

**Application Number:** 16/10460 Full Planning Permission

**Site:** 35 SHAFTESBURY STREET, FORDINGBRIDGE SP6 1JF

**Development:** Use as 30 seat cinema; 8 flats; bar; terrace; fenestration alterations; external refurbishment

**Applicant:** Larasian

**Target Date:** 14/06/2016

**Target Date:** 26/08/2016

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Policy

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area  
Town Centre Boundary  
Fordingbridge Conservation Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS5: Safe and healthy communities  
CS15: Affordable housing contribution requirements from developments  
CS17: Employment and economic development  
CS20: Town, district, village and local centres  
CS24: Transport considerations  
CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1: Heritage and Conservation  
DM3: Mitigation of impacts on European nature conservation sites  
DM4: Renewable and low carbon energy generation  
DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Fordingbridge Town Design Statement  
Fordingbridge Conservation Area Appraisal  
Housing Design, Density and Character  
Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

## **6 RELEVANT PLANNING HISTORY**

- 6.1 14/10524 - 1 terrace of 4 houses (outline application) - withdrawn December 2014 in light of concerns highlighted over the principle of residential development, character impacts, potential ecology impacts, lack of agreement over contributions and access arrangements.
- 6.2 79/NFDC/14401 - Self-contained flat with parking - 06/11/1979 Refused
- 6.3 XX/RFR/06972 - Change of use of cinema to Light Industry - 11/11/1960 Granted

## **7 PARISH / TOWN COUNCIL COMMENTS**

Fordingbridge Town Council - recommend permission. Sympathetic restoration of a building which has fallen into disrepair to provide an amenity and enhancement to the town in terms of mixed development and will bring some employment.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Design (Conservation) -The proposal entails conversion to mixed use, with a smaller cinema and residential units inserted within the existing shell of the building. The majority of changes are to the interior of the building with subdivision of space and the insertion of floors. The compromise of the internal space is a little regrettable as this would have been a key feature of the original building. The long corridor like flats also cause some concern with regard to the amount of quality living space that will be achieved. The proposal seeks the insertion of a number of openings along the west elevation for the building and a series of proposed roof lights within the new seamed roof. The enhancement to the building with the restoration, new roof covering and the reinstated wall along the north elevation can be balanced against these additional openings. The simple details on the building are a key part of its character and the proposed new windows, roof lights, doors and openings will need to be of sufficiently high quality to justify their interventions and replacement. A detailed condition covering these items would be required to ensure that larger scale aluminium windows are not used as these generally have a much cruder and broader profile. The use of this material does raise some concern, but suitable details can be agreed by condition. Metal framed conservation roof lights with a central glazing bar would be required and this should be shown on drawings. Works to the new courtyard space and new front wall will have a positive impact on the conservation area. This said the detailing of the proposed balconies and staircase would need to again be of sufficiently high

quality as this elevation will be visible from the conservation area. If a simple contemporary approach to this eastern elevation is to be successful then lightweight slim profiling would be required for both balconies and decks. The degree of internal subdivision may be balanced with the extensive enhancement of the building and the restoration of features proposed. The potential to retain this important 20th century building and see it put to a sustainable new use is fully supported, subject to conditions to clarify the detail.

- 9.2 Environmental Protection (Pollution) - it is recommended that sound insulation details are controlled by way of a condition requiring a scheme to control noise. In addition the scheme should require the control of noise breakout to neighbouring dwellings from plant serving the development, including air handling equipment.
- 9.3 Environmental Protection (Contaminated Land) - No objection in principle to the proposed development subject to standard planning conditions 14a-14e being imposed. Without these conditions, the proposed development on this site is likely to pose risks to human health, as the previous use of the site was a pottery and there are petrol tanks within the vicinity of the site. The previous gas works in Fordingbridge also requires some consideration concerning potential contamination at the site. .
- 9.4 Hampshire County Council (Highway Authority) - No objection subject to conditions to ensure closure of the existing access and provision of cycle parking. The site currently has a vehicular access onto Shaftsbury Street which serves a single car parking space. This access which has poor visibility onto the highway would be removed and stopped up. There are no proposals to provide any car parking at the site in respect of the proposed development, however a total of 8 cycle parking spaces would be provided for the new flats. The site is located close to the centre of town with access to local amenities and public transport links. Public off street car parking provision does exist in close proximity to the site and double yellow lines exist in the vicinity to prevent parking in areas where it is undesirable for safety reasons. Given the nature and scale of the proposals the highway authority would therefore not have any in principle objections to the proposed development as it is considered that in this instance the shortfall in off street parking provision will not result in any detrimental effect on users of the local highway network.
- 9.5 Ecologist - no objection, the ecological report appears suitable and establishes that protected species would not be directly adversely affected by the development based on its findings. Recommends a condition to ensure that works are in accordance with the ecology report.
- 9.6 Southern Gas Networks - give informatives on proximity of the site to their apparatus

## 10 REPRESENTATIONS RECEIVED

- 10.1 Representations have been received from fifteen separate parties. Three letters raise concerns on the following grounds:
- It is queried whether the cinema proposal will come forward and that the scheme is in fact one solely for residential development of the site, justified on the back of a community and commercial benefit to the town.

- The Planning Authority should ensure the cinema use is retained.
- Loss of privacy.
- Glass panels on western wall are inappropriate
- The bar and outside seating area should only be used in conjunction with the cinema and not as an independent unit.

10.2 Twelve letters have been received in support of the proposal for the following reasons.

- The cinema will be an asset for the town
- Valuable housing will be provided
- Employment opportunities will be created

10.3 In addition, the application is supported by the Rt Hon Desmond Swayne MP on the basis that a local amenity will be restored to the town, an Art Deco building will be renovated and keyworker accommodation will be provided.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £9,216 in each of the following six years from the dwellings' completion, and as a result, a total of £55,296 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £24,430.02. Tables setting out all contributions are at the end of this report.

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.

- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and following the submission of additional information to address amenity impacts the application was acceptable as submitted and no specific further actions were required.

## 14 ASSESSMENT

### 14.1 The site and proposal

14.1.1 The proposal relates to a commercial (industrial/retail premises), formerly a cinema within the Conservation Area and town centre of Fordingbridge. Planning permission was originally granted for the change of use from a cinema to light industry in 1960. That use evolved into a mixed use comprising light industrial and retail. The premises is currently vacant, formerly occupied by Branksome China. The existing building comprises a large structure to the rear of the site, where manufacturing previously took place, with an Art Deco facade onto Shaftesbury Street and a frontage building, housing the retail element of the former use. The properties to either side and rear are two-storey dwellings of traditional appearance.

14.1.2 The application is made in full, proposing conversion and slight increase in height of the rear portion of the existing building and retention of the Art Deco facade. The ground floor of the development would be occupied by a 30 seat cinema, bar and 2 no. flats. The first and second floors would be occupied by 6 no. flats, within the footprint of the existing building. To the side separate outdoor areas are proposed for use by residents and by cinema goers, with the reproduction of an Art Deco screen to Shaftesbury Street, over the footprint of an existing yard area and outbuildings, to be demolished. The main roof of the scheme would be slightly higher than the existing structure and be finished with a standing seam metal roof, render and slimline black aluminium windows. No off-street parking is proposed for the proposal.

### 14.2 The Principle of Mixed Use Redevelopment

14.2.1 Policy CS17 of the Core Strategy outlines that the strategy is to keep all existing employment sites and allocations for employment use. In addition Policy DM16 applies within the defined town centres and would allow for development of retail and appropriate non-retail uses. The policy would not allow for residential development where it would result in the total loss of town centre type uses, which add to the vitality and viability of the town centre. This was a fundamental problem with

the previous application on the site, which sought redevelopment for residential purposes only. The current proposal seeks to incorporate uses (cinema/bar) which are acceptable town centre uses, with residential above and behind. The principle of the proposal needs to be considered, but it is helpful that the application seeks to re-introduce a cinema to the site, which occupies just over half of the ground floor of the proposal.

- 14.2.2 The premises has a long history of employment use and has suited employment related use for many years. However, the premises has been vacant for some years and its condition has deteriorated during this time, making its re-use for employment purposes less attractive to prospective occupiers. The building was originally constructed as a cinema and that use would be reintroduced, with flats above and behind. While it has not been clearly established that the employment use of the premises is no longer a viable proposition, it is acknowledged that the existing building is in poor condition, has a poor relationship with adjoining residential development, that the proposal would result in the re-introduction of a town centre use which is very well supported by the local community and would provide residential accommodation. Consequently, in this instance loss of an employment site is considered to be acceptable on the basis that some jobs would be retained on the site and that a viable town centre use would be re-introduced, in accordance with the provisions of Policies CS17 and CS20 of the Core Strategy and Policy DM16 of the Local Plan Part 2.

#### 14.3 Impact on the Fordingbridge Conservation Area

- 14.3.1 The impact of the proposal upon the character and appearance of the area must be considered under the provisions of Policies CS2 and CS3 and the Fordingbridge Conservation Area Appraisal, the site being within Fordingbridge Conservation Area. The Conservation Team raise no objections to the proposal, which is generally seen as an enhancement to the character and appearance of the conservation area. However, conditions are required in order to clarify the detail and finishes of the proposed development.

#### 14.4 Ecological Impacts

- 14.4.1 The Council's Ecologist notes that the buildings to be demolished or renovated may have features such as mortar gaps and other cavities suitable for use by bats and the location close to water increases the risk of their presence. A report has been submitted which indicates that protected species would not be directly adversely affected by the proposal. As a result no objection is raised subject to a condition.

#### 14.5 Highway Matters

- 14.5.1 The proposal does not include any off-street parking provision, although occupiers of the flats would have good access to town centre public transport links and services and would most likely be employed by a local company (Corintech) who back the application. Consequently no concerns are raised over the lack of off-street parking within the scheme. The County Highway Authority do not raise any concerns over the form of development proposed, subject to conditions to ensure the existing access is stopped up and to ensure cycle parking is provided.

## 14.6 Amenity Impacts

- 14.6.1 Policy CS2 requires the impact of development proposals upon adjoining amenity to be considered in terms of overlooking, light loss, outlook and noise and disturbance caused by the proposed use.
- 14.6.2 The proposal incorporates external stairs and balconies to access the first floor flats. It was originally proposed to lower a high wall to the rear of the site adjoining the boundary with nos. 37 and 39 Shaftesbury Street. The lowering of the wall would allow intervisibility between the balconies and stairs to this development and windows in the rear elevations of their neighbours, particularly of no. 37, who have raised concerns over loss of privacy. While a privacy screen is provided directly adjoining the rear of nos. 37 and 39, it cannot totally mitigate overlooking from the area of the stairs and landing, approximately 10m away. The applicant has therefore now shown that the wall will be retained at its current height and amended plans have been submitted which would prevent overlooking.
- 14.6.3 While the ridge of the main building would be raised by 0.4m, this would not cause any significant harm to adjoining amenity in respect of any overbearing impact or loss of light.
- 14.6.4 The Environmental Health Section raise no concerns over the proposal, subject to sound insulation details being required by condition and details to control noise breakout to neighbouring dwellings from plant serving the development, including air handling equipment. It is considered prudent to limit the use of the bar and outdoor seating area to be in association with the use of the cinema only, so a stand alone bar cannot be created, in the interests of adjoining amenity.

## 14.7 Contributions Policy

- 14.7.1 Contributions would normally be expected in relation to affordable housing and habitat mitigation for a development of the type and scale proposed.
- 14.7.2 In respect of affordable housing, on 19<sup>th</sup> May 2016 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13<sup>th</sup> May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

*“Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm; In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less...;”*

*Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house”*

- 14.7.3 This national guidance is at odds with Policy CS15 of the Council's Core Strategy which requires affordable housing provision to be made for the scale of development proposed here. The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the adoption of the Local Plan. It is for the Council to decide which should prevail in the determination of a planning application. However, the Secretary of State, through his Inspectors can be anticipated to give greater weight to the Government's national guidance unless there are reasons to make an exception.
- 14.7.4 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with national Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.
- 14.7.5 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

#### 14.8 Other Matters

- 14.8.1 One notified party suggests the Planning Authority should ensure the cinema use is retained and queries whether the cinema proposal will actually come forward at all. The Planning Authority cannot ensure the cinema is retained, as that will be a matter for market forces to determine. However, should the applicant wish to pursue an alternative form of development to the cinema, then that will need to be considered under the provisions of a new planning application determined on its own merits.

#### 14.9 Conclusion

- 14.9.1 Consultees raise no concerns over the form of development proposed and officers consider that subject to the conditions outlined below, the proposal would have no undue impacts. The proposal complies with the relevant provisions of the development plan and the NPPF and is accordingly recommended for approval.
- 14.9.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and



the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	2	0	2
Financial Contribution	£3,046	0	£3,046
<b>Habitats Mitigation</b>			
Financial Contribution	£16,400	£16,400	0

## CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	292.98	0	292.98	£24,430.02 *
Non-Residential Institutions	134	228	-94	£0.00 *

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

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 numbers 1 Rev. B, 6 Rev. A, 7 Rev. A, 8 Rev. A, 9 Rev. A, 10 Rev. A, 11 Rev. A, and 12 Rev. A.

Reason: To ensure satisfactory provision of the development.

3. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) a specification for new planting (species, size, spacing and location);
  - (b) areas for hard surfacing and the materials to be used;
  - (c) other means of enclosure;

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before development commences, details for a scheme of sound attenuation shall be submitted to and approved in writing by, the Local Planning Authority. The details shall include measures to control the transfer of noise between separate units within the building and details to control the breakout of noise to neighbouring dwellings from plant serving the development, including air handling and extraction equipment and from use of the external areas of the site. The development hereby approved shall only be implemented and thereafter maintained in accordance with the approved scheme of sound attenuation.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;

- (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 maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) 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 New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

7. Before use of the development is commenced the existing access from the site to Shaftsbury Street shall be permanently stopped up and effectively closed with the footway provided and full face kerbs reinstated, in accordance with details which have been submitted to and approved by the Planning Authority.

Reason: In the interests of highway safety (in accordance with Policy CS21 of the Core Strategy for the New Forest District outside of the National Park).

8. Before use of the development is commenced provision for cycle storage, shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site cycle parking provision for the approved development (in accordance with Policy CS21 of the Core Strategy for the New Forest District outside of the National Park)

9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos. 10 to 13 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition no. 13 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. Before development commences, samples of any new render, rainwater goods, roof materials and brick shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. Notwithstanding submitted plans, large scale drawings (elevations and sections) of the following details shall be submitted to and approved by the Local Planning Authority prior to works commencing:

- new and replacement, metal framed windows, to match where possible the profiles and dimensions of the existing metal framed windows;
- new gates, fence, balconies, external steps and decks;
- new conservation rooflights and lantern;
- drawings and details of all proposed flues, ducts, vents and pipes;
- details of the colour and finish of all replacement windows and doors

Work shall then be carried out in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

16. No flues ducts and vents to be placed on north and west elevations due to their impact on these prominent facades.

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

17. All replacement rainwater goods shall be cast iron or cast aluminium and match existing profiles and fixings.

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

18. Sample panels of render work, brickwork and mouldings shall be prepared on site and be inspected and approved by the Local Planning Authority prior to works commencing. Work shall then be carried out in accordance with these details.

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

19. The bar and associated outdoor seating area shall only be used directly in conjunction with the primary cinema use of the ground floor and shall only be used up to two hours prior to and during advertised screening times. It shall not be used as a separate business unit or bar, independent of the cinema use.

Reason: To protect the amenity of adjoining occupiers in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

20. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology and details (Ecological Surveys Ltd) dated July 2016 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

#### **Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and following submission of additional information to address amenity impacts the application was acceptable as submitted no specific further actions were required.

2. Southern Gas Networks have provided a plan showing the site in relation to their apparatus, which is available to view on the Council's website. This plan only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

On the mains record you can see our low/medium/intermediate pressure gas main near your site.

There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system.

You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to our pipes can be extremely dangerous for both your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation.

Please ensure we are able to gain access to our pipeline throughout the duration of your operations.

3. In discharging condition No. 6 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)





**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
August 2016**

**Item No: 3m**

**35**

**Shaftesbury Street  
Fordingbridge  
16/10460  
SU1414**

**Scale 1:1250**

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

