

Application Number: 15/11069 Variation / Removal of Condition

Site: 144 NORTHFIELD ROAD, RINGWOOD BH24 1SU

Development: Variation of Condition 2 of Planning Permission 11/97730 to allow accommodation for 10 people in care

Applicant: The Regard Partnership Ltd

Target Date: 28/09/2015

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

Core Strategy

- CS2 Design quality
- CS8: Community services and infrastructure
- CS10: The spatial strategy
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

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 - Parking Standards
- SPD - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 Addition with rooms in the roof - granny annex (36876) Granted with conditions on the 26th Feb 1988
- 6.2 Use as residential accommodation for people in need of care (Class C2) (58062) Granted with conditions on the 2nd Feb 1996.
- 6.3 Removal of condition 1 of planning permission 58062 to allow different ownership (97330) Granted with conditions on the 6th Jan 2012

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend refusal. With the additional benefit of local knowledge and direct experience of a neighbour, the Committee supported the Officer's comments, in that this application would put additional pressure on car parking, in close proximity to an already busy junction and the effect would be detrimental to the living conditions of adjoining and nearby residences.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objections

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of objection concerned that the current owners have been operating from the premises with 10 people in need of care and carers. The disruption and noise from one individual has been unacceptable. There is one single driveway with no space to turn and sometimes there are up to 10 cars blocking the driveway. This has impacted on the grassed verge in front of the site. The site is overdeveloped. The present state of car parking is unacceptable with the current 10 residents and carers.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

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.

Concerns were initially raised by the Highway Authority in relation to the inadequate car parking arrangements within the site and the potential impact of vehicles manoeuvring on the grass verge and pavement outside the site. The applicant has enlarged the existing car parking area within the site and the Highway Authority is satisfied that sufficient car parking and access facilities have been provided which enable a positive recommendation to be made.

14 ASSESSMENT

- 14.1 This planning application seeks consent for the variation of condition 2 of planning reference 97730 to allow the residential accommodation at No 144 Northfield Road to be occupied by up to 10 people in need of care. The premises has been operating as a residential home for up to 6 people in need of care with 4 adult carers since 1996 and this planning application effectively seeks to allow an extra four residents at the premises. The main purpose of the original condition was to limit the number of staff and residents which would otherwise create an inappropriate residential environment that would be detrimental to the character of the area. It has been stated by the applicant that the premises has already been providing residential accommodation for up to 10 people since 2011 and accordingly, this application is effectively retrospective and the use has been operating in breach of the condition.
- 14.2 In order to help understand the circumstances at the site, it is important to set out the background and planning history. No 144 was originally used as a four bedroom detached dwelling house and garage, and a planning application was approved in 1988 to demolish the garage and to replace it with an attached building with rooms in the roof to be used as a 'granny annex'. When planning permission was granted, conditions were imposed restricting the use of the addition to only be used in association with the main dwelling. In 1991 a conservatory was added to the dwelling and rooms were added in the roof space to create a fifth bedroom.

- 14.3 In 1996 a planning application was granted to use the dwelling and annex as residential accommodation for people in need of care (Class C2) with a total of six bedrooms. When planning permission was granted a condition was imposed which restricted the use to the 'The Sheiling Community' and limited the accommodation to provide self contained residential accommodation for not more than 6 people in need of care, together with 4 adult carers. In 2011, the current owners took over the premises and submitted an application under 97730 for the variation of a condition so that the new owners of the property (The Regard Partnership) could operate from the premises. This was subsequently approved and the same condition was imposed restricting the number of people in need of care to 6 people with 4 care workers.
- 14.4 The main issue in this case is whether the increase in residents in need of care from 6 to 10 would be acceptable in this location in terms of the effect on the character and appearance of the area, the intensity of its use, the impact on the living conditions of the adjoining neighbouring properties and public highway safety matters.
- 14.5 In assessing the effect on the character and appearance of the area, the site comprises a large building on the corner of Northfield Road and Gorley Road, within the built up area of Ringwood. The site is enclosed by a 2 metre high fence and trees and is slightly set back from the road where there is a grass verge and pavement. There is one vehicular access serving car parking which is accessed from Gorley Road and a separate pedestrian access into the property from Northfield Road. For the most part the premises and car parking is well screened and, from the road, the property appears as one large dwelling house.
- 14.6 The character of the area is mixed comprising residential properties, a vets and a dental practice across Northfield Road and a parade of shops nearby situated off Gorley Road. Gorley Road is a relatively busy road running through the north of Ringwood leading to the schools and the residential areas within this part of the town. The proposed variation of the condition does not propose any external changes to the building. Alterations within the site for car parking have taken place, with new hardsurfacing created. The site already benefits from a reasonable garden area to the front of the building which is sufficient for the residents and staff. Concerns have been expressed from the immediate neighbour at Nadina that the site is overdeveloped and the level of activity from ten residents and carers is unacceptable and the site is overcrowded with cars with a lack of turning facilities.
- 14.7 The applicants have stated that while there would be an increase in the number of residents, the number of adult carers would reduce because of the use of shift workers. It has been stated that there has not been a change in vehicular activity and the site has been operating at its current capacity for a number of years. The applicant states that the site has five car parking spaces with scope for a further space if required. The site has two service vehicles for residents and these remain at the home at all times (unless they are in use). The staff usage is between three to four cars at any one time and this will not increase. In the morning two staff vehicles leave the site and up to four staff vehicles arrive at the site with one service vehicle leaving the site during the same period. Therefore during the day, there are up to four staff vehicles on site and one service vehicle. In the evening, the two service vehicles are on site along with two staff vehicles. Staff changeover happens twice a day, morning and evening and no changeover occurs throughout the day.

- 14.8 In assessing the impact of the use, the only change is the car parking area has been enlarged in size and formalised. The enlargement of the car parking area was carried out by the applicant recently and this has enabled additional space for vehicles to park and manoeuvre within the site. The Highway Authority has assessed the recent changes to the car parking within the site and does not raise any objections to the proposal in relation to car parking or public highway safety matters. The level of car parking provided is acceptable and there is sufficient space for vehicles to park and turn to enter Gorley Road in a forward gear. Moreover, it is not considered that an increase in four residents would adversely impact on the character of the area. There would be no increase in staff numbers and this would ensure that the level of activity during the day and evening would remain similar to the lawful use, which is for six residents. Overall, the site lies along a busy road through the north of Ringwood which provides access to the primary schools, with a number of other uses, including a group of shops across the road, and dental and vets practices.
- 14.9 With regard to residential amenity, the main issue is whether the increase in the number of residents would result in an unacceptable impact on neighbouring properties. Because there are no external changes, the main consideration is the increase in activity at the site and whether this would result in greater noise and disturbance. It is considered that the main residential property that would be affected is the property known as 'Nadina' which lies immediately to the south. This is because the existing access into the site lies adjacent to this neighbouring property and any increase in movements is likely to happen at this point. However, given that there would be no increase in the number of staff and the car parking and access remains unchanged, it is not considered that the increase in four residents would result in a level of impact that would justify a reason for refusal.
- 14.10 In conclusion, the site currently has permission to be used for up to six residents and four staff and this has been operated for over 19 years without any significant impact. The proposal to increase the number of residents by four (which has been the case for 5 years), would not have any adverse impact on the character of the area or the living conditions of the adjoining neighbouring properties and accordingly it is considered acceptable to vary the condition to allow up to ten residents to reside at the premises.
- 14.11 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.

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The building shall be used to provide self contained residential accommodation for not more than 10 people in need of care, together with 4 adult carers.

Reason: The use of the building as two independent units of accommodation or an increase in the number of people in need of care or adult carers without this particular and special justification would create an inappropriate residential environment that would be detrimental to the character and appearance of the area, which would fail to comply with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

2. The development hereby permitted shall not be occupied until the spaces shown on plan identified as Block Plan for the parking of motor vehicles have been provided. The spaces shown on plan identified as Block Plan for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the residential use 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).

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.

Concerns were initially raised by the Highway Authority in relation to the inadequate car parking arrangements within the site and the potential impact of vehicles manourvering on the grass verge and pavement outside the site. The applicant has enlarged the existing car parking area within the site and the Highway Authority is satisfied that sufficient car parking and access facilities have been provided which enable a positive recommendation to be made.

Further Information:

Major Team

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Planning Development
Control Committee
July 2016

Item No: 3a

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Northfield Road
Ringwood
15/11069
SU1606

Scale 1:1250

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

