

Application Number: 21/11230 Variation / Removal of Condition

Site: 33 ALBERT ROAD, NEW MILTON BH25 6SP

Development: Variation of condition 5 of 18/10965 to allow tuition 1545-1915 Mon-Fri in term time and 0915-1245 Mon-Fri in school holidays, 0930-1600 on Saturdays and 1:1 tuition outside of these times

Applicant: Mrs Wells-Bryant

Agent: Draycott Chartered Surveyors

Target Date: 21/10/2021

Case Officer: Vivienne Baxter

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) principle of the proposal
- 2) impact on the residential amenities of the area
- 3) highway safety and parking matters

This application is to be considered by Committee because there is a contrary view from the Town Council.

2 SITE DESCRIPTION

The site lies within the built up area of New Milton in a residential area. It contains a two storey detached house with associated garage and outbuildings. To the rear garden area, is a swimming pool housed under a retractable canopy. The rear part of the garage and a summer house are used in association with a commercial swimming tuition business at the premises and the frontage is surfaced in order to accommodate parking for those having lessons.

3 PROPOSED DEVELOPMENT

The proposal entails a variation of condition 5 of the original approval allowing swimming tuition. The condition is currently worded as follows:

No teaching activity shall take place on the site in connection with the approved use other than between the hours of 1545 and 1915 Monday to Fridays and 0930 and 1600 on Saturdays, not including recognised public holidays.

The applicant has requested that the Monday to Friday sessions are moved to 0915-1215 in school holidays and that one to one tuition is also allowed outside of the overall opening hours.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
18/10965 Use as swimming tuition business; retractable pool cover; changing room extension; parking & access alterations	02/10/2018	Granted Subject to Conditions	Decided
15/11405 Use as swimming tuition business; retractable pool cover; garage extension; parking	13/04/2016	Granted Subject to Conditions	Decided
15/11406 Two-storey rear extension; Juliet balconies; side and rear extension to existing detached garage	10/12/2015	Granted Subject to Conditions	Decided
85/NFDC/30118 Addition of kitchen, bedroom/study and cloakroom.	02/10/1985	Granted	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness
Policy CCC2: Safe and sustainable travel

Local Plan Part 2: Sites and Development Management 2014

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness
SPD - Parking Standards

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

Relevant Advice

Chap 12: Achieving well designed places

Constraints

Aerodrome Safeguarding Zone

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

STRONGLY OBJECT (Non-Delegated)

Members felt that the existing condition 5 should remain due to existing effects on neighbours.

The existing condition 4 appears to not be enforced regarding parking therefore this matter will be referred separately to Planning Enforcement.

Following re-consultation:

New Milton Town Council

STRONGLY OBJECT (Non-Delegated)

Members continue to be extremely concerned about existing impact to neighbours regarding noise and parking. The Noise Impact Assessment has not altered that position and has highlighted that the suggested Noise Management Plan was missing from this submission of additional information.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways

No objection

NFDC Environmental Health (Pollution), Appletree Court

Objection

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 21

- more convenient for children
- its a calmer environment for children
- important to support small and local businesses
- the site includes ample parking which is never a problem
- earlier holiday lessons would be preferable
- lessons would be when others are working
- there aren't enough swimming teachers locally
- fewer parking issues during the day
- swimming schools are more beneficial to pubs, etc. which are open longer
- there are other facilities close to Albert Road which result in heavy parking not just a swimming school
- gives children and adults confidence
- vital facility
- applicant encourages customers to use the drive for parking

Against: 17

- traffic movements have increased
- inconsiderate parking blocking drives
- no objection to lessons, just parking and safety concerns
- staff and client numbers should be restricted
- applicant has been operating outside of the permitted hours anyway
- many local residents in the area are retired and not at work during the day
- many recent arrivals in the road have 4 or more vehicles per house including pick ups and vans
- the requested opening hours are already resulting in problems
- business should not be run in a residential area
- noise during the day is unbearable
- cars park on the pavements
- parking could prevent emergency service vehicles from getting through

- no confidence in the applicant obeying any conditions
- lessons have occurred after 7.30/8pm
- the whole proposal needs to be looked at again
- light pollution from swimming pool now evenings are darker
- there are potentially up to 4 instructors taking lessons
- noise will still occur unless a purpose built structure is provided

In addition to the comments received, the applicant has responded to the objections stating the following:

- lessons do not occur after 8pm although the office hours are until this time
- current hours would be swapped in the holidays
- the pool is not used commercially on a Sunday but we are able to use the pool for our own purposes, including friends at this time
- the majority of local residents work during the day and therefore the proposal would improve the parking situation
- we are in touch with the Council and other bodies to try and reduce noise
- there are always places to park in Albert Road, Vincent Road is more difficult
- Albert Road is used by school children on their way home
- parents are requested not to block drives and park in the drive

10 PLANNING ASSESSMENT

Background

Permission was first granted for the retractable canopy and use of this pool for tuition purposes at Committee in April 2016. At that time, the permission was granted with conditions restricting both hours of operation and permanence as follows:

No activity shall take place on the site in connection with the approved use other than between the hours of 0930 and 1430 Monday to Fridays and 0930 and 1600 on Saturdays, not including recognised public holidays.

The use of the swimming pool for commercial purposes shall cease on or before August 31st 2017 or within 12 months of the commencement of the use whichever is the sooner.

At the time of its consideration, the Highway Authority provided the following advice:

'Concerns were raised by local residents that on street parking in the roads in the vicinity of the site was oversubscribed and that the proposals would exacerbate these problems due to the lack of sufficient parking within the site.

It is noted that during the day time on street parking in the vicinity of the site is not significantly oversubscribed and that at this time the problem is limited to the roads closer to the station and the cut through at the eastern end of Albert Road where some vehicles park to use the railway station.

The highway authority understands that the period of operation will be limited to cease by 14.30 on weekdays and by 16.00 on Saturdays and that a maximum of 4 pupils will be attending lessons at any one time.

On site parking provision will be provided for a total of 6 cars - 3 for the use of the existing dwelling (which would be in accordance with the SPD) and 3 for the use of the swimming pool, additionally 3 long stay and 4 short stay cycle parking spaces will be provided at the site.

It is the Highway Authority's view therefore that these arrangements will not result in any significant inconvenience to users of the adjacent highway.

In acknowledgement of local concerns however it is further understood that any permission would be limited to a 12 month period to allow the affects of any activity to be monitored and reassessed should this prove necessary.'

A permanent consent was subsequently applied for and at that point, the Town Council were in support of the proposal and 2 letters of support from local residents were received. There had been no complaints received in respect of noise or parking difficulties. The permanent consent was granted in October 2018 with the condition restricting operating hours as follows. This decision was based on the information provided at the time which clearly stated one employee on the application form.

No teaching activity shall take place on the site in connection with the approved use other than between the hours of 1545 and 1915 Monday to Fridays and 0930 and 1600 on Saturdays, not including recognised public holidays.

Principle of Development

The site has a permanent consent to be used for swimming tuition on Saturdays and during the late afternoon/early evening Monday to Friday. There are no objections to the principle of changing the hours subject to considering the residential amenities of local residents and the impact of the proposal on the parking situation and highway safety. It is noted that complaints have been received since the initial permanent consent where the hours during the week were amended to later in the day.

Residential amenity

The initial temporary consent was for Saturdays and during the day Monday to Friday. When permanent consent was granted, the Monday to Friday hours changed to after school hours and this clearly has had an impact on the residential amenities enjoyed by neighbouring residents. The proposal would enable these after school hours to be relocated to earlier in the day during school holiday times which would be beneficial to local residents. The applicant has also advised that she does not intend to operate lessons in every school holiday, omitting Christmas, Easter, February half term and parts of the summer holidays.

The proposal also includes one to one tuition outside of the permitted hours. There has been no specific details of how often this would occur or whether it would be every day where the pool is able to be used commercially. However, further to a noise complaint received in respect of the premises earlier this year, noise monitoring has been done in September and, more recently, in mid-November, the latter being with the knowledge of the applicant. The outcome of this monitoring is that noise attributable to swimming tuition (outside of the permitted times) is audible in neighbouring gardens and whilst noise levels during the permitted times was managed well, it is considered that the additional hours for one to one tuition should not be permitted at this stage until suitable and sufficient controls are in place to control noise.

Highway safety, access and parking

The site benefits from a drive which can accommodate three cars together with a frontage wide enough to accommodate three more cars. This was a requirement of the previous consent and it is understood that the applicant requests her customers

use this area first before considering parking in Albert Road. The Highway Authority has raised no objections to the variation of condition.

Many of the objections received from local residents refer to the parking difficulties in this part of Albert Road. The information provided by both local residents and the applicant would suggest that many households in the immediate area have more than one vehicle, some having three or four and these are regularly parked in the road which does not help parking at this site. To compound the difficulties noted, there is a public right of way at the northern end of Albert Road which provides a link to the railway station and parking may occur in the road as a result of this.

It is not a planning matter to try and resolve all parking issues within this part of Albert Road and as the Highway Authority has not raised any objection to the proposed changes to the operating hours of the business, it would be difficult to substantiate a reason for refusal on this ground.

11 CONCLUSION

The site has a permanent consent for swimming tuition during certain times. Given the noise implications with increasing these hours, it is considered appropriate to allow changes to the existing number of hours but no more. Not only would this be more beneficial to residents in terms of potential noise and disturbance but it would alleviate the parking issues in the early evening which have been referred to in many objections received. As there would be no increase in the overall permitted hours of use, it would not be appropriate to request a noise management plan at this time.

12 OTHER CONSIDERATIONS

N/A

13 RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

location plan
016 site plan - existing.

Reason: To ensure satisfactory provision of the development.

2. The spaces shown on plan 036 (parking plan) for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the existing dwelling and business hereby approved (3 each) at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan Part 1: Planning Strategy.

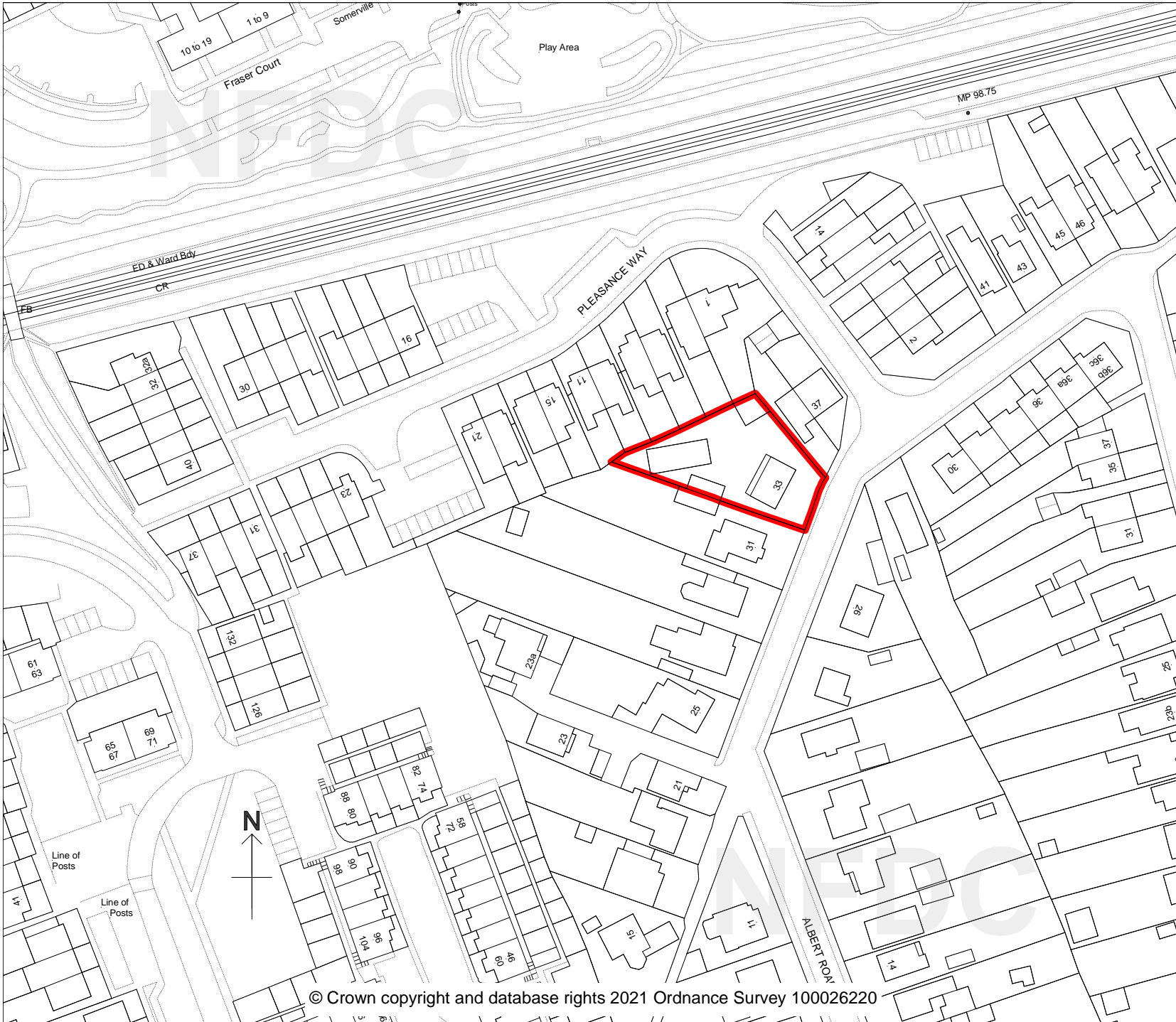
3. No teaching activity shall take place on the site in connection with the approved use other than between the hours of 0915 and 1245 Monday to Friday during Hampshire Local Education Authority school holiday time or 1545 and 1915 during Hampshire Local Authority school term time Monday to Friday and 0930 and 1600 on Saturdays, not including recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1: Planning Strategy.

Further Information:

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New Forest

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PLANNING COMMITTEE

December 2021

33 Albert Road
New Milton

21/11230

Scale 1:1250

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the internet, it will not be to
scale.