

Application Number: 17/11517 Variation / Removal of Condition

Site: THE SALVATION ARMY, ROUNDHILL, FORDINGBRIDGE
SP6 1AQ

Development: Glazed shelter (Variation of condition 1 of planning permission 16/11076 to allow the continued use until 30th October 2020) (Retrospective)

Applicant: The Salvation Army

Target Date: 25/12/2017

RECOMMENDATION: Refuse

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Request of Member of the Committee, Contrary to Councillor and Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Adjacent listed building
Conservation Area
Primary Shopping Area
Town Centre Boundary
Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 6. Towns, villages and built environment quality
- 9. Leisure and recreation

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS8: Community services and infrastructure
- CS10: The spatial strategy

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

DM1: Heritage and Conservation

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

SPD - Fordingbridge Town Design Statement
SPG - Fordingbridge - A Conservation Area Appraisal

6 RELEVANT PLANNING HISTORY

Glazed shelter - retrospective (16/11076) Grant temporary permission on the 31st October 2016

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend permission. The Council strongly support the retention of the shelter as it is useful to the users of the hall and currently has no adverse impact on the character of the area.

8 COUNCILLOR COMMENTS

8.1 Councillor A Sevier: requests that the application is considered by the Planning Committee. This is a Conservation Area and an exception would be required. Public opportunity to explain the need for the application.

8.2 Councillor Matcham: support. The Salvation Army provide an invaluable service to the Fordingbridge community. Unfortunately access to the hall for pushchairs is not available because of the steps. The hall is situated next to the car park entrance which is a notorious hang out for some of the more mischievous youths of Fordingbridge. To try to prevent the buggy store from being vandalised or used for other activities, it is designed to be durable and transparent. The transparent nature means that it does not have a huge impact on the aesthetics of the area.

9 CONSULTEE COMMENTS

Conservation Officer: recommends refusal. As proposed, the shelter cannot be supported due to the harm created by its poor quality design and materials.

10 REPRESENTATIONS RECEIVED

6 letters of support. The shelter is located in a discrete location and enhances the area. It provides a secure location to hold buggies and bikes. Good use of a waste of space. Important facility.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

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.

No pre application advice has been sought and there are concerns in principle with the proposed shelter. Officers are happy to work with the applicant to look at alternative designs, however, the applicant is keen to retain the existing structure on the site for a further 3 years.

14 ASSESSMENT

- 14.1 This is a retrospective planning application for the retention of a polycarbonate, steel framed shelter until the 30th October 2020. The shelter has been constructed in a small recess between two buildings on the frontage of Round Hill in the Fordingbridge Conservation Area. The shelter is currently used in association with the Salvation Army hall and the structure is set back from the street sited on a paved area bounded on one side by a single side flank elevation of the neighbouring property. The shelter is necessary to provide members of the local community using the Salvation Army hall with a place to store pushchairs that is both secure and weather proof.
- 14.2 In terms of the history of the site, the shelter was erected back in May 2016 without the benefit of planning permission. Following an Enforcement investigation, a planning application was submitted for the retention of the structure under reference 16/11076. The application was only given a temporary permission of 1 year which expired on the 30th

October 2017. In considering the application, Officers accepted that there was a need for the facility, however, concerns were raised that the use of a polycarbonate material, while clear and transparent, would be prone to discolouration with sunlight and accordingly its appearance was likely to deteriorate in time, to the detriment of the character and appearance of the Conservation Area and adjacent listed buildings.

- 14.3 Officers felt that a temporary period of 1 year would be appropriate to give the applicant sufficient time to come up with a number of alternatives for consideration, or even look to reposition the structure in the rear garden. It was advised that at the end of the one year permission, further temporary permissions or permanent consents would not be supported by Officers.
- 14.4 This current application essentially seeks to retain the structure until October 2020, which is for a further 3 years. In support of the application, it is stated that there is still a need for the shelter because the hall continues to be used seven days a week for a range of activities including toddlers groups, family events, lunch groups, youth clubs, worship services, prayer groups and meetings for senior citizens. The supporting statement explains that there is a need for the structure to be transparent. The area around the site experiences a high level of substance use and by installing a see through structure, this will help deter criminal and anti social activities. The statement goes on to say that the structure is in good condition and claims that there is a guarantee that it would be suitable to remain on site for more than 5 years.
- 14.5 In assessing this application and the case put forward, there is clearly a need for the facility and previous advice was given for a better design of shelter. A number of examples were provided by Officers and a period of time was allowed for the applicant to remedy the poor quality design. This application, which simply seeks to extend that time, has not given any thought to addressing the design and heritage concerns. There is no information that other options have been explored and accordingly, there are concerns that in extending this permission for a further period of time, the applicant will not come up with any permanent solutions and the local authority will effectively be accepting the harm caused.
- 14.6 In assessing the impact on the character and appearance of the Conservation Area and setting of the listed building, there is a need for this structure for users of the hall, but in general, this sort of facility is normally provided to the rear of buildings or within courtyards. However, while the site has a reasonably sized rear outside space, it would appear that the access for buggys to the rear is inadequate and, accordingly, the front of the site, looking onto Roundhill, is the only possible option.
- 14.7 Due to the prominent location, the shelter is readily visible, and the design and appearance is critical. Using black steel framing on the shelter does help blend with the darker timber cladding and fascia boards on the hall building, as well as the black metal framing generally used as the street furniture in the area. However, it is considered that the use for a polycarbonate cladding does not meet the general design requirements expected within a sensitive heritage location. Polycarbonate material is highly prone to scratching and discolouring when exposed to sunlight. This does appear as a rather 'off the peg' solution rather than a shelter which has been designed to reflect the quality of buildings and streetscape it is located in.

- 14.8 Overall there is support for a shelter in this location but the design and materials would need to be improved significantly to meet the design policies and quality of construction expected within the conservation area and close to Listed Buildings. Something that is more robust and with the use of improved materials, such as timber, would create an intervention than could potentially be supported. Whilst it is only proposed to continue to site the structure for a further 3 years, unfortunately, this cannot be supported by Officers.
- 14.9 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

REFUSE the VARIATION of CONDITION

Reason(s) for Refusal:

1. By reason of its design, appearance and use of the polycarbonate material, the continued use and retention of the existing shelter for a further period of time is not acceptable or appropriate in this sensitive location, and consequently would be harmful to the character and appearance of the Conservation Area and setting of nearby listed buildings. For this reason the proposed development would be contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management Document.

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.

No pre application advice was been sought and there were concerns in principle with the proposed shelter. Officers are happy to work with the applicant to look at alternative designs, however, the applicant was keen to retain the existing structure on the site for a further 3 years.

Further Information:

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Planning Development
Control Committee
January 2018

Item No: 3d
The Salvation Army
Roundhill
Fordingbridge
17/11517
SU1414

Scale 1:1250

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

