

Application Number: 23/10821 Full Planning Permission

Site: NEW HOUSE, MARKET PLACE AND 1-3 STRIDES LANE,
RINGWOOD, BH24 1ER

Development: Roof extension to accommodate x2no. flats; change of use of part of existing first floor and second floor from office to residential use; extension to existing building at 1 to 3 Strides Lane to accommodate 1 dwelling with parking court and landscaping

Applicant: Danol Limited

Agent: EMPERY + CO LTD

Target Date: 06/10/2023

Case Officer: Vivienne Baxter

Officer Recommendation: Refuse

Reason for Referral to Committee: Town Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the Conservation Area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking
- 5) Trees and ecology
- 6) Flood risk

2 SITE DESCRIPTION

The site lies within the built-up area of Ringwood in the Town Centre and Ringwood Conservation Area. It is a prominent site on the corner of Market Place and Strides Lane that forms part of a Secondary Shopping Frontage. It contains a large, three-storey flat roofed 1960s brick building to the front, with a part single and part two-storey former stable building to the rear. It is considered that this former stable building is a non-designated heritage asset. The rear of the frontage building is painted brick, as is the stable building which is set behind a tarmac parking area accessed off Strides Lane.

The ground floor of the frontage building is currently in use as three shop units, with the corner element being offices in connection with the upper floors. The rear building is used as a workshop at present. There is a small tree to the rear of this outbuilding in a small yard area separated from the car park by a close-boarded fence. Adjoining the southern boundary of the site is a row of flat roofed garages which have high level windows facing the site.

The Conservation Area contains many listed buildings, the setting of which is important in the consideration of the application. This includes buildings to the eastern side of Strides Lane and the Grade II* church to the opposite side of the Market Place.

3 PROPOSED DEVELOPMENT

The proposal entails the conversion of much of the first and second floors to residential, with a new pavilion structure proposed to the roof to provide a further residential property. Parking would be provided to the rear, together with the extension and conversion of the historic building into a further dwelling.

The resulting development would be three ground floor retail units, a suite of offices across ground, first and second floors, three 1-bed flats at each of first and second floor levels and two new 1-bed units in the additional third floor. The small single-storey rear projection would accommodate a bin store and visitor cycle parking for the development. To the rear, the stables would be converted and extended to form a 2-bed dwelling, comprising a bedroom, shower room, utility room and open plan kitchen, dining and living space at ground floor level and ensuite bedroom at first floor level.

The courtyard, accessed off of Strides Lane, would accommodate 6 car parking spaces. Cycle parking and a plant room for the development would also be housed within the ground floor of this rear building.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11630 Erect a single-storey office / studio	12/12/2022	Withdrawn by Applicant	Withdrawn
21/11142 Alterations to the existing building to include formation of a new roof (replacement of rotten timbers and re-roofing with slate), installation of rooflights and changes to existing fenestration	13/10/2021	Granted Subject to Conditions	Decided
11/97145 Use as offices (Extension to time limit of Planning Permission 08/91916)	25/07/2011	Granted Subject to Conditions	Decided
08/91916 Use as offices	23/05/2008	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

- Policy CCC1: Safe and healthy communities
- Policy CCC2: Safe and sustainable travel
- Policy ECON2: Retention of employment sites and consideration of alternative uses
- Policy ECON6: Primary, secondary and local shopping frontages
- Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
- Policy ENV3: Design quality and local distinctiveness
- Policy IMPL1: Developer Contributions
- Policy STR1: Achieving Sustainable Development
- Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy
Policy STR5: Meeting our housing needs

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPG - Ringwood - A Conservation Area Appraisal
SPD - Ringwood Local Distinctiveness
SPD - Air Quality in New Development. Adopted June 2022
SPD - Planning for Climate Change Adopted April 2024

Ringwood Neighbourhood Plan

Policy R7: The Ringwood Design Code
Policy R2: Maintaining a Successful and Prosperous Town Centre

National Planning Policy Framework (2024)

NPPF Ch.7 - Ensuring the vitality of town centres
NPPF Ch.11 - Making effective use of land
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

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Latest comment on the second set of Amended Plans

Ringwood Town Council: R(4) Recommend refusal.

The amended plans are noted, but are not sufficiently different to overcome previous objections. The proposal represents overdevelopment of the site, the additional storey would be inappropriate in the location and overbearing and imposing on surrounding properties. It is out of keeping in the Market Place, which is at the heart of the town's Conservation Area, and would be detrimental to the Listed Buildings in the vicinity. There is also some concern about the impact on views from the surrounding area, both within the town and from a distance. The application is contrary to the design code in the Ringwood Neighbourhood Plan and to the Ringwood Conservation Area Appraisal SPG. The Town Council fully supports the views of The Ringwood Society. The views of the Conservation Officer are inconsistent with previous advice on applications 23/10404 (1-7 Meeting House Lane) and 23/11255 (2 Market Place).

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Ecologist

No objection subject to compliance with submitted report

HCC Highways

No objection. The trip generation is acceptable to the Highway Authority. Parking is to be considered by NFDC.

NPA Archaeologist

No objection subject to conditions

NFDC Tree Team

No objections

Natural England

Comment and advise of impact on European sites

Conservation Officer

No objection subject to conditions

Environment Agency

Comment - Standing Advice applies

9 REPRESENTATIONS RECEIVED

Three letters of objection have been received from The Ringwood Society. Their concerns are:

- height would exceed others in area
- bulky and conspicuous
- inappropriate use of non-designated heritage asset
- no marketing of office space
- threat to the Conservation Area
- misleading visualisations
- inappropriate materials

10 PLANNING ASSESSMENT

Principle of Development

Policies STR3 and STR4 of the Local Plan Part 1 directs new development to sustainable locations that help to sustain the vitality and viability of town centres. Ringwood is considered to offer capacity for residential, retail and business development which are all included in this proposal. Policy ECON2 seeks to retain employment sites and uses and ECON6 protects primary secondary and local shopping frontages.

The site lies within the built-up area where new residential development is generally acceptable in principle. It also lies in the town centre and secondary shopping frontage. Although policy ECON2 aims to retain employment uses, paragraph 7.12 of the supporting text refers to the extensive permitted development rights available for the conversion of such floor space into residential without the need for planning permission. For this particular scheme, there would be a loss of some commercial office space to accommodate the new flats although the ground floor shop units and offices would still remain, as would offices on part of the first and second floors.

Whilst there would be matters to consider under a prior approval application, given the comments received from statutory consultees on this proposal, it is likely that the upper floors could be converted in their entirety without the need for an express planning permission. The retention of some of the commercial floor space is therefore welcomed.

The concern of The Ringwood Society with regard to the proposed change of use of the non-designated heritage asset is noted and discussed in more detail later in the report, although it is not considered that the proposed residential use of this building is inappropriate in principle.

Given these factors, and that both employment and retail uses would be retained within the scheme the proposal is considered to comply with Policy ECON6 of the Local Plan Part 1. With regard to ECON2, it has been acknowledged that there is a loss of employment floor space although as laid out, it is a single unit which is being reduced in size rather than a number of employment uses being lost. In addition to this, it would accord with the more recently adopted Ringwood Neighbourhood Plan Policy R2 which supports a mix of commercial, retail and residential uses within the town centre.

The principle of residential development within an area designated as Flood Zone 2 is dealt with later in the report.

Impact on local character, the setting of Listed Buildings and the character and appearance of the Conservation Area

There is a legal duty imposed by Section 66 (1) of the Act requiring decision makers, be they officers, or council members, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) also requires special regard to be paid to preserving or enhancing the character or appearance of a conservation area.

Policy DM1 of the Local Plan Part 2 requires proposals to seek to enhance the historic environment and heritage assets. Policy ENV3 of the Local Plan Part 1 requires development to be sympathetic to its environment and context and that it should enhance local distinctiveness.

Paragraph 210 of the NPPF requires local planning authorities to take account of sustaining and enhancing heritage assets and the desire for new development to make a positive contribution to local character and distinctiveness.

The proposed additional storey would result in an increase in the height of the building from three to four storeys. As set out in the Ringwood Conservation Area Appraisal, the predominant height of historic built form of development around the marketplace is two to two-and-a-half storeys with some three-storey buildings providing rhythm. The existing application building is an incongruous exception to this gently varying rhythm in that it presents a broad horizontal three-storey block, with a strong eaves line, that is particularly marked against the adjoining two-storey buildings in West Street. The transition from the massing of New House across Strides Lane to 29 - 31, Market Place is slightly reduced as a result of the set back of the eastern part of New House and the prominent mansard roof of No 29-31.

Whilst the proposed additional storey will be set well back from the frontage and east elevation of the building, it will be a clear modern addition rising above the historic pattern of rooflines at the southwest corner of the Market Place when viewed from the northern half of the Market Place and this modern development will not be inconspicuous in the Market Place.

However, it will be seen in the context of the character of the existing building, which is a large mid-20th century building of wholly modern character that forms an incongruous break in the historic rhythm of the rooflines, and the harm of the additional storey needs to be considered in the context of the existing building.

There would be limited views of the additional storey along West Street from Jubilee Gardens. However, these views will reduce as one approaches the Market Place along West Street, as views of the addition are concealed by the existing roofline of the building. The visibility of the additional storey above 9-11 West Street would result in some impact to the historic character of the Conservation Area at this point. However, the scale, massing, proportions, and architectural character of the existing historic development along West Street will remain the dominant and defining characteristic in these views, and so the proposed development is not considered to harm the setting and significance of the listed buildings within West Street.

Views of the additional storey from east along the Market Place from the High Street would be very limited as a result of the curve of the street and set back of the proposed addition. The most prominent views of the additional storey will be from the south of the site, where the massing of the existing building, with its metal fire escape, is already prominent. The additional storey will be seen in conjunction with views of the church tower which rises above the rooflines at this point.

The additional storey will block views of the top of the church tower from a limited range of locations to the immediate south of the building. However, these views are not planned and only make a modest contribution to the setting and significance of the church, and so the impact would be localised. The additional storey will make the building more prominent in longer views of the Conservation Area from the south, in particular from the Castleman Trailway. The flat roofed form will be a more obviously modern element in the roofscape viewed at this distance. However, the height and massing of the additional storey will not compete with roofline of the church, which will by far remain the most dominant feature on the skyline in these longer views of the Conservation Area. It is not anticipated the building will impact longer views of the Conservation Area from the north and west.

In considering the impacts set out above, the proposed additional storey will result in less than substantial harm to the special character and appearance of the Ringwood Conservation Area.

Aside from the provision of a pavilion structure to the third floor roof, the front elevation of the building is proposed to have other changes which can be summarised as follows:

- new shop fronts
- dropped sills and the provision of Juliet balconies to the first floor windows in the forward sited part of the building
- repositioning the door and window at ground floor level to the recessed corner element
- first and second floor windows above the repositioned window
- two-storey window above entrance to flats

The shop units would retain a slight recess to their front elevations, and each door would remain to the left side of the individual shop, thus having a minimal impact on the street scene. The Juliet balconies, two storey window and paired side hung casements would provide a vertical element to the facade, providing a balance between the elevational alterations and the additional pavilion structure to the roof.

The additional upper floor windows would add further rhythm to this elevation, thus preserving the character and appearance of the Conservation Area.

The proposed changes and alterations to the façade and fenestration will address some of the current harm the building causes to the character of the Conservation Area and are therefore considered to enhance its character. Subject to securing appropriate details and quality materials, the proposals would represent a significant improvement to the building, resulting in a building which better engages with the historic proportions of adjacent (listed) buildings.

The side elevation would have little change other than replacement windows and the dropping of the northern most ground floor sill to reflect those adjacent. At the rear (south) of the frontage building, the fire escape stairs and their associated doors would be removed and a more uniform set of openings reflecting the western section of the building would be provided. This is considered to represent an improvement on the appearance of the building. The elevation would be maintained as painted, reflecting the painted stable building to the rear.

The proposed addition to the non-designated heritage asset to the rear is a single-storey extension to the side and rear of the building in order to provide a dining and living space in association with its conversion to a single dwelling. This modest addition is well proportioned and would not have an adverse impact on the building. The front elevation currently has inappropriate window openings and these are proposed to be amended to be more uniform and proportionate to the original use. The hayloft would be reopened at first floor level and overall, the proposal would have a positive effect on this non-designated heritage asset, helping to preserve the building and the positive contribution it makes to the Conservation Area.

The Town Council's comments have been noted with regard to Policy R7 of the Ringwood Neighbourhood Plan. Having regard to this policy and associated design codes in Appendix B, whilst not all points are relevant to this proposal, the following are noted:

- it is considered appropriate for corner buildings to have extra height or have a distinctive architectural element (DC.03.5)
- the density is appropriate to this Town Centre location (DC.05.4)
- the roof is well articulated, in proportion to the building and avoids repetition and monotony (DC.05.6)
- the impact on the street scene is limited other than to improve the facade of the building which is noted in the Ringwood Conservation Area Appraisal as requiring improvement (DC.05)
- the overall townscape would not be adversely affected (DC.05)
- the conversion is sympathetic and maintains both vertical and horizontal rhythms along the facade (DC.05.5)

Overall, whilst it is noted that the additional floor would result in some impact to the character and appearance of the Conservation Area, other elements of the proposal such as the alterations to the front elevation and the conversion and refurbishment of the historic outbuilding into a dwelling represent improvements. A balance between harm and improvement therefore has to be made, also taking other matters detailed within this report into account.

Other visual elements of the scheme such as the loss of unattractive fire escapes, the streamlining of window openings and vertical emphasis, offer significant enhancements to the character and appearance of the Conservation Area. It is noted that the Ringwood Conservation Area Appraisal welcomes works to improve this building and the proposal overall is considered to offer a public benefit to the

Ringwood Conservation Area as required by paragraph 215 of the NPPF. Furthermore in the round the works overall would preserve the character of the Conservation Area. The proposal is therefore considered to comply with the requirements of both Policy ENV3 of the Local Plan Part 1 and Policy DM1 of the Local Plan Part 2.

Residential amenity

The proposal is required to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on residential amenity under Policy ENV3 of the Local Plan Part 1.

The proposed residential units would not result in any loss of amenity for existing nearby occupants in view of the fact that the majority of proposed units have windows to the front and rear of the existing building where views are either across the street or to the back of the site.

There are new dwellings being built to the east side of Strides Lane, although the proposed conversion would be set back some 11m into the site from the highway and not considered to raise amenity concerns for any future occupiers. To the west of the site are commercial units.

Although the proposed flats would not have access to any outdoor space or balcony, this is not uncommon within a town centre area. The site is also a short distance from the Danny Cracknell Pocket Park, accessed to the south of Strides Lane. The dwelling to the rear would have a small area of amenity space, and two of the first floor flats would have Juliet balconies facing the Market Place.

As such, there are no residential amenity objections to the proposal and the proposal complies with Policy ENV3 of the Local Plan Part 1.

Highway safety, access and parking

Policies ENV3 and CCC2 of the Local Plan Part 1 requires developments to integrate sufficient car and cycle parking spaces to meet realistic needs which do not prejudice the character and quality of the street.

The proposal would use an existing vehicular access from Strides Lane into the rear of the site where up to 7 cars can be accommodated at present. Although the number of parking spaces available would be reduced to six as part of these proposals, they would be for residential rather than commercial use. The Highway Authority has not raised any objection as the proposed trip generation would be similar to that of the existing lawful use.

Having regard to the NFDC recommended parking standards for a development of this nature, the requirement would be 12.7 spaces provided communally, it is accepted that there is a shortfall of 6.7 spaces. However, as the site lies within the Town Centre, it is considered to be a sustainable location where a lower level of parking can be acceptable. The proposal includes an enclosed cycle parking area for the new dwellings which would accommodate 16 cycles (2 per dwelling) and a further enclosed cycle parking area for visitors which could accommodate a further 4 cycles. This is considered an acceptable level of cycle parking.

There are no objections to the proposal on parking or highway safety grounds and in view of the improvements to the visual aspect of this car parking area through additional planting within the currently hard surfaced area the proposal is considered to comply with Policy ENV3 of the Local Plan Part 1.

Trees and Ecology

Policy ENV3 of the Local Plan Part 1 requires developments to create buildings which are sympathetic to the environment including landscape features.

The site contains a small Ash tree in the south-west corner behind the historic outbuilding. The tree is not prominent and is likely to have been self-seeded and is growing in a restricted raised bed. It is suffering from Ash dieback disease and has a limited retention span. It is not considered to be a constraint to development and so its loss is considered to be acceptable.

Policy DM2 of the Local Plan Part 2 seeks to ensure that ecology and biodiversity interests are not harmed and ecological enhancements are secured through new development. As the application was submitted in 2023, there is no requirement for mandatory biodiversity net gain which came into force in April 2024.

The site consists of built form and hard surfacing, aside from a small area to the south-west corner where the tree and some poorly maintained planting exists. As stated above, there are no objections to the loss of the tree and the remaining space would be laid to lawn and further planting provided to the Strides Lane boundary and parking areas which would soften the appearance of the site and provide some biodiversity. This is considered acceptable from an ecological point of view, An Ecological Impact Assessment, including a bat survey was undertaken at the site in August 2023 and this report concluded that neither building on site was likely to be used by roosting bats; nor were there any habitat features within the site which could support foraging or commuting bats. However, in order to increase biodiversity on site, enhancements have been suggested which would provide a bat tube, bird nest box and Swift nest box within the fabric of the buildings. These enhancements could be secured through condition if the scheme was otherwise acceptable.

There are no objections to the proposal on landscape, tree or ecology grounds and the proposal is considered to comply with Policy ENV3 of the Local Plan Part 1 and Policy DM2 of the Local Plan Part 2.

Flood Risk

The site lies within Flood Zone 2, with Flood Zone 3 covering the front of the existing shop units where there are no proposed changes of use. In addition to this, the site is also within an area where flood defences are in place to reduce the risk from river flooding. Policy CCC1 of the Local Plan Part 1 does not permit vulnerable development such as residential in areas at risk of flooding. In addition to this, consideration has to be given to paragraphs 170-182 of the NPPF which require a sequential based approach to development in areas known to be at risk of flooding.

The existing retail and offices are classified as less vulnerable uses but the current proposals would introduce more vulnerable uses (residential) into an area at risk of flooding (Flood Zone 2). However, the new residential accommodation would be a partial change of use of the existing building and would be located on its upper floors together with an extension to the roof of the existing building at third floor level which would provide 2 no. 1 bed flats. Although the proposal is predominantly a

change of use it also includes extensions to create a small addition to the stables at the rear which would be converted for residential use.

The Environment Agency has confirmed that their Standing Advice applies in such situations and this Standing Advice includes the requirement for a sequential test in certain circumstances. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.

In addition to this, the Standing Advice details what to include in a Flood Risk Assessment (FRA) such as floor levels and flood resistance and resilience measures. Developments should not increase flood risk elsewhere and this should be demonstrated within the Flood Risk Assessment for the site.

In relation to the requirement for a sequential test, Paragraph 176 of the NPPF states that some minor development (including non-residential extensions under 250m²) and changes of use are not subject to the sequential test and it is noted that the submitted Flood Risk Assessment concludes that the part of the application that is a change of use is exempt from the sequential test. However, the extension in this case does not fall within this classification and whilst residential, does not relate to a householder proposal either. Further, the additional floor, providing two new residential units would also generate a requirement for the sequential test to be applied. The submitted FRA however, concludes that a sequential test is not required in this case; Officers disagree and the applicant's agent has subsequently been asked to undertake this test in accordance with the Standing Advice due to the proposed extensions at third floor level and to the coach house being in flood zones 3 and 2. However, the agent maintains the position that the sequential test is not required. A sequential test has not been submitted and so the application falls to be determined accordingly.

It is considered that the correct approach would have been to carry out a sequential test to demonstrate that no other suitable sites are reasonably available in an area with the lowest probability of flooding. The application therefore fails to demonstrate this through applying the sequential test and is contrary to those relevant parts of the NPPF and the criteria in policy CCC1.

The applicants have provided a Flood Risk Assessment which covers the rest of the EA Standing Advice. The following points are considered having regard to the applicant's submission:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
As stated above, less than 2m of the front of the site in Market Place falls within Flood Zone 3 and as such, the new build third floor and conversion to the rear are located within the area at lowest risk from flooding. The proposed residential flats to the first and second floors would not involve displaced flood water at ground floor level.

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

To counter any residual flooding, flood resistant construction materials are proposed at ground floor level with electrical outlets fed from the ceiling rather than the ground.

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

A drainage strategy has been included as part of the proposals, demonstrating that a soak away would be installed within the car park area and maintained on an annual basis. A condition can be imposed relating to the provision of the surface water drainage strategy.

d) any residual risk can be safely managed;

The Flood Risk Assessment concludes that there would be no residual flood risks associated with the development and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

An Emergency Flood Plan has been provided in support of the application and this details how future occupiers should react to a flood warning, leaving the site to the east and heading to Market Place, the majority of which is outside of Flood Zones 2 and 3.

In addition to the points referred to above, the report states that the site is not at risk from coastal flooding and is identified as being at a very low risk of surface water flooding. The main concern is therefore river flooding. Data stating that levels during a 1 in 100 year storm event would be 14.65m AOD (above ordnance datum) undefended and 14.83m AOD defended have been included. This data is from the information supplied by the Environment Agency following the applicant's request for 'Product 4' information required in order to provide an appropriately detailed Flood Risk Assessment. The floor levels within the stable building are above this at 14.95m AOD which would exceed this level and there are no proposals to alter this which is considered acceptable.

It is therefore considered that - in accordance with paragraph 181 of the NPPF - the FRA submitted demonstrates that the proposed development would be appropriately resilient and would not lead to flood risk elsewhere being increased. The Environment Agency has not raised any concerns with the submitted Flood Risk Assessment. Officers must stress however that this advice is in relation to the technical aspects of the applicant's proposal to incorporate flood resilience measures to the building. The EA have not commented on the application of the sequential test.

Proposals within the FRA to raise floor levels to manage and mitigate the potential impact of flooding should only be considered when it has been successfully demonstrated that it is not possible to locate the development elsewhere away from the risk of flooding. As such, in this case the proposal does not comply with the Environment Agency Standing Advice due to the lack of a sequential test being undertaken. It has not therefore been demonstrated that there are not any other reasonably available sites for the proposed residential development and the proposal is contrary to policy CCC1 of the Local Plan Part 1 and paragraph 173 of the NPPF.

Habitat Mitigation and off-site recreational impact

Habitat Mitigation

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 European sites, in view of those sites' 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant is willing to enter into a Section 106 legal agreement to secure the required habitat mitigation contribution. However, as this agreement has not been completed the required habitat mitigation contribution has not been secured so it forms a further reason for refusal.

Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of those sites' conservation objectives, having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals, Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable the development's phosphate impact to be offset. Such a project has now been secured and a Grampian style condition could have been imposed to secure the appropriate level of phosphate mitigation had the development otherwise been acceptable.

Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to

undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. This will be included in the legal agreement required under S.106 before any approval can be issued. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. In this case, the applicant is willing to enter into a Section 106 legal agreement, which secures the required air quality monitoring contribution. However, as this agreement has not been completed the required air quality monitoring contribution has not been secured so it forms a further reason for refusal.

In response to the requirements of the adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be the provision of cycle storage, the provision of additional planting and improved window insulation through replacement windows.

Developer Contributions

As part of the development, had the proposal been recommended favourably, the following would have been needed to be secured via a Section 106 agreement:

- Habitat Mitigation £31,306 (infrastructure) and £4,606 (non-infrastructure)
- Air Quality Monitoring £981
- Habitat Mitigation commencement £847

In the absence of a completed S.106 Agreement, the proposal would result in a form of development for which there is inadequate mitigation of the impacts. The proposal would therefore conflict with policies ENV1 of the Local Plan Part 1 and policy DM2 of the Local Plan Part 2.

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	567.5	454	113.5	113.5	£80/sqm	£13,305.69 *
Businesses - Offices (non-Financial/Prof	455	455	0	0	No charge	£0.00 *

Subtotal:	£13,305.69
Relief:	£0.00
Total Payable:	£13,305.69

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

The proposal would provide nine units of accommodation in a highly sustainable location, creating a mixed use site, including retail and office use within this Town Centre location. This is to be balanced with the creation of an additional floor which, as noted above, has some visual impact in this Conservation Area resulting in less than substantial harm, however it has been assessed that the proposal overall is considered to offer a public benefit to the Ringwood Conservation Area as required by paragraph 215 of the NPPF. The proposal does not raise any significant concerns with regard to residential amenity or highway safety.

However, the applicant has not provided a sequential test for the proposed development which is a requirement for this type of proposal within Flood Zone 2. It has not therefore been demonstrated that there are no other reasonably available sites for the proposed residential development and the proposal is contrary to paragraph 173 of the NPPF.

As such the recommendation is one of refusal.

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposals include extensions for a more vulnerable residential use which are located within Flood Zone 2 where there is a high risk of flooding. In these circumstances, guidance requires that a sequential test is carried out to determine whether or not there are any other reasonably available sites for the proposed development in areas with a lower risk of flooding. Without this sequential test being undertaken, it has not been demonstrated that there are no other suitable sites in an area at a lower risk of flooding to locate the development. As such the proposal cannot be supported as it is contrary to policy CCC1 of the Local Plan Part 1 and paragraph 173-176 of the NPPF.
2. In the absence of an agreement pursuant to S.106 of the Town and Country Planning Act (1990), the recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures and air quality on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Documents "Mitigation for Recreational Impacts on New Forest European Sites" and 'Air Quality in New Development'.

Further Information:

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PLANNING COMMITTEE

January 2025

New House
Market Place and 1-3 Strides Lane
Ringwood
23/10821

Scale 1:1000

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

