existing building, in terms of appearance, material and colour.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy and Policy DM1 of the Local Plan Part 2 for the New Forest District outside of the National Park.

Further Information:

Judith Garrity

Telephone: 023 8028 5434



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Claire Upton-Brown
 Executive Head of Planning,
 Regeneration and Economy
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

October 2022

23 High Street
 Fordingbridge

21/10343

Scale 1:1250

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