

Application Number: 17/10704 Full Planning Permission

Site: ISLAND HOUSE, 43 HIGH STREET, FORDINGBRIDGE SP6 1AS

Development: Use as 2 dwellings

Applicant: Mr & Mrs Dixon

Target Date: 15/08/2017

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Adjacent to listed building
 Landscape Feature
 Town Centre Boundary
 Conservation Area
 Built-up Area
 Flood Zone 2 and 3

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 3. Housing
- 4. Economy
- 6. Towns, villages and built environment quality

Policies

Adopted Local Plan First Alteration

Saved Policy DW-E12: Protection of Landscape Features

Core Strategy

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

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

SPG - Fordingbridge - A Conservation Area Appraisal

SPD - Fordingbridge Town Design Statement

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

6.1 Removal of planning condition 2 of planning permission 27859 to allow two storey office accommodation to be used separately from main building at 41 High Street (10/96280) Granted with conditions on the 23rd December 2010

6.2 Two storey office building(1984/27859) Granted with conditions on the 1st April 1985

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission as the proposal will return the building to its original use.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Environmental Health (historic land use): No concern with the building's change of use from offices to residential, however the area which is proposed for garden space is currently a tarmac covered car park and it should be ensured that the tarmac is removed appropriately to avoid any contamination of the soil, and clean topsoil to a depth of 450mm which is suitable for a residential garden is recommended to be imported to site

9.2 Conservation Officer: No objection subject to condition

9.3 Natural England: No objection subject to condition

9.4 Environment Agency: No objection subject to an informative note

9.5 Southern Gas: advise of a low/medium/intermediate pressure gas main near the site

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £2448 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £16,009.85.

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 as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The application site is a detached 2-storey office building set to the rear of the Fordingbridge High Street frontage buildings, known as Nos 41 and 43. The frontage building is a Grade 11 listed building currently used as a solicitors and office. The building subject to this application lies within the curtilage of the listed building and is modern, built in the mid to late 1980's. The building is accessed by a vehicular access to the south-west side of 41 and 43 High Street and leads to a large car parking area to the side and rear. Beyond the rear of the site is the River Avon. For the purposes of policy, the site lies within the Conservation Area and town centre. A small part at the rear of the building and existing rear parking area lies outside the settlement boundary and within a designated landscape feature. Part of the site also lies within Flood Zone 3.
- 14.2 This planning application proposes the change of use of the existing detached building from offices to 2 three bedroom residential units. The land surrounding the offices is mostly used for car parking and it is proposed to create a car parking area to serve the dwellings and a small garden between the offices and the eastern boundary. No external changes are proposed to the building. A number of parking spaces would be retained to serve the frontage building.
- 14.3 In assessing this proposal, the starting position would be local and national policy. For the purposes of local planning policy, although the majority of the site lies within the boundaries of the built up area, a small part of the existing building and eastern parking area lies within the countryside and land designated as a landscape feature. This does appear rather unusual because the site comprises buildings and hardstanding and not open countryside. The land which would normally be associated with countryside is immediately on the eastern boundary which is characterised by dense trees leading towards the River Avon.
- 14.4 Core Strategy Policy CS20 relates to town, district and local centres and the policy seeks to protect the primary retailing role, within the context of maintaining a broader mix of uses, including service, office, entertainment and leisure uses. Core Strategy Policy CS10 is applicable and supports new residential development within town centres. Core Strategy Policy CS17 is applicable and relates to employment and economic development and the strategy is to provide for new employment in order to provide a diverse local economy. The policy seeks to keep all existing employment sites and allocations for employment use, except for the few small sites identified for release in the Employment Land Review. In assessing the proposal against these policies, while residential uses are supported in town centres, policies seek to protect and retain existing employment uses and accordingly the proposal conflicts with policy CS17.
- 14.5 Local Plan Part 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is either a limited extension to an existing dwelling; or the replacement of an

existing dwelling, or affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or an agricultural workers or forestry workers dwelling in accordance with Policy DM21. In assessing this policy, there is nothing which especially relates to the conversion of existing buildings into residential uses. Policy DM20 does not include the conversion of buildings to residential uses and on this basis, there are no supportive local plan policies for the conversion of existing buildings to residential uses in the countryside other than for affordable housing and agricultural workers dwellings.

- 14.6 In relation to the impact on the landscape feature, Saved Policy DW-E12 of the Local Plan (First Alteration) relates to the protection of landscape features and states that development will not be permitted which would cause the loss of, or irreparable damage to, open areas or other landscape features, which contribute to the character or setting of a defined built-up area and/ or screen development which would otherwise have an unacceptable visual impact. In this case, the proposal will not result in any loss of trees or landscaping. The dense woodland which lies along the eastern boundary will not be affected by the proposal.
- 14.7 In assessing the proposal against policy, it is considered that the proposed change of use does not comply with Core Strategy Policies CS17 or CS20, although it does comply with other policies in the plan such as providing residential uses in town centres. As such, the proposal is contrary to local plan policy unless there are material considerations to justify a departure from policy.
- 14.8 In terms of central government guidance, it is clear that there is a general steer and emphasis towards creating new residential development. This is highlighted in government legislation as set out in the Town and County Planning (General Permitted Development) Order, which permits the change of use of a building from offices (Class B1), to residential (Class C3) without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use does require planning permission because the building lies within the curtilage of a listed building. However, this does highlight the government's intention to permit this type of change of use.
- 14.9 In terms of the impact on the setting of the listed building and character and appearance of the conservation area, the Conservation Officer raises no objections. There are no external changes to the building and the extent of hardstanding will actually be reduced because of the provision of new gardens along the eastern boundary. Moreover, the proposal will not have any adverse impact on the countryside. The proposed change of use would not impact on residential amenity given that the level of activity would be less than the existing use and no external alterations are proposed.
- 14.10 In terms of flooding matters, the application site partially lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations. While there is no requirement for the Sequential Test to be undertaken for a Change Of Use, there is still a need to consider flood risk. The Environment Agency does not raise any objection in and

considers that the 'Site-specific flood risk assessment' is acceptable and, subject to the details contained within the FRA being carried out, have no objection to the Change of Use application to form two dwellings.

- 14.11 The Parking Standards Supplementary Planning Document provides a recommended average provision of 2.5 spaces for a three bedroom dwelling and accordingly, the proposal would result in an on site car parking requirement of 5 spaces. The SPD also recommends provision of 1 space for each 30 square metres of B1 office use, which would result in a requirement of 7 on site parking spaces (based on the existing floorspace of 192 square metres) for the existing use at the site. It is therefore considered that the existing lawful use of the site would be likely to result in a greater demand for parking compared with that which might occur as a result of the proposed use. Moreover, the site is sustain ably located within the town centre of Fordingbridge with good access to shops, services and employment opportunities and public transport.
- 14.12 In assessing both local and national planning policies, and in balancing out the issues, it is clear that local plan policies are less supportive of residential uses in the countryside in comparison to national policies. While the proposal would result in the loss of an employment use, it is not felt the loss of this small building would have a materially harmful impact on the economic and commercial vitality of the town centre and accordingly there is no reasonable case to resist the principle of a residential conversion. Indeed the provision of additional dwellings within this sustainable location would outweigh any limited harm that would be caused through the loss of the employment use.
- 14.13 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.14 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.
- 14.15 In conclusion, in assessing both local and national planning policies, it is clear that local plan policies are less supportive of residential uses in the countryside than national policies and policies seek to retain employment uses. However, given the need for additional residential uses, there is support from the Conservation Officer and that a residential use is not likely to have any significant effect on the wider character of the area as no significant external changes are required, an exception to local plan policy should be made in this case.

- 14.16 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

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution			
Habitats Mitigation			
Financial Contribution			

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	192		192	192	£80/sqm	£16,009.85 *
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Subtotal:	£16,009.85
Relief:	£0.00
Total Payable:	£16,009.85

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

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: Location plan, Block plan, MBN DT/2, MBN DT/1, 6594.

Reason: To ensure satisfactory provision of the development.

3. 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.

4. The development hereby permitted shall not be occupied until the spaces shown on plan 1:500 block plan for the parking of motor vehicles have been provided. The spaces shown on the 1:500 block plan for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

5. 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) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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).

Notes for inclusion on certificate:

1. In discharging condition No 3 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/>
2. 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 as the application was acceptable as submitted no specific further actions were required.

3. For further protection against flood risk, it is recommend that the refurbishment work includes flood resilience/resistance measures up to 300mm above finished floor level. A link to guidance on making developments safe and flood resistance/resilience measures is available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7730/flood_performance.pdf

Further Information:

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New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
August 2017**

Item No: 3g
Island House
43 High Street
Fordingbridge
17/10704
SU1414

Scale 1:1250

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

