

Application Number: 14/11228 Full Planning Permission

Site: Land of 5 OLD BARN CLOSE, RINGWOOD BH24 1XF

Development: House; parking; access; demolition of existing garages

Applicant: DS Land Ltd

Target Date: 31/10/2014

1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration

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

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

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: recommend refusal - It was felt that this would be an overdevelopment of the area and have a detrimental impact on the street scene.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highways Engineer: No objection
- 9.2 Land Drainage: No objection subject to condition
- 9.3 Valuer: The viability appraisal is acceptable.

10 REPRESENTATIONS RECEIVED

Two letters of objection concerned that the proposal would reduce sunlight onto the garden and property and it would result in a poor outlook. The proposal would devalue the property. There would be excessive noise and disturbance. There are issues over matters of boundaries. Impact on car parking in the area.

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. New Forest District Council adopted a CIL charging schedule on 14 April 2014, however the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

Based on the information provided at the time of this report this development has a CIL liability of £4,206.75.

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 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

Officers have delayed the application at the applicant's request and worked with the applicant in order to resolve the Section 106 Agreement and the application can now be processed to a decision.

14 ASSESSMENT

Introduction

This application was considered by this Committee on the 12th November 2014, and the recommendation was that the Head of Planning and Transportation be authorised to grant planning consent subject to the completion of the requisite Agreement pursuant to S106 of the Town and Country Planning Act 1990 by 30th May 2015.

Unfortunately the Section 106 Agreement was not completed in time because the applicant was not the owner of the land and there were difficulties in completing the agreement. The applicant is now the land owner and the Section 106 Agreement has been completed.

It should be noted that since the application was previously considered, the proposed development is now subject to CIL and habitat mitigation.

The Section 106 Agreement only secures the financial contribution of £3188 towards affordable housing. The Council's Valuer does not consider that the overall viability of the proposed development has changed since 2014 and therefore the payment of £3188 towards affordable housing is still acceptable.

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.

The assessment that was considered by the Committee in November 2014 is set out below.

- 14.1 The application site forms part of the residential curtilage of a two storey semi detached dwelling which is situated within a cul de sac in Ringwood. The site comprises an area to the side of the existing dwelling which contains a double garage and driveway and part of the garden area. The existing property is set back from the road and has a pitched roof running parallel to the road with a long front garden area laid to lawn with some soft landscaping.
- 14.2 The character of the area is residential and comprises predominantly two-storey pairs of houses in a relatively high density context. Property types and styles are very similar within the Close with car parking and gardens provided to the front and short rear garden areas. To the rear of the site, in Poplar Way, is a garage block.
- 14.3 The proposal is to construct a detached two storey dwelling to the side of the existing dwelling at No 5. The proposed dwelling would be sited in line with the existing dwelling, of a design which would broadly matches the properties in the street, which have their ridge lines running parallel to the road and are constructed of brick under tiled roofs. Both the proposed and existing dwellings would have small front and rear garden areas and two car parking spaces per dwelling.
- 14.4 In assessing the character and appearance of the area, the site lies within an area characterised by two storey semi-detached dwellings where plot sizes vary throughout in what is a relatively high density area. The site is one of the wider plots in the Close and the proposed development would allow for a front and rear garden. The plot width would be only slightly narrower than some of the others in the area. Generally, the plot size is adequate to acceptably accommodate a dwelling without appearing cramped or overdeveloped
- 14.5 Visually, the proposed dwelling has been designed to reflect the character and form of the other properties in the Close, with its matching scale, materials and pitched roof design. While the proposed building would be detached, which differs from the rest of the properties in the Close which are semi-detached, it is not considered that the proposal would be harmful in the street scene. Indeed, the proposed dwelling

would be set back from the road and only a small gap would exist between the proposed building and the 'host' dwelling at No 5. Overall, it is considered that the proposed development would not have an adverse impact on the character and appearance of the area.

- 14.6 With regard to residential amenity, there is a garage courtyard to the rear of the site which would ensure that there is no unacceptable overlooking to the rear. While there is a small area of land used as a garden area with a summer house immediately to the rear of the site, this is owned by the existing property at No 5 and it should be noted that this property would still retain a private rear garden area. The proposed first floor windows on the rear elevation would face the rear garden area of No 41 Poplar Way, however, the views would be oblique and not directly onto the back of that neighbouring property.
- 14.7 In terms of the neighbouring residential property at No 1 Old Barn Close, all of the side elevation of the proposed dwelling would be sited to the rear of this neighbour. This property is likely to be more affected than other properties. The proposed building would be sited to the east of No 1 and any loss of sunlight would only be in the early morning. For the rest of the day the proposed dwelling would not result in any adverse loss of light into the rear garden area of No 1. The proposed building would have an impact on the outlook from the rear of No 1. However, the distance from the rear elevation to the proposed dwelling measures approximately 15 metres which is an acceptable distance. It is noted that there is a conservatory on the rear of No 1 which brings the property closer to the proposed extension. However, even with this reduced distance, the proposal would not result in an adverse impact.
- 14.8 Concerning the neighbouring property at No 3 Old Barn Close, the proposed building would not be sited in direct view from the rear of this property. Accordingly, the outlook from this property would not be adversely affected by the proposal. No windows are proposed on the side elevation and the views from the proposed first floor windows on the front elevation would be oblique and would not directly face this resident.
- 14.9 Two car parking spaces are proposed for the proposed dwelling and two proposed for the existing dwelling, which would broadly accord with the recommended car parking provision for residential development. It is not anticipated that the proposal would result in any adverse effect on public highway safety.
- 14.10 The proposed development would require contributions towards public open space (£3504.90), habitat mitigation (£4250), transportation improvements (£3745) and affordable housing (£33,310), which are considered fair and reasonable. The application has been accompanied by a viability appraisal which states that they are prepared to make the full contributions towards transportation improvements, public open space and habitat mitigation but can only make a contribution of £3,188 towards affordable housing. The main contention is that by subdividing the existing plot, the garden area would be smaller and the garaging would be lost and accordingly, it is claimed that this would reduce the overall value of the existing property. The Council's Valuer has assessed the viability appraisal and accepts that the reduced figure for affordable housing of £3,188 would be acceptable in that the development value and site value are in equilibrium.

- 14.11 In conclusion the proposed development would not have an adverse impact on the character and appearance of the area or on the living conditions of the adjoining neighbouring properties and would be acceptable.
- 14.12 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£33,310	£3188	-£30122

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	83			£4,206.75.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- 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: 8456/100 Rev A, 8456/100.

Reason: To ensure satisfactory provision of the development.

3. 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 CS2 of the Core Strategy for the New Forest District outside the National Park.

4. 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 Core Strategy for the New Forest District outside the National Park.

5. The development hereby permitted shall not be occupied until the spaces shown on plan 8456/100 for the parking [and garaging] of motor vehicles have been provided. The spaces shown on plan 8456/100 for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

6. 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 CS2 of the Core Strategy for the New Forest District outside the National Park.

7. 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.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

Officers have delayed the application and worked with the applicant in order to resolve the Section 106 Agreement and the application can now be processed to a decision.

2. In discharging condition No 7 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
www.newforest.gov.uk

David Groom
Service Manager,
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development
Control Committee
May 2016

Item No: 3a

Land of
5 Old Barn Close
Ringwood
14/11228
SU1505

Scale 1:1250

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

