

Application Number: 18/10331 Full Planning Permission

Site: 23-25 HIGH STREET, FORDINGBRIDGE SP6 1AS

Development: Use first floor as 2 flats; first-floor rear extension; roof terrace;
Juliet balcony; window alterations; rooflights

Applicant: Mr Baggot

Target Date: 12/06/2018

Extension Date: 13/07/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy DM14.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Primary Shopping Area

Flood Zone

Town Centre Boundary

Archaeological Site

Built-up Area

Fordingbridge Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS6: Flood risk

CS10: The spatial strategy

CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM14: Primary shopping frontages

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 7 - Requiring good design

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 Conservation Area Appraisal

SPD - Fordingbridge Town Design Statement

SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 Following withdrawal of 17/10792, the applicant sought the Council's pre-application advice on the proposal now put forward.

6.2 17/10792 - Shopfront; create front and rear entrance; steps; rear windows 09/06/17 Withdrawn

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend permission as Fordingbridge needs more accommodation.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Environmental Design (Conservation): the aim to reuse the upper floors for living accommodation would be supported. The changes to the design have been significantly improved in design and form. The drawings do lack some details for the elevations but I am comfortable that these can be easily handled with a set of robust conditions. I would support the revised application as submitted subject to conditions.

9.2 Southern Gas Networks: give informatives

- 9.3 Waste Management (NFDC): NFDC Waste and Recycling are unable to collect from 240ltr bins. We are a sack collection authority and will collect these from the curtilage.
- 9.4 Natural England: no objections

10 REPRESENTATIONS RECEIVED

Four letters of support have been received for the proposal.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £2,448 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 £3,852.31.

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 following clarification over the type and materials of windows sought from the applicant and subject to submission of a Flood Risk Assessment to address the Environment Agency's Standing Advice, the proposal was considered to be acceptable as submitted.

14 ASSESSMENT

- 14.1 The proposal relates to the former C. Harrison & Son premises fronting the High Street in Fordingbridge. The site is located within the Fordingbridge Conservation Area, Town Centre and Primary Shopping Area and adjoins a listed building (19-21 High Street) to the north east.
- 14.2 It is proposed to retain the majority of the ground floor of the former shop for A1 (retail) use, but seeks to convert a small proportion of the ground floor to provide a bin store, bike store and access to 2 no. flats to be created at first floor level. At first floor level, the existing flat roof over the ground floor premises would be converted to subdivided amenity space for future occupiers of the flats, with a small extension to the east and a parapet wall to the west to preserve the amenity of residents to the east and west. The first floor of the premises has previously been occupied as a flat associated with the ground floor shop, with an internal staircase from the shop to the first floor. No car parking is provided for occupiers of the development.
- 14.3 Policies CS3 and DM1 state that changes of use to a building of importance to the character of a Conservation Area shall not entail alterations which would harm its character. The building fronting the High Street would be largely unaltered save for some minor repairs and cleaning. The applicant has clarified that the first floor windows to the front would be retained. The main external alterations are proposed to the rear of the site where an extension and terraced amenity space would be created. The Conservation Officer considers that following a series of pre-application meetings the previous submission has been amended and the alterations to the roof have been enhanced significantly. The rear range now forms a more attractive pitched roof addition which enhances the poor quality flat roof which exists at present. In addition the position of the rear addition hides the wider flat roof allowing this to become a more attractive and discretely hidden rear space for the upper floor flats. The agent has changed the details as requested and this now results in a scheme which significantly enhances the rear of these properties. The materials, form and scale of development would be appropriate in the context of the conservation area and setting of listed buildings, accordance with Policies CS3 and DM1.
- 14.4 In terms of neighbouring amenity, use of the first floor as two flats rather than one would be acceptable in principle, although the introduction of the first floor extension and external amenity space and their impact upon neighbours needs to be considered. There are residential dwellings in the locality above shop units, but the proposal is unlikely to harm adjoining residential amenity and the proposal complies with the amenity related provisions of Policy CS2. No objections have been received to the proposal.

- 14.5 The site is within Flood Zone 2 and 3, where the Environment Agency refer the Planning Authority to their Standing Advice for 'more vulnerable developments', which states that details of emergency escape plans for any parts of a building that are below the estimated flood level should be provided to demonstrate that occupants can leave the building if there's a flood. Details of surface water discharge from the site and proposed floor levels also need to be submitted to support the proposal in relation to flood risk. The applicant has submitted a Flood Risk Assessment which demonstrates the proposal's acceptability in relation to flood risk, in accordance with the Environment Agency's Standing Advice and Policy CS6, the proposals are therefore acceptable in this respect.
- 14.6 Policy CS20 places emphasis on retaining a good range of town centre uses, where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. Policy DM14 relates to primary shopping frontages and states that on upper floors, uses which are compatible with retail uses may be acceptable. This could include residential uses where this can be achieved without the loss of gross floor space in retail use or the loss of ancillary storage space. The proposal doesn't result in any loss of commercial space at first floor level, though does result in the loss of some ground floor ancillary retail space, (approximately 10%). However, it is considered that sufficient space is retained for the retail unit to make its continued commercial use a viable proposition. Overall the introduction of 2 no. independent town centre flats at first floor level, with a marginal loss of retail space, would be a benefit to the vitality and viability of the town centre.
- 14.7 In terms of highway impacts it is acknowledged that the proposal does not include any off-street parking, which would not ordinarily comply with the adopted Parking Standards. However, it should be acknowledged that few dwellings in the locality have dedicated off-street parking arrangements and that provision of off-street parking in this location, within a conservation area and curtilage may lead to additional design concerns. Furthermore, the site is in a town centre location, where future occupiers would have good access to public transport and other services, so in this instance it is not considered that a reason for refusal on the basis of non-provision of off-street parking could be substantiated.
- 14.8 Members will be updated at the meeting in terms of habitat mitigation.
- 14.9 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 14 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 119) which indicates that development should be restricted.
- 114.10 The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon

effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding has been signed by the aforementioned parties and it is proposed that this matter is dealt with by condition which would prevent occupation of this development until implementation of the necessary mitigation or offsetting has been secured.

- 14.11 In light of the above the proposal is recommended for approval, subject to conditions.
- 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

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
Dwelling houses	322	282	40	40	£80/sqm	£3,852.31 *
Subtotal:	£3,852.31					
Relief:	£0.00					
Total Payable:	£3,852.31					

** 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 2018 this value is 1.2

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: S3111/01 D, S3111/02 A, S3111/03 F, S3111/04 A, S3111/05 A, S3111/06 F, S3111/07 F and Heritage Statement, Design and Access Statement (March 2017).

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Large scale section and elevational drawings of the new windows and doors
- Large scale section and elevational drawings of the new rooflights
- Large scale section and elevational drawings of the new railings and balcony details
- Large scale section and elevational drawings of the new chimney, side boundary wall, eaves and verge

- Samples of all external materials including roofing, walls, bricks, ridge tiles, rainwater goods and chimney pots
- Details of all new external services, flues, ducts and vents

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. The development shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for 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 monitoring of any such proposals which form part of the proposed mitigation measures.
 - (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 River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

5. 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.

6. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce the waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

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 following clarification over the type and materials of windows sought from the applicant and submission of a Flood Risk Assessment to address the Environment Agency's Standing Advice, the proposal was considered to be acceptable as submitted.

2. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum
3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.

4. In discharging condition No. 5 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/>
5. Southern Gas Networks have provided an extract from their mains records of the proposed work area enclosed for your guidance, 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 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 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 SGN are able to gain access their pipeline throughout the duration of your operations.

Further Information:

Jim Bennett

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

July 2018

Item No: 3f

23-25
High Street
Fordingbridge
18/10331

Scale 1:1250

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

