

**Application Number:** 18/10976 Full Planning Permission

**Site:** 3 STRIDES LANE, RINGWOOD BH24 1ED

**Development:** Change of use from office (B1) to residential (C3); dormers;  
rooflight; fenestration alterations; boundary fence; parking

**Applicant:** Surereed Ltd

**Target Date:** 25/09/2018

**Extension Date:** 14/12/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Jim Bennett
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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to retail protection Policy.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Primary Shopping Area  
Built-up Area  
Town Centre Boundary  
Flood Zone 2  
Ringwood Conservation Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Local Plan Part 1 (Core Strategy):**

CS1: Sustainable development principles  
CS2: Design Quality  
CS3: Protecting and enhancing our special environment  
CS6: Flood Risk  
CS10: The spatial strategy  
CS20: Town, district, village and local centres  
CS25: Developers contributions

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

DM1: Heritage and Conservation  
DM3: Mitigation of impacts on European nature conservation sites

**National Planning Policy Framework 2018**

NPPF Ch.12 - Achieving well-designed places  
NPPF Ch.14 - Meeting the challenge of climate change, flooding and coastal change  
NPPF Ch.16 - Conserving and enhancing the historic environment

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Memorandum of Understanding - River Avon Specialist Area of Conservation  
Phosphate Neutral Development - Interim Mitigation

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

SPG - Ringwood - A Conservation Area Appraisal  
SPD - Ringwood Local Distinctiveness  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

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

- 6.1 17/11246 - Change of use from retail to residential; dormer; rooflight -  
13/06/2018 - Granted Subject to Conditions - 3 STRIDES LANE,  
RINGWOOD BH24 1ED
- 6.2 17/11087 - Use as 1 residential unit (Prior Approval Application) -  
21/08/2017 - Withdrawn - 3 STRIDES LANE, RINGWOOD BH24 1ED

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

**Ringwood Town Council:** Recommend permission but would accept the decision reached by the DC Officers under their delegated powers (PAR1).

*'The Committee were pleased to see that the replacement windows would be wooden and that the plans included additional garden space and a parking area.'*

#### **8 COUNCILLOR COMMENTS**

None received

#### **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: no objection subject to conditions and informative
- 9.2 Environment Agency: no comment. Flood Risk Assessment is unchanged from previous permission (17/11246).
- 9.3 Conservation Officer: in respect of the amended plans received on 9th November, previous comments have not been responded to regarding the splay. A design which would be acceptable has been conveyed to the applicant. The application would need better details of the gates and piers but these could be conditioned if agreed by the applicant. This would be in addition to the details needed for windows, door, walls, materials, sample panels and dormers.

#### **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus of £1224 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 £0.

Tables setting out all contributions are at the end of this report.

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

In accordance with paragraph 38 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, subject to the latest amended plans, to address the issues raised by the Conservation Team being acceptable, the proposal will be acceptable as amended.

## 14 ASSESSMENT

- 14.1 The proposal relates to an existing building on the eastern side of Strides Lane, formerly used for retail purposes, but now vacant. The site lies within the built-up area of Ringwood and its Conservation Area in a mixed use commercial and residential area. The site is also within Flood Zone 2. The proposal entails the conversion of a two storey building, last used for A1 retail purposes, to provide 1 no. two bedroom dwelling, with two dormer windows, fenestration alterations, a new boundary fence and garden area with a single off-street parking space.
- 14.2 Permission has already been granted for the change of use of this site from retail to residential under planning application 17/11246. The primary changes in this application from the previous permission are: an additional dormer window, fenestration alterations and provision on site for a new garden and parking area to the south of the building.
- 14.3 The main issues to consider in this case are the impact of the change of use on the viability and vitality of Ringwood's retail offer, flood risk and the potential impacts on heritage assets, being within the Conservation Area.
- 14.4 The previous permission addressed the fact that this change of use would be contrary to policy CS20 as it would result in the loss of a retail unit within the primary shopping area. Therefore the proposal is contrary to local plan policy unless there are material considerations to justify a departure from policy.
- 14.5 Paragraph 14.4 of the officers report for application 17/11246 outlines that while the proposal would result in the loss of a ground floor retail unit, it is not considered that the loss of this small unit would have a materially harmful impact on the vitality and viability of the town centre, particularly as it does not fall within a shopping frontage, rather a shopping area, with a limited degree of footfall. Accordingly there is no reasonable case to resist the principle of a residential conversion. Indeed the provision of an additional dwelling within this sustainable location would outweigh any limited harm caused through the loss of a marginal retail use and the proposal complies with Policy CS10, which supports new residential development primarily within town centres.
- 14.6 Being within the town's conservation area and the setting of listed buildings fronting Market Place, the design and materials of construction will be expected to be of high quality and to comply with the provisions of Policies CS2, CS3 and DM1, the Local Distinctiveness Document and Conservation Area Appraisal. These policies and documents require consideration of the character impacts of the type of development proposed and seek to ensure that all new development is appropriate and sympathetic to its setting and sensitive to identified heritage assets. Most of the changes would be internal, and the new dormer windows are now proposed to be timber framed; an appropriate material given the sensitive context of the site. The current entrance to the building is proposed to be bricked-up (to match existing) and a new entrance would be located to a central position on the southern side of the building, reinstating the existing stone canopy. The Conservation Officer is satisfied with these elements of the scheme, which are acceptable in design terms and would not harm the character and appearance of the area, subject to conditions.

- 14.7 Another change from the previous permission is that one off-street parking space and a garden curtilage would be provided on the site. In terms of occupier amenity, this is an improvement upon the previous scheme, which had no parking or garden provision. However, in design terms the Conservation Officer's initial comments regarding the new garden space have not been fully responded to. It should be possible to create a well-designed walled courtyard in this location, with the main elevation onto Strides Lane giving a better sense of enclosure. Further amendments have been received, which would appear to comply with the Conservation Team's requests. The Conservation Team's comments are awaited on the latest amendments, but the proposal appears likely to comply with design and character policy, subject to imposition of conditions.
- 14.8 A large portion of the site is within Flood Zone 2 (FZ2) and the site itself is not accessible without passing through FZ2, which surrounds the site and locality. The same Flood Risk Assessment has been submitted as was agreed to by the Environment Agency in respect of the previous permission the provisions of which shall be conditioned.
- 14.9 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. As noted above, the proposal appears likely to be liable for relief from CIL under the vacancy test, in which case a full habitat mitigation figure would be required.
- 14.10 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 Nutrient Management Plan will not be sufficient to ensure that adverse 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 The Local Planning Authority 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 11 of the National Planning Policy Framework, 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.

14.12 In conclusion, as permission has already been granted for this change of use and the proposed changes are seen as positive to the scheme, the application is recommended for permission, subject to a favourable consultation response from the Conservation Team.

14.13 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.

## **15. RECOMMENDATION**

**Grant Subject to the Conservation Team confirming that the proposals are acceptable in design terms and the following 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: J.41.2016-01, J.41.2016-02A, J.41.2016-03H, Flood risk Assessment dated February 2018 and the submitted Design and Access/Heritage Statement.

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:

1. Large scale sections and elevations of new timber windows and doors;
2. Large scale sections and elevations of new dormers and lead roofs to dormers;
3. Sample of brick and mortar for areas of blocking up and boundary walling
4. Large scale sections and details of gates and piers and boundary walling

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 Part 2: Sites and Development Management Plan Document.

4. The development shall not be commenced 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 secured. 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 development permitted by this planning permission shall only be carried out in accordance with the recommendations of the approved Flood Risk Assessment (FRA) prepared by Frank Tyhurst (dated February 2018). The mitigation measures shall be fully implemented prior to occupation of the dwelling.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park

7. 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 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.

8. Areas for car and cycle parking as shown on the approved plan shall be provided/constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel in accordance with Policy CS2.

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

1. In accordance with paragraph 38 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 receipt of the latest amended plans, to address the issues raised by the Conservation Team being acceptable, the proposal was considered to be acceptable as amended.



2. 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/>
3. 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.
4. 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.
5. The County Highway Authority advise that as the proposal involves the construction of new accesses onto the highway, the applicant needs to be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the highway authority.

**Further Information:**

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**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
December 2018

Item No: 3c  
3  
Strides Lane  
Ringwood  
18/10976

Scale 1:1250

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

