

Application Number: 15/11069 Variation / Removal of Condition**Site:** 144 NORTHFIELD ROAD, RINGWOOD BH24 1SU**Development:** Continued use of building known as 'Cedars' to provide self contained residential accommodation for not more than 4 people and continued use of building known as 'Northfield' to provide self contained residential accommodation for not more than 6 people in need of care .**Applicant:** The Regard Partnership Ltd**Target Date:** 28/09/2015**Extension Date:** 14/07/2016

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

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 Construct pitched roof over existing flat roof extension and form room in roof space and addition of conservatory (46570) Granted with conditions on the 18th Jan 1991
- 6.3 Addition of side porch (47512) Granted with conditions on the 13th June 1991
- 6.4 Use as residential accommodation for people in need of care (Class C2) (58062) Granted with conditions on the 2nd Feb 1996
- 6.5 Use as self contained residential accommodation for persons other than Sheiling Community - Lawful Development Certificate that permission is not required for proposal (97330) Withdrawn on the 26th August 2011. This application was withdrawn because this was not the correct type of application required. A planning application was required to vary a condition, not by way of a Lawful Development Certificate
- 6.6 Removal of condition 1 of planning permission 58062 to allow different ownership (97730) Granted with conditions on the 6th Jan 2012. It was the company's wish to continue the use of the property, however, the condition allowed only the Sheiling Community's use of the property as a C2 care home. The variation being applied for would allow continue C2 use for people in need of care under different ownership.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend refusal but would accept the decision reached under delegated powers. Members felt that although technically it seems that the parking standards question has been answered, they wanted to express their frustration that in reality (and from observation) it doesn't work and in practice the allocated parking bays and turning dimensions were inoperable and potentially dangerous at this busy junction.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no highway objections
- 9.2 Environmental Health (pollution): there have been no complaints in relation to the site

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter strongly objecting which states that the site can just about manage 4 cars parked but this is very tight. The layout cannot accommodate 5 car parking spaces. Cars cannot leave the site in a forward gear. Cars are also blocking the adjacent driveway. Concerns

over dustbins, rubbish, glass and collection bins, which are left outside on the grass verge. Concerns over noise. The site is over intensified with little regard to the surrounding area and totally inappropriate for the site.

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 Introduction

14.1.1 Members may recall that this application was deferred at the Planning Committee on the 13th July 2016 to allow further information to be provided about the effect of the increase in the number of residents on the character of the area and the amenities of neighbouring residents. The Committee considered that they had insufficient evidence to evaluate the effect of the increase in the number of residents on the character of the area and the amenities of neighbouring residents and the calibre of accommodation provided and the adequacy of the parking and access arrangements. This required further information from Officers and the applicant in order to assess the application, namely:

- It is suggested that HCC Adult Services are consulted on the space standards provided. Are five bedrooms acceptable to accommodate 10 people in HCC's view?
- Have Environmental Health received any historical complaints of noise from the site?
- We need more information from the applicant on visitor numbers, frequency of visits, peak periods etc and the relationship with parking provision at the site.
- Are staff encouraged to park their own vehicles sensibly away from the site, or use alternative modes of transport to the car, also are staff advised that they should be egressing the site in a forward gear. Perhaps an informative in this regard?
- Members drew attention to para 14.1 of the report which stated that 'the 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'. We need to be clear why we now consider 10 residents to be acceptable.

In response, the applicant has provided further details and accordingly it is possible to clarify a few matters. It is important to stress that the two buildings, although linked together (the main house and attached former annex) are two separate properties. Although the use class remains the same (Use Class C2), the buildings are run independently under separate management. In terms of the car parking spaces to the front of the site, these are shared by both users.

14.1.2 The main building (the former dwelling) is known as 'Northfields House' and is operated by the 'Regard Partnership' with 6 residents, each of which have their own bedroom (2 with en-suite). The building also has shared/ communal bathroom, lounge, kitchen and dining facilities. The former annex building is known as 'Cedars' and is run by 'Reside' and currently has 4 residents, each have their own bedroom. The residents share a bathroom, lounge and kitchen area. Accordingly, there are up to ten residents but they are separated into the two parts of the building, with 6 residents at Northfields House and 4 in Cedars.

14.1.3 In assessing the issue of space standards and possible overcrowding, each resident has their own bedroom and no one person shares a bedroom. The residents also have shared communal rooms. During the day the residents will normally go to workshops, their place of work or education.

- 14.1.4 In terms of staffing & frequency of visits, at any one time, one staff member operates from the 'Cedars' and one member of staff works at 'Northfields'. The staff rota is 07.00 until 17.00 with two members of staff for this period. All residents attend work or classes and both properties are usually empty from 11.00 till 15.00. The residents will normally be taken to their workplace or education by one vehicle. One member of staff covers nights from 21.00 till 07.00. Weekends are manned to the same rota. The number of relatives visiting residents is one or two families at the most during the weekend. Accordingly there are very few visitors during the day at weekdays.
- 14.1.5 In terms of car parking arrangements, the applicant has provided a revised plan which shows the car parking layout. A total of 5 car parking spaces are now provided and this has already been laid out on the site in accordance with the revised plan. The cars must park facing towards the garden. The applicant states that when leaving the property cars must reverse back into the remaining drive (approximately 4.3 m) and leave the property in a forward direction (not reverse on to main road). The bays (5 in total) allow 2 spaces for the house cars (1 for Cedars 1 for Northfields). The remaining 3 spaces are to be used for visitors only. All staff need to find alternative parking. There is a free car park opposite the property (30 metres away). The manager uses this and the staff will be instructed to do so. No parking is to be allowed behind the 5 parked cars (as this would mean reversing on to the main road and use the turning area). The applicant states that signage will be added to make this clear.
- 14.1.6 In relation to the comments that 'the 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 and why 10 residents would now be acceptable, it is important to note that staff now work on a shift basis. This means that only two staff members are present at any one time, whereas, previously up to four staff were working from the premises. Moreover, as stated above, the applicant considers that the number of visitors to the premises to be relatively low and any increase in the number of residents will not result in significant activity at the site. The Environmental Health Department have not received any complaints in the past, and no historical concerns have been raised with them. Moreover, the residents all have their separate rooms and no rooms are shared and accordingly their living conditions are not considered cramped.
- 14.1.7 Given the relatively low number of traffic movements in and out of the site during the day, it is not considered that there is an adverse impact in terms of noise and disturbance to the neighbouring properties. The impact on the character of the area is also limited given that the car parking has been laid out and the grassed area outside the site is not available for parking. It is considered that based upon the information submitted, this does not alter Officers recommendation, although the wording of suggested condition No.1 has been amended.

14.2 Officers previous report (13th July 2016)

- 14.2.1 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.

- 14.2.2 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.
- 14.2.3 In 1996 a planning application was granted from the change of use from a dwelling (C3 use Class) to 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.
- 14.2.4 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.
- 14.2.5 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.
- 14.2.6 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.

- 14.2.7 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.
- 14.2.8 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.
- 14.2.9 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.

14.2.10 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.

14.2.11 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 known as the 'Cedars' shall be used to provide self contained residential accommodation for not more than 4 people in need of care and the building known as 'Northfields' shall be used to provide self contained residential accommodation for not more than 6 people in need of care.

Reason: A further increase in the number of people in need of care or to reside in the buildings on this site is likely to create an inappropriate residential and living environment, a detrimental impact on the character and appearance of the area, an impact on residential amenity and conflict with public highway safety which would fail to comply with policies CS2 and CS24 of the Core Strategy for the New Forest District outside the National Park.

2. The spaces shown on the plan identified as "Block Plan" for the turning and parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the 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. This decision relates to amended / additional plans received by the Local Planning Authority on the 13th March 2017.
2. 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**
June 2017

Item No: 3a

144

**Northfield Road
Ringwood
15/11069
SU1606**

Scale 1:1250

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

