

Application Number: 17/11246 Full Planning Permission

Site: 3 STRIDES LANE, RINGWOOD BH24 1ED

Development: Change of use from retail to residential; dormer; rooflight

Applicant: Surereed Ltd

Target Date: 31/10/2017

Extension Date: 15/06/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to 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) 2012:

CS1: Sustainable development principles
CS2 Design Criteria
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

Requiring Good design (chapter 7)
Meeting the challenge of climate change and flood (chapter 10)
Conserving and enhancing the historic environment (chapter 12)

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

Ringwood Conservation Area Appraisal
Ringwood Local Distinctiveness Document
Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

6.1 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21/08/2017 Withdrawn - 3 STRIDES LANE, RINGWOOD BH24 1ED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.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Environment Agency - Following submission of the Flood Risk Assessment (FRA) prepared by Frank Tyhurst (dated February 2018) in support of this planning application, no objections are raised. The building design, including finished floor level, must be set out as stated within the FRA. An appropriate planning condition should be attached to any planning approval granted to ensure that the FRA is adhered to.

9.2 Natural England - no objections, subject to habitat mitigation

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings £1,224 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 £2,251.38.

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case following submission of details to address character impacts, flood risk and the impact of the proposal upon the primary shopping area, the proposal was considered to be acceptable.

14 ASSESSMENT

- 14.1 The proposal relates to an existing building on the north 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 conversion of a two storey building, last used for A1 retail purposes, to provide 1 no. two bedroom dwelling, with a dormer window and rooflight added to facilitate the new use. The proposal would not have any dedicated off-street parking.
- 14.2 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.

- 14.3 Starting with the retail policy position, the site lies within the town centre, outside Primary and Secondary Shopping Frontages, but within a Primary Shopping Area. Policy CS20 states that the strategy is to protect the primary retailing role of the defined Primary Shopping Areas, where there will be a presumption against loss of premises in A1 retail use, except where it can be demonstrated that an alternative use proposed would be complementary to the retailing function and would enhance the overall vitality of the centre. The policy also seeks to maintain active ground floor frontages. Consequently the proposal does not fully comply with Policy CS20 in that it will result in the loss of a retail use within a Primary Shopping Area. As such, the proposal is contrary to local plan policy unless there are material considerations to justify a departure from policy.
- 14.4 A justification statement has been submitted explaining that the premises suffers from its peripheral location within the Primary Shopping Area on Strides Lane, where footfall is low, as there are no other retail premises. The premises has seen a high turnover of retail tenants since 2002 and has now been vacant for over a year. The application is also supported by a statement from a local estate agent explaining that the premises has remained vacant despite efforts to market the premises during the last 12 months. In addition to the applicant's submission, it is acknowledged that the unit is not within a Primary or Secondary Shopping Frontage, where retention of retail uses is a higher priority. It is clear from Central Government guidance that there is a general steer and emphasis towards creating new residential development, highlighted by changes to the Town and County Planning (General Permitted Development) Order, which permits the change of use of a building from retail (A1) to residential (Class C3) without requiring planning permission, subject to a Prior Approval Application. In this case, the change of use does require planning permission because the building is within a conservation area. Had the premises not been in a conservation area, change of use from retail to dwelling may have been approved under the Prior Approval procedure. Furthermore, the actual loss of commercial floor space (74 sq.m) is relatively small and the overall impact on the economic integrity of the town centre would be minimal. In balancing the issues, whilst 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 and 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.
- 14.5 Being within the town's conservation area and 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, although a new dormer window is proposed which would be upvc framed. While some windows within this building are upvc, most within the wider development are timber and

considering the elevated nature of the dormer, the applicant was requested to amend their plans to show use of a timber window in the dormer. An appropriately amended plan has now been received showing incorporation of a timber window. Consequently the proposal is acceptable, subject to a condition to ensure full details of the dormer construction are submitted for approval.

- 14.6 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 proposal was not initially accompanied by a Flood Risk Assessment (FRA) to demonstrate how the proposal would alleviate flood risk and to establish how future occupiers of the development would be protected from flooding. A FRA was submitted latterly and the Environment Agency raise no objections, subject to a condition being applied to ensure the development is implemented in accordance with the recommendations of the FRA.
- 14.7 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 would not have any significant impact upon the amenity of the neighbouring residential properties and the type of accommodation proposed, in a town centre location may be acceptable with reduced outdoor amenity space for future occupiers.
- 14.8 Since April 2015 the Council has imposed a charge on all new residential development to fund necessary infrastructure such as habitat mitigation, transport improvements and public open space. This is known as the Community Infrastructure Levy. However, in this instance, because the development does not involve the creation of any new floorspace, the development is likely to be liable for CIL relief.
- 14.9 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. 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 level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the impacts of development set out above are outweighed by the benefits and therefore the balance is tilted in favour of granting permission.
- 14.12 The application has addressed the main considerations, being retail impacts, flood risk, character impacts and the living conditions of adjoining properties. Consequently it is recommended for approval.
- 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£3,050	£3,050	0

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	100	73	27	27	£80/sqm	£2,251.38 *
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Subtotal:	£2,251.38
Relief:	£0.00
Total Payable:	£2,251.38

* 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 2017 this value is 1.1

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: J.41.2016-0, J.41.2016-02A, J.41.2016-03B and the Flood Risk Assessment (FRA) prepared by Frank Tyhurst (dated February 2018)

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing, roofing and window frame materials to be used in the dormer window shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. 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 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

6. The development shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority 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.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case following submission of details to address flood risk and the impact of the proposal upon the primary shopping area, the proposal was considered to be acceptable.

2. 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.
3. In discharging condition No. 4 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/>
4. 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

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

June 2018

Item No: 3a

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Strides Lane
Ringwood
17/11246

Scale 1:1250

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

