

Application Number: 15/10369 Full Planning Permission

Site: MERRYMORE, 22 BARTON WOOD ROAD, BARTON-ON-SEA,
NEW MILTON BH25 7NN

Development: Retention of ramp; smoking shelter; shed

Applicant: Cordline Services Ltd

Target Date: 12/05/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

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
- 6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality

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
Achieving Sustainable Development
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

14/11580 - retention of ramp, smoking shelter, shed. Withdrawn 12.2.15

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal and would not accept a delegated approval. Concerned that Environmental Health conditions would not

be enforced and that the boundary vegetation strips are wholly inadequate to provide replacement screening.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Drainage Engineer- no comment

9.2 Environmental Health (Pollution) – no objection subject to an informative note.

10 REPRESENTATIONS RECEIVED

Objections have been received from three local residents raising the following concerns:

- main concerns relate to parking situation
- over development of site
- visual intrusion
- loss of vegetation
- noise
- privacy

11 CRIME & DISORDER IMPLICATIONS

None

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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. It is a care home which has undergone significant extension and refurbishment in recent months. Residents have gradually been moved in over the last few months. The proposal entails the retention of a replacement shed in the rear garden, a new smoking shelter and the retention of the ramped area enabling DDA compliant ground floor doorways. Further to the previously withdrawn application, the ramp is proposed to be reduced in size in order to provide a hedge to the west side of the property (the associated landscaping details are under consideration separately).
- 14.2 Prior to the implementation of application 98928, although the grounds were overgrown due to the property having been vacant for some time, there were three sheds along the boundary with 43 Seaward Avenue (approximately long 13m in total). The principle of the retention of the shed and provision of an additional structure in the corner is therefore not considered to be an issue in terms of visual amenity as the previous sheds took up the majority of this section of the western boundary.
- 14.3 However, the smoking shelter has resulted in concerns being raised by local residents and the Town Council due to its proximity to neighbouring gardens. Additional information received previously stated that the shelter would be for the use of up to 5 residents only between the hours of 7am and 9pm. Environmental Health have considered this and are satisfied that the impact on residential amenity can be controlled through conditions. In considering the proposed location for the shelter, although the applicants have not submitted any supporting information, it should be noted that the shelter would be at least 28m from the front/rear elevation of the nearest dwellings. Further, given the home will be for the care of dementia patients, it is unlikely that a shelter in front of the secure gates, which have been provided either side of the building, would be an acceptable alternative. The location shown would therefore appear to be the most favourable option as elsewhere would be closer to adjoining residential properties.

- 14.4 The retention of the ramp is a slightly less straight forward consideration. Previously, the main building was largely surrounded by tarmac although this did not extend up to the boundary to the west. To the eastern side, although there was some planting/hedgerow, this would have been the drive to the original dwelling, leading to a garage (now demolished). The approved landscaping following the granting of application 98928 indicated the retention and trimming of the mature hedges to the western, eastern and southern boundaries together with additional hedgerow planting to the east where the garage was to be removed. All trees (including three on the western boundary) were to be retained.
- 14.5 Since this landscaping was approved (January 2013), works have been implemented and most of the vegetation has been cleared from the site leaving just two trees to the west, one in the rear garden and no hedges either side of the building. The provision of the ramp has taken up all the available planting space, which has resulted in the site having a particularly harsh impact on the street scene from Channel Court to the west, Woodlands Road to the east and Barton Wood Road itself. Since the previous application was withdrawn, discussions have taken place and although the revised landscaping scheme is currently under consideration as revised details under 98928, it is considered that the removal of 500mm of tarmac adjacent to the western boundary is adequate in order for a reasonable planting scheme to be provided to improve the setting of the building and residential amenity for 10, Channel Court. There is no objection to the principle of each ground floor doorway having a level threshold and, subject to the works being implemented in accordance with the revised landscaping details, it is considered that the solution provided is acceptable.
- 14.6 During the initial implementation of the changes in levels, concerns were expressed locally (Woodlands Road) with regard to potential overlooking from residents on their individual terraces given the increased height of ground levels and limited boundary treatments. However, the site does now benefit from boundary screening which maintains privacy levels.
- 14.7 In conclusion, subject to appropriate conditions relating to the use of the smoking shelter and timing of removing the western section of tarmac, the proposal is considered acceptable.
- 14.8 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 Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: SC/OB/07/11/14/02, SC/OB/07/11/14/01 REVA13/03/15.

Reason: To ensure satisfactory provision of the development.

3. The use of the smoking shelter hereby permitted shall be for a maximum of five residents only at any one time and between the hours of 0700h and 2100h only.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. The removal of 500mm of tarmac to the western side of the site as shown on the approved plans shall be undertaken within 3 months of the date of this permission.

Reason: In order to enable the provision of a suitable landscaping scheme and in the interests of the visual amenities of the area in accordance with policy CS2 of the New Forest District Council Core Strategy.

5. Following the removal of the 500mm strip of tarmac to the western boundary, the approved landscaping scheme under application 98928 (dated January 2013) or any subsequently approved landscaping scheme shall be fully implemented in the next available planting season.

Reason: In the interests of the visual and residential amenities of the area and in accordance with policy CS2 of the New Forest District Council Core Strategy.

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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. It is recommended that the owner of the site ensures that the smoking shelter complies with the relevant requirements within the Health Act 2006 prior to using it for smoking to ensure that it is neither enclosed nor substantially enclosed.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee**
June 2015

Item No: 30
Merrymore
22 Barton Wood Road
Barton on Sea
15/10369
SZ2393

Scale 1:1250

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

