

**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:** Mrs Bryant

**Target Date:** 20/11/2015

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view; previous Committee consideration (December 2015).

**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. Granted 9-12-15.

## **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 - no objection subject to conditions

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 generated many complaints with regard to the impact of the proposal on the parking situation which is already poor. The Highway Authority was in agreement with these concerns and following Members consideration of the application at their meeting on 9th December 2015, a revised plan has been submitted together with additional information in respect of how the business is proposed to be operated.

## **14 ASSESSMENT**

### Introduction

- 14.1 Members may recall considering this application at their meeting in December 2015 when the recommendation was to refuse permission due to concerns in respect of highway safety and parking issues. It was resolved to defer a decision pending revisions to the parking proposals and clarification of the use. This information has now been received and further comments sought from the Highway Authority and Environmental Health. As a result, the recommendation is now favourable.
- 14.2 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 neighbour's conifer hedge. To the north east, trees within the site have been removed, since the application was last reported to Committee, due to their poor condition. 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.

- 14.3 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 within the rear garden area. However, it should be noted that as its height would not exceed 2.5m, it would be permitted development were it to be used for ancillary residential purposes only. As the only reason it requires planning permission is due to the proposed use of the structure rather than its proximity to residential properties or its height, it would be difficult to refuse permission for visual amenity or outlook reasons. The canopy is unlikely to be seen from public vantage points.
- 14.4 With regard to residential amenity, the properties in Pleasance Way have gardens which are at least 11m in length and have close boarded fencing adjacent to the site. The provision of new trees within the site replacing those recently cut down could help to screen the pool cover from upper floors and a condition in respect of landscaping is considered appropriate. It is not, therefore, considered to adversely affect the outlook from adjoining properties.
- 14.5 The use of the office for business purposes would have little impact on residential amenity as no teaching would occur within it, just 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 - 4.00pm on Saturdays and during terms times only (approximately 40 weeks/year). Although on Saturdays, these hours may be a little more than initially anticipated by Environmental Health, with a condition to allow a temporary 12 month consent from the commencement of the use, any impact on residential amenity can be fully assessed. The Environmental Health Officer raises no objection to the application on this basis.
- 14.6 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 (or no more than 4 pupils at any one time) within an enclosed area, it is unlikely that significant harm would arise from the actual teaching, given the low numbers proposed.
- 14.7 Many local residents have raised concerns about parking in Albert Road and this matter was a reason for the application to be deferred previously. Amended plans have now been received which show three spaces for the dwelling and three for the business together with an increase in the width of the access point to the highway. It is also understood that the majority of parking problems in the area arise in the evenings when the use would not be in operation. On this basis and subject to the retention of the car parking spaces and the provision of appropriate cycle parking provision, the Highway Authority do not raise any objections to the scheme.
- 14.8 In conclusion, the physical development is considered acceptable, as is the proposed use, subject to conditions relating to the hours of use and that it is temporary in order to allow further assessment.
- 14.9 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: location plan, 1183:08B, 1183:09, 1183:10A, 1183:07B, 1183:11, 1183:02, 1183:01.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials for the garage addition shall match those used on the existing building.

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

4. The development hereby permitted shall not be commenced until the spaces shown on plan 1183:10A for the parking and garaging of motor vehicles have been provided. These spaces shall be retained and kept available for the parking and garaging of motor vehicles for the existing dwelling and business (3 each) 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 use hereby permitted shall not start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site and in accordance with policy CS2 of the New Forest District Council Core Strategy.

6. 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.

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).

7. 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.

Reason: In order that the impact on residential amenity can be fully assessed 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.

The proposal generated many complaints with regard to the impact of the proposal on the parking situation which is already poor. The Highway Authority was in agreement with these concerns and following Members consideration of the application at their meeting on 9th December 2015, a revised plan was submitted together with additional information in respect of how the business was proposed to be operated.

2. As the proposals include the alteration of an existing access onto the highway the applicant should be made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the highway authority.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

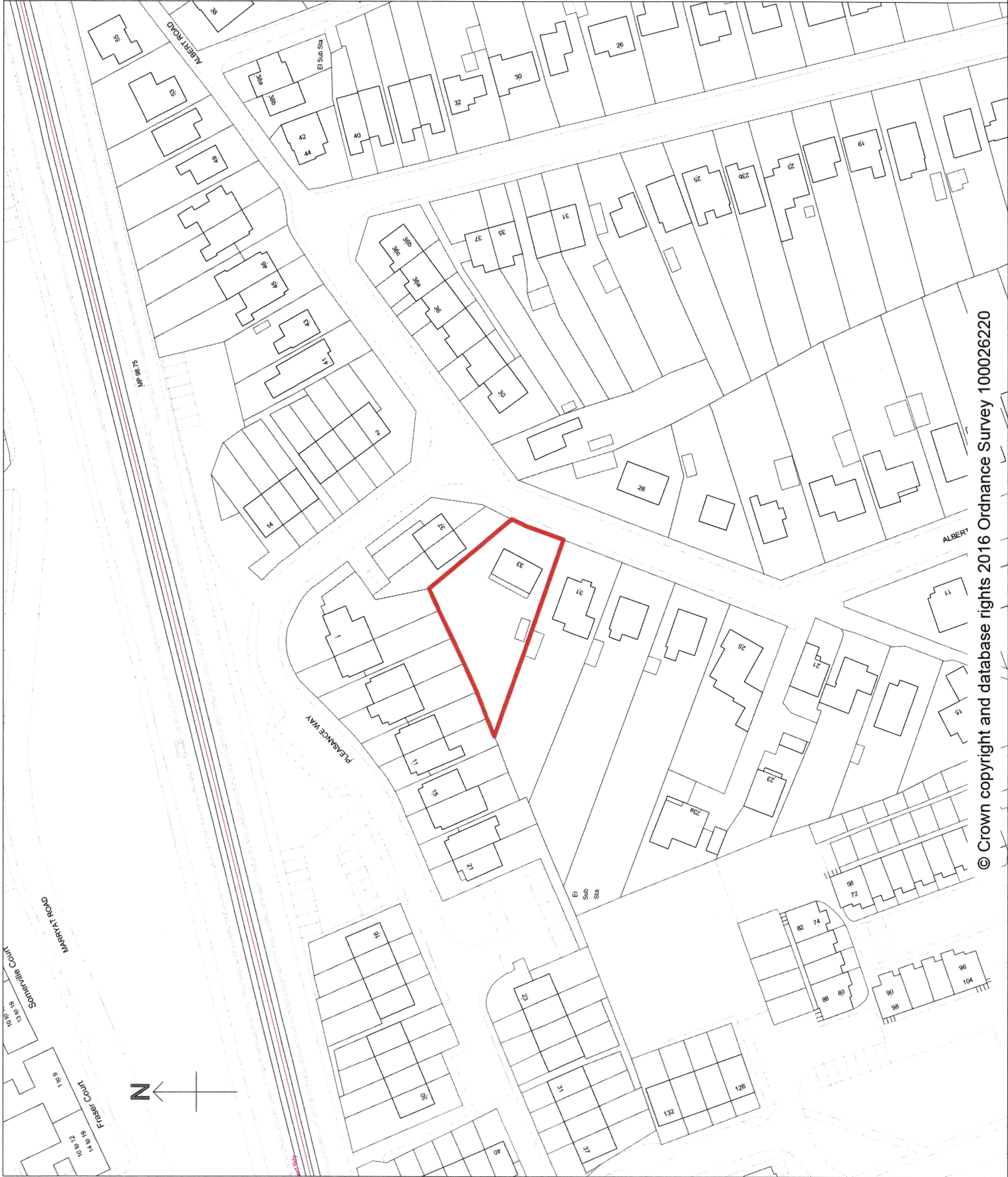
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**Planning Development  
Control Committee**  
**April 2016**

**Item No: 3b**  
33  
Albert Road  
New Milton  
15/11405  
SZ2395

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



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