

Application Number: 15/11276 Full Planning Permission

Site: Land of 115 EASTFIELD LANE, RINGWOOD BH24 1UW

Development: Bungalow; access and parking alterations, demolition of existing garage

Applicant: Mr Man

Target Date: 23/11/2015

Extension Date: 29/07/2015

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
- 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 - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend permission.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: No highway objection subject to conditions

9.2 Tree Officer: No objection

9.3 Land Drainage: No objection subject to condition

9.4 Ecologist: No objection subject to condition

10 REPRESENTATIONS RECEIVED

None

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 £4,367.20.

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 The site is roughly a square shaped open piece of land fronting onto Eastfield Lane, which previously formed part of the rear garden area to a detached bungalow at No 115 Eastfield Lane, however, the land has now been severed and is currently enclosed by timber fencing. The plot is flat and largely overgrown with grass and shrubs. The existing property at No 115 is a detached bungalow and has its access and car parking via Ash Grove. A public footpath runs along the eastern boundary of the site and there is a grass verge adjacent to Eastfield Lane with no pavements or footpaths along this side of the road.
- 14.2 The site lies on the eastern side of Eastfield Lane and is located amongst a comprehensive residential development in Ash Grove consisting of terraced housing and semi-detached housing laid out in a uniform manner. Immediately to the south of the site there is a garage courtyard serving the residential properties in Ash Grove.
- 14.3 On the opposite side of the road, there are predominately bungalows and chalet style bungalows fronting onto Eastfield Lane. Plot sizes along this part of the road vary throughout and some of the dwellings are built close to the road frontage. Further along Eastfield Lane, the character changes to predominately detached bungalows and chalet style bungalows set in large plots with long deep rear garden areas backing onto open fields.

- 14.4 The proposal is to construct a detached bungalow on this site, which would front onto Eastfield Lane. The existing detached garage fronting onto Ash Grove would be demolished and this area would form the car parking spaces for the existing dwelling at No 115 and the proposed dwelling. Visually, the proposed dwelling would be a modest conventional bungalow design with a hipped roof, centrally positioned on the site.
- 14.5 In assessing the effect on the character and appearance of the area, it is apparent that the site could physically accommodate a dwelling, with sufficient garden space which would not appear cramped. A generous front, side and rear garden would be provided and the space between the proposed building and the existing dwelling at No 115 would be sufficient. The existing dwelling at No 115 currently has a much smaller garden area, but it is noted that the land has already been severed and an objection on the size of the garden area to the existing dwelling cannot be sustained.
- 14.6 The proposed dwelling would appropriately front onto Eastfield Lane and would be sited in line with the existing dwelling at No 115. Visually the proposed dwelling would be modest in scale and form which would appear to be acceptable in this location. Overall it is considered that the proposal would be in keeping with the character and appearance of the area and would accord with local plan policies and the Ringwood Local Distinctiveness Document.
- 14.7 With regard to residential amenity, the only neighbouring properties which would be impacted on by the proposal are No 115 Eastfield Lane and No 38 Ash Grove. The neighbouring property at No 115 has windows on the side (south elevation) which would be effected by the proposed building. There is an existing fence which is sited against these windows which already results in some loss of light and outlook to those rooms. The proposed dwelling would be sited over 4 metres away from that neighbouring property and the design of the dwelling would incorporate a hipped roof sloping away from that neighbour. Overall it is considered that the proposal would not have a detrimental impact on the living conditions of that neighbouring property.
- 14.8 In terms of the neighbouring property at No 38 Ash Grove, this property has its side elevation and garden area facing the application site. On the side elevation of the property there is a single first floor window which appears to serve a landing area. Given that the proposed dwelling is a single storey building, and the distance from the building to the boundary of that neighbour would be over 9 metres, the proposal would not have a detrimental impact on the living conditions of that neighbouring property.
- 14.9 Concerning public highway safety matters, the proposal is to enlarge the existing car parking area fronting onto Ash Grove, with a total of 4 car parking spaces to serve the existing dwelling at No 115 and the proposed dwelling. The level of car parking spaces shown to be provided would broadly accord with the recommended car parking standards as set out in the Councils adopted car parking Supplementary Planning Document. The Highway Authority does not raise any objections to the proposal.

- 14.10 In terms of tree matters, situated adjacent to the sites rear, eastern boundary are two mature Ash trees. The Tree Officer considers that these tree are not suitable for protection by a Tree Preservation Order and are not considered as a material constraint to the development of the site.
- 14.11 In terms of ecological matters, an ecological report has been submitted with the application and the Ecologist raises no objection subject to development taken place in accordance with the recommendations in the report.
- 14.12 On 19th 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 13th 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;

- 14.13 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 which requires many small scale housing development including the current application proposals to make affordable housing provision.

The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the adoption of the Local Plan. It is for the Council to decide which should prevail 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 reasons to make an exception.

- 14.14 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. 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.
- 14.15 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.

14.16 In conclusion, it is considered that the site is of sufficient size to accommodate the proposed dwelling which has been designed as a modest bungalow which would be in keeping with the mixed character of the area and would provide an acceptable relationship to the host dwelling at No 115.

14.17 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
No. of Affordable dwellings			
Habitats Mitigation			
Financial Contribution			

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	54.59	0	54.59	£4,367.20

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 4275/PL/100 Rev A, 4275/PL/101, 4275/PL/102:

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 CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

5. 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 and boundary treatments;
- (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).

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 first occupation of the development hereby approved the applicant must design and install a surface water sustainable system to cater for the new impermeable areas (i.e. roofs) on the proposed development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land for storms up to 1 in 100 years including climate change.

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.

8. The development hereby permitted shall not be occupied until the spaces shown on plan 4275/PL/100 Rev A for the parking of motor vehicles have been provided. The spaces shown on plan 4275/PL/100 Rev A for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the existing dwelling at No 115 Eastfield Lane and the dwelling 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).

9. The works hereby approved shall be undertaken in strict accordance with the Ecological Survey methodology, details and mitigation and enhancement measures set out by Lindsay Carrington Ecological Services LTD dated November 2015 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

10. Before use of the development is commenced the existing second pedestrian access (most southernly) from the site to Eastfield Lane shall be permanently stopped up and effectively closed with the verge reinstated, and until the access, including the footway and/or verge crossing shall be constructed in accordance with details which have been submitted to and approved by the Planning Authority. No development shall start on site shall be constructed in accordance with the approved plans.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District 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.

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/>
3. This decision relates to amended / additional plans received by the Local Planning Authority on the 25th November 2015.
4. The applicant should be aware of the requirement to apply to the highway authority for the appropriate licence in respect of the access and verge reinstatement works within the highway.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)

