

<b>Application Number:</b>	<b>23/10926</b> Full Planning Permission
<b>Site:</b>	CROCKETS, LINFORD ROAD, HANGERSLEY, RINGWOOD BH24 3JN
<b>Development:</b>	Alterations to existing dwelling; erection of three dwellings; associated parking, landscaping and alterations to access
<b>Applicant:</b>	Mr Ridsdale
<b>Agent:</b>	Chapman Lily Planning Ltd
<b>Target Date:</b>	25/10/2023
<b>Case Officer:</b>	Vivienne Baxter
<b>Officer Recommendation:</b>	Service Manager - Grant
<b>Reason for Referral to Committee:</b>	Ringwood Town Council contrary view

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## 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) Trees
- 5) Highway matters including parking
- 6) Ecology
- 7) Housing land supply
- 8) Habitat and air quality mitigation

## 2 SITE DESCRIPTION

The site lies within the built up area of Ringwood close to the boundary with the New Forest National Park. It currently contains a detached two storey dwelling set to the rear of the site comprising study, dining room, WC, office, utility room and three bedrooms in the original part of the property with a large living room, hall, kitchen breakfast room, two bedroom and three bathrooms in the mid-20th century addition.

The existing dwelling, Crockets, is considered to be a non-designated heritage asset and is accessed off Linford Road along with Pembury, a dwelling built within the curtilage and in the same ownership but at a lower site level than Crockets. There is a brick wall along the road frontage of the site.

To the east of the site is a bridleway which leads to Nogales, a dwelling very closely sited to the host dwelling but now in separate ownership. Other dwellings accessed along this bridleway are within the New Forest National Park and Western Escarpment Conservation Area although the site is entirely within the Council's administration outside of the Conservation Area.

The site includes three protected trees, a Monterey Pine (close to the front boundary), Deodar Cedar (adjacent to the existing parking area) and Red Oak (along the access drive).

### 3 PROPOSED DEVELOPMENT

The current proposals are for the redevelopment of the site for a total of 4 dwellings, including the refurbishment of the existing cottage on the site; so a net gain of three units. It follows the previous scheme for 4 dwellings plus the reduction and refurbishment of the existing property, car ports and associated access alterations. Since the refusal, further pre-application advice has been given with further amendments made during the course of this application.

House 2 would be the refurbishment of the original property, Crockets, following the demolition of the more modern addition to the cottage. The dwelling would comprise kitchen/dining room, living room, utility and WC/shower at ground floor level with two bedrooms and a bathroom at first floor level. A new entrance porch would be provided to the eastern elevation. Two parking spaces are proposed for the retained cottage and would be accessed from the bridleway.

House 1 and house 4 are proposed to the west and south west of the retained cottage. Each new dwelling would comprise kitchen/dining room, living room, WC and utility room with three bedrooms (one ensuite) and a family bathroom upstairs. These two dwellings would be accessed through the existing vehicular access to Pembury and Crockets and each one would have two parking spaces.

House 3 would be situated to the south eastern corner of the site and in addition to the accommodation for houses 1 and 4, would have a study and fourth bedroom. Three parking spaces would be provided for this dwelling adjacent to the two proposed for the retained cottage. House 3 would utilise the bridleway for access purposes.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11728 Alterations to existing dwelling; construction of 4no. new dwellings, associated parking, landscaping and drainage, alterations to site access	25/04/2022	Refused	Decided

### 5 PLANNING POLICY AND GUIDANCE

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

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR5: Meeting our housing needs

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy HOU1: Housing type, size, tenure and choice

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

#### **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 - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Ringwood Local Distinctiveness

## **Neighbourhood Plan**

The Ringwood Neighbourhood Plan is subject to modifications with the referendum due to be held in July 2024. It therefore has limited weight at this stage.

## **National Planning Policy Framework 2023**

## **National Planning Policy Guidance**

### **6 PARISH / TOWN COUNCIL COMMENTS**

#### **Ringwood Town Council**

R(4) Recommend refusal. The Committee felt the proposal was overdevelopment of the site with too many dwellings cramped into the space available and it is out of keeping with the character of the area given the site is on the edge of the National Park and Western Escarpment Area. There is concern in relation to the access road, vehicle congestion, parking and the effect on Linford Road. The Committee was conscious of the number of issues raised by consultees and members of the public and highlighted the fact that one of the accesses to the site was a public right of way. Should the application go before NFDC Planning Committee, a more comprehensive response will be submitted.

Following re-consultation:

#### **Ringwood Town Council**

R(4) Recommend refusal. The Committee felt the amended proposals did not satisfy previous objections and they still apply. The proposals would be overdevelopment of the site with too many dwellings cramped into the space available and it is out of keeping with the character of the area given the site is on the edge of the National Park and Western Escarpment Area. There is concern in relation to the access road, vehicle congestion, parking and the effect on Linford Road. The Committee was conscious of the number of issues raised by consultees and members of the public and highlighted the fact that one of the accesses to the site was a public right of way. Should the application go before NFDC Planning Committee, a more comprehensive response will be submitted.

### **7 COUNCILLOR COMMENTS**

No comments received.

### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

#### **NFDC Ecologist**

Request condition

**NFDC Tree Team**

No objections subject to conditions

**NFDC Conservation Officer**

The proposal represents a lower level of less than substantial harm, conditions are recommended if approved

**HCC Highways**

No objection

**HCC Countryside Planning**

No objections subject to condition

**New Forest National Park Authority**

Offer advice with reference to the proximity of the site to the NFNP, conservation area and non-designated heritage assets (NDHA).

**Natural England**

Comment and offer advice relating to the Habitat Regulations, the water environment and resources and recreational impacts.

**Wessex Water**

No comment but offer advice relating to surface water drainage and development close to existing apparatus.

**9 REPRESENTATIONS RECEIVED**

Representations have been received from The Ringwood Society and 6 local households. The following is a summary of the comments received.

For: 1

- existing estates similarly close to the National Park are not considered to be harmful
- would help restore the neglected property
- would ease pressure on housing stock
- the applicant has addressed previously raised concerns

Against: 5

- visual intrusion/loss of privacy
- development is too dense/overdevelopment
- unsympathetic to character of area
- insufficient parking
- potential obstruction of the PRow
- previous concerns have not been addressed
- site plan is inaccurate
- Pembury has limited parking
- previous vegetation has exposed the site
- local drainage problems
- impact on views from Butlers Lane
- the cottage would be overwhelmed with the new builds
- bin store would encourage vermin
- loss of local distinctiveness

## 10 PLANNING ASSESSMENT

### Background

The proposal follows a previous scheme for the redevelopment of the site where permission was refused for 6 reasons relating to the number of units and the associated impacts - overdevelopment, layout, hard surfacing, impact on residential amenity, impact on trees, lack of ecological information, recreation and air quality impacts and a lack of phosphate mitigation. Since that time, a pre-application submission for fewer dwellings has been considered and advice provided indicating further changes which were required. The report below details how it is considered these issues have been addressed.

### Principle of Development

The site lies within the built up area of Ringwood. In such a location, new residential development is acceptable in principle as indicated in policies STR3 and STR4. However, this is subject to its consideration against other policies of the development plan and the matters discussed below.

Planning permission was sought for a similar development on this site in the past. Whilst that application was refused, the principle of housing was not a reason for refusal. It is therefore considered that the principle of development is acceptable.

### Housing Land Supply

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF). Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

In light of the recently published NPPF (December 2023), planning applications registered before 19 December 2023, such as this application, remain subject to the policies of the previous NPPF in relation to the requirement to demonstrate a five-year housing land supply. In such circumstances, the Council is not currently able to demonstrate a 5 year housing land supply with only 3.07 years of supply. This position was exemplified in the recent appeal decision at Orchard Gate, Noads Way, Dibden Purlieu (Appeal Ref: APP/B1740/W/23/3324227), received 16 January 2024. The appeal site was within the built up area, as per the application site, and the Inspector concluded that permission should be granted, as paragraph 11(d) of the NPPF was engaged due to the lack of a 5-year housing land supply being given due weight.

Footnote 8 to the NPPF paragraph 11 is clear that in such circumstances where a five year supply of deliverable housing sites is not demonstrated those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged.

Taking NPPF paragraph 11(c), if the proposed development accords with the Council's local plan it should be approved. If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d).

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

The following sections of the report assess the application proposal against the Council's adopted local planning policies and considers whether it complies with those policies or not. Following this, the Planning Balance will weigh up the material considerations in this case.

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

The previous scheme was refused for the following reason:

*'The proposal would result in overdevelopment of the site, by virtue of the cumulative impact of dwelling footprints, access, parking, car port and turning arrangements and poor level of space around the dwellings. Furthermore, the subdivision of curtilage and the appearance of built form would erode the character of this rural fringe location within the setting of the New Forest National Park, The Escarpment Conservation Area and a non-designated heritage asset, contrary to Policy ENV3 of the Local Plan Part 1, Policy DM1 of the Local Plan Part 2, the Ringwood Local Distinctiveness Document and Section 12 of the National Planning Policy Framework 2019.'*

To address these concerns, a dwelling has been removed from the scheme, there are no car ports, the level of hard surfacing has been reduced and the dwellings are set back from the road much further. There are also changes to the size of the proposed dwellings.

Although the site is immediately adjacent to the New Forest National Park and its Western Escarpment Conservation Area, the site itself does not fall within these designations. It does, however, fall within Character Area 9 - 'Poulner and the rural edge' of the Ringwood Local Distinctiveness SPD. Although now considered to be a non-designated heritage asset, the existing property is not statutorily listed, nor noted within this document as a key building. However, within this section of the SPD, it is noted that forest cottages should not be crowded. At present, previous additions to the Crockets property including outbuildings and extensions have resulted in the original property being doubled in size and in very close proximity to a long, relatively modern building originally provided as a swimming pool enclosure

ancillary to Crockets, but subsequently used for residential purposes and is now a separately owned dwelling. The removal of the 1950s additions to the property are welcomed and allow for a greater degree of separation between the original cottage and built form to the west.

With regard to the proposed site layout, the two frontage dwellings would be set back between 11m and 12m from the edge of the carriageway, a distance comparable to Ardens and Chamberlain's Farmhouse to the opposite side of the road and Brook Cottage to the west at the end of Butlers Lane. This is in contrast to the previous plots 3 and 4 which were only around 6m from the edge of the carriageway (Linford Road).

The Conservation Officer is satisfied that the set back of house 3 from the National Park boundary (Poulner Common) and Linford Road addresses previous concerns about the potential urbanising effect of the development on the edge of the common. However, other changes to the layout of the site on the amended plans is considered to have resulted in houses 1 and 4 being located marginally closer to the retained cottage and result in a combined massing which could dominate the cottage, representing less than substantial harm to the setting of the cottage. This harm however, has to be balanced with the benefits of exposing the original 17th century property (discussed below) as well as the matters addressed in the rest of the assessment.

The Ringwood Local Distinctiveness SPD highlights much of Poulner as planned cul-de-sac groups of housing. Crockets and a handful of adjoining properties appear to be the exception to this general pattern of development. The National Park Authority have noted that the proposal follows a similar format to others in the locality and the applicants have indicated a similarity between the proposal and the built form at The Old Forge, a site developed around 15 years ago to the western end of Linford Road. Combined with the layout reflecting other planned sites in the area, the changes to the dwellings have resulted in associated changes to the amount of hard surfacing proposed and there are no longer additional car port buildings proposed, this allows for a greater level of green space and a less cluttered appearance to the site. Having regard to this, the proposal is not considered to result in overdevelopment of the site and part of the first reason for refusal is therefore considered to be addressed.

The houses are proposed to be of brick and tile construction (including tile hanging) which would be in keeping with the local vernacular although it is noted that there are also thatched and slate roofs locally as well as rendered walls, including on the host dwelling, Crockets. In view of previously expressed concerns, the proposed dwellings have been designed to suit their context rather than being of a standard repetitive design. As stated above, the indicative proposed materials are acceptable and as such there are no objections to the design of the dwellings.

Having regard to the previous reason for refusal therefore, it is considered that the current proposal offers a reduction on the footprint of the built form on the site through smaller, detached dwellings and removal of previously proposed car ports. The reduction in the size of the dwellings results in the need for fewer parking spaces and cumulatively, the amount of hard surfacing is reduced, addressing part of the first reason for refusal.

*Impact on the Non-designated Heritage Asset and nearby Conservation Area:*

As stated above, the existing cottage is considered to be a non-designated heritage asset (NDHA), as are other properties in the immediate area (including within the National Park). It is noted in the supporting documentation that the 17th century

core is substantially intact including the roof structure and the principle trusses to roof level. Removal of the 'modern' additions which are of little architectural merit, would significantly enhance the original three-bay, 17th century farmhouse, allowing it to be restored to a form of historic farmhouse which is evidenced in the historic pattern of development along the bottom of the Escarpment.

Setting back houses 3 and 4 from the road results in the proposed dwellings being closer to the NDHA. This would result in additional massing of built form in close proximity to the asset. The revised design of house 1, having a linear form parallel to the NDHA rather than an L-shaped building with gable end facing the property, also has implications for the setting of the asset. However, having regard to paragraph 209 of the NPPF, a balanced judgement is required with regard to the scale of this harm and benefits of re-establishing the farmhouse and providing additional residential development at a time when the Council does not have a 5-year housing land supply.

In terms of the impact of the proposal on the Western Escarpment Conservation Area, it is acknowledged that the proposal would impact on views along Linford Road and Butlers Lane towards the conservation area. However, this impact is much reduced from the previous scheme and as such is not considered to be harmful. It is considered that the setting of the Conservation Area would be preserved.

Overall, whilst it is acknowledged that there would be a small level of harm in terms of the setting of the non-designated heritage asset, previous concerns relating to over development and the combination of outbuildings, hard surfacing and space around the proposed dwellings are considered to have been addressed.

#### Residential amenity

The two frontage dwellings (houses 3 and 4) have been designed so as not to have any first floor windows which might overlook the rear sited dwellings or each other. Although house 4 does have a stair window and bathroom roof light to the rear (north) elevation, it is unlikely that these would adversely affect the residential amenities of house 1 which has two first floor windows facing house 4. These relate to an ensuite and a secondary bedroom window, both of which (together with the stair window to house 4) could be obscure glazed.

The western elevation of house 2 would be a new elevation for the existing cottage. There would be two first floor windows facing house 1 at a distance of around 7m. However, one window (serving the main bedroom) would have a limited impact on the amenities of house 1 as it would overlook the chimney/roof slope rather than any window openings. The other new window to Crockets would serve a landing and could be obscure glazed so as not to overlook the garden of house 1. With regard to the impact of House 1 on the retained cottage, although only 7m away, it should be noted that it is proposed at a lower level to Crockets. The difference between the levels is indicated on the submitted details for House 1 as being around 1m. This results in the eaves of the new box bay window to Crockets being marginally lower (approximately 0.28m) than the eaves level of the proposed 2-storey dwelling. The roof would also slope away from Crockets resulting in it having less impact on the future occupants of that property. Plot 2 also has an open aspect to the northern end of its garden beyond the extent of the roof of plot 1 such that the garden is not wholly enclosed by plot 1 and nor is plot 1 overbearing on the amenity of plot 2.

House 1 has a first floor window facing the garden of Nogales although it is 11m away from the boundary and sufficiently far enough from the dwelling so as not to give rise to adverse impact on residential amenity. The existing north elevation to



Crockets has 4 first floor windows within 5m of the boundary with Nogales. Three relate to bedrooms with the fourth a bathroom. Of these windows, the smaller one is to remain and would serve a bathroom rather than a bedroom as it does at present. This represents a significant improvement on the level of amenity currently enjoyed by Nogales and is considered to address part of the previous reason for refusal 2. In addition to the improvements to privacy, the demolition of much of the existing dwelling would also result in increased light to the south western aspect of this property.

Pembury has a first floor window which looks down the shared access drive. As a chalet property, there are no side windows above ground level which would be affected by the siting of house 1. The property is relatively enclosed by a brick wall at present and one of the protected trees lies between it and house 1. There are unlikely to be any oblique views between the two properties which could cause a loss of privacy. House 4 is sufficiently far enough away from this property not to cause any amenity concerns. Other nearby dwellings are sufficiently far enough away not to be affected in terms of light or privacy.

The size of the amenity spaces for the dwellings was previously of concern. In view of the loss of a dwelling since the previous submission, the site offers a more spacious feel to the frontage properties. Those to the rear do have smaller rear gardens although they are both in excess of the minimum space recommended within the Ringwood Local Distinctiveness SPD. House 1 also has a large garden space to the front of the property.

#### Landscape impact and trees

The site has been cleared of much vegetation in recent years although there are still several trees and shrubs within and adjoining the site including along the roadside verge. Most of the site is laid to lawn although there are areas of weeds.

The previous scheme was refused for the following reason:

*The protected trees surrounding the site would be threatened by the proposed development, leading to potential damage, loss and/or future pressure for works to be undertaken on these trees which would be detrimental to their public amenity value and character of the area. Specifically, the proposed development, due to the proximity of Unit 4 to T1 (Monteray Pine), is likely to result in the premature removal/or pruning that would significantly reduce the amenity value of this locally important tree. Furthermore, the application fails to demonstrate that non-dig and pile and beam construction method can be employed, due the existing level changes onsite in relation to this tree - T1 (Monteray Pine). In addition to this, a clear specification has not been provided to demonstrate how the significant alterations proposed to the surface root protection area around T2 (Deodar Cedar) can be undertaken without causing significant harm to this tree. As such the proposed development would be detrimental to the public amenity value of these important trees and character of the area, contrary to Policy ENV3 of the Local Plan Part 1 for the New Forest District outside the National Park and the Ringwood Local Distinctiveness Document.*

The proposal has been amended in the current scheme and the proposed dwellings and associated access drives/parking areas have been amended so as not to cause significant harm to the root protection zones or result in future pressure to lop or fell. The revised scheme also ensures that new soakaways do not impact upon the root protection zones.

Having regard to these changes, the Tree Officer is now satisfied that the scheme now proposed can be achieved without significant harm to the trees and the above reason for refusal has therefore been addressed. However, a fully detailed method statement together with details of service runs and compound areas is required by way of condition. A landscaping condition is also required in order to ensure both adequate planting and appropriate surfacing is provided within the site.

#### Highway safety, access and parking

At present, the access for Crockets is shared with Pembury, built within the original curtilage in the early 1980s and still in the ownership of the applicant. It is noted that this property benefits from a parking space. The reduced house at Crockets (house 2) would not be able to use this access, making way for proposed houses 1 and 4. The reduced house Crockets would instead utilise the bridleway to the east (Poulner Common) which is also shared with Nogales and other properties within the National Park designation. House 3 would also use this eastern access point. The Highway Authority has not raised any objection to the proposal although it has indicated that an agreement will be required for the drop kerb works associated with the alterations to the access points.

The number of objections relating to a lack of parking has been noted. The recommended on plot parking provision is 10 spaces - two spaces for house 2, three spaces for house 3 and 2.5 spaces for each of houses 1 and 4. The proposed site plan clearly indicates adequate parking spaces for houses 2 and 3 and house 1 has a large drive area able to accommodate the half space not identified on the plan. House 4 has less space available to it although it is noted that the proposed spaces are longer than the minimum dimensions and it would be possible for an informal space to be provided off the access behind the spaces.

On this basis, it would be difficult to refuse permission on the grounds of a lack of parking provision. Three of the dwellings are shown as having cycle storage provision within their curtilage and there is adequate space to accommodate such provision for house 4.

The proposal would generate an increase in the level of vehicular movements along the bridleway to the east of the site. The bridleway is already the main vehicular access to several properties (mainly within the National Park). HCC Countryside Services (HCCCS) do not consider that the increase of two dwellings would create adverse risk to public safety. Part of the bridleway would be widened where it is within the site, closest to Linford Road. HCCCS have concluded that the proposed hoggin surface together with cellweb details are acceptable for these works. It is noted that there have been concerns raised regarding the potential obstruction of the rights of way within and adjoining the site. HCCCS have requested a condition is imposed to ensure that such obstruction does not occur, however an informative is more appropriate.

Concerns have been expressed about the parking facilities for Pembury. This property is relatively enclosed by brick walls and outside of the site area. The boundary walls are not shown as being altered and within this plot is space for parking as occurs at present.

#### Ecology

The previous application was refused for an ecology reason as follows:

*The submission is not supported by the requisite level of ecological information to allow the proper assessment of the impacts of the proposal on protected species. In*

*the absence of such information the local planning authority cannot ensure any unavoidable impacts upon nature conservation interest are appropriately mitigated, contrary to the provisions of Policy DM2 of the Local Plan Part 2 for the New Forest District outside the National Park.*

To address this concern, a Bat Survey Report identifies that the existing dwelling supports day roosts for brown long-eared and common pipistrelle bats. Not all of the existing dwelling would be removed as part of this application and there is scope to both maintain existing access points for bats and provide new ones in the new build dwellings.

Subject to the development being implemented in accordance with the submitted Bat Survey Report, it is considered that favourable conservation status of the species would be maintained in accordance with one of the three derogation tests of the Habitat Regulations. Having regard to the other two tests, it is not considered there are reasonable alternatives to the proposed partial demolition of the property in terms of securing the future of the original cottage considered to be a non-designated heritage asset. Redeveloping the site for much needed housing in a sustainable location would be of overriding public interest. An appropriately worded condition could secure the provision of bat and bird boxes in order to maintain habitats found within the building.

It is considered that reason 4 for refusal is satisfactorily addressed.

### **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 will need to enter into a Section 106 legal agreement, which would secure the required habitat mitigation contribution and address the fifth 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 can be imposed that will secure the appropriate level of phosphate mitigation. This would also address the final reason for refusal.

### 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<sub>x</sub>, 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.

In response to the requirements of the recently 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 no kerbside development, no solid fuel appliances and gas boilers will meet the minimum standard.

### Developer Contributions

As part of the development, the following will need to be secured via a Section 106 agreement. At the time of writing, this will be in the form of a unilateral undertaking:

- Habitat Mitigation £20,205
- Air Quality Monitoring £327

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	572	141	431	222	£80/sqm	£24,249.23 *

Subtotal:	£24,249.23
Relief:	£0.00
Total Payable:	£24,249.23

## 11 OTHER MATTERS

Concerns have been expressed about drainage matters in the area. The application form states that the properties would be added to the main sewer. Wessex Water did not raise any objections to the proposal and have advised that they would not allow surface water to be connected to the foul sewer. It is noted that the drives and turning areas would be permeable which should help to minimise the impact of the proposal.

Bin collection points are noted close to each access point. Whilst there have been concerns raised about these areas attracting vermin, they are intended as an area where residents would place their waste on the appropriate day rather than an enclosed area for storing waste. It is not anticipated that they would become area prone to vermin.

## 12 CONCLUSION / PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay. The lack of a five year land supply, consistent with the Noads Way appeal decision means, however, that the titled balance in paragraph 11d) of the NPPF is engaged for this application.

The application seeks planning permission for the development of housing within the urban area and in turn benefits from the support of Policies STR3, STR5 and HOU1 of the Local Plan. The proposal would make a small, positive, contribution to the Council's Housing Supply. The scheme addresses three of the previous reasons for refusal (residential amenity, trees and ecology). As such, the proposal is not considered to have any adverse impact on the protected trees within the site subject to appropriately worded conditions relating to their protection during construction. Improvements to the ecology of the site can be achieved through the provision of bat/bird boxes to the dwellings with further enhancements possible through a landscaping scheme. The development should offer a good level of amenity for future occupiers and this can be reinforced by requiring certain non-habitable or secondary windows to be obscure glazed. The Habitat Mitigation reason for refusal can be addressed through the completion of a S.106 Agreement to secure

appropriate financial contributions and phosphate matters are now resolved through the imposition of a Grampian style condition.

With regard to the impact of the proposal on the character and appearance of the area and non-designated heritage asset(s), the consideration of the less than substantial harm caused by the proximity of built form to the original cottage is finely balanced with the significant improvements to the historic cottage. The proposal would preserve the setting of the adjacent Conservation Area. When these benefits are weighed against the harm the balance falls in favour of the scheme and subject to the necessary section 106 agreement being completed and appropriate planning conditions, the proposal is acceptable for permission.

### **13 RECOMMENDATION**

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the prior completion of a planning obligation entered into by way of a Section 106 Agreement to secure:
  - Habitat Mitigation/Monitoring; and
  - Air Quality 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:

- D-100 rev.A - location plan
- D-105 rev.A - block plan as existing and as proposed
- D-110 - site plan as existing
- D-112 rev.G - site plan as proposed
- D-120 rev.C - landscape plan
- D-220 rev.A - Crockets - floor plans and elevations as existing
- D-221 rev.B - house 1 - floor plans and elevations as proposed
- D-222 rev.A - house 2 - floor plans and elevations a proposed
- D-223 rev.A - house 3 - floor plans and elevations as proposed
- D-224 rev.B - house 4 - floor plans and elevations as proposed
- D-420 - site section & aerial view from NE
- D-430 rev.E - street scene & aerial view from SW
- D-431 rev.B - shadow diagrams
- D-432 - cellweb surface detail and tree scale diagram

D-440 rev.A - visibility splay diagram  
D-500A - aerial view from south east  
Arboricultural Impact Assessment & Method Statement dated 17 January 2024 ref. DS/43322/AC  
DS/43322/AC Tree protection plan & Arboricultural Method Statement dated 17 January 2024  
Heritage Statement dated August 2023  
Planning Policy Statement dated August 2023  
Design and Access Statement dated July 2023  
Bat Survey Report dated 26 July 2023

Reason: To ensure satisfactory provision of the development.

3. 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.

4. Before development commences, 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 buildings.

5. 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) 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 safeguard trees and natural features which are important to the visual amenities of the area.

6. No development, demolition or site clearance shall take place until the following information has been submitted to and agreed in writing by the Local Planning Authority:

- The arrangements to be taken for the protection of trees and hedges on the site as identified for protection in the approved plans

- A scheme of arboricultural site supervision including a pre commencement site meeting
- A method statement and engineering drawings for the installation of new hard surfaced areas within the root protection areas of trees identified for retention in the approved plans
- A method statement and engineering drawings for the foundation design for Unit 4 of the approved development
- A plan showing the location of service routes, including the position of soakaways, and
- A plan showing the location of site compound and mixing areas.

Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

7. No development shall occur on House 1 above slab level before the following details in relation to House 2 (Crocketts) have been submitted to and approved in writing by the Local Planning Authority:

- a) Large scale joinery details (elevations 1:10 and sections 1:5) for all new windows, external doors, soffits and fascias,
- b) Rainwater goods, and
- c) Details for the repair and preservation of the historic cob walls, timber frame and infill-panels.

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the Heritage Asset.

8. No development shall take place until a detailed structural methodology for the demolition and deconstruction of those parts of the existing building to be removed have been submitted to and approved in writing by the Local Planning Authority.

The methodology shall clearly evidence how the demolition works will preserve the historically significant elements of the non-designated heritage asset and how those elements shall be supported and protected against collapse and from the elements until the completion of the totality of the works hereby approved.

Development shall only take place in accordance with those details which have been approved.

Reason: To safeguard the architectural and historic significance of the heritage asset and the setting of the adjacent Conservation Area.



9. No development shall take place above damp proof course (DPC) level on plot 1 until the demolition and deconstruction works hereby approved to House 2 (Crocketts) have been completed in accordance with the details pursuant to condition 8 of this permission.

Reason: To safeguard the architectural and historic significance of the heritage asset and the setting of the adjacent Conservation Area.

10. Each dwelling within the development hereby permitted shall not be occupied until the spaces shown on plan D-112 rev.G for the parking of motor vehicles and cycles for that property have been provided. The spaces shown on plan D-112 rev.G for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles 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.

11. 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.

12. The first floor windows on the following elevations of the approved and retained dwellings 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 and the windows shall be retained as such in perpetuity:

- House 1 south elevation secondary bedroom and ensuite windows
- House 2 west elevation landing window

Reason: To safeguard the privacy of the adjoining neighbouring properties 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.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no other first floor windows other than those hereby approved shall be inserted into the east elevation of House 4 unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties 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.

14. 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, AA, 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 plot, 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.

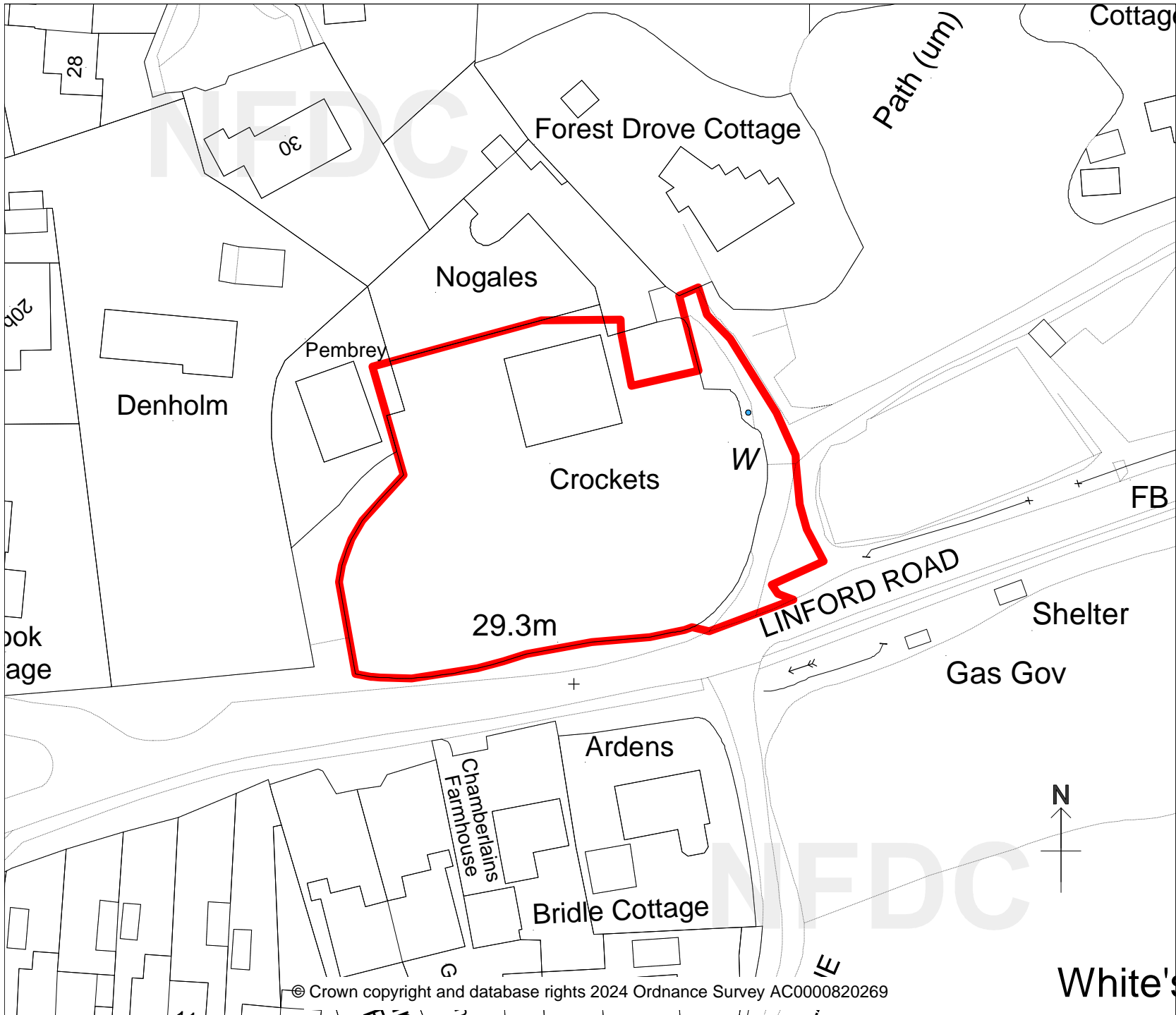
15. The works hereby approved shall be undertaken in strict accordance with the mitigation and enhancement measures identified in Section 5 and Appendices E, F and G of the Bat Survey Report dated 26th July 2023, unless otherwise first agreed in writing with the Local Planning Authority. The identified ecological enhancement shall be provided prior to first occupation of each of the dwellings hereby approved and thereafter retained in perpetuity.

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).

**Further Information:**

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**PLANNING COMMITTEE**

May 2024

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Linford Road  
Hangersley  
23/10926

Scale 1:750

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