

**Application Number:** 17/10222 Full Planning Permission

**Site:** Land at rear of 4-12, SHAFTESBURY STREET,  
FORDINGBRIDGE SP6 1JF

**Development:** House; boundary wall; pedestrian access

**Applicant:** Crownshade Ltd

**Target Date:** 12/04/2017

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Vivienne Baxter

### 1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view.

### 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area  
Town Centre

### 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

#### Core Strategy

##### Objectives

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

##### Policies

- CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS15: Affordable housing contribution requirements from developments  
CS25: Developers contributions

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

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development  
DM1: Heritage and Conservation  
DM3: Mitigation of impacts on European nature conservation sites  
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  
Achieving Sustainable Development  
NPPF Ch. 6 - Delivering a wide choice of high quality homes  
NPPF Ch. 7 - Requiring good design  
NPPF Ch. 12 - Conserving and enhancing the historic environment  
Section 72 General duty as respects conservation areas in exercise of planning functions  
Planning (Listed Buildings and Conservation Areas) Act 1990

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

SPD - Housing Design, Density and Character  
SPD - Fordingbridge Town Design Statement  
SPG - Fordingbridge - A Conservation Area Appraisal  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

#### **6 RELEVANT PLANNING HISTORY**

15/11077 - 1 pair of semi-detached dwellings, new access. Refused 15.9.15

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

Fordingbridge Town Council - recommend refusal and would not accept a delegated approval. Out of character due to scale of proposed dwelling, loss of parking, impact on terrace, lack of parking for occupier.

#### **8 COUNCILLOR COMMENTS**

None received

#### **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer - no objection
- 9.2 Conservation Officer - the proposal works in context and would sit comfortable with the surrounding buildings.
- 9.3 Southern Gas Networks - offer advice

#### **10 REPRESENTATIONS RECEIVED**

Objections have been received from local residents who are concerned that the notification came through with limited time before the Town Council meeting to properly consider the plans in addition to the following:

- no access
- no proper street frontage
- flooding and drainage concerns
- sewer is already over-stretched
- loss of already limited long stay parking spaces
- loss of light
- land should be returned to garden

- site is only an eyesore due to the negligence of the owner/applicant
- loss of outlook
- overlooking
- overshadowing

## 11 CRIME & DISORDER IMPLICATIONS

None

## 12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus of £1,224 in each of the following four years, subject to the following conditions being met:

- a) The dwelling the subject of this permission is 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 £4,502.77.

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.

The application followed pre-application discussion with regard to the design and size of the proposed building and this has continued during the course of the application. The proposal is now considered to address the previous reasons for refusal.

## 14 ASSESSMENT

- 14.1 The site lies within the built up area of Fordingbridge behind a row of terraced properties and adjacent to the long stay section of the main public car park in the town. It is presently very overgrown and is separated from the gardens of the terraced houses, adjacent pub car park and main car park by fencing or brick walls. It was previously the end of each garden to the terrace which is at a lower level than the site. The site is also within the Fordingbridge Conservation Area.
- 14.2 The proposal entails the provision of a pedestrian access from the car park and a single storey dwelling comprising hall, bedroom, bathroom and open plan kitchen/dining/lounge area. It follows the refusal of permission for a scheme of two dwellings where concerns were raised in respect of the amenity of adjoining occupiers and the visual impact of the proposed building. Other reasons for refusal related to contributions and are either no longer relevant or dealt with in an alternative manner. The main issues to consider are the impact of the proposal on the character and appearance of the Conservation Area, residential amenity and access.
- 14.3 Starting with the latter, the proposal includes a pedestrian only access onto the site from the adjacent car park, with no car parking provision. The car park does not provide a viable alternative to on site parking and there are also street parking time regulations and double yellow lines in the vicinity of the site. However, as the site is located close to the town centre with access to amenities and public transport links, the Highway Authority has not raised any objection to the proposed car free development.
- 14.4 The concern raised in respect of the loss of long stay car parking spaces is a separate matter which would need to be resolved outside of the planning process.
- 14.5 With regard to residential amenity, the proposed dwelling would be between 12.4-12.7m from the ground floor addition at the rear of the terrace and with the 2m high close boarded fence separating the two, the proposal would not give rise to unacceptable overlooking. This boundary would also minimise any intrusion of privacy to the proposed dwelling from the terrace. It is noted that there are first floor windows in the rear projection to no.14/16 although given the angles involved, any intrusion to the proposed dwelling would be minimal.
- 14.6 Objections have been received suggesting a loss of light to adjoining properties. The proposed dwelling would be to the north of the adjacent terrace and at a distance of over 12m, would not impact on sunlight to the rear of the terrace. The outlook from the rear of the terrace would obviously change although the part of the proposal which would be visible (the roof), would be sloping away from the adjoining properties and the impact would therefore be within acceptable limits.

- 14.7 The design of the proposed dwelling is the result of much discussion at pre-application stage following the previous refusal. It reflects the scale and form of a run of outbuildings which might be found to the rear of frontage properties in an historic town like Fordingbridge and is considered to sit comfortably with the surrounding buildings. There are some elements which are considered to require further refining although such details can be achieved through appropriately worded conditions.
- 14.8 The boundary between the site and adjoining terrace is comprised of a variety of different fences and heights, while it is disappointing from a conservation point of view that a wall is not proposed along this division, the proposed fence would regularise the boundary and provide a neat edge to the site.
- 14.9 Concerns have been raised in relation to drainage and flooring in the area, the Drainage Engineer has been consulted about this issue and his comments will be the subject of an update at the Meeting.
- 14.10 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.
- 14.11 In conclusion the proposed dwelling is considered to be appropriate in this sensitive location in the Conservation Area with no unacceptable impacts on neighbours or highway safety
- 14.12 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>Habitats Mitigation</b>			
Financial Contribution	£2,050		

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	54		54	54	£80/sqm	£4,502.77 *
Subtotal:	£4,502.77					
Relief:	£0.00					
Total Payable:	£4,502.77					

\* 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) x CIL Rate (R) x 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: Planning Statement, SBA.3470-7-2 C, SBA.3470-7-1 K.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used 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 policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Before development commences, a sample panel of brickwork showing the brick, bond, mortar and joint details shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority:

- a) all external joinery details at a scale of 1:10 and 1:5),
- b) large scale details of window cill and heads, eaves and verges, and
- c) the new gate and gate piers, capping bricks and walling bonds

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and appearance of the Conservation Area in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. 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 comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. 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.

9. 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 of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).



10. 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 CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

#### **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.

The application followed pre-application discussion with regard to the design and size of the proposed building and this has continued during the course of the application. The proposal is now considered to address the previous reasons 1 and 2 for refusal.

2. In discharging condition No. 8 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:**

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**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**

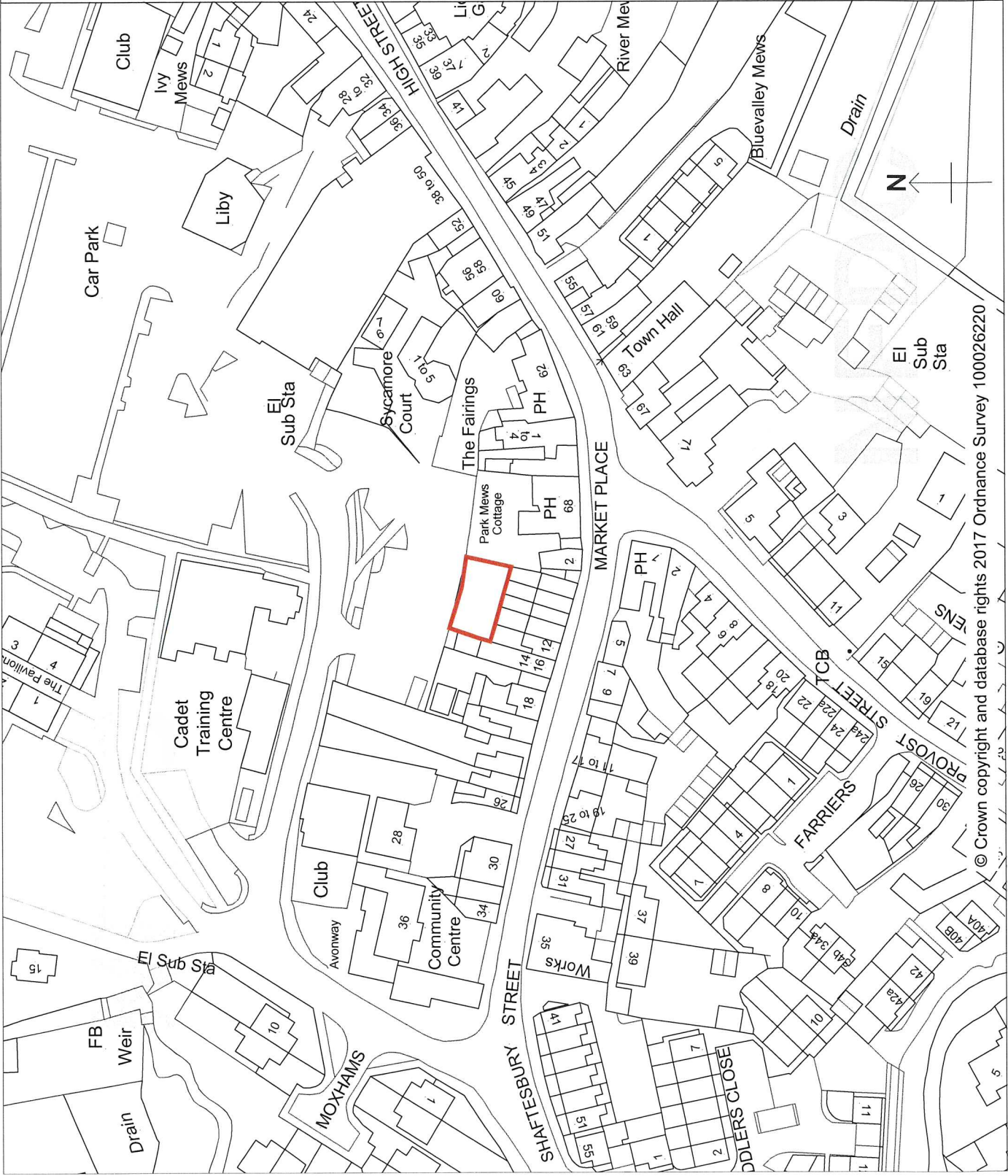
October 2017

Item No: 3a

Land at rear of  
4-12 Shaftesbury Street  
Fordingbridge  
17/10222  
SU1414

Scale 1:1250

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



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