

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Appeal by Zebra Property Solutions Ltd & The Personal Touch (Property Care) Ltd

Proposed Demolition of Nos. 83 -87 Eastfield Lane and Erection of 24 No. Dwellings (4 No. 5 Bedroom Houses, 6 No. 4 Bedroom Houses, 11 No. 3 Bedroom Houses, 3 No. 2 Bedroom Houses) Vehicular and Pedestrian Access, Car and Cycle Parking, Public Open Space and Landscaping.

At

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

GROUND OFS OF APPEAL

January 2010

The District Council has refused to grant planning permission on 22 December 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, alignment of the access drive 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 and*
 - c) *not provide a high quality living environment for future occupiers.*

The proposal would therefore be contrary to policies CS1 and Cs2 of the New Forest District Council Core Strategy and policies Dw-E7 and DW-E8 of the New Forest District Local Plan First Alteration.

- 2.. *The proposal generates a requirement for the provision of on-site informal public open space and financial contributions towards the maintenance of the on-site public open space and provision of off-site formal public open space, educational facilities, transportation improvements and 9 of the dwellings for affordable housing. Without these provisions being secured through the completion of a S106 Agreement, the proposal is contrary to policies CS15, Cs7 and CS25 of the New Forest District Council Core Strategy.*

Dealing with each of the refusal reasons in turn.

Refusal Reason No. 1:

The application was submitted following the Council's refusal to grant planning permission for an earlier scheme on the same site for 26 dwellings, which is already subject to an Appeal with a Hearing scheduled for 16 March 2010.

The revised application, subject of this Appeal was informed by a thorough and detailed reassessment 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 and addressing the Council's concerns raised in relation to the previous scheme.

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 and has overcome the Council's concerns in relation to the previous scheme.

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

Refusal Reason No. 2:

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, transport and also an appropriate level of affordable housing.

The Appellant's solicitor had made several attempts to progress with the District Council's legal services team in preparing a S.106 Agreement in relation to the application. However the Council offered little cooperation and, as a consequence, limited progress was made .

The Appellant has no objection, in principle, to the contributions being sought other than those in relation to transportation improvements. It was agreed with the Council prior to its determination of the previous scheme that no such contributions would be sought given the absence of specific transportation improvement programmes which would be directly related to the proposal.

The Council is now seeking a contribution towards transportation improvements, but has failed when requested on numerous occasions to provide sufficient information to demonstrate that there are now identified transportation improvements directly related to the proposal that would benefit from a financial contribution in order to comply with all of the required tests set out in Circular 05/2005.

The Appellant will however continue to request this information from the Council with a view of reaching a resolution to this matter ahead of the Hearing.

The Appellant will endeavour 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.

END.