

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

### Appeal by The Personal Touch (Property Care) Limited

# B

*Development of 26 Dwellings Comprised: 7 Detached Houses; 6 Pairs of Semi-Detached Houses; 1 Terrace of 3 Houses; 1 Block of 4 Flats; Vehicular & Pedestrian Access; Car & Cycle Parking; Public Open Space & Landscaping; Demolition of 83, 85 & 87 Eastfield Lane*

at

*Nos. 83 - 87 and Land to the Rear of Nos. 79-81, 89-91 Eastfield Lane, Ringwood*

### GROUNDS OF APPEAL

October 2009

The District Council has refused to grant planning permission on 20 April 2009 on the following grounds:

1. *The proposal is not appropriate in its context and fails to take the opportunities available for improving the character and quality of the area. By virtue of the intensive layout, number of dwellings and associated lack of private garden space together with the extent of hard surfacing and inadequate space for landscaping, the proposal would:*
  - a) *be out of context with the surrounding area and result in an inappropriately harsh and poorly designed street environment both within the site and along the Eastfield Lane frontage to the detriment of the character and appearance of the area;*
  - b) *result in a poor transition between the adjoining suburban area and the open countryside to the east, lacking respect for the rural edge and providing neither adequate space for the retention or provision of trees, nor space for planting which could contribute towards the character and appearance of the development in its setting and support biodiversity, be harsh, having a poor street environment both within the site and along the Eastfield Lane frontage.*
  - c) *not provide a high quality living environment for future occupiers.*

*The proposal would therefore be contrary to policies DW-E1, DW-E7, DW-E8 and DW-E10 of the New Forest District Local Plan First Alteration.*

2. *The proposed internal road layout does not provide sufficient width to allow a fire appliance to pass beyond the gateway feature and thus access the site sufficiently. This is contrary to policy DW-T8 of the New Forest District Local Plan First Alteration.*
3. *The proposal generates a requirement for the provision of financial contributions towards the maintenance of the on-site public open space off-site public open space, educational facilities and the provision of 9 dwellings for affordable housing. Without these provisions is contrary to policies AH-1, DW-R3 and DW-F1 of the New Forest District Local Plan First Alteration.*
4. *It has not been demonstrated that crime prevention measures would be satisfactorily provided for, in the absence of which, the development would not reduce the opportunities for criminal behaviour, contrary to policy DW-E14 of the New Forest District Local Plan First Alteration.*

Dealing with each of the refusal reasons in turn.

### **Refusal Reason No. 1:**

It is important to note that the Appellant endeavoured to meet with the Council prior to and during the planning application process to discuss the scheme proposals. However, these requests were denied by the Council, with the exception of a single on-site meeting with the Council's Urban Design Officer immediately prior to the application's submission.

The scheme was informed by a thorough and detailed assessment of the site and surrounding context by a qualified Architect to ensure that the proposed development would respect its surroundings whilst also creating its own character and sense of place.

The site currently comprises residential curtilage and thus falls within PPS3's definition of previously developed land (Annex B). The Appellant will present evidence to demonstrate that the development makes an effective and efficient use of the land by adhering to the indicative density level as advocated by PPS3 and has had regard to the surrounding built form which includes examples of similar developments.

The Appellant will demonstrate that the proposal has responded to its location adjacent to, what is currently designated as countryside, through the use of suitable boundary treatments and layout orientation. Thus, and having regard to boundary treatments of other developments within the area, the Appellant will provide evidence to demonstrate that the development provides an appropriate transition between the suburban area and the adjoining countryside.

The Appellant will demonstrate that the proposed level of private amenity space afforded to future residents is comparable to other similar developments both within the District and across the country, and, together with the proposed area of on-site amenity space provides an appropriate level of residential amenity.

The scheme was supported by a detailed landscape strategy and thus evidence will be prepared to demonstrate that the proposal has provided a suitable level of both hard and soft landscaping, whilst the layout has been informed by the need to protect and retain mature trees, some of which are subject to Tree Preservation Orders.

In summary therefore, the Appellant will demonstrate in evidence that the proposed scheme is in accordance with advice set out by National Government Guidance, principally PPS1 and PPS3. In addition, the scheme has had regard to and is in accordance with the relevant policies of the Development Plan and other guidance.

The District Council's first refusal reason is therefore considered, by the Appellant, to be unfounded.

### **Refusal Reason No. 2:**

The Appellant did address the issue raised within this refusal reason directly with the County Highway Authority and ahead of the District Council's determination of the application. In the Appellant's view, this issue should not therefore have been raised as a concern by the District Council or indeed a refusal reason. In summary, this issue can be addressed via a minor amendment to the width of the build out annotated on the site layout plan to ensure that the residual carriageway is of sufficient width to enable the District Council's refuse vehicle to pass. An amended plan will be provided to demonstrate how this matter can be addressed.

It is anticipated that this issue can be addressed in the Statement of Common Ground.

### **Refusal Reason No. 3:**

This refusal reason seeks to safeguard the District Council's position regarding the provision of a financial contribution in relation to public open space, education and also an appropriate level of affordable housing.

The Appellant's solicitor had made substantial progress with the District Council's legal services team in preparing a S.106 Agreement in relation to the application at the time it was reported to Committee. Therefore, the Appellant will seek to finalise and agree with the District Council a S.106 Agreement that will address the matters raised within this refusal reason. The matters raised within this refusal reason will therefore be addressed in full.

**Refusal Reason No. 4:**

A detailed response to concerns raised by the Crime Prevention Design Officer was sent to the Council prior to the application's determination by committee. It is evident from the Officer's report to committee that this information was not taken into account by the Council or indeed provided to the Crime Prevention Design Officer at Hampshire Police. The Appellant will demonstrate that the proposal has addressed the concerns raised by the Crime Prevention Design Officer.

In the Appellant's view this refusal reason is unfounded.

**END.**