

Application Number: 16/11250 Full Planning Permission

Site: Land of 2 EAST VIEW ROAD, RINGWOOD BH24 1PP

Development: Bungalow; parking

Applicant: Pathway Construction Ltd

Target Date: 14/11/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy CS15 (Affordable housing contribution requirements from developments), as no affordable housing contribution is sought and contrary to Town Council view (in part).

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

CS25: Developers contributions

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. 4 - Promoting sustainable transport

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

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 16/10824 - Two storey house and parking - refused September 2016 due to concerns over the harmful impact it would have on the character of the area and adjoining amenity.
- 6.2 15/11478 - two storey rear extension - granted January 2016
- 6.3 02/75342 - outline application for detached dwelling (no. 4 East View Road) - refused June 2002, dismissed at appeal April 2003.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - recommend refusal. The Committee concluded that concerns raised previously had not been addressed and recommended refusal for the same reasons as the earlier proposal. Members disagreed with the Highways Officer and were very concerned with the added congestion that would result from the lack of parking at a busy and narrow point in the road. They also considered that the character of the street would be severely compromised with the inappropriate insertion of the proposed development, considering the spacing of dwellings in the area. This would be contrary to the Ringwood Local Distinctiveness SPD.

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 objections subject to parking conditions.

10 REPRESENTATIONS RECEIVED

None at the time of writing

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 dwelling's 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 £6,562.37. 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.

No pre-application advice was sought from the planning authority in respect of the form of development proposed, even in light of the previous refusal. In this case, the concerns of the Council, statutory consultees and notified parties in respect of the potential overintensive form of development and character impacts were made available on the Council's website, with no direct response 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 acceptable plans and the level of harm the scheme would cause, it is reasonable to refuse the application.

14 ASSESSMENT

- 14.1 The application site consists of the side garden of a semi-detached, two storey dwelling (no. 2 East View Road) within the built up area of Ringwood. The immediate area is characterised by detached dwellings, predominantly bungalows.
- 14.2 The application proposes the erection of a single storey, 2 bedroom detached bungalow, with associated garden area to the rear and two parking spaces to the front. The bungalow would be constructed of brick and slate or tiles and be of conventional design.

- 14.3 The main planning issues to take into consideration are the impact on the character and appearance of the area and upon adjoining residential amenity. Planning permission was refused earlier this year for a two storey dwelling on this plot for reasons relating to overdevelopment and adverse impact on No.1 East View Road (cartref).
- 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. 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 'The National Planning Policy Framework' 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. In addition, paragraph 53 states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the area.
- 14.5 In assessing the effect on the character and appearance of the area, the immediate context of the area is predominately detached bungalows fronting onto local roads with long, open rear gardens. Numbers 2 and 4 East View Road benefit from large gardens to the side and rear, which contribute to the character of the area. The proposal seeks to utilise the side garden of no. 2 to establish an independent two bed bungalow, with parking spaces for two cars in a tandem formation placed into the site frontage. A further two car parking spaces appear to be provided for use by no. 2 East View, again squeezed into the site frontage. This is not considered to reflect the context of the area given that the character of the area which is informed by the retention of good sized gardens to the rear as well as landscaped frontage areas. The proposed dwelling and associated parking would be clearly visible from East View Road. While the proposed building would be sited along the established building line and be of similar depth to existing dwellings in the row, the proposal would erode the gap between dwellings and limit the potential for greenery to the site frontage, to the detriment of local character. The Local Distinctiveness Document identifies the area as 'suburban throughout and can take very little intensification of built form in terms of the further depletion of character that would ensue through loss of greenery and potential for trees and greenery'. The development would also have a small rear garden and the front of the site would become dominated by parking arrangements, which emphasises the cramped appearance of this development. Overall, the proposal constitutes overdevelopment of this site, as the dwelling would have a cramped setting, located close to the boundaries of the site closing the gap between dwellings, dominated by car parking arrangements, with a small garden area and little space around the building. The proposal would therefore be an incongruous feature and out of character with the area, contrary to the provisions of Policy CS2, the Ringwood Local Distinctiveness Document and NPPF.
- 14.6 Policy CS2 also requires the impact of development proposals upon adjoining amenity to be considered. The proposal has a very close relationship to the boundaries of existing dwellings around it and the amenity impacts of the proposal need to be considered. While the proposal has a close relationship to the boundary with no. 1 East View Road (Cartref), its single storey form and fenestration arrangements

dictate that no overbearing impacts or loss of light, outlook or privacy would result to the neighbouring properties.

- 14.7 With regard to highway concerns, while officers have concerns regarding the cramped appearance of the proposed parking arrangements, the County Highway Authority raise no objections to the proposal, which complies with the adopted parking standards. It is not considered that highway concerns can be introduced to substantiate a further reason for refusal. In the light of the Town Council comment, further highways advice will be sought and reported to Committee.
- 14.8 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.
- 14.9 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”*
- 14.10 In light of the concerns highlighted over the overdeveloped form of development and character impacts the application is recommended for refusal.

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 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	£3,050	£3,050	£0

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	78.7		78.7	78.7	£80/sqm	£6,562.37*
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Subtotal:	£6,562.37
Relief:	£0.00
Total Payable:	£6,562.37

* 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 proposed development would offer a cramped layout and poor levels of space about the building, which constitutes overdevelopment of the site. It would be inappropriate to the site context by virtue of the closure of the gap between numbers 1 and 2 East View Road, its overly deep footprint, frontage dominated by vehicular parking arrangements, loss of potential for trees and greenery and small rear garden area. Consequently the proposal would be an incongruous feature which would detract from the street scene and deplete the character 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.

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 instance no pre-application advice was sought from the planning authority in respect of the form of development proposed, even in light of the previous refusal. In this case, the concerns of the Council, statutory consultees and notified parties in respect of the potential overdeveloped form of development and character impacts were made available on the Council's website, with no direct response 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 acceptable plans and the level of harm the scheme would cause, it is reasonable 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
Lynnhurst
SO43 7PA

**Planning Development
Control Committee
November 2016**

Item No: 3n

Land of
2 East View Road
Ringwood
16/11250
SU1505

Scale 1:1250

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

