

Application Number: 15/10483 Full Planning Permission

Site: Land adjacent 13 NEW STREET, RINGWOOD BH24 3AD

Development: One detached two storey building comprising 2 flats; access; parking

Applicant: Elsak Plc

Target Date: 27/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

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
8. Biodiversity and landscape

Policies

Core Strategy

- CS2: Design quality
- 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

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature 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 Erect 2 one bedroom flats and create new access (75232) Granted with conditions on the 29th May 2002
- 6.2 House, parking, access - outline application with details only of access, layout and scale (10878) Granted with conditions on the 24th April 2014

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend refusal. There is insufficient parking for 2 x 2 bedroom flats - 3 spaces are required in line with the Parking Standards SPD. Parking in this narrow road is already a problem and there is no room for additional on-street parking (it is expected that residents of the proposed flats would require 4 spaces) - in fact the entrance to the new parking will remove space for on-street parking. In addition, the proposed new cycle way from Moortown to Castleman Way will follow a route past this site - it is essential therefore that parking issues in this area are not exacerbated (see Scheme PC15 in the Ringwood Town Access Plan and RING6.9 in the Local Plan Part 2 - Policies Map 12A)

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objections
- 9.2 Environmental Health (historic land use): No objection subject to condition
- 9.3 Land Drainage Engineer: No objection subject to condition
- 9.4 Ecologist: No objection subject to condition
- 9.5 Council's Valuer: The proposed development is viable

10 REPRESENTATIONS RECEIVED

12 letters concerned that the proposed development would create a blind corner and this would be a public highway safety issue. There are no pavements for children to play. There are concerns with visibility. The proposal would result in a lack of parking and this would create more traffic problems in the area. Concerns over contractor's vehicles which would lead to traffic and parking problems in the area and noise implications. Lack of space for emergency vehicles. The proposal would be out of character with the area. Improvements to the road should be sought through 106 contributions.

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 £2,304 in each of the following six years from the dwellings' completion, and as a result, a total of £13,824 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 £9,120.00

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

- i) Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- ii) Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- iii) 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.
- iv) 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.
- v) 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.
- vi) 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.
- vii) 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.

The applicant's agent has been made aware that the application will be recommended for refusal. The applicant's agent does not accept that contributions should be made towards affordable housing and while a viability assessment has been submitted, this has not been accepted by the Council's Valuer.

14 ASSESSMENT

- 14.1 The site comprises a vacant piece of land on the corner of New Street, within the built up area of Ringwood. The land is currently overgrown and does not positively contribute to the character of the area. To the rear of the site is a narrow track, which provides access and car parking to the rear of some of the residential properties in New Street. The immediately adjoining property at No. 13 New Street is a modern semi-detached dwelling that has a blank side gable facing the application site.
- 14.2 The site is positioned half way along New Street with the partly vacant Wellworthy site at the eastern end of the road. New Street is predominantly a residential street comprising two storey dwellings in a very dense and close knit urban area with semi-detached, terraced and detached houses. On the southern section of New Street at the point where access is gained from Christchurch Road, it comprises an older and more historic element of the street, in which properties are laid out in a terraced form with little or no front gardens, with the buildings positioned right up to the road frontage with very small rear garden areas. There appears to be no on-site car parking spaces that serve these dwellings, and parking tends to be on the road and to the rear of the houses in single large car parking areas. Plot sizes vary, but generally, the terraced houses tend to have narrower frontages, the semi-detached properties are slightly wider, and the detached dwellings are positioned on the larger plot widths. Materials, roof shapes and forms and fenestration vary in the area.
- 14.3 In terms of the northern part of New Street, the character changes slightly and comprises more modern housing with a pair of semis and a single terrace of three, however, these properties are sited on larger plots with the front areas dedicated to on-site car parking with rear garden areas. It is also noted that a footpath lies in front of these dwellings. Further along New Street, there are some older residential properties, both detached and semi-detached.
- 14.4 The proposal is to develop the site with a two storey building containing two residential flats. The proposed development is nearly identical to a planning permission granted back in 2002 under reference 75232 for a two storey building containing two flats. In comparison to that previously approved, the changes involve an increase from 2 one bedroom flats to 2 two bedroom flats which essentially has been achieved through internal alterations to the building. The design, siting and scale of the building is the same and there are minor changes to the outside car parking and soft landscaping but generally there are strong similarities to the 2002 permission.
- 14.5 It should be noted that outline planning permission was recently granted for a detached two storey dwelling on this site under planning reference 10878. The approved layout plan shows that the dwelling would have fronted onto the southern section of New Street, with one on site car parking space adjacent to the northern section of New Street, with a small rear garden area enclosed by a brick wall.
- 14.6 In terms of this current planning application, the proposed building would take up the majority of the plot with a small communal rear garden area, a small front lawn to both New Street frontages and two on site car parking spaces. Visually, the dwelling would rise to two storeys with a

pitched roof and front protruding gables and its main front elevation would face onto the southern section of New Street.

- 14.7 Since the approval of the application in 2002, there have been changes in local and national planning policy and the Ringwood Local Distinctiveness Document has been adopted. Both local and national policies seek to ensure a high standard of design and to ensure that development is integrated and in keeping with the local distinctiveness and the context of the area.
- 14.8 In assessing the effect on the character and appearance of the area, given that the site lies within the built up area, and that planning permission has twice been granted on this site for a housing development it is considered that an appropriate proposal would make good use of the site. Moreover, on the basis that this application largely reflects the design and layout of the 2002 approval, this current application is considered acceptable in that the design and layout would be in keeping with the character of the area.
- 14.9 With regard to residential amenity, there are no main windows in the side elevation facing the neighbouring building at No. 13 New Street and the siting of the building would effectively straddle the neighbouring flank wall at No 13 which does not have any main windows on the side elevation facing the application site. Accordingly, it is considered that the proposed building would have an acceptable relationship with No 13 New Street.
- 14.10 The proposed windows on the rear elevation would face the rear garden area which would be acceptable with oblique views to No 15 New Street. The proposed windows on the south and east elevations would face in the direction of the road which would be acceptable.
- 14.11 In terms of highway access and car parking requirements, based upon the Council's adopted car parking, the level of car parking provision recommended is 4 spaces and accordingly, the proposal is below this by 2 spaces. In cases where the proposal has a shortfall of car parking spaces, this would be unacceptable when the shortfall would lead to a public highway safety issue or environmental damage such as when cars have to park on grass verges. The site lies close to the town centre of Ringwood which has a range of facilities and amenities in walking distance and slight shortfall of two car parking spaces would not justify an objection on highway grounds.
- 14.12 The Highway Authority does not raise any objections and considers that the proposal would not prejudice public highway safety and whilst the proposal would have two car parking spaces below the recommend guidance a reason for refusal would not be sustainable.
- 14.13 The current proposal provides 2 secure cycle parking spaces within covered lockable accommodation for each unit which would meet the minimum requirement for long stay cycle parking.
- 14.14 The proposed development would require contributions towards affordable housing which in this case would equate to £30,460. The proposed development would also require financial contribution towards monitoring and maintenance for habitat mitigation which equates to £1100. The other contributions would be dealt with under CIL.

- 14.15 The applicant has provided a viability appraisal which states that if the full affordable housing contributions were made, the development would not be viable. The applicant has recently purchased the site and has stated that the price paid for the site was on the understanding that affordable housing contributions would not be applicable.
- 14.16 The Council's Valuer does not accept the case made and considers that if the full contributions were made towards affordable housing the development would still be viable. It is understood that the site was purchased knowing that there was an extant planning permission for a detached dwelling on the site which included the Section 106 Agreement for all contributions. Whilst it is unfortunate that the applicant has anticipated that the Council would abolish their policy on affordable housing contribution, this cannot override the fact that the development is still viable.
- 14.17 In addition, the applicant's agent has stated that regardless of the submission of a viability appraisal, the proposed development should not require an affordable housing contribution based on the national policy as set out in the Written Ministerial Statement dated 28th November 2014.
- 14.18 On the 28th November 2014 National Planning Practice Guidance was updated with regard to the charging of contributions for affordable housing. The changes are not strictly new national policy but they are "material considerations" when determining a planning application. As such when determining an application they have to be weighed against all other material considerations notably locally adopted policies in the Development Plan. The changes do not apply to Habitat Mitigation measures or site-specific requirements e.g. an improved access on highway land that will continue to be applied in full. This is a complex issue. However, New Forest District Council's evidence shows that small sites' contributions are being varied when appropriate in response to site specific viability considerations (in accordance with our Local Plan policy). The loss of affordable housing provision from all small site developments would result in a reduced supply of affordable housing as small sites make a major contribution to our housing supply in this area. Developers not wishing to make a financial contribution do have the option of making provision on-site for affordable housing, to comply with the policies in the adopted Local Plan.
- 14.19 In these circumstances, and with an up-to-date Local Plan, it will generally be appropriate to conclude that the material consideration of the Government's announcement does not outweigh the presumption in favour of following the Development Plan.
- 14.20 While the site could have had potential for protected species such as reptiles or slow worms, survey work carried out on the previous application in 2013 by the applicant's Ecologist states that no protected species were found. The Ecologist does not raise any objections subject to a condition that the site is assessed prior to work commencing.
- 14.21 In conclusion, it is considered that the proposed development is acceptable in all other respects apart from the failure to secure a Section 106 Agreement for affordable housing and habitat mitigation contributions.

- 14.22 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	114	0	114	£9,120.00
Dwelling houses	122		122	£9,760.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.
2. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

Notes for inclusion on certificate:

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. The applicant's agent has been made aware that the application would be recommended for refusal.

The applicant does not accept that contributions should be made towards affordable housing and whilst a viability assessment was been submitted, this has not been accepted by the Councils Valuer.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Planning & Transportation
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
August 2015

Item No: 3b
Land adjacent
13 New Street
Ringwood
15/10483
SU1504

Scale 1:1250

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

