

Application Number: 15/11305 Full Planning Permission

Site: FIVE WAYS, 42 ALBERT ROAD, NEW MILTON BH25 6SP

Development: Reconstruction to create two-storey building for use as care home; access alterations; parking

Applicant: Contemplation Care Ltd

Target Date: 19/11/2015

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
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

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

09/94121 - three storey 11 bedroom care house, landscaping, associated parking, demolition of existing. Refused 12.1.10

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal and would not accept a delegated approval. The lack of parking would cause safety concerns, bulk and scale and lack of amenity space. Comments are made with regret due to need for additional accommodation.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Land Drainage - no comment

9.2 Environmental Health (Contaminated Land) - request informative

9.3 Southern Water - request informative

9.4 New Forest Access for All - make comments

9.5 Hampshire County Council Highway Engineer - no objection subject to conditions

10 REPRESENTATIONS RECEIVED

Objections have been received from 2 local residents concerned that:

- access to the site is very poor
- the proposal would double traffic to the site
- overlooking
- loss of morning light
- drainage concerns
- not a suitable place to increase population
- overdevelopment
- additional traffic would cause highway/pedestrian safety issues

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 applicant was aware of concerns raised and has tried to address these issues through revised parking arrangements and different elevational treatment in order to minimise the bulky nature of the building.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area close to the railway line. It contains a bungalow currently in use as a home for 3 people with learning difficulties. There is a tandem garage to the side and a modest rear garden which is well screened by fencing on all sides. There is a large tree to the south of the site outside the site. Access is off Albert Road which continues as a public right of way to the east, towards the railway station. The proposal entails the demolition of the garage and small conservatory and the provision of a single storey rear extension, two storey front extension and the provision of accommodation above the existing footprint in order to provide ensuite accommodation for 6 residents.
- 14.2 The application has responded to concerns raised in respect of the bulk and massing of the proposal on this plot. This has taken the form of a slight recess to the rear extension in order to provide more definition along the side elevations, together with a wider palette of materials to break up the massing. It is accepted that this does not significantly reduce the bulk of the proposed building although it helps to break it up and reduce its impact in the street scene. The fact that the property is at the end of the road and presently set back approximately 9m from the front elevation of no.40 also ensures that it would not be overdominant in the street scene. The front projection would still be 4m back from no.40.
- 14.3 The changes are supported with more information with regard to the needs of the residents who very often require wheelchair and mobility scooter access, meaning internal dimensions cannot be reduced any

further. There are also minimum bedroom requirements. While the residents do not drive, their sister site elsewhere in the town accommodates the minibus which will collect and deliver residents from time to time.

- 14.4 With regard to residential amenity, the flank wall would be 9.5m from no.40 and the 2-storey element would be to the north-east of this property. While this property has a few openings in its side elevation, it is not considered that it would suffer a significant loss of light as a result of the proposal. Similarly, it is unlikely to be overbearing given the lack of windows and distance between the two buildings. The proposed side windows relate to either stairs or ensuites and could be conditioned to be obscure glazed should permission be granted.
- 14.5 The Town Council has raised amenity space as an issue. The resultant back garden to the property would be a little under 120m², some of which would be paved adjacent to the building and there would be a further lawned area to the front, albeit smaller but more screened by virtue of the front addition, than the existing front area. This level of amenity space is more than twice the suggested area for family homes in New Milton and is considered appropriate for the proposed use.
- 14.6 The property currently benefits from off road parking although other than the staff car, the occasional visitor and the use of a minibus kept at another property in the applicant's ownership, there is limited traffic generation to the site. The Highway Authority has considered the information provided which shows a staff parking space, two visitor spaces (including one for disabled drivers) and turning on site, and concluded that there are no grounds to recommend refusal.
- 14.7 In conclusion, the proposals are considered to be worthy of support given the nature of the use and the character of the surrounding area which contains a wide variety of building types and sizes. In addition the proposals would have an acceptable impact on neighbouring property with appropriate levels of parking and turning provision.
- 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: Design and Access Statement, additional information, 947/1, 947/2a, 947/3b.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. The development hereby permitted shall not be occupied until the parking and turning spaces shown on plan 947/3b for the parking and turning of motor vehicles have been provided. These spaces shall be retained and kept available for the parking and turning of motor vehicles for the property hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

5. The first floor windows on the south west elevation and first floor window in the north east elevation of the approved building shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (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.

The applicant was aware of concerns raised and tried to address these issues through revised parking and different elevational treatment in order to minimise the bulky nature of the building.

2. There are sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
3. As the proposals to widen the access are likely to include works within land that forms part of the highway you should be aware of the requirement to carry out these works in accordance with standards laid down by, and under a 278 licence agreement with, the Highway Authority.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
February 2016**

Item No: 3c

**Five Ways
42 Albert Road
New Milton
15/11305**

Scale 1:1250

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

