

Application Number: 24/10919 Full Planning Permission
Site: SITE OF 41 AND 43, MANOR ROAD, RINGWOOD,
BH24 1RB
Development: Demolish the existing pair of semi-detached houses and erect
two pairs of semi-detached houses (4.no total) with associated
access and parking, including detached garage for Unit 4
Applicant: Balson Properties Ltd
Agent: Darryl Howells Planning Consultancy
Target Date: 31/12/2024
Case Officer: Vivienne Baxter
Officer Recommendation: Grant Subject to Conditions
**Reason for Referral
to Committee:** Town Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking
- 5) Habitat mitigation and ecology

2 SITE DESCRIPTION

The site lies within the built-up area of Ringwood on a corner plot in a residential area. It contains a pair of semi-detached two storey dwellings, each with a single storey side projection. That to the north (41) is currently occupied and has a reduced length garden following the provision of an infill bungalow a few years ago. The vehicular access to no 41 is currently off of Green Lane. The property to the south has been unoccupied for some time and has become overgrown. It was subsequently cleared in the past and is presently fenced off from the pavement.

To the south of the site is an estate which the site forms part of and this comprises pairs of semi-detached properties which have a strong sense of identity. North of the site contains a wider variety of dwellings, many of which are older than those to the south and have a different character.

3 PROPOSED DEVELOPMENT

The proposal entails the demolition of the existing pair of houses and the provision of two pairs of semi-detached houses - 2 x 2-bed and 2 x 3-bed. Plots 1 and 2 would have a WC, study and open plan kitchen, dining area and lounge at ground floor level with two bedrooms and a family bathroom at first floor level (previously the

main bedroom in these plots also had an ensuite). Plots 3 and 4 would have a living room, WC and open plan kitchen, family area and dining room at ground floor level with three bedrooms (one ensuite) and a family bathroom at first floor level (previously, the main bedroom also had a dressing area).

Parking for the proposed new dwellings would be provided either to the side (plots 2-4) or front (plot 1) of the dwellings. In addition, a detached garage for Plot 4 would be located adjacent to the southern boundary of the site with No 45

The application follows the refusal in October 2023 for a similar proposal for two pairs of semi-detached dwellings with frontage parking. This application was subsequently dismissed at appeal in August 2024.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
23/10680 Erection of two pairs of semi-detached dwellings (4 in total) with associated access and parking; demolition of the existing pair of semi-detached dwellings	20/10/2023	Refused	Appeal Decided	Appeal Dismissed
19/10624 Detached bungalow; access from Green Lane; parking	04/09/2019	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
 Policy STR3: The strategy for locating new development
 Policy STR4: The settlement hierarchy
 Policy HOU1: Housing type, size, tenure and choice

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022
 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
 SPD - Planning for Climate Change

Neighbourhood Plan

Ringwood Neighbourhood Plan

Policy R7: The Ringwood Design Code

Policy R10: Zero Carbon Buildings

National Planning Policy Framework

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.11 - Making effective use of land

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

R(2) Recommend refusal but would accept the Planning Officer's decision. The Committee felt the proposal was not sufficiently different to the previous application to overcome the reasons for refusal. The proposal is overdevelopment of the site and in relation to bedroom 3 in the 3-bed properties, Members queried whether the size conforms to the standards for minimum size for a bedroom.

A further comment was received without re-consultation:

Members noted that the Planning Officer had not made reference to Ringwood Neighbourhood Plan Policy R10 Zero carbon buildings in their preliminary briefing document and the applicant had not submitted the required energy performance statement. It is therefore contrary to Policy.

7 COUNCILLOR COMMENTS

Cllr Heron - Objection

With the exception of a little more attention to the artistic interpretation I can see little change or improvement on the previous application.

Given the revision in the location of the parking it would remain not only possible but highly probable that there would be a significant level of parking forward of the properties front elevations thereby creating a significantly negative impact on the street scene.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Natural England

Further information required to determine impacts on designated sites

NFDC Ecologist

No objection subject to conditions

HCC Highways

No objection

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 3

- loss of trees
- intensification of use/overdevelopment
- road safety concerns
- loss of outlook
- loss of privacy
- refurbishment would be preferable

For: 2

- existing properties are tired
- would improve the area
- no.43 has been derelict for more than 10 years

10 PLANNING ASSESSMENT

Background

The previous scheme at this address was similar to that now proposed in that it was for two pairs of semi-detached houses to replace the existing pair on site. It was refused for three reasons as follows:

1 By reason of the number of dwellings proposed on the site, this would result in unacceptable layout and cramped form of development which would have an unacceptable and adverse impact on the spacious character of the area, the street scene and its local distinctiveness. As such, the proposals would result in harm to the street scene and spacious pattern of development in this location due to the loss of spaces between the proposed buildings and the site boundaries. This is compounded by the associated loss of front garden space and front boundary enclosures resulting in harm to the quality of the street and, in view of the layout of the parking spaces and proximity of these spaces to habitable rooms with no adequate buffer would lead to harm to the future amenity of occupants of the proposed dwellings. As such the proposed development would be contrary to Policy ENV3 of the Local Plan Part 1 for the New Forest outside of the National Park and the Ringwood Local Distinctiveness SPD.

2 The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures and air quality impacts on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Document "Mitigation for Recreational Impacts on New Forest European Sites".

3 Ecological information to confirm the presence or otherwise of protected species on the site has not been submitted. Therefore, the Local Planning Authority cannot be satisfied that the proposals would not result in potential adverse impacts on protected species such as bats, nesting birds and common species of reptile. In the absence of this ecological information, appropriate mitigation measure cannot be secured to ensure that protected species would not be harmed as a result of the development. As such, the proposal is therefore contrary to Policy DM2 of the Local Plan Part 2 for the New Forest outside of the National Park.

In summary these refusal reasons relate to the cramped nature of the proposal, loss of front garden and associated boundary feature and harm to future amenity in view of the proximity of the parking spaces to habitable rooms. Secondly as there was no legal agreement to secure habitat mitigation or air quality monitoring and

thirdly in view of the lack of ecological information as the site had become overgrown and cleared prior to the submission of the application.

In the subsequent appeal the main reasons were identified as the effect of the proposal upon the character and appearance of the area; and the effect upon the living conditions of future occupiers with particular regard to outlook and disturbance. The ecological reason for refusal was addressed through the submission of a report at the appeal stage.

The appeal was dismissed after being found to unacceptably harm the character and appearance of the area and impact on the living conditions of future occupiers.

The planning assessment of this current application needs to consider if the matters of concern identified at the appeal have been addressed by the revised proposals.

Principle of Development

Policies STR3 and STR4 advise that Ringwood is one of the main towns within the district where residential development is acceptable and can be provided in a sustainable location. There are no objections to the principle of residential accommodation in this particular area which is predominantly residential. The proposal offers both 2 and 3 bedroom properties and would accord with the requirements of policies STR1 and HOU1 in providing a mix of house sizes. This reflects the outcome of the appeal.

5 year 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 (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it 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 [8], granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

Footnote [8] of the NPPF clarifies that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer set out in paragraph 78, or where the Housing Delivery Test indicated that

the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

NFDC cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances, para. 11(d) of the NPPF is engaged. It is considered that in this case the development must be considered in accordance with the 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 strong 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 strong reasons for refusing the development having applied the test at Limb 1.

The 2024 NPPF requires particular regard to be given to key policies for directing development to sustainable locations. Making effective use of land, securing well-designed places and providing affordable homes, individually or in combination when applying the said tilted balance.

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

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

In order to comply with Policy ENV3 of the Local Plan, new development is required to be sympathetic to the environment and context in terms of layout, appearance and in relationship to adjoining buildings and spaces. The site is within Character Area 7 – Parsonage Barn and East Fields of the Ringwood Local Distinctiveness SPD. Para 4.7.16 refers to the distinctive turn of the twentieth century red brick and painted cottages on Manor Road

Policy R7 of the Ringwood Neighbourhood Plan relates to the Ringwood Design Code. It requires development to be appropriate to their scale, nature and location, residential development proposals must demonstrate high quality design and legible layouts which, where relevant, have taken account of the positive aspects of local character defined in the Ringwood Design Code

It is noted that the current proposal has been amended in order to seek to address concerns raised previously. These changes increase the proposed spacing between the two pairs of houses, provide parking to the side of the dwellings and modernise the appearance of the properties.

Having regard to the cramped nature of the previous scheme, in the appeal scheme plots 3 & 4 were less than 1.5m from the southern boundary to the site. The Inspector concluded that the proximity of the proposed dwellings to each other and adjoining dwellings would give the proposal a confined and cramped appearance (paragraph 9). The spacing to the south has now been increased to 3m, resulting in plot 4 being 5.4m from no.45 with a first floor gap of 9.6m. This

increased space also enables access to a single rear sited garage to plot 4. In creating this space, plots 3 & 4 now have small front garden areas with side accesses as can be found elsewhere within the estate and are part of its character. The spacing between the proposed pairs of houses has also been increased from 2m to 5.6m. The greater spacing between existing and proposed dwellings represents a significant improvement to the previous scheme.

In considering the parking layout, the inspector concluded in para. 10 that "The parking would appear overly dominant rather than have the more subservient impact that occurs elsewhere within the estate."

The revised layout allows for parking to be provided to the side of both plots 2 & 3 which enables plot 2 to have a small front garden area. Plot 1 previously had three parking spaces outside its frontage, not all of which would have been for that property. The current scheme shows two parking spaces to the frontage of Plot 1, both of which would be for that dwelling. Whilst this is not ideal and the concerns of the Local Ward Member have been noted in this respect, there are other properties in the estate where cars can be seen in front of the dwelling. Although these also have a small garden to the front, on the application site there would be strips of land and a boundary hedge adjacent to the proposed spaces. Furthermore, the reinstatement of the side (northern) boundary to the rear of the dwelling would help to mitigate against any harmful impact on the street scene to this northern corner of the site. It is further noted that the approved layout for the bungalow to the rear of no.41 included two parking spaces for no.41 in this location (19/10624).

The frontage of the site now offers a more typical garden/drive layout rather than one dominated by the parking and a layout only interspersed with greenery as previous proposed. These changes together with an appropriately detailed and maintained landscaping scheme, would limit the dominance of parking and would offer an improvement on the previous proposal. These changes make the current proposals appear acceptable within the street scene and would respond to the prevailing character of the area. As such this would address these previous concerns.

The Appeal Inspector raised concerns that the proposals did not reflect the harmony of house styles within the estate (paragraph 8) concluding that referencing the Victorian properties to the north would disrupt the row of houses. The design of the houses are now more reflective of the local vernacular within the estate. Previously, the houses were designed with sash style windows which were more comparable to the older properties in Manor Road to the north west of this site. The proposal now includes casement windows which are similar to others that are readily apparent within the estate and indeed the houses proposed to be demolished.

A revision to the plans has been made to reduce in the length of the ridge to plots 1 and 2 which is now more comparable to the hipped roof form of nos.49/51 and 53/55. In addition, pitched porch canopies have been added which also reflects both existing houses and those immediately to the south. The proposed materials reflect the brick plinths and render of these hipped roof properties too, resulting in a more appropriate design and appearance.

As such overall, it is considered that the previous reason for refusal and concerns expressed at appeal in relation to the character and appearance of the area have now been addressed and the proposal complies with Policy ENV3 in that it is sympathetic to the environment and local context. The proposal also demonstrates compliance with paragraph 135 of the NPPF in that it would function well, offer

effective landscaping and would be more sympathetic to local character.

Residential amenity

Policy ENV3 requires development to avoid unacceptable effects on residential amenity through overlooking, visual intrusion and overbearing impact. It is relevant to note that impact on residential amenity was not a reason for refusal of the previously scheme except in relation to the location of the proposed parking relative to the proposed dwellings.

Whilst plots 3 and 4 have first floor side windows, these serve ensembles and are indicated as being obscure glazed and therefore do not raise an amenity concern.

To the rear of the proposed dwellings, each house has a rear facing bedroom with either two (plots 1 and 2) or a single (plots 3 and 4) window. Plot 1 predominantly overlooks the front drive area of the bungalow to the rear (1b Green Lane) whilst plot 2 could have some oblique views into the rear garden of this bungalow it is largely screened by a small shed on the boundary of the site with a separation distance between proposed dwelling and shed of approximately 8.6m. Whilst the proposal is now for 4 dwellings on the site to replace the existing two properties there is already an element of mutual overlooking from the existing houses. There are six existing first floor rear facing windows and there would be two additional rear facing bedroom windows as a result of these proposals (giving a total of eight windows). Whilst the rear windows in Plots 1 and 2 would be closer to 1b Green Lane, the site is located in a built-up area and given the existing context any additional overlooking would not be considered to be harmful. It is further noted that landscaping at the end of the garden here could further mitigate against any adverse impact. The current occupier of the property at 1b has also written in support of the proposal.

Plots 3 and 4 are separated from the dwellings to the rear in excess of 21m and as such, would not lead to harmful overlooking of properties in Parsonage Barn Lane. Whilst there may be some oblique views from the rear of plot 3 towards the bungalow at 1b Green Lane, the neighbours shed on the boundary offers some screening and the relationship is not dissimilar to others found in an urban area.

The proposed dwellings are considered to be far enough away from neighbouring properties so as not to impact on light to habitable rooms or amenity space and overall therefore, the proposal is considered to comply with policy ENV3 of the Local Plan Part 1.

The proposed dwellings benefit from on plot parking, mainly located to the side of each dwelling. Although for plot 1, the parking would be immediately to the front of the property there is a narrow landscape buffer and the parking is for that dwelling rather than it being for communal use as was of concern previously. As such this relationship would not adversely affect living conditions of future occupiers to an unacceptable level.

It is therefore considered that the residential amenity issue relating to the location of parking spaces has been addressed and the proposal is not considered to adversely affect the residential amenities of either existing or future occupiers in the area and as such, complies with Policy ENV3 and paragraph 135 of the NPPF as it avoids unacceptable effects on residential amenity.

Highway safety, access and parking

Policy ENV3 requires development to be easy and safe to navigate and, together with policy CCC2 requires development to have adequate parking for cycles and

cars.

At present, the site does not have any vehicular access points off of Manor Road although no.43 has a small parking area to the rear accessed off Green Lane. The proposal entails the creation of three new crossovers with plots 2 and 3 sharing the central and widest access point. The Highway Authority has not raised any objections to the proposal in respect of the proposed accesses onto Manor Road but this would be subject to an appropriate drop kerb licence application, as would the closing of the access on Green Lane.

Since the previous application was refused, a telecommunications box has been provided on the grass verge outside no.43. However, it is unlikely that this would be affected by the positioning of the proposed access points.

In accordance with the Parking Standards SPD, the proposed development generates a recommended parking provision of 9 spaces (2 per 2-bed and 2.5 per 3-bed). Eight parking spaces plus a garage are indicated on the submitted plan. Although the split is not entirely in line with the recommended provision, there is capacity to provide any shortfall within the site through parking in tandem.

There are no cycle stores indicated on the submitted plans but the site is large enough to accommodate such provision without harming residential or visual amenity or highway safety and can be required by a planning condition.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles. Electric Vehicle charging points have not been indicated on the submitted plans. Whilst this was previously secured by planning condition, recent changes to the Building Regulations require the provision of electric charging points and therefore such a condition would no longer be necessary. This would also be the case for electric vehicle charging points.

The proposal is therefore considered to comply with the relevant parts of Policies ENV3, CCC2 and IMPL2.

Ecology

Policy DM2 of the Local Plan Part Two seeks to conserve nature and enhance biodiversity and states that the Council will use planning conditions to provide mitigation and where appropriate, enhancement measures.

The previous application was refused due to the absence of ecological information to determine the presence or otherwise of protected species. At the appeal stage, a report was submitted and as a result, it was considered that the findings of the report could be conditioned.

The current submission includes an Ecology & BNG Assessment. This is an updated version of the ecological assessment provided at appeal stage and the proposed dwellings and layout have also been amended to deal with the outstanding matters from the appeal. This Assessment proposes mitigation measures such as hedgehog holes in fences, the provision of swift boxes, bat tubes and bee bricks within the fabric of the dwellings and recommendations to minimise the impact of the proposal on bats through lighting. These measures are all welcomed and could be secured through condition.

Since the submission of the previous scheme, mandatory biodiversity net gain has been introduced for proposals of this nature. The application has been supported

with a BNG assessment which confirms a net loss of habitat and hedgerow units which will require the provision of 0.16 habitat units and 0.02 hedgerow units in order that the required 10% gain is achieved. As this is a mandatory requirement, planning conditions are not necessary as it is an already deemed condition imposed on development through legislation but in accordance with our approach to this an informative note is included within the decision notice.

Air Quality

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

Climate Change

The applicant has submitted a Climate Change Statement to support their planning application which addresses the requirements of the Council's Planning for Climate Change SPD and the statement notes a number of enhancement details for sustainability. This statement indicates that the development would make use of solar panels, heat pumps and local materials.

Policy R10 of the Ringwood Neighbourhood Plan relates to the desire to minimise energy use in new buildings. Ringwood Town Council have referred to this policy requirement in their comments. It is noted that in the previous appeal the Inspector considered that the appeal scheme would provide some small homes that could be zero carbon, as required by Policies R5 and R10 of the NP (Para 14).

In consideration of this matter, further details have been submitted with the current planning application, The Planning Statement states that the proposed development will incorporate appropriate renewable and low carbon energy resources (to be finalised) to reduce the predicted energy use of the buildings. The buildings would be constructed using energy efficient insulation, double glazed windows, A-rated appliances and light bulbs and efficient boiler systems. Furthermore, the size and orientation of the habitable room windows will maximise solar gain and enable adequate natural light to reduce reliance on artificial heating and lighting sources.

The applicant state that Policy R10 (Zero Carbon Buildings) is supported since the development would be designed to minimise the amount of energy needed to

heat and cool buildings through landform, layout, building orientation, massing and landscaping. As such these details demonstrate that the proposals would be compliant with Policy R10 in the delivery of a zero carbon development and other efficiencies can be implemented during the construction phase under the necessary building regulations approval.

Habitat Mitigation and off-site recreational impact

Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') and Policy ENV1 of the Local Plan Part 1 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 Unilateral Undertaking, which secures the retention /transfer of the required habitat mitigation contribution that was made at the appeal for this scheme. There is no requirement for any uplift since the original payment was made during the course of the appeal.

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 has been 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 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 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.

Air Quality Monitoring

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. In this case, the applicant has entered into a Unilateral Undertaking, which secures the retention /transfer of the required air quality monitoring contribution that was made at the appeal to this scheme. There is no requirement for any uplift since the original payment was received during the course of the appeal.

Developer Contributions

As part of the development, the following has been secured via a Section 106 agreement:

- Habitat mitigation (£10,354)
- Air quality monitoring (£218)

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

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	364.6	219	145.6	145.6	£80/sqm	£17,068.80 *
Subtotal:	£17,068.80					
Relief:	£0.00					
Total Payable:	£17,068.80					

**The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index*

(<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

11 OTHER MATTERS

None

12 CONCLUSION / PLANNING BALANCE

Planning Committee Members will be aware that 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 the NPPF is a material consideration. Paragraph 11 of the Framework is considered to be engaged and 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 demonstrable five-year land supply however, means that the tilted balance in NPPF paragraph 11(d) is engaged for this application.

As is set out above, the first limb of paragraph 11(d) of the NPPF advises that applications should be refused if:

- the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed.

Furthermore, paragraph 195 of the NPPF sets out that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”

The Local Planning Authority as “Competent Authority” has, through the Appropriate Assessment been able to conclude that the proposed development would not have an adverse affect on the integrity of the Habitat Sites if the appropriate mitigation is secured. In the absence of a completed legal agreement, the presumption in favour of sustainable development does not apply in this instance, in accordance with Paragraph 11(d)(i).

It is appropriate therefore, to move to the second limb of paragraph 11(d) of the NPPF; the so called “tilted balance”.

In respect of the above, paragraph 11(d)(ii) now requires particular regard to be had towards well designed places and the application is considered to comply with this requirement.

In considering the harm of the development, the proposal would be within a sustainable location being in the built up area and is considered to be an acceptable form of residential development which would not harm the character of the area, highway safety ,residential amenity or lead to other harmful impacts

The proposal would result in a net increase of two dwellings, and whilst this would make a very modest contribution to housing stock, the benefits of the provision of these two dwellings would not lead to adverse impacts. Revisions have been made to the previous scheme since it was refused and dismissed at appeal in order to

overcome the identified concerns. It is now considered that the proposal would be an acceptable scheme which would maintain the character of the overall estate whilst providing much needed dwellings in this established residential area of Ringwood.

Appropriate contributions have been secured and the proposal is therefore considered to comply with policies ENV1, ENV3, STR1 and CCC2 of the Local Plan Part 1. As such, the current proposals have addressed previous concerns and planning approval is therefore recommended subject to conditions.

13 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:

9836/100 rev.D - site, block and location plan
9836/101 rev.B - units 1 & 2: proposed floor plans & elevations
9836/102 rev.C - units 3 & 4: proposed floor plans & elevations
9836/103 rev.B - indicative street scene
9836/105 rev.A - proposed garage
9836/106 rev.A - visibility plan
23-817/001A - residential development existing site plan
Ecology and BNG Assessment - ABR Ecology dated 10th October 2024
- Final V 2.0

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 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.

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 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.

5. 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).

6. Within 2 months of the commencement of development, 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; and
 - d) other means of enclosure.
 - e) a method and programme for its implementation and the means to provide for its future maintenance.

The development shall be undertaken in accordance with those details prior

to the occupation of the dwellings or the completion of the development, whichever is the sooner

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.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory 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.

8. Each of the dwellings hereby permitted shall not be occupied until the spaces for the dwelling to be served shown on plan 9836/100 rev.D for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 9836/100 rev.D for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging 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.

9. The development hereby permitted shall not be occupied until details of cycle parking facilities for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities for each plot shall be provided in accordance with the approved details prior to the first occupation of each of the dwellings that they serve. The cycle parking so approved thereafter retained for that purpose at all times.

Reason: In the interests of reducing car dependency and in accordance with Policy CCC2 of the Local Plan Part One for the New Forest outside of the National Park

10. The first floor bathroom/ensuite windows on the side elevation of the approved building on Plot 1-4 shall be:
 - i) permanently glazed with obscured glass.

- ii) 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.

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.

- 11. The works hereby approved shall be undertaken in strict accordance with the Ecological & BNG Assessment dated 10th October 2024 unless otherwise first agreed in writing with the Local Planning Authority. The ecological enhancements identified in section 5.24 of this report shall be installed prior to occupation of the dwellings hereby approved and thereafter retained in perpetuity.

Reason: To safeguard protected species and secure ecological enhancements 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).

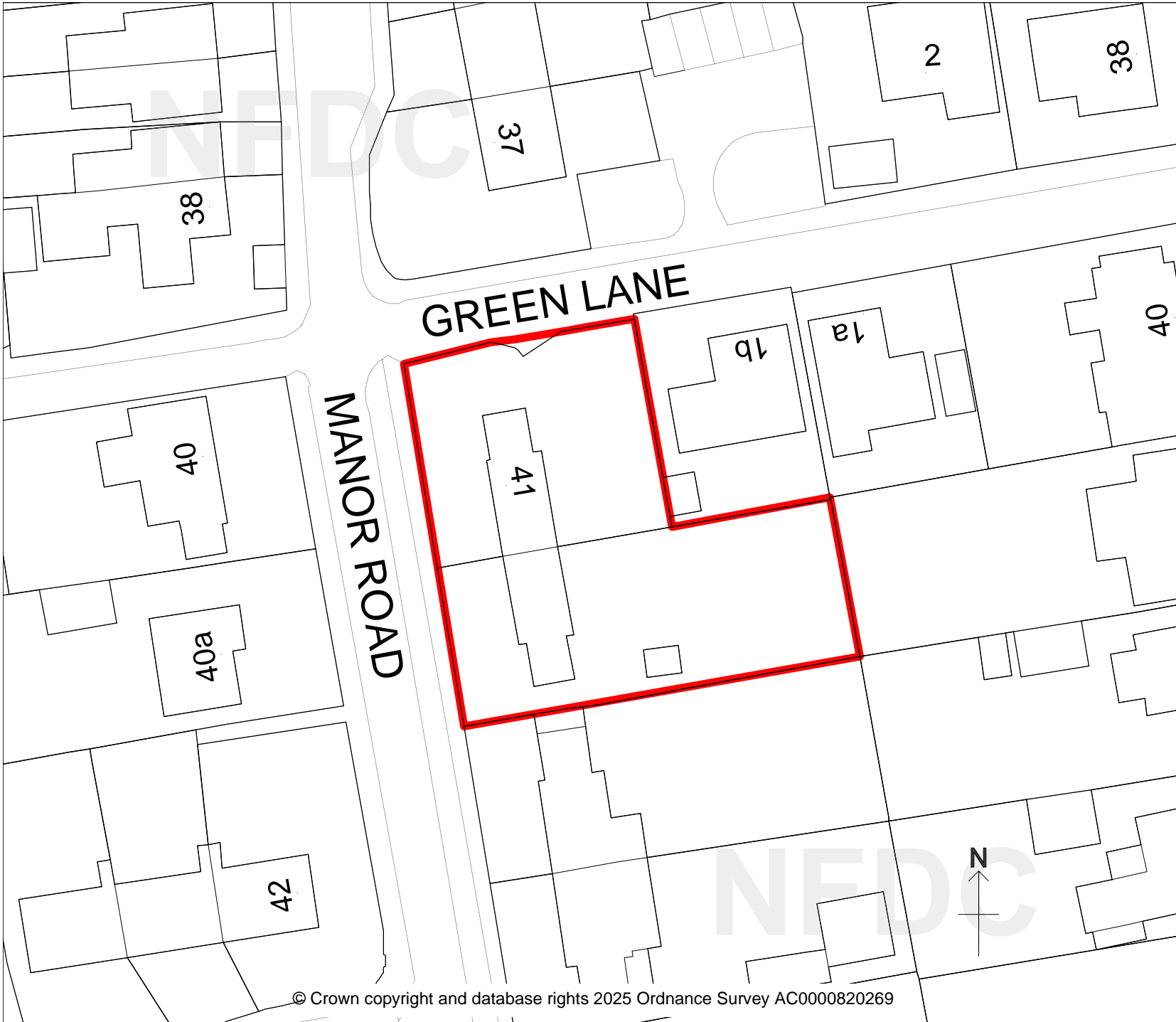
- 12. No development or vegetation clearance shall take place between March 1st to August 31st inclusive.

Reason: To safeguard breeding / over-wintering birds in accordance with the Policies ENV3 and 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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Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

March 2025

Site of 41 & 43 Manor Road
Ringwood

24/10919

Scale 1:500

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