

Application Number: 16/10237 Variation / Removal of Condition

Site: Land rear of 102-112 OLD MILTON ROAD, NEW MILTON

Development: Variation of Condition 1 & 2 of Planning Permission 13/10077 to allow continued temporary storage of caravans, camper vans, trailers, boats & vans for a period of 3 years

Applicant: Mr Moore

Target Date: 18/04/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to 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

- CS2: Design quality
- CS10: The spatial strategy
- CS17: Employment and economic development

Local Plan Part 2 Sites and Development Management Development Plan Document

None

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 10077 - Variation of condition of planning permission 94816 to allow continued temporary storage of caravans for 3 years (10077) Granted with conditions on the 8th August 2013
- 6.2 94816 – Use of land for storage of vehicles – relief of condition 2 of planning permission 88534 to allow continued use for 3 years (94826) Granted on the 6th Jan 2010
- 6.3 88534 - Use of land for storage of vehicles for 3 years. Granted 9.11.06
- 6.4 72338 - Change of use to open storage for caravans. Granted 13.8.01

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Recommend refusal. In a residential setting surrounded by houses it is important that storage continues to be regulated to caravans only.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Environmental Health Officer (Pollution): No objection

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

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 comprises a square shaped piece of open land to the rear of Old Milton Road within the built up area of New Milton. The site is currently used for the open storage of caravans, camper vans, trailers, boats and vans. The site is set behind housing development fronting onto Old Milton Road and is bounded by residential properties to the south and west, school playing fields to the north. A large wide vehicular access lies to the east of the site, which leads onto Old Milton Road.
- 14.2 Temporary planning permission was originally granted in 2001 for the use of the land for the open storage of caravans. Several further temporary permissions have been granted on the site to continue the use of the land for open storage of caravans and the most recent consent was in 2013 under planning reference 10077. It should be noted that the extent of the land that was used for storage purposes has changed since 2001, as new houses have been built to the west of the site.
- 14.3 The most recent temporary permission under planning reference 10077 expired at the end of April this year. All previous temporary planning permissions on the site restricted the use of the land for open storage of caravans only. This was to safeguard the amenities of the area and to enable the Local Planning Authority to retain control of the use of the site.
- 14.4 This current application seeks the variation of conditions 1 and 2 of planning permission 10077. In relation to the variation of condition 1, this would effectively extend the temporary permission to continue to use the land for storage use for a further 3 years. In relation to the variation of condition 2, this would enable the site to also be used to store vehicles other than caravans, which would include camper vans, trailers, boats and vans. The applicant has stated that one van has been sited on the

land for the last year, one boat on a trailer since 2010 and two motor homes since 2007. The applicant has also stated that the overall aim is to develop the site for housing (potentially including the surrounding land) and the application to extend the permission will enable additional time to develop permanent plans for the site.

- 14.5 In assessing this application, there are no objections in principle to the continued use of the land for the open storage of vehicles for a further 3 years. The site has not caused any unacceptable visual harm over the last 15 years and a further 3 year temporary consent would give the applicant time to develop plans for a permanent development of the site. While it is noted that some other types of vehicles have been stored on the site over the last few years including a van and motor home, this has not raised any complaints from the neighbouring residential properties and it is not anticipated that the storage of different vehicles would lead to any harm in terms of noise, disturbance or additional activity. The Environmental Health officer does not raise any objections to the proposal. Moreover, the vehicles stored on the land are not of a size that cause any adverse impact on the character of the area and the overall size of the site, which measures 0.05 hectares, is relatively small.
- 14.6 In conclusion, it is considered that a further temporary permission for 3 years would be acceptable and the variation of the condition to enable other vehicles to be stored on the land would not give rise to an unacceptable impact on the character of the area or residential amenity. A condition can be imposed restricting the types of vehicles that are stored on the site in accordance with the application description.
- 14.7 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 Temporary Permission

Proposed Conditions:

1. The use shall cease on or before 31st July 2019 and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: In order that the position may be reviewed at the end of the period in light of the circumstances that prevail at the time and to safeguard the potential future redevelopment of the site in accordance with Policies CS1 and CS2 of the Core Strategy for the New Forest District outside the National Park.

2. The premises shall be used for the storage of caravans, camper vans, trailers, boats and vans and for no other purpose (including any other purpose in Class B8 of the schedule to the Town and Country Planning (Use Classes) Order, 2005, or in any Order revoking and re-enacting that Order with or without modification) and nothing shall be erected within the area outlined red on the approved layout plan.

Reason: To safeguard the amenities of the area and to enable the Local Planning Authority to retain effective control of the use of the site, in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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.

Further Information:

Major Team
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DISTRICT COUNCIL

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**Planning Development
Control Committee
July 2016**

Item No: 3c

Land rear of 102-112
Old Milton Road
New Milton
16/10237
SZ2394

Scale 1:1250

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

