

Application Number: 18/10231 Full Planning Permission

Site: JALUCH HOUSE, 5 DEWEYS LANE, RINGWOOD BH24 1AJ

Development: Change of use from office to use as two flats & parking

Applicant: Jaluch Ltd

Target Date: 13/04/2018

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

Ringwood Town Centre Boundary

Built-up Area

Ringwood Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

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

CS10: The spatial strategy

CS20: Town, district, village and local centres

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 7 - Requiring good design

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Ringwood Conservation Area Appraisal

SPD - Ringwood Local Distinctiveness Document

SPD - Mitigation Strategy for European Sites

Memorandum of Understanding Neutral Development - Interim Mitigation

6 RELEVANT PLANNING HISTORY

- 6.1 ENQ/17/21357/SSRC - The applicant sought the Council's pre-application advice on a similar form of development to that proposed, which was supported, subject to amendments and improvements to the proposed design and materials.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: recommend permission but would accept the decision reached by the DC Officers under their delegated powers. Members were concerned that the proposal made no provision for storage of refuse and wished this to be addressed.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Conservation Officer: this scheme addresses the concerns raised by the pre-application enquiry and has added a metal railing balcony and a metal railing to the ground floor terrace with hedge landscaping added to the ground floor terrace. This is much more acceptable and softens the scheme. It is disappointing that the windows are not able to be changed to timber, however given the existing brown upvc windows, no objection is raised in this respect. No objection, subject to conditions to cover the following;

- Details should be provided of the metal railings on the balcony and the terrace area
- Details of the materials used for the brick wall surrounding the ground floor terrace.
- Details of the brick vents to be used on the west elevation
- Landscaping plan

- 9.2 Southern Gas Networks: recommend informative notes

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 of £2,448 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £0.00.

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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 Jaluch House is a relatively modern structure, sited to the rear of the High Street with access off of Deweys Lane. It is part of the backland landscape of the High Street and the backs of the listed properties are visible in the same view as this building. The site is located within the Ringwood Conservation Area and town centre. The building is currently occupied as offices at ground and first floor level.
- 14.2 It is proposed to convert both floors of the building to create 2 no. two bed flats. Operational development is required, including new window openings, a first floor balcony, creation of an outdoor curtilage area and internal alterations to facilitate the conversion. Two off-street parking spaces would be provided for occupiers of the development.
- 14.3 Starting with the Policy position, the site lies within the town centre, but outside Primary and Secondary Shopping Frontages and Areas. Local Plan Part 2 Policy DM16 states that residential development will be permitted where, it does not result in the loss of appropriate non-retail, or other employment or business uses which are capable of being satisfactorily used for an alternative business or employment use appropriate to a town centre location. Core Strategy Policy CS20 relates to town, district and local centres and the policy seeks to protect the primary retailing role, within the context of maintaining a broader mix of uses, including office uses. The policy also seeks to maintain active ground floor frontages. Core Strategy Policy CS10 is applicable and supports new residential development primarily within town centres.
- 14.4 In assessing the proposal against the policy, it is considered that it does not fully comply with Core Strategy Policy CS20 and Local Plan Part 2 Policy DM16 in that it will result in the loss of employment or appropriate uses in a town centre location. As such, the proposal is contrary to local plan policy unless there are material considerations to justify a departure from policy. However, the site lies in an area of the town centre characterised by residential uses and beyond any defined retail frontage or area. The actual loss of commercial floor space (158 sq.m) is relatively small and the overall impact on the economic integrity of the town centre will be minimal. In terms of central government guidance, it is clear that there is a general steer and emphasis towards creating new residential development, highlighted by changes to government legislation as set out in the Town and County Planning (General Permitted Development) Order (GPDO), which permits the change of use of a building from offices (Class B1), to residential (Class C3) without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use requires planning permission only because the building is within a conservation area. In balancing out the issues, whilst the proposal would result in the loss of an appropriate town centre use, it is not felt the loss of this small unit, in a location which is predominantly residential in nature would have a materially harmful impact on the economic and commercial vitality 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 that will be caused through the loss of the employment use. The loss of

office space is considered marginal in terms of harm to the vitality and viability of the town centre, particularly considering the stance of the GPDO, which allows changes of use of offices to dwellings outwith conservation areas.

- 14.5 Policies CS2, CS3 and CS10 of the Core Strategy relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. It needs to be considered whether the form and scale of the new development would be appropriate in the context of the conservation area. Jaluch House occupies an important location, as it sits within the backland landscape of the High Street and any new development should seek to preserve or enhance the character of the Conservation Area. The garden area/cycle store could enhance the appearance of the area if finished with appropriate brickwork, railings and hedge planting. The fenestration changes are broadly acceptable. The Conservation Team raise no objections subject to use of conditions to ensure appropriate materials and landscaping are incorporated in to the final scheme.
- 14.6 In terms of neighbouring amenity, the insertion of new windows and balcony could impact on adjoining premises. However, their positioning is similar to examples of others in the locality and no objections have been received from notified parties on the form of development proposed here. The level of amenity space provided for future occupiers is considered to be acceptable considering the type of accommodation proposed and town centre location.
- 14.7 While two car parking spaces constitutes under provision of parking, within a town centre location a reduced parking standard is acceptable in this instance, bearing in mind the site's proximity to town centre shops and services.
- 14.8 The applicant has confirmed that refuse would be placed ready for collection on Tuesdays as happens with other flats in the courtyard.
- 14.9 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.
- 14.10 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.

14.11 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.

14.12 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, the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

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	£6,100	£6,100	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	158.5	158.5	0	0	No charge	£0.00 *
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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 2018 this value is 1.2

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: ST657-02 and ST657-03a

Reason: To ensure satisfactory provision of the development.

3. Prior to commencement of development, details of the following shall be submitted to and be approved in writing by the Local Planning Authority:

- Details and colour of the metal railings for the balcony and the terrace area
- Details of the materials used for the brick wall surrounding the ground floor terrace.
- Details of the brick vents to be used on the west elevation

Thereafter the development shall be implemented in accordance with the agreed details.

Reason: To ensure an acceptable appearance of the building in accordance with policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park Core Strategy and DM1 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

4. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) a specification for new planting (species, size, spacing and location);
- (b) areas for hard surfacing and the materials to be used;
- (c) other means of enclosure;

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

- 6 The development 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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. In discharging condition No. 5 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

3. 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 100 sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.

4. Southern Gas Networks have provided an extract from their mains records of the proposed work area enclosed for your guidance, available to view on the Council's website. This plan only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x s. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days. On the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation. Safe digging practices, in accordance with HSE publication HSG47 Avoiding Danger from Underground Services must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant. Damage to pipes can be extremely dangerous for both your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation. Please ensure SGN are able to gain access their pipeline throughout the duration of your operations.

6. 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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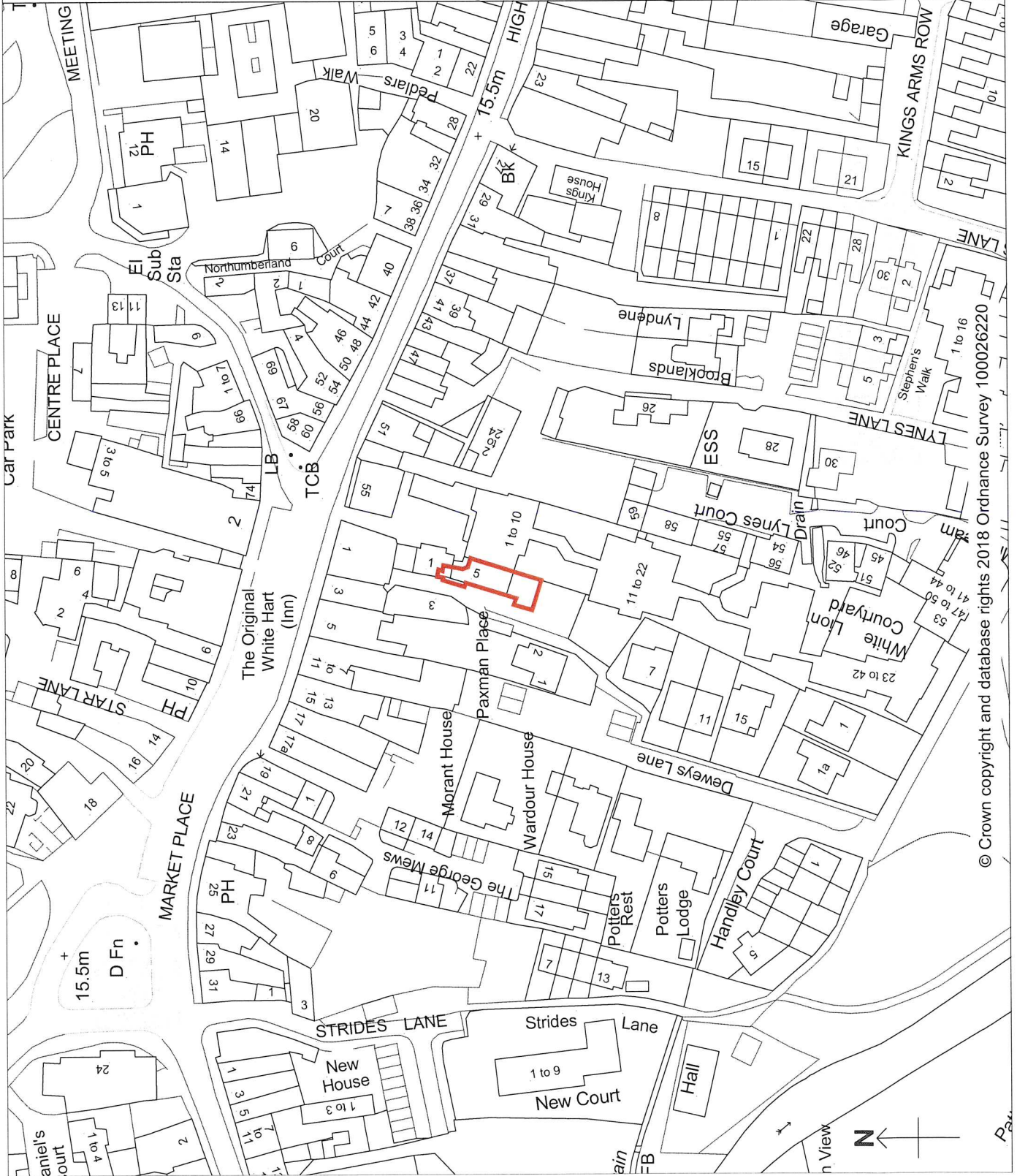
June 2018

Item No: 3i

Jaluch House
5 Deweys Lane
Ringwood
18/10231

Scale 1:1250

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