

**Application Number: 16/10854** Full Planning Permission

**Site:** Rear of 117 CHRISTCHURCH ROAD, RINGWOOD BH24 3AQ

**Development:** House; parking; shed

**Applicant:** Mr & Mrs Pilbeam

**Target Date:** 15/08/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

#### Policies

### Core Strategy

- CS2: Design quality
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

### Local Plan Part 2 Sites and Development Management Development Plan Document

- DM3: Mitigation of impacts on European Conservation Sites

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards  
SPD - Ringwood Local Distinctiveness

## **6 RELEVANT PLANNING HISTORY**

6.1 House, parking, shed (10371) Refused on the 27th May 2016

6.2 House (11466) Refused on the 11th February 2015

## **7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council: No comment received to date

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: no objection subject to condition

9.2 Land Drainage: no objection subject to condition

9.3 Environmental Health (historic land use): no objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

10.1 1 letter of objection from the owner of 1a Southfield, concerned that the proposal would block light to the western side of the house. The proposed building would be overbearing and result in overlooking from the proposed windows. Concerns are also expressed regarding lack of car parking

10.2 1 letter of objection concerned with the current state of the access along Southfield and the proposal would worsen the situation. Insufficient car parking provided. Concerns over construction access.

10.3 1 letter raising no objection

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Based on the information provided at the time of this report this development has a CIL liability of £5,119.82.

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

### **13 WORKING WITH THE APPLICANT/AGENT**

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

This is achieved by

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

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

### **14 ASSESSMENT**

- 14.1.1 This proposal is identical to two previous planning applications under reference 10371 and 11466 which were refused solely on the grounds that the necessary affordable housing contributions were not secured..
- 14.1.2 The site forms an area of land used for car parking to a commercial office building which fronts onto Christchurch Road. This is a traditional two storey building with a rear area that extends adjacent to a narrow cul de sac known as Southfield. The site is enclosed by wrought iron metal gates and the site is predominantly open and used for car parking in association with the office building and there is a small container stored on the land.

- 14.1.3 In assessing the character of the area, while the existing property fronts onto Christchurch Road, the site would be located along Southfield and, accordingly, it should be assessed within this context. Southfield is a narrow unmade road, with no footpaths, and very limited space for two vehicles to pass each other. The road is a short cul de sac serving 4 pairs of semi-detached houses. Three of the pairs of semi-detached dwellings are of similar design with traditional pitched roofs and side gables and the buildings are sited right up to the road frontage. At the end of the cul de sac, there is a further semi-detached pair which is set on a much wider and deeper plot and the building is set back from the road. On the opposite side of Southfield the side elevations and gardens of the dwellings at Southfield Mews form the road frontage. Southfield is a high density area and some of the properties are likely to have been built back in the Victorian period, although the properties adjoining the site at 1a and 1b were developed in the 1980s.
- 14.1.4 The proposed dwelling would be sited right up to the road edge and has been designed with a pitched roof and side gables to replicate the style of properties along Southfield. A small rear garden area would be provided, with space for one car to the side of the building. The proposed development would reflect the surrounding pattern of development although the plot would be marginally smaller than others nearby. In assessing the effect on the character and appearance of the area, on balance, it is considered that the proposed development would be compatible with the other properties along Southfield and has been designed to reflect the street scene.
- 14.1.5 With regard to residential amenity, there are several residential properties that would be affected by the proposal. The adjoining neighbour at No 1a is a semi-detached dwelling and has its side elevation facing the application site with a driveway and garage between. On the side elevation of this residential property there are two ground floor windows and a door with a window. The windows are glazed with obscure glass and serve a toilet and hallway and the door provides access into the kitchen, which also receives light from the rear elevation. The proposed dwelling would be sited some 4 metres from the side of No 1a.
- 14.1.6 In assessing the impact on this neighbouring property, no windows are proposed on the side elevation which would maintain a reasonable level of privacy. In terms of loss of light and outlook, given that the windows are obscurely glazed and do not serve main living rooms, the proposed dwelling would not unacceptably compromise the outlook from this property. Concerning loss of light, the proposed dwelling is sited to the west which would result in some loss of sunlight in the late afternoon however, given that the windows do not serve main living rooms, and that the loss of light would be for a short period of the day, a reason for refusal on these grounds would be difficult to substantiate.
- 14.1.7 Concerning the residential property to the rear at No 115, Christchurch Road, the proposed first floor windows on the rear elevation of the building would serve a bathroom and landing and to ensure no adverse impact on the privacy of No 115, it would be reasonable to impose a condition for the windows to be glazed with obscure glass.

- 14.1.8 The proposed dwelling would result in some overlooking the rear of residential flats at Nos. 117 to 123, Christchurch Road, However, the views would be oblique and the rear garden area is a small space with a washing line and does not appear to be a space that is fully utilised as an area of private amenity. The proposed first floor windows on the front elevation would face the rear garden of No 5 Southfield Mews. However, the garden area is already overlooked by No 1a Southfield and the proposed dwelling is sited further away and the windows would mainly front onto the road, which would be acceptable.
- 14.1.9 In relation to car parking and access, the site would accommodate a single space for car parking, which would broadly accord with the recommended guidance for a two bedroom dwelling. There is no extra space to park along Southfield and no provision along Christchurch Road. The access along Southfield is very restricted and there is not space for vehicles to pass and no space for turning at the end of the cul de sac. From a public highway safety point of view, it is essential that there is enough space for vehicles to park within the space and turn within Southfield so that they can enter Christchurch Road in a forward gear. The application plans show a swept path analysis which demonstrates that both the proposed dwelling and existing commercial business can manoeuvre and turn within Southfield so that vehicles can enter Christchurch Road in a forward gear.
- 14.1.10 Based upon these details, the Highway Authority does not raise any objections to the proposal on public highway safety grounds. Consideration should also be given to the fact that the existing commercial business does have space for 4 vehicles to park and a turning area. The sub division of the site would result in the loss of car parking capacity for the commercial business, but would still enable spaces to remain and this would be acceptable for the site given the location close to the town centre.
- 14.11 On 19<sup>th</sup> May 2016 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13<sup>th</sup> May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:

*“Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm; In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less...;”*

*“Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house”*

This national guidance is at odds with Policy CS15 of the Council’s Core Strategy. In these circumstances, the law gives no priority to either the Council’s Core Strategy or to the Government’s national guidance. It is for the decision maker to assess both policies as

“material considerations” and to decide which should have greater weight in the determination of a planning application. However, the Secretary of State, through his Inspectors can be anticipated to give greater weight to the Government’s national guidance unless there are exceptional circumstances which indicate otherwise.

14.12 While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with national Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.

14.1.13 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.1.14 In conclusion, it is considered that in principle the proposed development would be acceptable, and no concerns have been raised previously, other than in relation to affordable housing provision, in light of the stance set out above, the application is recommended for approval

14.1.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	61.4		61.4	£5,119.82 *

## 15. RECOMMENDATION

**Grant Subject to Conditions**

**Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: 8470/101, 8470/100, 8470/200.

Reason: To ensure satisfactory provision of the development.

3. The development hereby approved shall only be constructed from the following materials:

Roofing: Marley modern Anthracite concrete interlocking  
External Walls: Wienerberger Olde Henfield Multi Stock red

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, 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 CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The development hereby permitted shall not be occupied until the spaces shown on plan 8470/100 for the parking of motor vehicles have been provided. The spaces shown on plan 8470/100 for the parking of motor vehicles 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 Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

6. No development shall be carried out until proposals for the mitigation of the

impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

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

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

7. 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 prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.



9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 10 to 12 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 13 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monument
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(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10,

which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years (as stated in the remediation scheme), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

**Notes for inclusion on certificate:**

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

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

2. In discharging condition No 6 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here  
<http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
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**Planning Development  
Control Committee  
August 2016**

**Item No: 3ee**  
Rear of 117  
Christchurch Road  
Ringwood  
16/10854  
SU1504

Scale 1:1250

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

