

Application Number: 16/10960 Full Planning Permission

Site: THORNFIELDS, 8 MILFORD ROAD, PENNINGTON,
LYMINGTON SO41 8DJ

Development: Single-storey side and rear extensions; first-floor rear extension;
lantern rooflights; fire escapes

Applicant: Mr & Mrs Poordil

Target Date: 06/10/2016

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

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

Policies

CS2: Design quality
CS8: Community services and infrastructure
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM10: Residential accommodation for older people

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

SPD - Housing Design, Density and Character
SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 First & Second Floor addition (75147) - granted 24/9/02 (not implemented)
- 6.2 Rear extensions (78867) - granted 11/9/03 (not implemented)
- 6.3 Single-storey rear extension (14/10535) - refused - 20/6/14
- 6.4 Single-storey side & rear extensions; first floor window extensions (14/11409) - refused 4/12/14

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Recommend refusal - concerns with regard to overlooking of neighbours, blocking out neighbour's light and overdevelopment of site.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to condition to secure cycle store
- 9.2 Environmental Health (contaminated land):- No objection subject to contaminated land conditions
- 9.3 Southern Gas:- advise of site's proximity to gas main.

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, the application proposals have been the result of a lengthy period of negotiation prior to the application being submitted. The applicants have sought to clarify specific points since the application was registered and this has enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 Thornfields Care Home is a 2-storey detached building with limited second floor accommodation set into the roof of the building. The building includes a modest single-storey flat-roofed addition to the rear. The care home has 13 bedrooms, 9 of which are single, and 4 of which are shared rooms. There is a parking area to the front of the site, while to the rear of the building is a large garden area. The site is bounded by a development of retirement bungalows on its south-western side including a bungalow at 2 North Greenlands. The north-east side of the site, is bounded by 6 Milford Road, which is in use as a specialist care home.
- 14.2 2 previous applications to extend the care home were refused planning permission in 2014. The first was a very large single-storey extension that was deemed harmful to the character and appearance of the area due to a harmful loss of greenspace and the extension's poor quality flat-roofed design. The second was a smaller single-storey extension, but that too was felt to have an adverse impact on the character and appearance of the area due to a loss of greenspace and the extension's poor design.
- 14.3 The application that has now been submitted proposes both single and first floor extensions, and would result in a care home with 20 bedrooms. The single-storey extensions would be more limited than was the case with the previously refused schemes, and therefore the resulting building would not have such an extensive footprint as with those schemes. Although the proposed extension would encroach slightly into the site's significant rear garden setting, the degree of encroachment would be

sufficiently limited as not to erode the positive contribution that this large rear garden area makes to local distinctiveness. The first floor extensions would evidently result in a building with a greater mass, but not an unacceptable one. The mass of the extended building would be sufficiently well articulated and the design and appearance of the extensions would be in keeping with the design of the existing building. Overall, it is felt that the development now proposed has much greater architectural integrity than the previously refused single-storey additions. The proposal would not constitute an overdevelopment of the site, but would be a contextually appropriate development that would be sympathetic to local distinctiveness and the character and appearance of the wider area.

- 14.4 The extensions that are proposed would have some impact on the amenities of neighbouring dwellings, with the adjacent properties at 2 North Greenlands and 6 Milford Road being the most affected properties. On its north-eastern side, facing 6 Milford Road, the application proposes 2 additional first floor bedroom windows. However, there are some tall evergreen trees on this boundary (growing within the adjacent property), which means the adjacent property would be fairly well screened from the new extension. This level of screening combined with the communal nature of 6 Milford Road would mean that the development would not affect the privacy of the occupants of 6 Milford Road to an unreasonable degree.
- 14.5 On its south-western side facing 2 North Greenlands, the proposal would include 2 additional first floor bedroom windows as well as a new fire escape stairwell and door. The windows in question would be about 5 metres away from the site's boundary with 2 North Greenlands, and would potentially give views down into a fairly well used area of private garden to the north-west side of that property that is not currently materially overlooked. To address this overlooking concern the applicant is proposing that the new windows on this elevation be of an oriel (projecting) design with that half of the window most directly facing the private garden area of 2 North Greenlands being obscurely glazed and fixed shut. It is felt that this design solution would adequately maintain the reasonable privacy of the garden of 2 North Greenlands, providing also that the new fire escape staircase and door is only used for its intended purpose as an emergency escape. It should be noted that there are secondary windows on the side elevation of 2 North Greenlands, but these are protected to a degree by the existing boundary fence. Given this and that there are windows on the existing building facing the dwelling at 2 North Greenlands, it is felt, on balance, that the additional overlooking arising from this proposed development would not be unacceptably harmful to the privacy of the occupants of 2 North Greenlands.
- 14.6 The new first floor extensions would be set sufficiently away from the site's side boundaries as not to materially affect the light and outlook of the adjacent properties. The new single-storey extensions would be set closer to the site's side boundaries, but these would still be set slightly back from the site's boundaries and given their limited height, it is not felt these single-storey additions would be harmful to the amenities of neighbouring properties.

- 14.7 The Highway Authority have confirmed that there is adequate on-site parking to serve the needs of the development. As staffing levels would increase only by 1 part-time employee and, given the nature of the use, it is not felt a condition requiring a cycle store would be justified.
- 14.8 In considering this proposal, it is important to recognise the social benefits there would be in terms of the provision of improved care facilities which will better meet modern requirements. Both the scheme's social and economic benefits weigh in favour of the application.
- 14.9 Overall, the proposed development would be consistent with Local Plan policies and objectives. The development would be beneficial in providing an improved care home facility. The proposed development would be an appropriate design that would have an acceptable impact on the character and appearance of the area. While the development would have some impact on the amenities of neighbouring dwellings, it is felt this impact would be within acceptable limits. Therefore, the application is recommended for permission.
- 14.10 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: ADP/1513/P/06A, ADP/1513/P/08A, ADP/1513/P/07/A, ADP/1513/P/00, ADP/1513/P/05, ADP/1513/P/03, ADP/1513/P/04, ADP/1513/P/01, ADP/1513/P/02.

Reason: To ensure satisfactory provision of the development.

3. The external facing and roofing materials 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 west facing half of the new 2 first floor oriel windows on the south-west elevation of the approved extension / building shall at all times be glazed with obscure glass and fixed shut.

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

5. The proposed new fire escape access and door on the south-west elevation of the building shall only be used as an emergency means of exit from the building and shall not be used for general access purposes.

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

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 7 to 9 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 10 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

8. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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, the application proposals were the result of lengthy negotiations prior to the application being submitted. The applicants sought to clarify specific points before the application was registered and this enabled a positive recommendation to be made.

Further Information:

Major Team

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**Planning Development
Control Committee
November 2016**

Item No: 3f
Thornfields
8 Milford Road
Pennington Lymington
16/10960
SZ3194

Scale 1:1250

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the internet, it will not be to
scale.

