

Application Number: 19/10428 Full Planning Permission

Site: 23/23A MARKET PLACE, RINGWOOD BH24 1AN

Development: Use rear ground floor as two flats

Applicant: Mr Hayward

Target Date: 08/07/2019

Extension Date: 15/11/2019

Link to case file: [view online here](#)

19/10428

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.

- 1) The Principle of development
- 2) Loss of Retail Floorspace
- 3) Character and Heritage Impacts
- 4) Amenity Impacts
- 5) Highway Impacts
- 6) Habitat Mitigation

This matter is before Committee as the proposal is recommended for approval, contrary to adopted retail policy DM14, which seeks to retain all ground floor retail floor space.

2 THE SITE

Number 23/23a Market Place is a Grade II listed building within the Conservation Area and formerly used as 2 no. retail units, which are currently vacant. The site lies within the built up area of Ringwood and its defined shopping area and primary shopping frontage. There is a mix of commercial and residential uses in the vicinity. The site is also within Flood Zone 2.

3 THE PROPOSED DEVELOPMENT

The proposal is for the conversion of the rear portion of these two shop units to create a two bedroom flat and a studio flat and to retain the front portion of the ground floor shop units as 2 no.(albeit smaller) shop units. The proposal details the provision of a single parking space outside the building, to the south east. This application has been submitted in associated with a related Listed Building Consent application under ref. 19/10427. It follows proposals refused and withdrawn due to concerns over the resulting viability of the retail units within the Town's primary shopping frontage, and impacts on the fabric of the listed building and character of the Conservation Area.

4 PLANNING HISTORY

19/10427 - Use rear ground floor as two flats (Application for Listed Building Consent) - decision pending

18/11069 - Create 1 flat; remove internal wall to create one shop (Application for Listed Building Consent) - 20/03/2019 Withdrawn

18/10259 - Create 1 residential flat at ground-floor rear; use as one shop - 30/05/2018 Refused due to concerns over the heritage impacts of the proposal and the inappropriate introduction of a ground floor residential use within Ringwood's Primary Shopping Frontage

18/10260 - 1 ground-floor flat; remove internal wall to use as one shop (Application for Listed Building Consent) - 30/05/2018 Refused

17/11660 - Create 2 residential flats at ground-floor rear - 24/01/2018 Refused

17/11627 Create 2 residential flats; removal of internal walls (Application for Listed Building Consent) - 24/01/2018 Refused

95/NFDC/57151 - Conversion to form addnl shop unit & 3 flats:

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy

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

CS25: Developers contributions

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

The Emerging Local Plan

Policy 5: Meeting our housing needs

Policy 11: Heritage and conservation (saved Policy DM1)

Policy 13: Design Quality and local distinctiveness

Policy 26: Primary Shopping Frontages

Supplementary Planning Guidance And Documents

SPG - Ringwood - A Conservation Area Appraisal

SPD - Ringwood Local Distinctiveness

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

Constraints

Local Shopping Frontage
Primary Shopping Area
Plan Area
Town Centre Boundary
Built-up Area
Flood Zone
Avon Catchment Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Advice

NPPF Chapter 5 - Delivering a sufficient supply of homes
NPPF Chapter 7 - Ensuring the viability of town centres
NPPF Chapter 16 - Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - PAR1: Recommend PERMISSION but would accept the decision reached by the DC Officers under their delegated powers.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

Waste Management (NFDC) - No mention of waste & recycling storage/collection point.

NFDC Conservation - Previous comments (18/10260) go into detail about concerns in principle surrounding the further subdivision of the shop unit and are not repeated here. However, the application has gone some way towards addressing the pressure upon the building. It is now proposed to provide one two bedroom unit and one studio flat. This means that the number of new services provided within the main building has been reduced. The bathroom for the two bedroom flat is now provided adjacent to the kitchen and only one new kitchen is required for the studio flat. No details of vents, ducts and flues have been provided which should be provided to gauge the impact upon the historic material of the building. The need for a window at first floor level on the west elevation is queried. A query is raised over a change on the plans to the front door on Shop A. An objection is still raised, based on the lack of information about the viability of the unit however, the scheme has gone some way to address concerns and with minor changes, could be acceptable subject to the first concern being over come. Should the Planning Officer be minded to approve the scheme a condition to address external flues/ducts, new joinery and wall fixings should be applied.

Wessex Water - Give informatives

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 1

- Loss of privacy as the rear access would be through private gates and paved area of The George Mews.
- How would the occupiers of 23/23a be written into our contracts?
- Would they also be considering using our refuse area?
- Existing residents should not be required to pay additional upkeep costs for residents from a wholly separate development.

11 OFFICER COMMENTS

Introduction

- 11.1 Number 23/23a Market Place is a Grade II listed building within the Conservation Area and formerly used as 2 no. retail units, which have been vacant for two years. The site lies within the built up area of Ringwood and its defined shopping area and primary shopping frontage. There is a mix of commercial and residential uses in the vicinity. The site is also within Flood Zone 2.
- 11.2 The proposal is for the conversion of the rear portion of these two shop units to create a one bedroom flat, a studio flat and to retain the front portion of the ground floor shop units as 2 no.(albeit smaller) shop units. The proposal details the provision of a single parking space outside the building, to the south east. This application has been submitted in associated with a related Listed Building Consent application under ref. 19/10427. It follows proposals refused and withdrawn due to concerns over the resulting viability of the retail units within the Town's primary shopping frontage, and impacts on the fabric of the listed building and character of the Conservation Area.

Relevant Considerations

- 11.3 Given the location of the site within a designated primary shopping frontage, the impact of the proposal upon the vitality and viability of the town centre needs to be considered. Internal and external alterations are proposed to facilitate the change of use, so the heritage impacts of the proposal and the impact on the listed building need to be assessed. The application is accompanied by a flood risk assessment which demonstrates how the proposal would alleviate flood risk and to establish how future occupiers of the development would be protected from flooding. The residential amenity of neighbouring and future occupiers will need to be assessed, as do the highway impacts of the scheme.

The principle of development

- 11.4 As a proposal for a mixed use residential/retail development in a town centre location, the principle of development is acceptable, subject to the material considerations outlined below.

Loss of Retail Floorspace

- 11.5 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 facilitates non-retail uses on upper floors, which are compatible with retail use, but places a presumption against the loss of retail uses at ground floor level.
- 11.6 The proposal seeks to change the use of part of 2 no. retail premises to 2 no. one and two bed flats, but retaining two smaller retail units fronting Market Place. Policy DM14 states that residential development may be provided on upper floors where it does not result in the loss of retail floorspace. Approximately 10% of the total floor space is on an upper floor, which would be policy compliant. Policy DM14 places a presumption against the loss of premises in retail use at ground floor level, so the element of residential development proposed at ground floor level would be contrary to Policy DM14. This has consistently been the problem with the residential schemes submitted on this site since January 2018. However, policy context has evolved in the interim and following recent acknowledgement of the problems facing high street retailing, Emerging Plan Policy 26 takes a more lenient stance on changes of use within primary shopping frontages. Policy 26 states that changes of use to other uses will only be permitted where it will not create a concentration of non-shopping uses and result in an unacceptable change in the retail character of the shopping frontage as a whole. Significant weight may be attached to Policy 26, the Emerging Plan having undergone Examination and with no changes proposed by the Inspector's Modification Comments. The proposal would not result in a concentration of non-shopping uses and maintains a frontage with Market Place, which weighs in its favour.
- 11.7 The applicant has made concessions by reducing the area of retail floorspace lost to approximately 54% of total ground floor space and also to provide the retained shop units with staff wc and kitchen facilities. The application is also supported by marketing information, which demonstrates that the shop units were marketed for a reasonable period prior to submission of the first application for this site. The applicant's estate agent (Carr and Neave) states - that the extreme depth of the shops is off-putting to prospective tenants. The requirements for retailing, particularly in such a location, are very different to when the shop was sub-divided into two units. This proposal provides an excellent opportunity to create a quality secondary retail premises that is fit for purpose to full-fill the requirements in this modern day. The applicant points out that with same-day deliveries, shops do not need long deep units for stock storage, which your officers concur with.
- 11.8 While the proposal would be contrary to adopted retail policy, it complies with emerging retail policy, to which significant weight may be attached. It is considered that sufficient space and facilities would be retained for the smaller retail units to make their continued commercial use a viable proposition, which would be a benefit to the vitality and viability of the town centre. On balance, the benefits of the proposed scheme would outweigh the disbenefits in terms of retail impacts.

Character and Heritage Impacts

- 11.9 Consideration needs to be given to the impacts of the development on the conservation area, in accordance with the design and character related provisions of Policies CS2, CS3 and DM1 and the Ringwood Conservation Area Assessment and the Ringwood Local Distinctiveness Document.
- 11.10 The site is within the Ringwood Conservation Area, where Policies CS2, CS3, DM1 and the NPPF require the design of the proposal to enhance character and appearance and respect identified heritage assets. The Conservation Team raise minor concerns over the proposal, but note that the scheme has gone some way towards addressing the pressure upon the building, subject to conditions. The appearance and internal alterations are considered to be broadly acceptable and would secure viable re-use of the listed building, which should secure its long-term future. Overall the proposal is considered to be acceptable in terms of its impact upon the listed building and the character and appearance of the conservation area, in accordance with adopted heritage policies and the NPPF (Chapter 16)

Amenity Impacts

- 11.11 Policy CS2 of the Core Strategy states that new development shall not have unacceptable impacts upon residential amenity or the amenity of future occupiers. In terms of its potential amenity impacts, the siting of the development proposed does not appear to have any significant impact upon the amenity of the neighbouring residential properties. While, the proposal would not provide any outdoor amenity space, as a small residential development, within a listed building in a tightly grained town centre location, this is an acceptable arrangement. The proposed fenestration arrangements suggest a better outlook and access to natural light than the previously refused scheme. Consequently, the proposed development would result in satisfactory living conditions for future occupiers in accordance with the amenity related provisions of Policy CS2 of the Core Strategy.
- 11.12 The proposal will not result in any significant loss of privacy to existing occupiers, as the rear access to the proposed dwellings is already a communal access to several properties in the locality and the proposal will not significantly intensify its usage or result in any direct overlooking.

Highway Impacts

- 11.13 In terms of highway impacts, the proposal includes just one off-street parking space to the rear. This would not ordinarily comply with the adopted Parking Standards, but 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 listed building curtilage may lead to additional design concerns. Similarly, there is limited scope for cycle parking as the premises does not have any associated curtilage. Provision of a cycle parking shelter would block communal access from the rear and potentially harm the appearance of the listed building. However, 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 or cycle parking could be substantiated.

Flood Risk

11.14 The site is within Flood Zone 2 and the proposal is accompanied by a Flood Risk Assessment (FRA). The FRA demonstrates that the proposal would be free from flood risk for the whole of its life. This on the basis that the existing ground floor level is 700mm higher than the level of the 1 in 1000 year flood event. Consequently the submitted Flood Risk Assessment demonstrates the proposal's acceptability in relation to flood risk, which is in accordance with the Environment Agency's Standing Advice and Policy CS6.

Other Matters

11.15 An enclosed black sack refuse storage area is available for use by the both the dwellings and shops to the rear of the site, which the applicant has been requested to show in their submission. The Waste Management Section will be consulted for their view on refuse collection for the proposed development.

11.16 With regard to the issues raised by notified parties, not addressed above it is not a matter for the Planning Authority to consider how the contracts entered into or costs incurred by future occupiers of the development would be arranged. That is a private legal matter for resolution by the parties involved.

Habitat Mitigation

11.17 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 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. An informative would be applied to any consent to this effect.

11.18 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 having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

11.19 The Council has 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 propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.

12 CONCLUSION ON THE PLANNING BALANCE

While the proposal would result in loss of ground floor retail floorspace, contrary to Policy DM14, emerging policy would lend more support to this proposal and concerns over the loss of floorspace are outweighed by the benefits; in providing two units of residential accommodation and in securing re-use of the listed building in a manner which would be acceptable to the character of the area, adjoining amenity and would maintain the vitality of the town centre. Accordingly the proposal is recommended for approval, subject to conditions.

13 OTHER CONSIDERATIONS

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings £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.

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment,

pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Housing

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 11 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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	116		116	0	£80/sqm	£0.00 *
Shops	66		66	0		£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

* 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 2019 this value is 1.22

14. 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: J.64.2017-01, J.64.2017-04H, J.64.2017-05, the Heritage Statement by Elaine Milton Heritage and Planning Ltd (May 2019) and the Flood Risk Assessment by M Frank Tyhurst (Feb 2018).

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:

- A elevation plan showing the position of all new vents, ducts, flues and soil pipes
- A scale drawing at 1:10 of all new joinery showing cills, glazing, and glazing bars
- Details of the fixing of the new walls to the Listed Building and the construction of these new walls

Thereafter 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.

4. 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.

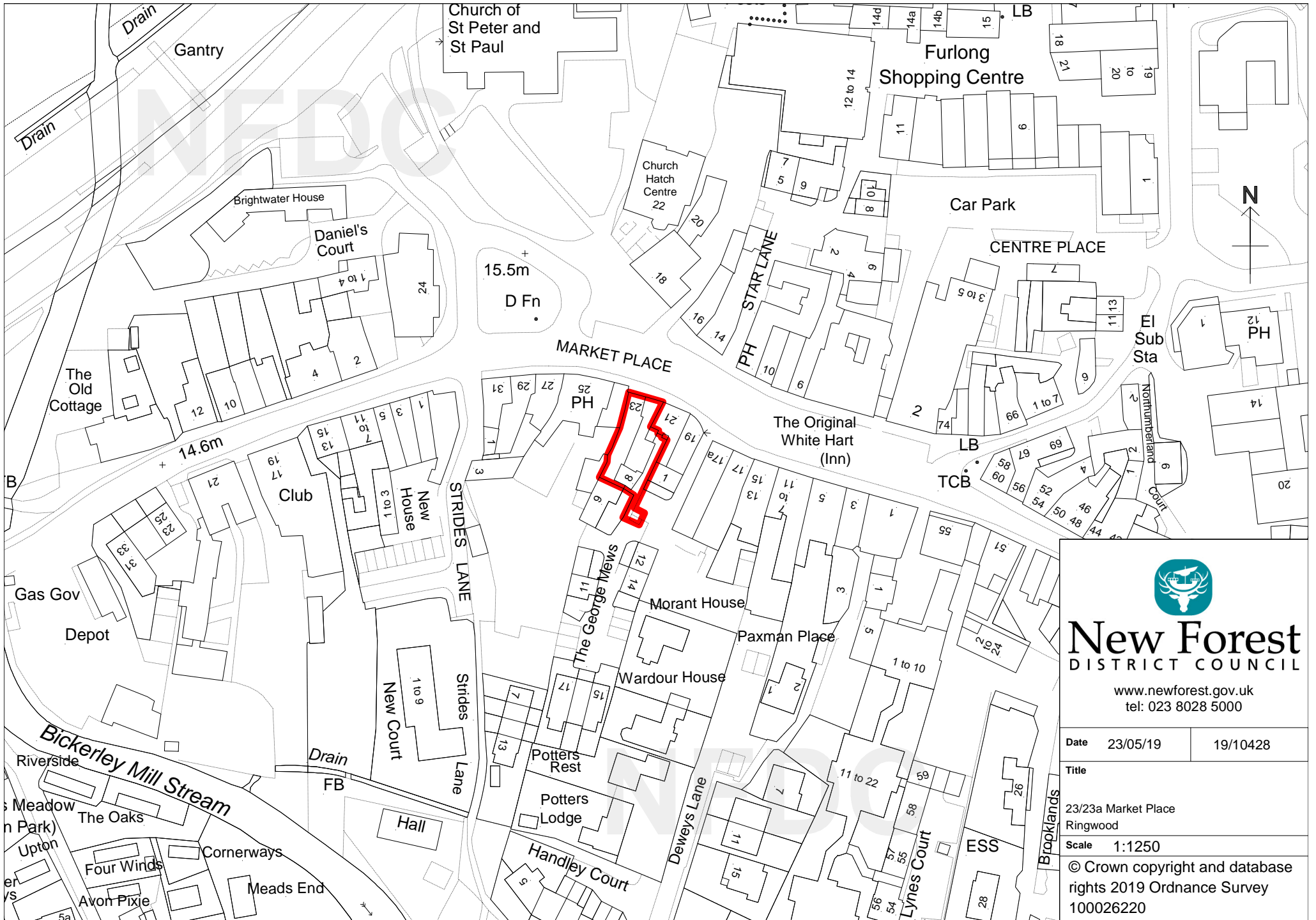
Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

- 5. The installation of fittings and fixed appliances in the units 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.

Further Information:

Jim Bennett
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New Forest
DISTRICT COUNCIL

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Scale	1:1250	
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