

Application Number: 15/10262 Full Planning Permission

Site: 1 MALWOOD ROAD WEST, HYTHE SO45 5DB

Development: One & two-storey rear extension; single-storey front extension

Applicant: Little Shipmates

Target Date: 30/04/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish 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
CS8: Community services and infrastructure
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

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 Change of Use to Day Care Nursery (0-5 years) - granted 17/7/00
- 6.2 Erection of conservatory & relief of condition 1 of PP 69062 which limits number of children attending at one time to 30 (01/72366) - granted temporary permission 22/8/01
- 6.3 Variation of condition 1 of planning permission 69062 to allow the number

of children to increase from 30 to 40 (02/75565) - granted 9/9/02

- 6.4 Increase number of children to not more than 50 (variation of condition 1 of PP 75565) - granted temporary permission 7/4/03
- 6.5 Increase number of children to not more than 50 (partial relief of condition 1 of PP 77296) - granted 14/5/04
- 6.6 Variation of Condition 1 of Planning Permission 04/80956 to allow 60 children at any one time; first floor extension; single-storey infill extension (14/10582) - granted 10/7/14

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- Recommend refusal. The application site is adjacent to a multi-way extended junction and considers that the current levels of on-street parking, when children are being picked up and dropped off, are detrimental to road safety and neighbouring residents. If permission were granted would like to see further traffic management investigations.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to car and cycle parking conditions
- 9.2 Land Drainage Engineer:- No comment

10 REPRESENTATIONS RECEIVED

2 letters of objection from nearby residential properties: - additional parking / vehicles waiting on local roads to detriment of safety and convenience of users of the highway.

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 application site is located on the corner of Malwood Road West with Hollybank Road. The existing building is part 2-storey and part single-storey. The building has been used as a children's day nursery for the past 14 years. There is a visitor parking area to the front of the site with access onto Malwood Road West, and a staff parking area on the site's rear boundary, which has access onto Hollybank Road. There are outdoor play areas and a garden to the side and rear of the building. The surrounding area is otherwise entirely residential.
- 14.2 When planning permission was originally granted for the children's day nursery in 2000, it was subject to a number of conditions including a condition that restricted the number of children attending the day nursery at any one time to 30. In 2001, the number of children attending the day nursery at any one time was allowed to increase to 40 on a temporary basis, but then on a permanent basis from 2002 onwards. In 2003, the number of children attending the day nursery at any one time was allowed to increase to 50. This was initially approved on a temporary basis, but was then subsequently granted on a permanent basis in 2004.
- 14.3 Last year an application was submitted for a first floor extension onto an existing single-storey flat-roofed element of building. A modest single-storey infill extension was also proposed to the rear of the building. The application also sought to vary condition 1 of planning permission 04/80956 to enable the number of children attending the day nursery at any one time to increase from 50 to 60. The application was approved.
- 14.4 Due to structural difficulties, the applicants no longer intend to build the extensions that were approved last year. Instead, the applicants are now proposing to replace a conservatory at the rear of the premises and part of a ground floor canopy with a new extension, which would be partly

2-storeys high and partly single-storey. The application also proposes minor infilling to the main front entrance. The extensions would provide additional space for two classrooms, and would allow for improved toilet facilities. The applicants are not seeking to increase the number of children attending the nursery over and above the 60 children limit that was approved last year.

- 14.5 The extensions now proposed are considered to be of an acceptable design that would be in keeping with the character and appearance of the existing building. The site is large enough to be able to accommodate the proposed extensions without detracting from the character and appearance of the area.
- 14.6 There is a driveway serving a rear parking area to the north-west side of the site and therefore there would be a generous gap between the proposed extension and the adjacent residential property beyond this driveway (3 Malwood Road West). Accordingly, it is not considered nearby dwellings in Malwood Road West would be significantly affected by this application. The first floor extension would be set about 19 metres away from the residential property at 2 Hollybank Road to the rear. This would constitute a generous degree of separation and, overall, it is not considered the proposed extensions would harm the light, outlook or privacy of neighbouring dwellings.
- 14.7 Concerns have been raised about highway safety. However, the application does not propose to increase the number of children attending the nursery beyond the number that has already been approved. Nor would the proposal result in any loss of existing on-site parking. The impact of the proposal on highway safety and on-street parking would be identical to an impact that has already been deemed to be acceptable. Therefore, having regard also to the lack of an objection from the Highway Authority, there is no reasonable basis to conclude that the proposed development will be harmful to highway safety.
- 14.8 Given the extensions would facilitate increased use of the site, it is considered appropriate to require some on-site cycle parking to encourage alternative modes of transport to the private car with regard to staff trips.
- 14.9 Overall, the proposed extensions are considered to be an acceptable alternative to the extension that has already been granted planning permission. The extensions would be of a sympathetic design and appearance and could be built without harming the amenities of neighbouring dwellings. The proposal would not increase the number of children attending the day nursery beyond the number that has already been accepted. Therefore, the proposal would not cause undue harm to highway safety, and as such, the application can reasonably be 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: 05 A, 01 A, 03 A, 04 A, 02 A.

Reason: To ensure satisfactory provision of the development.

3. The number of children attending the day care nursery shall not exceed 60 at any one time and shall only be of an age between 0 and 5 years.

Reason: To safeguard the reasonable amenities of nearby residential properties and public safety in accordance with policies CS2 and CS24 of the Core Strategy for New Forest District outside the National Park.

4. The existing arrangements for the parking of vehicles on site shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy CS24 of the Core Strategy for New Forest District outside of the National Park.

5. The external facing materials shall match those used on the existing building unless alternative material details which are to be used have otherwise been agreed in writing with the Local Planning Authority.

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.

6. The use hereby permitted shall not be open for business outside the hours of 08.00hrs to 18.00hrs Mondays to Fridays or at any time on Saturdays, Sundays and Public Holidays

Reason: To safeguard the reasonable amenities of nearby residential properties and public safety in accordance with policies CS2 and CS24 of the Core Strategy for New Forest District outside

the National Park.

7. Before the development is first implemented, details of the arrangements that are to be made on the site for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall only be occupied in accordance with the approved details.

Reason: To promote sustainable means of travel and to comply with Policy CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

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.

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
Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee
May 2015**

Item No: 3(d)

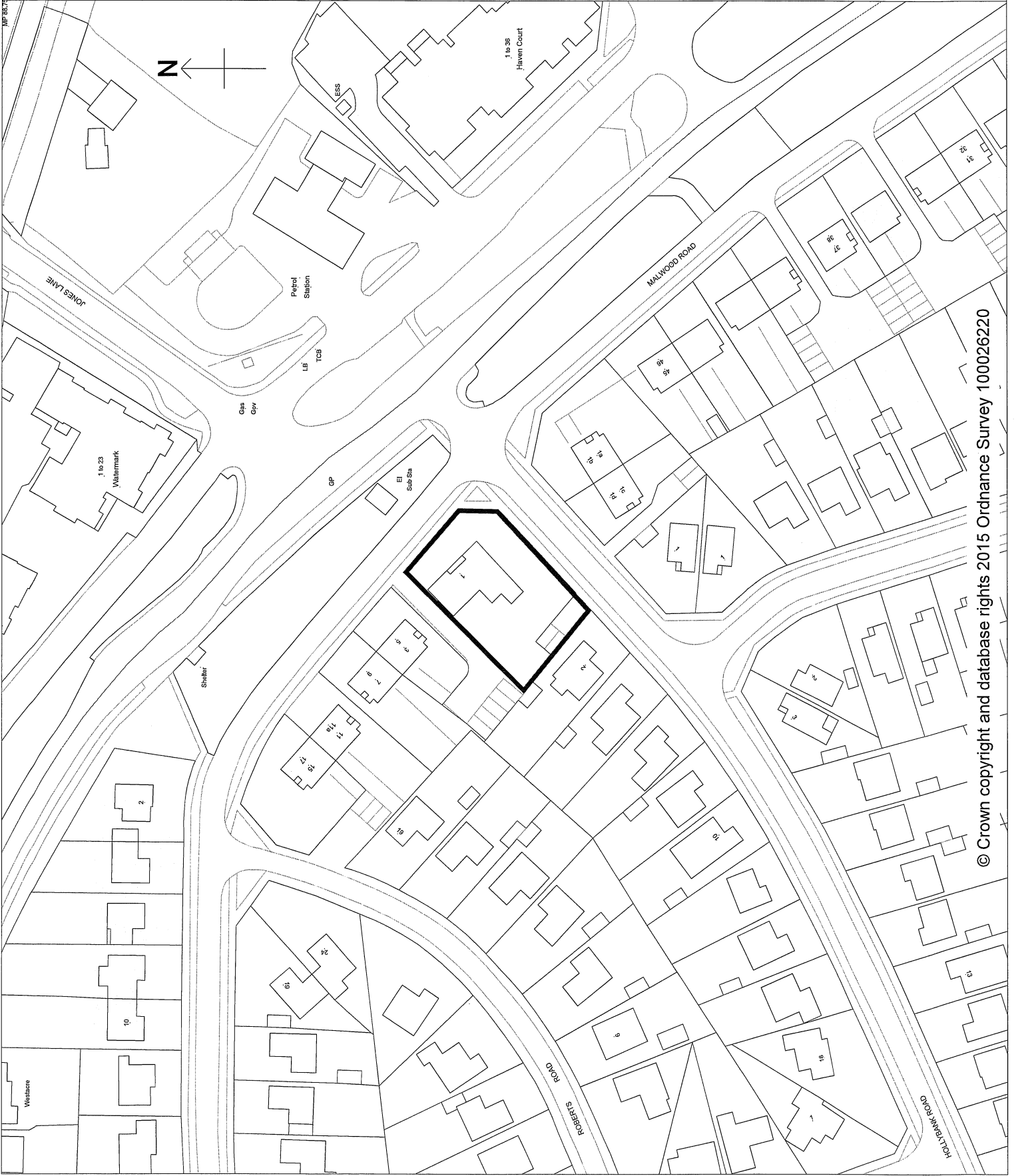
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**Malwood Road West
Hythe**

**App No 15/10262
SU4107**

Scale 1:1250

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



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