

Application Number: 16/11154 Full Planning Permission

Site: 226 SOUTHAMPTON ROAD, RINGWOOD BH24 1JQ

Development: One & two-storey rear extension; detached house; parking;
access from Wessex Road

Applicant: Homer Pardy Developments

Target Date: 27/10/2016

Extension Date: 11/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy CS15 (Affordable housing contribution requirements from developments).

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-Up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles

CS2: Design quality CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 7 - Requiring good design

Conservation Area: N : Tree Preservation Order: N TPO No:

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

Ringwood Local Distinctiveness Document

Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

- 6.1 11/97036 – Bungalow; parking; access from Wessex Road – refused July 2011 as the proposed dwelling, by reason of the plot size, would result in a cramped form of development out of character with the more spacious nature of surrounding development and the pattern of development along Wessex Road, resulting in a poor relationship with adjoining properties.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - recommend refusal. Members felt that the same observations applied to this proposal as the previous application for the site, in that the proposed dwelling would have a cramped appearance and an adverse impact upon the visual amenities of the area. As it would be back garden / infill development, it would also appear to be contrary to policy CS1 and CS2 of the Core Strategy. This was their view to an even greater extent, as they felt this proposal for a two-storey dwelling was worse than the proposal for a bungalow, which was refused on appeal. It is also contrary to the Parking Standards SPD, with only one space provided for the new dwelling.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Southern Gas Networks – Give informatives on proximity of site to their apparatus.
- 9.2 Hampshire County Council Highway Engineer – no comments received to date.

10 REPRESENTATIONS RECEIVED

- 10.1 One letter has been received objecting to the proposal on grounds that its height and proximity would result in a loss of light to the front of no. 1 Wessex Road.

11 CRIME & DISORDER IMPLICATIONS

None

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 £9,350.75.

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 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 no pre-application advice was sought from the Council prior to the application's submission. The concerns of the Council, statutory consultees and notified parties in respect of the potential overintensive form of development, character and amenity impacts were made available on the Council's website. While the comments of notified parties were discussed with the agent no direct amendments were offered by the applicant to address those concerns. In view of the limited time constraints imposed on Planning Authorities to determine applications within specified timeframes, in this instance, due to the absence of agreement over contributions, acceptable plans and the level of harm the scheme would cause, it is not unreasonable to refuse the application.

14 ASSESSMENT

- 14.1 The application site is a piece of land to the rear of number 226 Southampton Road, which appears to have formerly been part of the garden area of no. 226, but has been subdivided and left vacant and

untended for some years. The surrounding area is characterised by properties of various designs and uses with a commercial premises to the south of the site and a recently constructed bungalow to the east (to the rear no. 1 Wessex Road).

- 14.2 This application seeks consent for a 3 bedroom, 2 storey dwelling with vehicular access to two parking spaces from Wessex Road. It is also proposed to erect single and two storey extensions to 226 Southampton Road.
- 14.3 The main issues to consider are the impact of the proposal on the character and appearance of the area and upon adjoining amenity.
- 14.4 The impact of the proposal in relation to the character of the area needs to be considered, in the context of Policy CS2, the Ringwood Local Distinctiveness Document and NPPF, which among other things consider the space retained around new buildings, relationship with existing structures and impact upon the street scene. Policy CS2 of the Core Strategy, stipulates that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside. Paragraph 64 of the NPPF states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 14.5 Although the site lies within the built up area of Ringwood where in principle residential development is considered acceptable, the proposed new plot would be smaller than most other plots along both Wessex Road and Southampton Road. In assessing the effect on the character and appearance of the area, the immediate context of the area is predominantly detached and semi-detached dwellings fronting local roads with good sized rear gardens and for the most part vegetated boundaries onto Wessex Road, which contribute to the character of the area. The proposal seeks to utilise part of the garden of no. 226 and a small portion of the garden of no. 224 to establish an independent two bed, two storey dwelling, with parking spaces for two cars on the site frontage. The proposed dwelling and associated parking would be clearly visible from Wessex Road, where it would appear as isolated and harmful to the street scene, as there is no potential for trees and greenery on the site frontage. Conversely the hedge that currently separates the site from the curtilage of no. 224 would be removed, which would be harmful to the street scene. The proposed dwelling would have a small rear garden and the front of the site would be dominated by parking arrangements, which emphasise the cramped appearance of this development. Due to the size of the plot, the proposed dwelling would appear as an isolated and cramped form of development, out of character with the more spacious nature of development within the locality with no potential for trees and greenery on the site frontage. Clearly the concerns outlined by refusal of a single storey bungalow in 2011 have not been overcome by this proposal for a two storey dwelling over a similar footprint, albeit a slightly wider plot frontage. The 2011 proposal was dismissed at appeal, where the Inspector concluded that:

'even though the proposed dwelling would be modest in size, the size and shape of the plot would mean that it would appear cramped in its plot. Policy CS2 of the Core Strategy requires new development to

contribute positively to local distinctiveness and sense of place. Whilst there is a mix of dwellings in the area, locating a dwelling in an inadequately sized and constrained plot as proposed would not make the positive contribution required by policy CS2. I consider that this failure would result in a harmful effect on the character and appearance of the area'.

- 14.6 While no concerns are raised over the proposed extension of the existing dwelling, the proposed dwelling constitutes overdevelopment of this site. It would have a cramped setting, being located close to the boundaries of the site, with a small garden and little space around the building, no potential for trees and greenery on the site frontage and the new dwelling would appear isolated and out of character with the area. The proposal does not accord with the provisions of Policy CS2, the Ringwood Local Distinctiveness Document and NPPF.
- 14.7 Policy CS2 also requires the impact of development proposals upon adjoining amenity to be considered. No concerns are raised over impacts of the extension of no. 226 itself, however the new dwelling would have a very close relationship to the boundary (4m away) with no. 1 Wessex Road and the amenity impacts of the proposal need to be considered. While the rear elevation has been designed to alleviate any loss of privacy, the depth and height of the proposed dwelling would present a large, two storey structure in close proximity to no. 1, just 4m away from the boundary and 11m from the front of the bungalow. No. 1 has an attractive outdoor seating area to the front, which would suffer a loss of light and overall the new dwelling would have an overbearing and oppressive impact upon the amenity of adjoining occupiers, contrary to the provisions of Policy CS2 of the Core Strategy.
- 14.8 The Council's adopted Parking Standards SPD requires residential developments of three bedrooms to provide 2.5 off street parking spaces. The proposal provides two off-street spaces, which constitutes under provision. In its favour, the site is reasonably well related to public transport links and local services, so the matter is finely balanced. The County Highway Engineer has been consulted on the matter and their comments will be reported.
- 14.9 In terms of contributions, the proposal is CIL liable and the applicant will be required to mitigate the impact of the development on European wildlife sites, which may be addressed following the grant of any planning permission. 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 is CIL liable. 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. Had planning permission been granted for the proposed development, a condition would have been recommended that would prevent the development from proceeding until the applicant has secured appropriate habitat mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. The proposal would have been subject to payment of a habitat mitigation contribution

of £550 for visitor management and monitoring, secured by S.106 or otherwise providing habitat mitigation to an equivalent standard.

- 14.10 On 28th November 2014 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...; 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.

- 14.11 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.
- 14.12 In light of the concerns highlighted over the overdeveloped form of development, character impacts and amenity impacts, the application is recommended for refusal.
- 14.13 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	-	-	-
Financial Contribution	-	-	-
Habitats Mitigation			
Financial Contribution	£4,250	£4,250	0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
------	----------------------------	----------------------------	-----------------------	------------------------------	------	-------

Dwelling houses	126.64	14.5	112.14	112.14	£80/sqm	£9,350.75 *
-----------------	--------	------	--------	--------	---------	-------------

Subtotal:	£9,350.75
Relief:	£0.00
Total Payable:	£9,350.75

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal constitutes overdevelopment of the site with a cramped layout and poor levels of space about the dwelling with no potential for trees and greenery on the site frontage, which would be out of character with the more spacious nature of the surrounding pattern of development. Furthermore, the siting of the dwelling would appear isolated and be out of character with the pattern of development along Wessex Road. Consequently the proposal would detract from the street scene, character and appearance of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, Ringwood Local Distinctiveness Document and paragraph 64 of the National Planning Policy Framework.

2. The proposed new dwelling would have an unacceptable impact upon adjoining residential amenity as it would reduce the level of light to and have an oppressive and overbearing impact on the outlook of number 1 Wessex Road, by virtue of its close siting and height, contrary to the amenity related provisions of Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009).

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 no pre-application advice was sought from the Council prior to the application's submission. The concerns of the Council, statutory consultees and notified parties in respect of the potential overintensive form of development, character and amenity impacts were made available on the Council's website. While the comments of notified parties were discussed with the agent no direct amendments were offered by the applicant to address those concerns. In view of the limited time constraints imposed on Planning Authorities to determine applications within specified timeframes, in this instance, due to the absence of agreement over contributions, plans and the level of harm the scheme would cause, it was not unreasonable to refuse the application.

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
November 2016**

Item No: 3k

226

Southampton Road
Ringwood
16/11154
SU1505

Scale 1:1250

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

