Planning Committee 14 September 2022

**Application Number: 21/11530** Full Planning Permission

Site: LAND ADJOINING 2A, HIGHFIELD ROAD, RINGWOOD

**Development:** 3 Detached houses with associated parking and landscaping

**Applicant:** Mr Lambert

Agent: Ken Parke Planning Consultants

**Target Date:** 07/01/2022

Case Officer: Vivienne Baxter

### 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking
- 5) Ecology/bio-diversity

This application is to be considered by Committee because of a contrary Town Council view.

## 2 SITE DESCRIPTION

The site lies within the built up area of Ringwood. It is a predominantly residential area although the lawful use of the site is commercial (builder's yard) and there are offices adjacent to the site to the south. The site is fenced off from the road with timber fencing and close boarded double gates recessed from Highfield Road.

Much of the site is overgrown although there are several structures within the plot, mainly grouped close to the access point. Part of the site is identified as being 'an area of tranquil garden space' within the Ringwood Local Distinctiveness SPD.

There are bungalows to the north of the site, 2/3 storey houses to the south fronting Southampton Road and terraced 2-storey houses and an associated flat roofed garage building to the rear (east) of the site.

### 3 PROPOSED DEVELOPMENT

The proposal entails the provision of one 3-bed and two 4-bed detached houses with two parking spaces each and three further spaces for visitors. Access would be located in a similar position to the existing vehicular access.

## 4 PLANNING HISTORY

Proposal	Decision	Decision	Status
	Date	Description	
14/11270 2 houses; 2 carports; access from	11/11/2014	Refused	Decided
Georgian Close			

09/94682 Office & workshop; demolition of existing	03/12/2009	Granted Subject to Conditions	Decided
07/89430 Office and workshop; demolition of existing workshops	30/03/2007	Granted Subject to Conditions	Decided
01/73486 Erection of offices, workshop (demolish existing workshops and stores)	11/03/2002	Granted Subject to Conditions	Decided
96/NFDC/59505 Offices, gges & parking - extn of time on pp 48186	22/08/1996	Granted Subject to Conditions	Decided
91/NFDC/48186 Erect offices and garage with parking (demolish existing)	02/10/1991	Granted Subject to Conditions	Decided
91/NFDC/47553 Erect offices & workshop with parking (demolish existing)	11/07/1991	Withdrawn by Applicant	Withdrawn
83/NFDC/24055 Office/reception block with attached workshop.	27/05/1983	Granted Subject to Conditions	Decided
83/NFDC/23467 Change of use from builders workshop and yard to lawnmower repairs.	04/03/1983	Granted Subject to Conditions	Decided
NFDC/76/04224/ADV Sign.	24/02/1976	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

## Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel

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

# **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

## **Supplementary Planning Guidance And Documents**

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Air Quality

SPD - Ringwood Local Distinctiveness

## **Relevant Legislation**

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

## Relevant Advice (from what??)

Chap 12: Achieving well designed places

### **Constraints**

SSSI IRZ Residential Avon Catchment Area Aerodrome Safeguarding Zone

# Plan Policy Designations

Built-up Area

#### 6 PARISH / TOWN COUNCIL COMMENTS

### **Ringwood Town Council**

R(4) Recommend refusal. The proposal would result in overdevelopment of the plot, with a cramped and poor layout, and would be out of character in the locality. The site positively contributes to the wider character of the area as land forming part of the larger garden spaces or groups of tranquil garden space as identified in the Ringwood Local Distinctiveness SPD. Parking provision is contrary to NFDC Parking Standards. It would have a negative impact on local ecology and decrease biodiversity, and it is noted that the applicant does not intend to follow HGBI and NE guidelines relating to the capture of slow worms.

#### 7 COUNCILLOR COMMENTS

No comments received

### 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Ecologist:** no objection subject to conditions

**HCC Highways:** no objection and advise of HCC works necessary

### 9 REPRESENTATIONS RECEIVED

Several representations have been received from one local resident concerned with the following issues:

- loss of parking for adjacent offices
- inaccurate boundary
- half the site is valuable green space
- access for delivery and service vehicles hasn't been addressed
- access would be out of character
- broad summary of views
- cramped development
- noise and disturbance due to drive

## 10 PLANNING ASSESSMENT

### Principle of Development

In principle, there are no objections to the provision of new residential development within the built up area. However, this is subject to there being no material impact on the character and appearance of the area, the residential amenities currently enjoyed by adjoining occupiers or highway safety. These matters are discussed below.

It is noted that part of the site is within an area identified in the Ringwood Local Distinctiveness Supplementary Planning Document as green tranquil garden space. This designation extends south to the rear gardens of Southampton Road properties and north within Highfield Road. Having regard to this, it should also be noted that the lawful use of most of the site is as a builders yard. Were this use to be applied more intensively, as it could be without further permission, there would be a break in the tranquil garden area. The SPD goes on to advise that if development is permitted, the design should ensure that rear garden boundaries are not visible and this would be the case here. Furthermore, as the rear of the site is immediately adjacent to the turning head for Georgian Close, the two dwellings proposed to the rear of the site do not appear contextually inappropriate.

### Design, site layout and impact on local character and appearance of area

Highfield Road consists mainly of detached properties with front gardens, although the adjacent offices at no.2 conflict with this pattern with the entrance lobby situated at the back of the pavement. The site is presently at odds with the general pattern of development having close boarded fencing at the back of the pavement. As the site is wide enough for an additional frontage dwelling, not only would it bridge the gap between no.2, a two storey office building of domestic proportions and no.4, a bungalow, but it would create a frontage to the site. This would be more in keeping with the character of the area.

The proposed frontage dwelling would have eaves at a height between those on the adjacent dwelling and offices and a set back similar to the bungalow. This would provide a small front garden area and space for two cars.. Many properties in the road have large hard standings to their frontages accommodating several vehicles and the proposal would fit in with the general pattern of development. The first floor window would also reflect a bungalow two doors away which has been extended in the roof space and has a large dormer element to its front elevation. The retention of the access albeit altered, would have a limited impact on the street scene.

To the rear of the site is the turning head at the end of the Georgian Close cul-de-sac. Georgian Close consists of two storey terraced houses at its southern end adjacent to the site and there is also a block of garages abutting the eastern boundary of the site. Given the adjacent built form, which also includes a three storey house fronting Southampton Road, it is not considered that the two dwellings proposed to the rear are out of context in this location. In visual terms, they have a relationship with both Georgian Close and Southampton Road properties, typical of a suburban area such as this.

As stated above, although this rear part of the site is within a tranquil green space area, intensification of the existing lawful use would disrupt this in any case. Proper management of the vegetation would also disrupt the level of greenery and neither of these matters would require planning permission. It should further be noted that the proposed layout is such that any further intrusion into the tranquil green space would not be possible.

In terms of the design of the proposed dwellings, features which are apparent in the local area, such as pitched roof dormer windows, roof lights, half hipped roof forms and bay windows are included in the dwellings enabling the dwellings to sit comfortably in their surroundings.

### Residential amenity

The frontage dwelling would have several roof lights in its north facing roof slope which would face the roof slope of no.2. The two lower ones would serve a ground

floor room and would not impact on privacy whilst the three upper roof lights would serve bedrooms and an ensuite. Both bedrooms would have other windows to the front and rear of the proposed dwelling and as such, the upper row of roof lights could be obscure glazed in order to maintain privacy for the adjoining dwelling.

Plot 3 to the rear would have first floor dormers facing towards the rear of 83, Southampton Road although the distances (22m) are such that overlooking would not be of particular concern. The proposed roof lights in the northern elevation would be in excess of 1.7m above ground level and would face the blank roof slope of plot 2 and as such, there would be no amenity issues.

Plot 2 to the rear of the frontage dwelling would have a first floor outlook towards the turning head at the end of Georgian Close. This window would be at right angles to the front bedroom windows of no.8 reflecting a typical arrangement in suburban areas. The front of plot 2 would face towards the rear elevation of plot 1 at a distance of slightly less than 20m. However, between the two properties would be the garden to plot 1, the parking area to plot 2 and a boundary wall with planting, including a tree, indicated. Given that this arrangement would affect new and not existing residential amenity, together with the fact that it is a front/rear relationship, it is not considered that future occupiers would be significantly affected by this relationship.

Plot 2 would be sited around 4m from the front corner of no.8 Georgian Close. At present, there is significant screening between the existing property and the site although it is likely that much of this would be trimmed or removed in order to construct the new dwellings. At first floor level, the proposed window for bedroom 2 would be around 7m from the front window to no.8. The angle between them however would be quite oblique and unlikely to result in significant harm to residential amenity. A landscaping condition requiring more specific details of how the intervening vegetation would be managed is considered appropriate as the tree protection plan does not include all vegetation along this boundary simply indicating that two trees would be removed.

### Highway safety, access and parking

The proposal involves slight alterations to the location of the existing access point and an extension to the drop kerb along Highfield Road. The Highway Authority is satisfied that this is appropriate for a development of this size together with the provisions for turning and refuse collection points within the site.

With regard to parking provision, the recommended standard suggests 3 spaces for each 4-bed house and 2.5 spaces for the 3-bed house. The plan shows each house would have 2 on plot parking spaces with the shortfall of spaces provided as visitor spaces. Given the recommended standards for fully communal parking would be 6.1 spaces, it is considered that the parking provision is acceptable in this sustainable location.

#### On Site Biodiversity and Ecology

The application has been supported with an ecological report which provides details of appropriate mitigation measures following survey work undertaken. The survey concluded that the site is of limited botanical interest but has a low population of slow worms. The existing structures on site have the potential to support nesting birds and whilst there was no evidence of bat roosts, it is likely that bats and other mammals use the site for foraging purposes.

The report concludes that the habitats on site are limited to site or local value only and subject to reptile mitigation, new bat features on the proposed dwellings and the provision of native planting within the landscaping scheme, the proposal would result in a net gain for bio-diversity. This view is reflected by the ecologist who has requested a condition requiring compliance with the mitigation measures identified in the ecological report.

## Air Quality

The recently adopted Supplementary Planning Document requires new development to incorporate measures. These include charging points for vehicles, design to reduce exposure of residents to pollution and other measures such as the type of heating to be used. The detail of the measures will be secured through a planning condition.

### **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 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 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 has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

### 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 New Forest and Solent Coast European sites, in view of that site's 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 Mobilisation 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 and for this reason. Such a project has now been secured and a Grampian style condition can be imposed that can secure the appropriate level of phosphate mitigation.

### **Developer Contributions**

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 NOx, 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. 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.

As part of the development, the following will be secured via a Section 106 agreement:

- Air Quality Monitoring
- Habitat Mitigation
- Habitat Mitigation Monitoring

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

Туре	Proposed Floor space (sq/m)	9		Chargeable Floor space (sg/m)		Total
Dwelling houses	452.18	\ 1 /	452.18	452.18	£80/sqm	£46,191.93 *

Subtotal:	£46,191.93
Relief:	£0.00
Total Payable:	£46,191.93

#### 11 CONCLUSION

The proposal would make good use of an otherwise under utilised site within a residential area in Ringwood, contributing to the delivery of new homes within the district. Subject to appropriate conditions, the new dwellings would not adversely affect residential amenity and would be contextually appropriate in their setting. Adequate parking is provided as part of the scheme which will include improvements to the access provisions for the site. Approval is therefore recommended.

### 12 OTHER CONSIDERATIONS

A local resident has raised concerns about the loss of parking for the adjacent office building although it is understood from the agent that his building does not currently benefit from any off road parking provision. Whilst applications across the current site and that of the offices have previously included parking for the office building within the current part of the site, those applications have not been implemented.

### 13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- (i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure air quality monitoring, habitat mitigation and habitat mitigation monitoring and
- (ii) the imposition of the conditions set out below.

## **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:

LP.01 rev.A - location plan

SL.01 rev.D - site layout

SS.01 rev.A - site section

P1.e1 rev.A - plot 1 elevations 1 of 2

P1.e2 rev.A - plot 1 elevations 2 of 2

P1.p rev.A - plot 1 floor plans

P2.e1 rev.C - plot 2 elevations 1 of 2

P2.e2 rev.C - plot 2 elevations 2 of 2

P2.p rev.C - plot 2 floor plans

P3.e1 rev.A - plot 3 elevations 1 of 2

P3.e2 rev.A - plot 3 elevations 2 of 2

P3.p rev.A - plot 3 floor plans

Planning, Design and Access Statement October 2021

**Ecological Report November 2021** 

Arboricultural assessment and method statement incorporating drawing

21119-1 - Tree protection plan

Reason: To ensure satisfactory provision of the development.

- 3. Before development or any site clearance 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) the existing trees and shrubs which have been agreed to be retained;
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) areas for hard surfacing and the materials to be used;
  - (d) other means of enclosure;
  - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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 comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason:

To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Before commencement of development above damp proof course level, samples or exact details of the facing and roofing materials to be used 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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

- 6. The works hereby approved shall be undertaken in strict accordance with the Ecological Report dated 3rd November 2021. In addition to this, the following details shall be submitted to for approval in writing by the Local Planning Authority:
  - a reptile translocation report detailing the trapping effort, the full capture details and also detailing all receptor site enhancement works undertaken and details of the type and location of the bat/bird boxes.

The development shall be undertaken in accordance with the approved details prior to the occupation of the first dwelling.

Reason:

To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

7. The development hereby permitted shall not be occupied until the spaces shown on plan SL01 rev.D for the parking of motor vehicles have been provided. The spaces shown on plan SL01 rev.D for the parking of motor vehicles shall be retained and kept available for the parking] of motor vehicles for the dwellings hereby approved at all times.

Reason:

To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason:

In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

9. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements. Reason:

In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

10. The first floor rooflights on the north elevation of plot 1 shall be obscurely glazed, and non-opening at all times unless the parts that can be opened are more than 1.7m above the floor. The windows shall be retained as such in perpetuity.

Reason:

To safeguard the privacy of the adjoining neighbouring property in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

11. No external lighting shall be installed on the site before details of such proposals have first been submitted to and approved by the Local Planning Authority in writing.

Reason:

To protect the amenities of the area in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason:

In view of the physical characteristics of the plots, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

- 13. The development hereby approved shall not be occupied unless
  - A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

- 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. 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 other mitigation which achieves a phosphorous neutral impact from the development.;
- (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.

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.

#### **Further Information:**

Vivienne Baxter

Telephone: 023 8028 5442

