

Application Number: 15/11405 Full Planning Permission

Site: 33 ALBERT ROAD, NEW MILTON BH25 6SP

Development: Use as swimming tuition business; retractable pool cover; garage extension; parking

Applicant: Mr & Mrs J Bryant

Target Date: 20/11/2015

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
2. Climate change and environmental sustainability
6. Towns, villages and built environment quality
9. Leisure and recreation

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

15/11406 two-storey rear extension, Juliet balconies, side and rear extension to existing detached garage. Item 3k on this Agenda.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - object and would not accept a delegated approval. Parking concerns, inappropriate business use, inadequate changing facilities pool cover is detrimental to visual amenities of residents, additional noise, swimming facilities are not necessary.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Land Drainage - recommend approval

9.2 Hampshire County Council Highway Engineer - recommend refusal due to inadequate parking

9.3 Environmental Health (Pollution) - no objection subject to conditions.

10 REPRESENTATIONS RECEIVED

Objections have been received from 4 local residents. Their concerns are:

- lack of parking
- unsuitable use for residential area
- proposed hours are excessive
- there are NFDC facilities close by
- other businesses in the area do not cause parking issues
- applicants already run a swimming business elsewhere
- summerhouse is too close to adjoining property
- turning not possible on site
- business would be detrimental to the area
- increased traffic

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.

The proposal has generated many complaints with regard to the impact of the proposal on the parking situation which is already poor. The Highway Authority are in agreement with these concerns and refusal is therefore recommended.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. The property currently benefits from an open air 13m x 5.6m swimming pool in the irregularly shaped rear garden. This is well screened to the west by the neighbours conifer hedge and to the north east by trees within the site. The property also has several outbuildings including a garage, summer house and store. The proposal entails the provision of a retractable pool canopy and rear extension to the detached garage, use of the pool for tuition purposes and the summer house as a business related office.
- 14.2 Visually, the proposed addition to the garage would have a limited impact as it would be tucked behind the existing structure, replacing a small shed to the rear. The pool canopy would be a much larger structure although in view of the screening within and adjoining the site, combined with its height of 2.5 metres, this too would have a limited visual impact and would not be seen from public vantage points.
- 14.3 With regard to residential amenity, while properties in Pleasance Way have relatively short gardens (11m minimum), the trees within the site would help to screen the pool cover from upper floors. In addition to this, given the maximum height of the cover is 2.5m, it would fall within the property's permitted development rights were it proposed for domestic use only. It is not considered to adversely affect the outlook from adjoining properties.
- 14.4 The use of the office for business purposes would have little impact on residential amenity as no teaching would occur within it and it would be used for processing paperwork when teaching was not being undertaken. The applicants have clarified the proposed hours of use which would be less than the hours stated on the application form and

only if the demand was there. The proposed hours of use would therefore be 9.30am - 2.30pm Monday to Friday and 9.30am - 4.30pm on Saturdays and largely during term times only (approximately 40 weeks/year). In addition a maximum of four children would be taught at any one time.

14.5 It is understood that residents have been disturbed in recent months during pool parties held at the property. However, as the majority of teaching would be individual tuition within an enclosed area, it is unlikely that significant harm would arise from the actual teaching given the low numbers proposed. The Environmental Health Officer has raised no objection to the application subject to conditions to control hours of use and to allow a temporary period to enable the impact of the use to be monitored.

14.6 Many local residents have raised concerns about parking in Albert Road. This concern is also reflected in the Highway Authority's response. Although the proposal includes the provision of parking spaces for both residents and pupils, the Highway Authority considers the access too narrow for two way traffic in and out of the site and in addition to this, the tandem spaces for pupils would not work properly and would result in additional movements within the highway, to the detriment of highway safety. For this reason, the application is recommended for refusal.

14.7 In conclusion, the highway concerns give rise to the recommendation to refuse permission. The physical development is considered acceptable and the Environmental Health Officer has raised no objection subject to conditions.

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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal incorporates inadequate car parking layout and provision within the site which is likely to result in displaced vehicles being forced to park within the highway which would interrupt the free flow of traffic in Albert Road, which is not in the interest of highway safety and would be contrary to policy CS2 of the New Forest District Council Core Strategy.

Notes for inclusion on certificate:

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.

The proposal generated many complaints with regard to the impact of the proposal on the parking situation which was already poor. The Highway Authority were in agreement with these concerns and refusal was justified.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Planning & Transportation
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
December 2015**

Item No: 3j & 3k
33
Albert Road
New Milton
15/11405/06
SZ2395

Scale 1:1250
N.B. If printing this plan from
the internet, it will not be to
scale.



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