

# NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 27 MAY 2020, AT 10.00 AM\*

**Place:** SKYPE MEETING - ONLINE

**Enquiries to:** email: [karen.wardle@nfdc.gov.uk](mailto:karen.wardle@nfdc.gov.uk)  
023 8028 5588 - ask for Karen Wardle

## **PUBLIC PARTICIPATION:**

\*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: [PlanningCommitteeSpeakers@nfdc.gov.uk](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk) no later than 12.00 noon on Friday, 22 May 2020. This will allow the Council to provide public speakers with the necessary joining instructions for the Skype Meeting. The Council will accept a written copy of a statement from registered speakers who do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes.

**Claire Upton-Brown**  
Chief Planning Officer

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

**This Agenda is also available on audio tape, in Braille, large print and digital format**

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# AGENDA

## **Apologies**

### **1. DECLARATIONS OF INTEREST**

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

### **2. PLANNING APPLICATIONS FOR COMMITTEE DECISION**

To determine the applications set out below:

(a) **Land at Solent Industrial Estate, Caird Avenue, New Milton (Application 19/11244) (Pages 7 - 24)**

Construction of a Class A1 foodstore (1,862sqm gross), with associated access, car parking and landscaping

**RECOMMENDED:**

Refuse

(b) **Victoria Cottage, Victoria Road, Milford-On-Sea (Application 20/10171) (Pages 25 - 36)**

House; access alterations, new pavement crossing; hard and soft landscaping; light columns to front boundary

**RECOMMENDED:**

Refuse

(c) **Land of Victoria Cottage, Victoria Road, Milford-On-Sea (Application 20/10172) (Pages 37 - 48)**

Dwelling house; altered existing & new pavement crossings; associated hard & soft landscaping; light columns to front boundary

**RECOMMENDED:**

Refuse

**Please note, that the planning applications listed above may be considered in a different order at the meeting.**

**3. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

**Please note that all planning applications give due consideration to the following matters:**

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS**

### **Background**

This meeting is being held virtually with all participants accessing via Skype for Business.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website.

### **Principles for all meetings**

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the new Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.
- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by typing "RTS" (Request to Speak) in the Skype chat facility. Requests will be managed by the Chairman with support from Democratic Services. The Skype chat facility should not be used for any other purpose.
- All participants should note that the chat facility can be viewed by all those in attendance.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

### **Voting**

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council's Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

### **Technology**

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

### **Public Participation**

Contact details to register to speak in accordance with the Council's Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Skype for Business Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

**To: Councillors:**  
Christine Ward (Chairman)  
Christine Hopkins (Vice-  
Chairman)  
Ann Bellows  
Sue Bennison  
Hilary Brand  
Rebecca Clark  
Anne Corbridge  
Kate Crisell  
Arthur Davis  
Jan Duke

**Councillors:**  
Barry Dunning  
Allan Glass  
David Hawkins  
Maureen Holding  
Mahmoud Kangarani  
Joe Reilly  
Tony Ring  
Ann Sevier  
Beverley Thorne  
Malcolm Wade

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**Application Number:** 19/11244 Full Planning Permission

**Site:** LAND AT, SOLENT INDUSTRIAL ESTATE, CAIRD AVENUE,  
NEW MILTON BH25 5QA

**Development:** Construction of a Class A1 foodstore (1,862sqm gross), with  
associated access, car parking and landscaping

**Applicant:** Mr McCandless

**Agent:** Planning Potential

**Target Date:** 01/01/2020

**Case Officer:** Vivienne Baxter

**Extension Date:** 09/04/2020

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues to be taken into account when determining this application are:

- 1) the principle of development
- 2) the impact of the development on existing retail
- 3) whether there is an alternative town centre site)
- 4) impact on the character and appearance of the area- including trees and landscaping
- 5) impact on the highway
- 6) ecology
- 7) impact on the residential amenities of nearby properties
- 8) minerals working
- 9) BREEAM and sustainability
- 10) contamination and drainage

## 2 SITE DESCRIPTION

The site is 1.0 hectares in size and lies within the built-up area of New Milton to the east side of Caird Avenue.

The site is relatively flat and currently much of it is grassland having been restored from mineral workings which continues to the north-west of the site. The northern and western sections of the site are currently in use as parking and open storage in association with the mineral workings. There are also a couple of small Portakabin office buildings within the site.

Although the number of trees is limited to the western road boundary of the site, there is a blanket tree preservation order covering the whole site and wider Solent Industrial Estate.

Opposite the site to the east is an existing Tesco supermarket with associated petrol filling station, Click and Collect service and hand car wash. The Tesco supermarket shares the same access roundabout as the industrial estate to the north of the application site although there is a pedestrian access onto Caird Avenue towards its southern boundary

### 3 THE PROPOSED DEVELOPMENT

The application proposes the provision of a new Aldi supermarket building with associated car parking, and landscaping. The proposed building would create 1,862 square metres of retail floorspace along with 127 parking spaces including 5 disabled and 2 electric car charging spaces and 5 Sheffield hoops for secure cycle parking.

A new vehicular access would be provided to serve the site. A pedestrian link to the existing crossing point on Caird Avenue. This access road would run along the southern boundary of the site to serve the minerals site to the east.

The application includes a detailed landscape plan which includes new tree planting in part of compensate the loss of existing trees.

The building would be set back into the site with parking to the front of the site, the main entrance to the store would look across the site. The parking layout would provide a landscaped boundary with a clearly defined pedestrian access to the store.

The building is of single storey contemporary building with a mono-pitch roof. The mono-pitch is orientated such that the highest elevation is facing the main road. Full height shop glazing is provided to the south elevation identifying the main entrance and enhancing the buildings interaction with the car park. This glazing wraps around the western corner of the building to increase its prominence. The main entrance is further defined by a simple cantilevered canopy that also shelters the trolley bay and customers entering and exiting the building.

The proposed building would consist of a grey brick plinth and two different shades of grey cladding panel. Within the building there would be retail floorspace with storage, welfare facilities and service delivery area. The development seeks to achieve a reduction in CO emissions compared to building regulations compliance development through the incorporation of the principles of the Energy Hierarchy and the combination of passive measures including building fabric design improvements and the utilisation of zero and low carbon technology. An excellent BREEAM rating is being targeted for the development.

The drawings also indicate new signage within the site although these would be subject of advertisement consent should planning permission be forthcoming

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
18/10094 New access; landscaping and associated works	24/04/2018	Withdrawn by Applicant	Withdrawn
09/95023 54 dwellings; 10,191 square metres of B1 Use; 6,430 square metres of B2 use (Outline Application with details only of access)	20/10/2010	Granted Subject to Conditions	Decided



## 5 PLANNING POLICY AND GUIDANCE

### **Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS4: Energy and resource use  
CS10: The spatial strategy  
CS17: Employment and economic development  
CS20: Town, district, village and local centres  
CS24: Transport considerations  
CS25: Developers contributions

### **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM23: Shops, services and community facilities in rural areas  
NMT5: Land east of Caird Avenue - Business and employment development  
NMT10: New Milton town centre opportunity sites  
NMT14: Transport schemes

### **The Emerging Local Plan**

Policy 1 Achieving sustainable development  
Policy 13 Design quality and local distinctiveness  
Policy 22 Retention of employment sites and consideration of alternative uses  
Policy 25 Retail development and other main town centre uses

### **The Emerging New Milton Neighbourhood Plan (awaiting referendum)**

NM3 - Land East of Caird Avenue  
NM4 - Design Quality

The Inspector has suggested minor modifications to the wording and supporting information to these policies, although the referendum is unlikely to be until 2021.

### **Supplementary Planning Guidance and Documents**

SPG - Access for Disabled People  
SPD - Design of Waste Management Facilities in New Development  
SPD - New Milton Local Distinctiveness  
SPD - Parking Standards

### **Constraints**

Aerodrome Safeguarding Zone  
Landfill (Former)  
Tree Preservation Order: 45/08/A1

### **Plan Policy Designations**

NMT5 - Employment  
NMT14.2 - Cycleway Improvement  
NMT14.8 - Footpath proposal

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
Section 197 Trees  
Town and Country Planning Act 1990

### **Relevant Advice**

National Planning Policy Framework  
NPPF Ch.2 - Achieving sustainable development  
NPPF Ch. 4 - Decision-making  
NPPF Ch. 6 - Building a strong, competitive economy  
NPPF Ch.7 - Ensuring the vitality of town centres  
NPPF Ch.11 - Making effective use of land  
NPPF Ch.12 - Achieving well designed places  
NPPF Ch.13 - Protecting Green Belt land

## **7 PARISH / TOWN COUNCIL COMMENTS**

### **New Milton Town Council**

ACCEPTABLE (Delegated) subject to all HGV's entering Caird Avenue from the A337 only, and the comments from Hampshire County Highways Officer.

Following a further meeting of the Town Council, the response was 'no comment'.

## **8 COUNCILLOR COMMENTS**

No Comments Received

## **9 CONSULTEE COMMENTS**

The following is a summary of the representations received

Southern Water - offer advice and request informative

HCC Highways - no objection subject to conditions and a S.106 Agreement to secure a Travel Plan and financial contributions towards highway safety improvements

Southern Water - offer advice and request informative

Natural England - offer advice and raise no objection

NFDC Environmental Design (Urban & Landscape) - object

Environmental Health (Contamination) - no objection subject to conditions

Southern Gas Networks - offer advice

Environment Agency - request conditions

HCC Minerals - adjacent mineral infrastructure needs to be safeguarded

Ecology - support NE and EA comments, suggest condition

Drainage - proposal is acceptable in principle but additional information is requested.

Environmental Health (Pollution) - no objection

Trees - revisions are an improvement, condition required

BCP Council - impact on Christchurch Town Centre and Highcliffe District Centre should be considered

Comments in full are available on the website.

## **10 REPRESENTATIONS RECEIVED**

Twenty responses to the consultation have been received from residents and business owners. Two of make comment only, 4 are in support of the proposal and 14 raises objections:the following is a summary of the representations received.

Objection

### Traffic and highways:

- there are already traffic problems
- crossing Caird Avenue is already very difficult
- New Milton's road network needs addressing before more development is allowed

### Retail:

- another supermarket isn't required
- proposal fails the sequential test
- impact on town centre would be adverse - drop in footfall
- there is an available site in the town centre
- it would be more beneficial to the town to have Aldi in the centre
- another supermarket in this location isn't sustainable
- many small to medium shops in the town centre would struggle and may end up closing
- proposal would conflict with NMTC's pledge to support local shops
- if the Co-op isn't suitable is should be replaced with a suitable building for Aldi
- takings in the town centre dropped when the Co-op closed

### Other issues:

- waste of resources in terms of construction and packaging
- consultations should not have occurred prior to receipt of the retail impact assessment
- Solent site creates dust and noise issues already, the proposal would exacerbate this
- would result in a greater dependency on welfare/social services
- the site is designated for housing
- impact on bats and owls in the trees

Further objections have been raised from the two owners of the current and former supermarkets within the town centre, Bradbeers and Morrisons make the following objections:

- the number of objections raises concern for the health of the town centre
- impact assessment is flawed
- the sequential test has not been satisfactorily met as the existing vacant supermarket within the town centre is a sequentially preferable site.
- concern is expressed in relation to some assumptions made on behalf of the applicant regarding trading levels within the town centre
- the Neighbourhood Plan requiring retail is only in draft
- reduction in footfall in the town centre.

Those supporting the proposal comment as follows:

- the proposal would benefit the elderly and single parent families who live close to the site
- reduction in travel to alternative Aldi store
- good to have competition (but should be in the town centre)
- it will improve the area

A comment requests consideration of a pedestrian crossing at the Ashley Road end of Caird Avenue

## **11 PLANNING ASSESSMENT**

### Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Act, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found ‘sound’ subject to main modifications being made. Public consultation on the Main Modifications took place between 13 December 2019 and 31 January 2020. At the Cabinet meeting of the 6<sup>th</sup> May 2020 it was resolved that the Cabinet recommends to Council that the Local Plan 2016-2036 Part One: Planning Strategy be adopted as part of the Development Plan for the area. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications..

The site is covered by a specific policy allocation in the Local Plan Part 2 Policy NMT5: relates to Land east of Caird Avenue and allocates the site for employment development in accordance with Policy CS17 of the Core Strategy as well as a number of site-specific criteria relating to provision and improvements to vehicular access ;provision of pedestrian/cycle access and links to the existing and cycleway network. In particular provision of footpath and cycleways from the southern part of the site to link with Caird Avenue and the provision of appropriate landscape buffers between the employment and residential uses, along the western site boundary and between the development and the southern boundary of the site in order to screen the development from the countryside and views from the A337.

By way of context, Policy NMT4 of Local Plan Part 2 allocates land to the north of the application site for residential development and Policy NMT6 allocated land to the east of the site for residential development specifically to meet local housing need. Either of these sites have planning applications or permissions for redevelopment.

Although the proposal is for retail rather than employment development, the footnote to policy CS17 states employment sites can include *sui generis* land uses where there is business activity which we have in the past included retail use within this. This planning application proposes a retail use not a *sui generis* use.

Policy 22 of the emerging plan relates to the retention of employment sites and consideration of alternative uses. Employment sites include those with a local plan allocation. The supporting paragraph 7.5 does not include retail as an employment use.

The New Milton Neighbourhood Plan is also a material consideration. The New Milton Neighbourhood Plan Policy NM3 allocates this site for a food retail scheme subject to an appropriate sequential test.

As such therefore the current proposal would be contrary to both Policy NMT5 of the Local Plan Part 2 and emerging Policy 22 of the Local Plan Part 1 review.

#### Retail impact

Para. 89 of the NPPF refers to the use of a locally set threshold for requiring a retail impact assessment where proposals do not accord with an up to date plan. The Local Plan Part 2 specifies that retail developments over 1,000m<sup>2</sup> will be subject to a retail impact assessment. This threshold is maintained in the emerging plan Para 7.39a.

The NPPF states that planning applications for retail uses out of town centres should be assessed against the impact of the proposal on:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

Para 89 of the NPPF stated that where an application fails to satisfy the sequential test of is likely to have significant adverse impact, then it should be refused.

The adopted Core Strategy Policy CS20 requires a cumulative impact assessment for all out of centre retail development but does not set a local impact threshold. The Core Strategy predates the NPPF and the 2,500 sqm impact threshold would normally apply in these circumstances. However, the applicants agree that the Local Plan Part 2 indicates that retail development over 1,000sqm will be subject to an impact assessment. This Local Plan supporting text relates directly and add clarification to Core Strategy Policy CS20.

## Trade Diversion to the Aldi Store

The Aldi store will have a gross floor area of 1,862 sq. m. The net sales area is 1,315 sq. m net, suggesting a net to gross ratio of nearly 71%. The convenience goods turnover adopted is based on 80% of the store's net sales floorspace being devoted to food and grocery products and 20% of the sales floorspace will be devoted to comparison goods. The applicant has suggested that adopted convenience goods turnover for the Aldi store is £11.91 million at 2019, based on a company average sales density of £11,322 per sq. m net (source: Mintel's Retail Rankings). The comparison good sales density is £9,329 per sq. m net. These are reasonable assumptions.

The applicant estimated convenience goods trade diversion (£12.1 million in total) will be diverted from following sources:

- Tesco, Caird Avenue, New Milton £3.63 million (30%)
- Lidl, Lymington Road, New Milton £1.82 million (15%)
- Sainsbury's, Lyndhurst Road, Christchurch £1.21 million (10%)
- Aldi, Somerford Road, Christchurch £1.21 million (10%)
- Waitrose, Lymington £1.21 million (10%)
- Other Lymington £0.78 million (6.5%)
- Morrisons, Station Road, New Milton £0.73 million (6%)
- New Milton town centre £0.24 million (2%)
- Christchurch town centre £0.18 million (1.5%)
- Elsewhere £1.09 million (9%)

Representations by Peacock & Smith and Bradbeers suggest PPL has under-estimated trade diversion from New Milton town centre (i.e. only 6% of turnover from Morrisons and 2% from the rest of the town centre). Bradbeers suggests this under-estimate is demonstrate by a comparison with the applicants suggested trade diversion from Waitrose in Lymington (10%) and Sainsbury's and Lidl stores in Christchurch (11%). Bradbeers argues trade diversion from New Milton town centre should be between 15% to 20% of the Aldi store's turnover, not 8% as suggested by PPL. Morrisons suggests 25% (including 20% from Morrisons) is an appropriate estimate.

The Council's retail advisor suggests that the level of trade diversion from Lymington (£1.99 million) does appear to be high compared to the trade diversion from New Milton (£0.97 million) and suggests the applicant has under-estimated trade diversion and impact on New Milton town centre.

The proposed Aldi store is likely to draw most of its trade from other large food stores closest to the application site. This is a reasonable assumption on the basis that like tends to compete with like and the proposed Aldi store is expected to have a relatively localised catchment area.

If all the Aldi store's turnover (£12.1 million) was diverted from facilities in New Milton (which is unlikely), and this trade diversion was distributed pro-rata based on turnover between Tesco, Lidl, Morrisons and other town centre then the trade draw from the town centre would be 22% (£2.66 million). Clearly trade will also be diverted from Lymington, Highcliffe and Christchurch  
Proposed Aldi at Caird Avenue, New Milton.

Officers have concluded that the proportion of turnover diverted from New Milton town centre is likely to range between 10% and 15%. As a worst case, 12% (£1.45 million) could be diverted from Morrison and 3% (£0.36 million) from the rest of the town centre. On this basis the proportional impacts would increase as follows: • Morrisons -4.5% to -9.0% • Another town centre -4.7% to -7.0%

The Council's retail consultants have concluded from the detail within the retail impact assessment that the existing supermarket (Morrisons) within the Town Centre should continue to trade viably, the reduction in turnover of other convenience goods sales is unlikely to cause small convenience stores to close and would not result in significant adverse impact in terms of loss of customer choice or the increase in the shop vacancy rates. Whilst there would be a reduction in convenience goods shopping within New Milton, it would be less than 2% and as such, would be more than off-set by population and expenditure growth on comparison goods. About the planned investment within the town centre, this is considered below.

It is noted that an adjoining Local authority (BCP) have suggested that Highcliffe District Centre and Christchurch Town Centre should be included in this sequential test. However, it is not considered that other centres would serve the same catchment area as the proposed site. In this respect, Highcliffe has a Tesco Express and Co-op supermarket which are less than 4km away from a large Sainsbury's, Lidl and Aldi supermarkets on the outskirts of Christchurch to the west. The Christchurch town centre itself has a Waitrose and Marks and Spencer Food Hall with further smaller stores (Tesco/Co-op) outside of the town centre elsewhere in the town. It is not considered that the centres of Highcliffe and Christchurch would be adversely affected by the proposal.

#### Sequential Approach

The sequential approach to site selection for main town centre uses is set out in paragraphs 86 and 87 of the NPPF. The application site is in an out-of-centre location. If the Council is satisfied the proposed development will not have a significant adverse effect on town centres, then the availability of suitable sites within and on the edge of designated centres should be considered. The NPPF (paragraph 90) states that where an application fails the sequential test it should be refused.

The NPPF and PPG provide limited guidance on the appropriate area of search for sequential sites, but it is widely accepted that sequential sites should serve the same or similar catchment area when compared with the application site. The proposed Aldi store is likely to have a relatively localised catchment area, with most trade coming from New Milton. Potential sequentially preferable sites within or on the edge of New Milton town centre should be considered. Other town centres would not serve the same catchment area as the application proposals.

The availability of alternative town centre sites needs to be considered NPPF (paragraph 86) refers to sites "expected to become available within a reasonable period of time". It is not clear what is a "reasonable period of time". There are no longer references in the PPG relating to "a reasonable period of time between 2 to 5 years". It is for the decision maker to decide what is a reasonable period relevant to the specific planning application.

The applicants identified six potential opportunities in New Milton, as follows:

- New Milton Station;
- New Milton
- Manor Road/Station Road;
- Osborne Road/Station Road;
- Station Road/Spencer Road (including former Co-op);
- Station Road/Elm Avenue; and
- Old Milton Road/Crossmead Avenue.

New Milton Station was dismissed as being too small (20% smaller than the application site).

#### Manor Road/Station Road

The site was dismissed by the applicants as being too small, we are not convinced this site is too small to be physically capable of accommodating a store of 1,500 sq. m gross at ground floor level with around 75 car parking spaces. However, the site is identified for development in the New Milton Neighbourhood Submission Plan (Site C – Land South of Manor Road), a discount food store is not consistent with the Neighbourhood Plan land use proposals for this site but should not be totally discounted on these grounds alone. Notwithstanding the Neighbourhood Plan proposal, the site does not appear to be assembled for development and there are a number of existing uses. The availability of the site within a reasonable period of time i.e. construction commencing in 2021/22 seems unlikely. Based on the information available this site can be discounted as currently unavailable.

#### Osborne Road/Station Road

It is suggested the site is 0.76ha which is consider too small. This site can theoretically accommodate a store of 1,500 sq. m gross at ground floor level with around 75 car parking spaces. The site is identified for development in the New Milton Neighbourhood Submission Plan (Site B – North of Osborne Road). The site does not appear to be assembled for development and there are a number of existing uses. The availability of the site within a reasonable period i.e. construction commencing in 2021/22 seems unlikely. Based on the information available this site can be discounted as currently unavailable.

#### Station Road/Spencer Road

The site is identified for development in the New Milton Neighbourhood Submission Plan (Site D – Station Road/Spencer Road). The site includes the former Co-op unit and surface car park. The plan envisages high density development with retail at ground floor with residential and office uses on upper floors. The applicants do not appear to dispute the Co-op unit and car park are available within a reasonable period but are sceptical other adjacent units on Station Road are also available. However, Bradbeers has provided copy of the lease agreement for adjacent units that appears to confirm vacant possession can be achieved in 12 months. The lease effectively reserves the right of the owner to comprehensively redevelop the site within the short term. The applicants suggest Aldi has considered this site in terms of reconfiguration of the existing unit or redevelopment. The applicant's latest submission (letter dated 10th March) includes a ground floor layout plan for the former Co-op store premises. This plan suggests the existing premises are unsuitable in terms of size, configuration, internal layout and pillars, and therefore comprehensive alterations and extensions will be required to accommodate the proposed store. These required works will also require the acquisition of Number 87 Station Road, currently occupied by HSBC. As indicated, above vacant possession of this unit appears to be feasible within 12 months, and the extended site should therefore be available.

The applicant's letter dated 10th March does not appears to suggest this option is structurally unfeasible or too costly. The option is discounted by PPL for the following reasons:



- 68 car parking spaces is insufficient;
- No. 87 Station Road is not available and vacant possession in 12 months is unproven;
- servicing arrangements for a 16.5m HGV is unsuitable/unsafe; and
- the store would need two entrances (front and rear) to provide easy access to and from the customer car park, which would undermine the internal layout and operation of the store.

Insufficient transport evidence has been provided to demonstrate 68 car parking spaces would be unviable in New Milton town centre. The lease agreement for No. 87 suggests vacant possession can be secured in 12 months.

Officers are satisfied that the service arrangements shown in Option 3 are suitable/safe. Two store entrances may be impractical in terms of internal store layout. However, the short pedestrian route from the car park to the front entrance on Station Road appears to be wide enough for trolleys. This route is safe and about 30 metres which is not excessive. These arrangements, whilst not ideal for a food store operator could work operationally.

Based on the evidence provided by the applicant and Bradbeers, officers are not convinced this opportunity is unsuitable to accommodate a standard format discount food store.

#### Station Road/Elm Road

This site is only 0.12ha and is too small to accommodate a discount food store. Old Milton Road/Crossmead Avenue The site is identified for development in the New Milton Neighbourhood Plan (Site G –Old Milton Road Vintage Quarter). The applicants suggest a discount food store is not consistent with the Neighbourhood Plan land use proposals for this site i.e. to create a multi-purpose cultural facility. The site does not appear to be assembled for development and there are a number of existing uses. The availability of the site within a reasonable period i.e. construction commencing in 2021/22 seems unlikely. Based on the information available this site can be discounted as currently unavailable.

Based on the evidence provided by the applicant and Bradbeers your officers are not convinced that the Station Road/Spencer Road site is unsuitable or unavailable. On this basis, the sequential test is not been satisfied and therefore the proposal is contrary to paragraph 90 of the NPPF and policy 25 of the emerging Local Plan Part 1: Planning Strategy.

#### Impact on the Character and Appearance of the Area including landscape and trees

The site is on the edge of the settlement of New Milton and will create the first site with built form as you enter New Milton. The area is characterised by mature vegetation that plays a significant role in creating a sense of space and contributing to the overall character of the area and is a transitional site between the town and open countryside. There is a significant level of planting to the front of the Tesco store opposite the site which has matured to ensure that the Tesco building sites comfortability within the environment and from wider views.

The site is elevated and therefore is highly visible from the main A337. However, there is a mature tree belt along its southern boundary which partially screens the site in longer distance views.

The application proposes a single building of both considerable size and height, the building will be surrounded by hard surface to provide access and parking to the site. The proposed development will have an urban appearance to it and will be a stark change in character to that of the adjoining countryside. It is therefore critical that development of this form and scale is complimented by significant landscaping to ensure that the development can be accommodated on the site in a way that reflects its edge of settlement location. Further it is critical that the development is designed and landscaped in a way that ensure that when viewed from the adjoining countryside it does not appear as a harsh, urbanised form of development.

The site is included within a wider area covered by an Area Tree Preservation Order, protecting all trees regardless of species. Within the application site, 42 trees have been surveyed and none are considered to be of high, category A quality with 8 being of a very poor quality (category U).

The proposal involves the loss of 17 trees along the road frontage (western boundary of the Area TPO) in order to facilitate the proposed access arrangements. Six of these are in very poor condition. Three of the trees, towards the south of the site are Monterey pines, are category B but have been pruned away from the nearby powerlines. A section of hedgerow, approximately 75m in length from the southern corner of the site would also be removed.

The proposed replacement tree planting does not involve any planting along the road boundary but along the new access into the car park and a small group of 7 trees to the east of the proposed access off Caird Avenue. 10 trees are proposed within the car park and a further 4 new trees proposed to the north of the proposed delivery ramp.

At present, the site is largely screened from Caird Avenue by the protected trees although glimpses through to the Green Belt and countryside beyond are obtained in certain places. The loss of several of these boundary trees would result in much of the site being exposed to wider views. The building would be 11m from the boundary at its closest point, rising to 29m where it would be most exposed. Whilst new tree planting is proposed there would remain around a 20m gap between existing and proposed trees along the boundary plus the open area required for the proposed access point. The loss of existing vegetation will open views of the site up together with the loss of the hedge. The proposed building is a significant structure and in the absence of adequate planting would have a significant impact on the character of the area and create a harsh arrival point to the settlement.

Policy NMT5 requires the provision of appropriate landscape buffers to three sides of the site; to the east between the employment and residential uses, the southern boundary to the countryside and the western boundary to Caird Avenue. The emerging New Milton Neighbourhood Plan at Policy 3 seeks to allocate this site for a mixed use with green infrastructure with an effective landscape buffer to screen the site. In this respect, the submitted landscaping plan does not satisfactorily address any of these boundaries, one of which (to the east) is indicated as having a close boarded fence. This would not be an acceptable solution to the development of this site as it would be a harsh edge to the development, beyond which is currently open parking in association with the mineral extraction facility and open countryside. It is accepted that there may be good reason to have a fence to provide a solid boundary between the two sites however these needs to be softened by green infrastructure to reflect the character of the area.

The southern boundary of the site is shown as the access road into the development. The red line does not extend to include the existing tree line which is around 4m away at its closest point. This tree line has recently undergone some remedial works and it is considered that there is capacity to enrich this if this was within the application site. The proposal involves the loss of several trees along the road frontage and whilst new planting is proposed, there would remain a significant gap in the hedgerow and trees and would not result in a satisfactory form of development for this edge of settlement site.

### Highway Matters

The application has been supported by a Transport Statement, later updated to a Transport Assessment provide details of how accessible the site is in relation to cycling/walking routes and public transport links together with how inclusive access would be obtained to the site, for users of the supermarket. It is supplementary to the plans indicating the proposed access details, parking layout and delivery/servicing arrangements for the scheme and includes some trip generation figures.

The proposal involves the creation of a new access point onto Caird Avenue, just to the south west of the pedestrian access into the Tesco car park opposite. The access demonstrates visibility of 24.m x 41.4m to the south west and 2.4m x 47.4m to the north east following the consideration of traffic survey data. Subject to this being achieved, the Highway Authority has raised no objection to the new access. Together with the provision of a new pedestrian refuge to the north east of the proposed vehicular access, the proposal complies with the relevant section of policy NMT5 and emerging New Milton Neighbourhood Plan policy 3.

Policy NMT5 also requires the provision of an access road through the site from the Tesco/supermarket roundabout to provide access to land to the east, allocated for developed in Policy NMT6. However, whilst the site does not extend as far north as this roundabout, provision to access land to the east is indicated at the end of the proposed new access to the south of the site. This is considered acceptable given it would safeguard future access to this land.

The proposed retail floor space would generate a need for 94 parking spaces. The proposal exceeds this level providing more than 20 spaces in excess of the recommended amount. Of these parking spaces, 8 parent and child, 5 disabled and 2 with electric charging points are specified. The cycle parking provision includes adequate spaces for the public. The submitted supporting documentation advises that staff cycles would be stored within the building and on this basis, the Highway Authority raise no objection to the parking provision and whilst there is overprovision there is no planning objection to the additional provision.

The Draft Staff Travel Plan provides details of the likely number of staff and proposed trading hours of the store as well as indicating measures proposed to minimise car dependency for both staff and customers, for example providing details of buses in store as well as the provision of cycle parking spaces and facilities for staff to keep items associated with cycling. The proposed Plan demonstrates how the development would promote modes of transport other than the car and therefore would deliver sustainable development.

Policy NMT14.2 of the Local Plan Part 2, promotes a new cycle route from the A337 to Ashley Road the scheme requires non-highway land to implement the section along Caird Avenue linking through Carrick Way. Whilst works are not

included in HCC programme of works this is not a reason to not collect a contribution. What is relevant is whether this improvement is considered necessary to deliver sustainable development and without would result in the development being refused. The current proposal would provide a crossing from the site to the western side of Caird Avenue to link with the existing shared cycle/footway along the A337 and as such your officers are of the view that this would promote cycling and walking to the site. However, it is also important that cycling and walking is encouraged between this site the town centre and therefore a contribution should be sought towards providing this link as part of wider development within this area.

A new retail store in this location is likely to increase pedestrian activity on this side of Caird Avenue where there is currently no footpath available. In this context there is a reasonable justification for these improvements being made. Whilst it may not be possible to secure the provision of the cycle/footway through the current development it is important that the future route would not be prejudiced by the proposals. Furthermore, the provision of the cycle/footway could have implications for the landscaping scheme proposed that requires proper assessment at this stage.

### Ecology

There are no ecological designations which cover the site although there are two SINCs (to the N/NE) within half a kilometre. Survey work undertaken confirms that the trees on site offer negligible roosting for bats and whilst there have been no roosts identified within 2km of the site, the treeline to the south offers a commuting and foraging resource for bats. There is scope to improve the site for bats through landscape design and the provision of bat boxes. The introduction of trees within the car park would assist in achieving this.

### Impact on the Residential Amenities of Nearby Properties

The details provided for the BREEAM assessment include noise reports for the plant and other equipment. Whilst it is noted that at present, the nearest noise sensitive properties are several hundred metres away, there is an allocation for residential development immediately east of the site boundary. Given the proximity to residential properties it is concluded that deliveries associated with the proposal would not result in significant noise impact to existing residential properties. There is no justification for a condition restricting hours of delivery as the nearest noise sensitive property is The Bungalow situated behind a 2-storey office building around 85m away to the other side of Caird Avenue and the existing Tesco store where deliveries are allowed 24 hours a day albeit restricted to 2 per night during the hours of 2200-0600 Monday – Saturday and 1800-0800 Sundays and Public holidays.

### Minerals and waste

The site is predominantly grassland although it was an historic minerals extraction site. The wider New Milton Sand and Ballast site currently operates minerals processing, storage and distribution, including a public sales area across their wider site area and this benefits from a lawful use without any restrictive conditions relating to site arrangement or mitigations. There are planning permissions for waste uses although these are further from the site to the north of the wider area. It is considered that the proposal would not adversely impact these current practices as the wider site has adequate space in order to accommodate the relocation of buildings or alterations to accesses if required.

The Minerals Authority has not raised any objections to the proposal although they have noted that the applicant should be aware of the implications of being sited adjacent to an existing use which can generate significant levels of noise and dust/dirt.

#### BREEAM and Sustainability

Building Research Establishments Environmental Assessment Method (BREEAM) covers 9 categories of sustainable design. These are Management Health & Wellbeing; Energy; Transport; Water; Materials; Waste; Land Use and Ecology and Pollution. Each of these topics have a certain number of credits (from 9 for waste to 31 for energy), totalling 140. In order for the proposed building to meet the policy requirement of 'excellent', a minimum of 70% of these credits are required.

The assessment is a two-stage process and the submitted documentation indicates that at this Initial Design Stage, the current proposal could achieve a 72.7% score with the possibility of this increasing to 75% (depending on land use/ecology, materials and waste scores) at the Post Construction Review.

The proposal is therefore considered to comply with policy CS4 and Policy 35 of the emerging Local Plan Part 1 review in this respect.

#### Contamination and Drainage

The site is within a former landfill area and in order to minimise harm to human health, conditions have been recommended about contamination.

The site is not at risk from flooding being within Flood Zone 1. The proposed development is also considered to be 'less vulnerable' and there are no objections to the principle of such development in this area in relation to flooding. However, assessments undertaken in respect of ground conditions have concluded that soakaways are not appropriate in this area due to there being very low drainage potential. The alternative to this is to discharge storm water to a watercourse to the north of the site and surface water generated by the new access road discharged to a ditch to the south. The existing highway drain also connects to this ditch.

## **12 CONCLUSION**

The proposal is considered acceptable having regard to matters such as BREEAM, design and materials, retail impact and contamination. However, it has been demonstrated that an alternative, sequentially preferable location within New Milton town centre exists and the proposal fails on the retail sequential test and due to inadequate landscaping would have an adverse impact on character of the area made up by a strong green infrastructure link along Caird Avenue

## **13 RECOMMENDATION**

**Refuse**

**Reason(s) for Refusal:**

1. The proposal does not meet the sequential test as set out in paragraphs 86-90 of the National Planning Policy Framework as it is considered that a sequentially preferable site exists within the town centre and it has not been demonstrated that it is unsuitable or unavailable. The proposal is therefore contrary to Policy CS20 of the Core Strategy for the New Forest outside of the National Park, Policy 25 of the Emerging Local Plan Review 2016-2036 Part 1: Planning Strategy, and Paragraph 87 89 – 90 of the NPPF (2019).
2. The proposal development would result in poor quality development due to lack of suitable buffer planting to the southern or eastern boundaries of the site to screen the development from adjoining sites, the A337 and when viewed from surrounding open countryside. As a result it would have an unacceptable visual impact within the area and is therefore contrary to Policy CS2 of the New Forest District Council Core Strategy, site specific Policy NMT5 of the Local Plan Part 2 and Policy 13 of the Emerging Local Plan Review 2016-2036 Part 1: Planning Strategy Policy 25, Part 1.
3. In the absence of a contribution towards the provision of a cycling and walking link to reduce the adverse impact of traffic and promote cycling and walking between the site and the town centre the proposal would not deliver sustainable development. The proposal would therefore be contrary to Policy NMT14 of the Local Plan Part 2.

**Further Information:**

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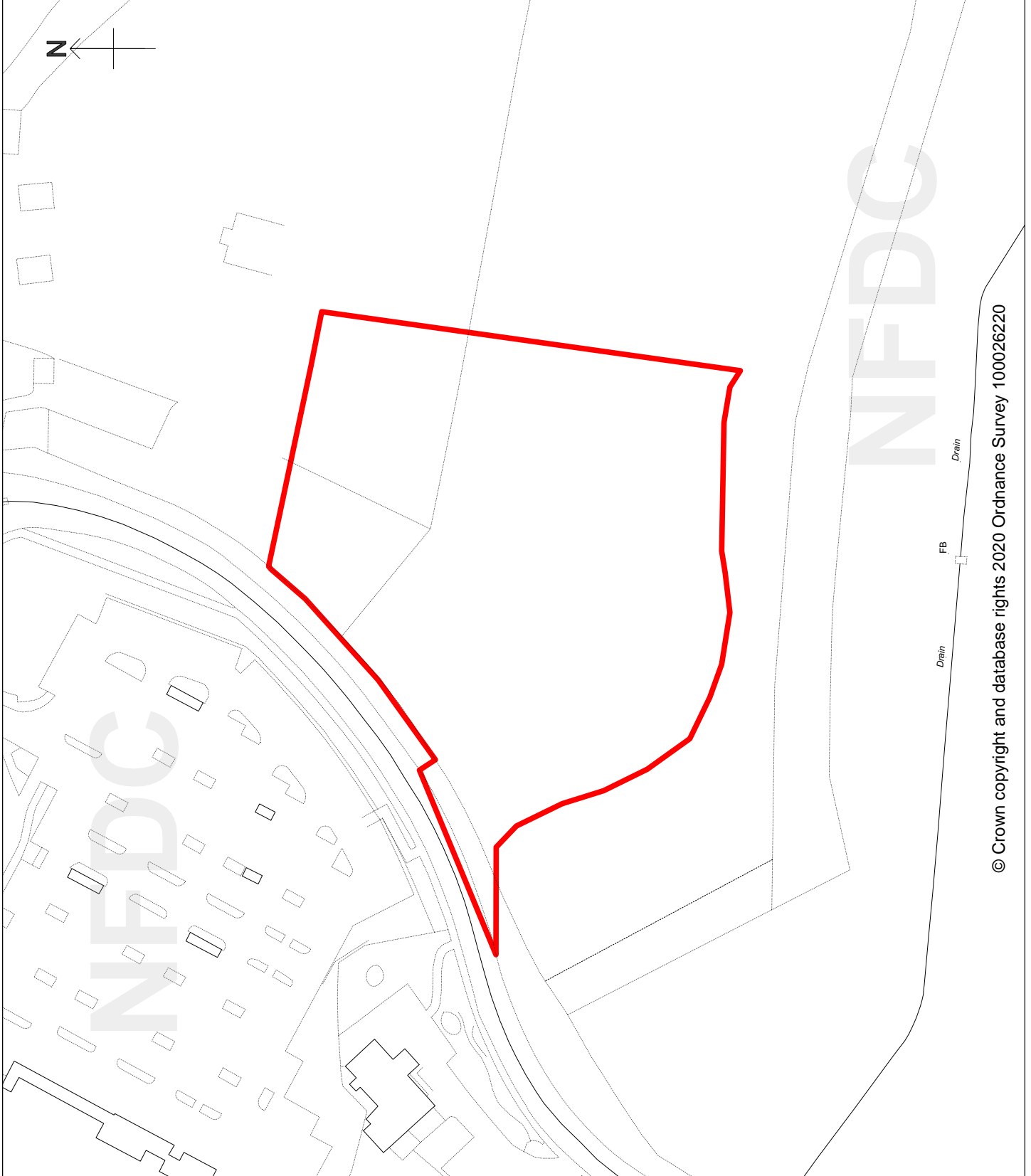
**PLANNING  
COMMITTEE**

**May 2020**

land at  
Solent Industrial Park  
Caird Avenue, New Milton, BH25 5QA  
19/11244

Scale 1:1250

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



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**Application Number:** 20/10171 Full Planning Permission

**Site:** VICTORIA COTTAGE, VICTORIA ROAD,  
MILFORD-ON-SEA SO41 0NL

**Development:** House; access alterations, new pavement crossing; hard and soft landscaping; light columns to front boundary

**Applicant:** Mr & Mrs Dench

**Agent:** Visionary Architects Ltd

**Target Date:** 24/04/2020

**Case Officer:** Steve Clothier

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## 1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) principle of the development
- 2) impact on the character of the area
- 3) impact on the residential amenities of the area
- 4) impact on highway safety and parking

This matter is before Committee at the discretion of the Chief Planning Officer

## 2 THE SITE

The site is formed from the western side of the existing plot of Victoria Cottage. It is within the built up area of Milford on Sea in a mixed residential area comprising detached dwellings and substantial blocks of flats with associated parking courtyards. Work has commenced on the provision of foundations following the approval of front extensions to Victoria Cottage (Ref 19/11089) There is a close boarded fence to the western boundary of the site with the flats known as Hurst Court.

## 3 THE PROPOSED DEVELOPMENT

The proposal involves the demolition of the existing flat roofed side addition and detached garage to Victoria Cottage and the provision of a 2-storey flat roofed dwelling with open plan living accommodation at first floor level and three bedrooms (one ensuite) and a family bathroom at ground floor level. Parking for the new dwelling and that for the adjacent property would be to the frontage where planting is proposed to mitigate against the large area of hard surfacing which also includes four lighting columns across the frontage of the existing and proposed dwellings.

This proposal is almost identical to the scheme that was refused by the Planning Committee on the 12th February 2020. There are slight differences to the refused scheme including a window being shown at first floor level on the east elevation that was omitted from the elevation drawing of the refused scheme and the four light columns along the front boundary. Otherwise the scheme is essentially the same.

#### **4 PLANNING HISTORY**

20/10483	Two storey side extension to existing house, altered existing and new pavement crossings - pending
20/10492	Demolish existing dwelling and re-build it as a new build dwelling; sever plot and new build a new self build dwelling, alter existing pavement crossing and create enlarged crossing, new hard and soft landscaping - pending
20/10172	dwelling house; access alterations, altered existing & new pavement crossings; associated hard and soft landscaping; light columns to front boundary. Current application Item 2c on this agenda
19/11357	house; access alterations, new pavement crossing; hard and soft landscaping. Refused 12/02/20 - under appeal
19/11087	Outbuilding (Lawful Development Certificate that permission is not required for proposal) 28/10/2019 Was Lawful
19/11089	Two-storey front extension 25/10/2019 Granted Subject to Conditions
19/10757	Dormers; Roof alterations; Single-storey rear extension; outbuilding (Lawful Development Certificate that permission is not required for proposal) 20/08/2019 Was Lawful
18/10576	1 terrace of 3 houses; associated parking; demolition of existing (Outline application with details only of access, appearance, layout & scale) 05/07/2018 Refused Appeal Dismissed
87/NFDC/35518	Addition of bedroom with en suite bathroom. 26/08/1987 Granted
LYB/XX/03453	House and garage. 11/06/1956 Granted

#### **5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

##### **Core Strategy**

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM3: Mitigation of impacts on European nature conservation sites

### **The Emerging Local Plan**

Policy 1 Achieving sustainable development  
Policy 11 Heritage and conservation  
Policy 13 Design quality and local distinctiveness  
Policy 34 Developer contributions  
Policy 35 Development standards

### **Supplementary Planning Guidance And Documents**

SPD - Mitigation Strategy for European Sites  
SPD - Housing Design, Density and Character  
SPD - Parking Standards

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

### **Relevant Advice**

National Planning Policy Framework  
Chap 12: Achieving well designed places

## **7 PARISH / TOWN COUNCIL COMMENTS**

### **Milford On Sea Parish Council**

PAR 2: We recommend REFUSAL but would accept the decision reached by the District Council's Officers under their delegated powers.

The Parish Council considered this application to be overdevelopment of the plot and that it would be obtrusive in the street scene, detracting from the host property.

## **8 COUNCILLOR COMMENTS**

No comments received

## **9 CONSULTEE COMMENTS**

The following is a summary of the representations received:

Scottish and Southern Electricity Networks - offer advice  
Southern Gas Networks - offer advice  
Ecologist - no objection subject to the proposed ecological enhancements being secured by condition.  
Highway Engineer - no objection.

## 10 REPRESENTATIONS RECEIVED

10 residents have written (some more than once) in objection to the application for the following reasons (in summary):

- this proposal is very similar to the previously refused scheme
- the proposal would be cramped on too small a plot resulting in a loss of open space which would be out of character of the area
- density too high
- the design would be out of character and unsympathetic in an area where houses sit on spacious plots
- the dwelling would dominate the street scene
- reference is made to a dismissed appeal 11 Whitby Road where the plots were found to be too narrow and the proposed plot would be narrower than those
- inadequate parking and the level of parking would be reduced with no garaging provided
- rear access would be limited
- 2 dwellings might work subject to Victoria Cottage being demolished
- the frontage lighting would be out of character

## 11 OFFICER COMMENTS

### Introduction

This proposal is almost identical to the scheme that was refused by the Planning Committee on the 12th February 2020. There are slight differences to the refused scheme including a window being shown at first floor level on the east elevation that was omitted from the elevation drawing of the refused scheme and the four light columns along the front boundary. Otherwise the footprint and overall scale and height of the proposal remains the same.

### Relevant Considerations

In assessing this proposal consideration needs to be given to whether the principle of the development is acceptable, the impact of the development on the character of the area having regard to the previous refusal of permission, impact on the residential amenities of the area and impact on highway safety and parking.

#### Principle of development

In principle, new residential development can be acceptable within the built up area, subject to there being no material harm on residential amenity, the character of the area or highway safety.

#### Impact of the proposal on the character of the street scene

The previous refusal is a material consideration in the assessment of this proposal. The current proposal is almost identical to that scheme.. The previous reason for refusal which was that the proposed development would result in a *"cramped and unsympathetic form of development which does not enhance local distinctiveness and would be out of character with the area"*.

There has been no reduction in the footprint of the proposal or changes in its relationship to the boundaries of the site. The scheme as now proposed would have very similar impacts and the concern that the plot would not be

contextually appropriate in this area which is characterised by much wider plots than that proposed have not been addressed. As such the current proposals do not overcome the previous concerns.

The assessment that was undertaken in respect of the previous refusal of planning permission (Ref 19/11357) that was considered by this Committee in February 2020 therefore remain relevant.

The application has been supported with a package of information to seek to justify the proposal. Details of the proposed dwelling have been provided on the submitted plans which include the approved scheme for Victoria Cottage. This was a full application for a front extension determined in 2019. Whilst permission has been granted for front additions to this property and the foundations implemented, the building works have not progressed beyond this and the current form of the building is still visible.

The proposed dwelling would have a modern design and would be sited more than 1.5m forward of the front of the existing Victoria Cottage. The proposed dwelling would be set back 6.5m from the highway, in contrast to the 10m set back of the host dwelling at present. It is accepted that the adjacent garages to the west are closer to the highway than the proposed dwelling although there are single storey and flat roofed, the three storey flats behind them are clearly visible and therefore, an open, spacious aspect remains.

The proposed dwelling would project further towards the road than others in the immediate area. At present, the staggered side elevations of the host dwelling and Limestones to the east are clearly visible from some distance away to the west and although the host dwelling will be extended in the near future, the existing verges would remain visible, breaking up the impact of the approved front extension. This view would be lost behind the modern side elevation of the proposed dwelling which would be very prominent when seen from the west. This reflects the view of the Inspector in determining the appeal for three dwellings at Victoria Cottage where she concluded that the proposal would 'undoubtedly dominate the street scene'. Although a different proposal and design, the current scheme would be closer to both the road and western boundary than the dismissed scheme. However, it is not considered to be of such concern to justify a refusal of planning permission on this ground.

The proposed dwelling would project further towards the road than others in the immediate area. At present, the staggered side elevations of the host dwelling and Limestones to the east are clearly visible from some distance away to the west and although the host dwelling will be extended in the near future, the existing verges would remain visible, breaking up the impact of the approved front extension. This view would be lost behind the modern side elevation of the proposed dwelling which would be very prominent when seen from the west. This reflects the view of the Inspector in determining the appeal for three dwellings at Victoria Cottage where she concluded that the proposal would 'undoubtedly dominate the street scene'. Although a different proposal and design, the current scheme would be closer to both the road and western boundary than the dismissed scheme. However, it is not considered to be of such concern to justify a refusal of planning permission on this ground.

It is understood that the applicant has considered the design of the building in relation to the adjacent flats. Although the building provides surveillance for the adjacent parking forecourt to those flats, it would not be read as part of the flatted development given the close boarded fence which is proposed to remain between the two. The proximity of the proposed building to this boundary would

leave no space for any meaningful planting to mitigate against the impact of the proposed building in the street scene, particularly given the full height bedroom windows located at ground floor level behind the boundary fence. It is noted in the perspective drawing that the building would sit comfortably when seen from the north-west, but there are no comparison drawings or a view from further west along Victoria Road which might emphasise the proposed forward siting and design of the proposed building. However, this was not raised as a concern in the previous refusal and it would not be reasonable to raise this at this time.

It is noted that Milford on Sea has a variety of dwelling types and styles which include a few, very modern dwellings. Having regard to this, it is not considered that the principle of a modern dwelling or modern additions to existing dwellings is inappropriate in this location.

There has been much concern raised locally in respect of the amount of development proposed on the Victoria Cottage site. The extant permission to the host dwelling provides a substantial addition to the property and a lawful development certificate would enable the provision of a large detached outbuilding to the side with a similar footprint to the proposed dwelling.

Building a two storey flat roofed property as an alternative to that outbuilding on an 8m wide site would emphasize the cramped nature of the proposal. Subdividing the existing plot would result in two uncharacteristically narrow frontages each with their own access and frontage parking and limited space for planting.. This is in contrast to other dwellings along this side of the road where plots are more generous and parking areas are interspersed with larger planted or lawned areas.

Opposite the site, front boundaries are verdant and only glimpses of large gardens/parking areas are possible. While the proposal would be different to the prevailing character this was not raised in the previous refusal of planning permission.

The applicant has referred to densities in the area and provided an annotated plan with plot densities of dwellings ranging from the western end of Victoria Road to Kensington Park, half a kilometre away to the east. Clearly an area of this size would result in great differences between densities. It is considered that this plan helps to illustrate the inappropriately small size of the plot when compared to others in this part of Victoria Road. It also shows that the proposal (32.3dph) would be more than twice the density of at least two dwellings in the immediate vicinity (Limestones and Three Seasons to the east of the site) and 4 or 5 times greater than the more spacious properties opposite the site. It is considered that in this area, the protection of local distinctiveness and character outweighs the desire to create higher densities and the proposal fails to enhance this and so cannot be supported for these reasons.

#### Impact on the residential amenities of the area

In terms of neighbour impacts this scheme is very similar to the previously refused scheme where no concerns were raised on this issue.

The proposed dwelling includes a balcony to the southern (rear) elevation. This is more than 21m from the side elevation to Osborne Court, to the rear, where there are high level windows to each flat over three floors. It is also noted that there is a privacy screen to the side the balcony at second floor level (but not at first floor). It is not considered that amenity, in terms of unacceptable overlooking or loss of privacy, to the properties at Osborne Court would be adversely affected by the proposal given this separation distance of 21m.

The proposed first floor balcony is just 12m from kitchen windows and 15m from bedroom windows to the Hurst Court flats which are to the south west of the site. Given this proximity, the balcony is proposed to have a privacy screen to the western side in order to minimise the potential for overlooking albeit at an oblique angle. There is a roof light approved to the single storey rear projection to Victoria Cottage which would be protected from any loss of residential amenity through the provision of a privacy screen to the eastern side of the balcony.

The box bay windows to the western elevation look directly across the parking forecourt of Hurst Court and not towards any private amenity space or flat and as such, are not considered to be of concern in this respect.

#### Highway safety and parking

No concerns were raised in respect of this issue in relation to the previously refused scheme and the impacts would be the same in relation to this proposal.

The proposed dwelling would utilise the existing access for Victoria Cottage with a new access for the host dwelling. Given the relatively straight nature of Victoria Road, there are no concerns relating to highway safety and the proposed visibility for both accesses are acceptable. A total of 4 parking spaces are proposed for the new and host dwellings. Whilst on plot parking standards for three bedroom properties recommend 2.5 spaces each, these figures are maximum standards and as such, it is not considered appropriate to refuse permission on the grounds of a lack of a single parking space across the two properties.

Concern has been expressed locally that permission was only granted to extend the host dwelling in view of the fact that the garage would be retained. Whilst this was one of the matters raised by the officer in determining that application, there were no restrictions placed on the approval requiring the garage to be retained.

#### Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications took place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

#### Ecological Matters

##### *Habitat Mitigation*

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New

Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided as the applicant has entered into a Section 106 Agreement to secure the mitigation of that impact in accordance with the Mitigation Strategy. A legal agreement was completed on 8th April 2020 which secures this mitigation.

#### *Nitrate neutrality and impact on the Solent SPA and SACs*

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and would be attached to the decision if permission were granted.

With regard to ecology on the site the applicant has submitted a report that has been assessed by our Ecologist who has confirmed that the proposals would be acceptable subject to conditions.

#### Other Matters

Interested parties have also raised concerns about the proposed low level lighting across the frontages of both the existing and proposed dwellings, while these concerns are noted the lighting would be fairly inconspicuous and not intrusive in the area that has street lighting in any event. Comments have also been made a the replacement of the existing dwelling with two dwellings might be appropriate, this is not proposed at this time and would need to be assessed on its merits should such a proposal come forward.

The applicant has also referred to other developments in Milford on Sea which he considers establishes a precedent for the development currently proposed. These are at Courtlands, Ravens Way and 19 Hurst Road in Milford. These two sites are a considerable distance away from the application site and are set in different contexts. The Courtlands planning permission was for the replacement of a block of two flats with two dwellings following the established pattern of development in and around Ravens Way (ref: 20/10026 granted on 28/04/2020) where there has been much redevelopment of a similar form over the past 20 or more years. The Hurst Road scheme was allowed on appeal in December 2002 (ref: 02/73903) and is at the eastern end of the cliff top development in Milford. This decision was made almost 18 years ago and is not considered to be directly comparable to the current scheme.



## 12 CONCLUSION ON THE PLANNING BALANCE

The proposal would, as before, result in a cramped and unsympathetic form of development which does not enhance local distinctiveness and would appear out of character with the area.

The previous reasons for refusal have not been addressed and as such, refusal is recommended and as such, refusal is recommended.

## 13 OTHER CONSIDERATIONS

### Crime and Disorder

N/A

### Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £1224 in each of the following four years, subject to the following conditions being met.

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development is CIL exempt as a self-build scheme.

Tables setting out all contributions are at the end of this report.

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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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

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**CIL Summary Table**

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Subtotal:	£9,421.88					
Relief:	£9,421.88					
Total Payable:	£0.00					

\* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2020 this value is 1.28 (rounded)

**14 RECOMMENDATION**

**Refuse**

**Reason(s) for Refusal:**

1. The proposal is contrary to Policy CS2 of the New Forest District Council Core Strategy and Policy 13 the Local Plan 2016-2036 Part 1: Planning Strategy in that it would represent a cramped and unsympathetic form of development which does not enhance local distinctiveness and would be out of character with the area by virtue of the scale of the proposed dwelling within a narrow plot width.

**Further Information:**

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**PLANNING COMMITTEE**

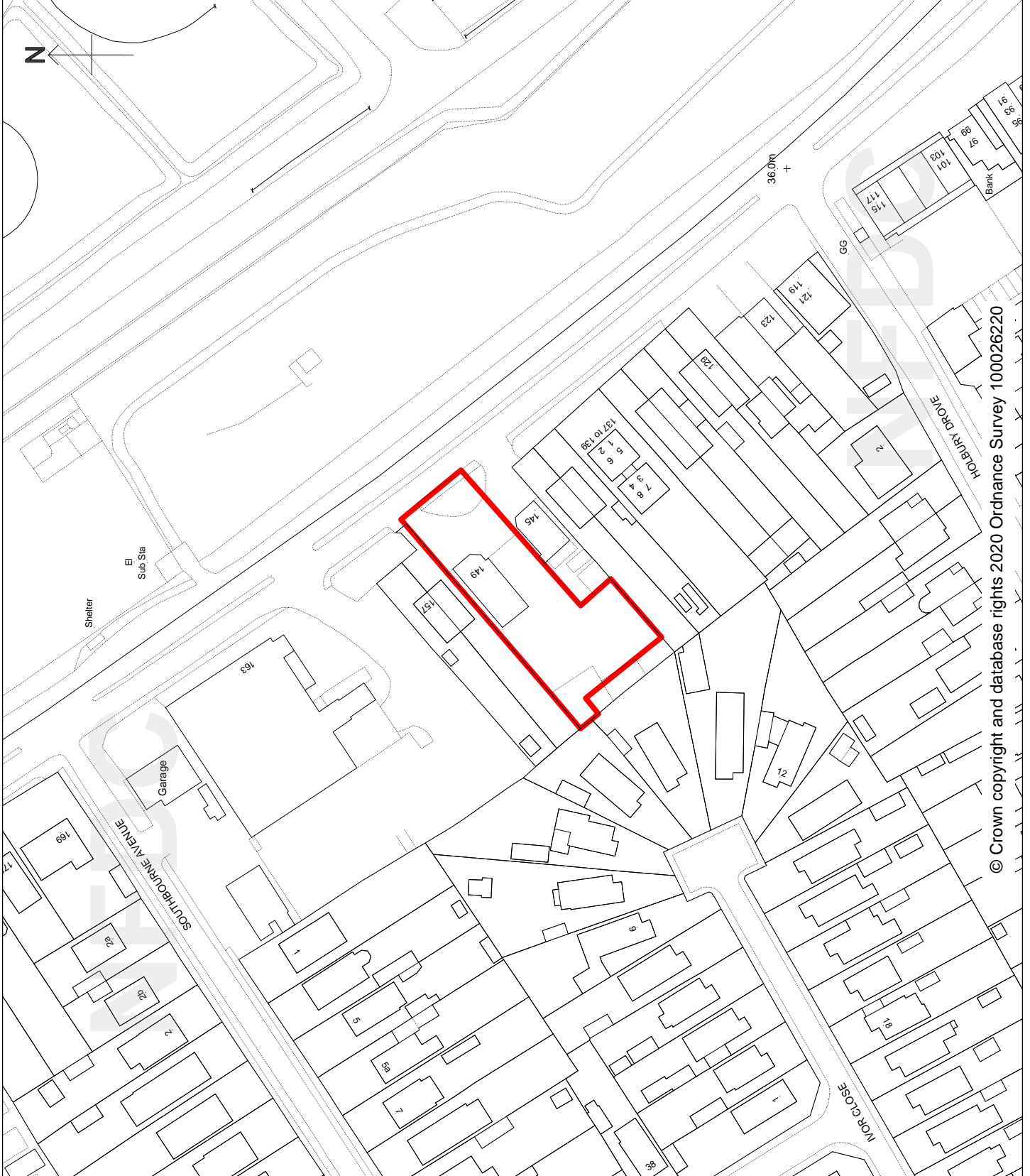
**May 2020**

Victoria Cottage, Victoria Road  
Milford on Sea SO41 0NL

20/10171

Scale 1:1250

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the internet, it will not be to  
scale.



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**Application Number:** 20/10172 Full Planning Permission

**Site:** LAND OF VICTORIA COTTAGE, VICTORIA ROAD,  
MILFORD-ON-SEA SO41 0NL

**Development:** Dwelling house; altered existing & new pavement crossings;  
associated hard & soft landscaping; light columns to front  
boundary

**Applicant:** Mr & Mrs Dench

**Agent:** Visionary Architects Ltd

**Target Date:** 24/04/2020

**Case Officer:** Steve Clothier

---

## 1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) principle of the development
- 2) impact on the character of the area
- 3) impact on the residential amenities of the area
- 4) impact on highway safety and parking

This matter is before Committee at the discretion of the Chief Planning Officer

## 2 THE SITE

The site is formed from the western side of the existing plot of Victoria Cottage. It is within the built up area of Milford on Sea in a mixed residential area comprising detached dwellings and substantial blocks of flats with associated parking courtyards. Work has commenced on the provision of foundations following the approval of front extensions to Victoria Cottage (Ref 19/11089) There is a close boarded fence to the western boundary of the site with the flats known as Hurst Court.

## 3 THE PROPOSED DEVELOPMENT

The proposal involves the demolition of the existing flat roofed side addition and detached garage to Victoria Cottage and the provision of a 2-storey flat roofed dwelling with open plan living accommodation at first floor level and three bedrooms (one ensuite) and a family bathroom at ground floor level. Parking for the new dwelling and that for the adjacent property would be to the frontage where planting is proposed to mitigate against the large area of hard surfacing which also includes four lighting columns across the frontage of the existing and proposed dwellings.

This proposal is similar to the previously refused scheme and the other current application (Item A... on this agenda) - the main difference is the treatment of the roof on the front north west corner of the proposed dwelling as a pitched roof element has been deleted. Otherwise the footprint and overall scale and height of the building remains essentially the same.

#### **4 PLANNING HISTORY**

- 20/10483 Two storey side extension to existing house, altered existing and new pavement crossings - pending
- 20/10492 Demolish existing dwelling and re-build it as a new build dwelling; sever plot and new build a new self build dwelling, alter existing pavement crossing and create enlarged crossing, new hard and soft landscaping - pending
- 20/10171 house; access alterations, new pavement crossing; hard and soft landscaping; light columns to front boundary. Current application Item 2b on this agenda
- 19/11357 house; access alterations, new pavement crossing; hard and soft landscaping. Refused 12/02/20 - under appeal
- 19/11087 Outbuilding (Lawful Development Certificate that permission is not required for proposal)  
28/10/2019 Was Lawful
- 19/11089 Two-storey front extension 25/10/2019 Granted Subject to Conditions
- 19/10757 Dormers; Roof alterations; Single-storey rear extension; outbuilding (Lawful Development Certificate that permission is not required for proposal) 20/08/2019 Was Lawful
- 18/10576 1 terrace of 3 houses; associated parking; demolition of existing (Outline application with details only of access, appearance, layout & scale) 05/07/2018 Refused Appeal Dismissed
- 87/NFDC/ 35518 Addition of bedroom with en suite bathroom. 26/08/1987 Granted
- LYB/XX/ 03453 House and garage. 11/06/1956 Granted

#### **5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

##### **Core Strategy**

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM3: Mitigation of impacts on European nature conservation sites

### **The Emerging Local Plan**

Policy 1 Achieving sustainable development  
Policy 10 Mitigating the impact of development on International Nature Conservation sites  
Policy 13 Design quality and local distinctiveness  
Policy 34 Developer contributions  
Policy 35 Development standards

### **Supplementary Planning Guidance And Documents**

SPD - Mitigation Strategy for European Sites  
SPD - Housing Design, Density and Character  
SPD - Parking Standards

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

### **Relevant Advice**

National Planning Policy Framework  
Chap 12: Achieving well designed places

## **7 PARISH / TOWN COUNCIL COMMENTS**

### **Milford On Sea Parish Council**

PAR 2: We recommend REFUSAL but would accept the decision reached by the District Council's Officers under their delegated powers.

The Parish Council considered this application to be overdevelopment of the plot and that it would be obtrusive in the street scene, detracting from the host property.

## **8 COUNCILLOR COMMENTS**

No comments received

## **9 CONSULTEE COMMENTS**

The following is a summary of the representations received:

Scottish and Southern Electricity Networks - offer advice  
Southern Gas Networks - offer advice  
Ecologist - no objection subject to the proposed ecological enhancements being secured by condition.  
Highway Engineer - no response has been received to the consultation, however, no objection was raised to the previous scheme which does not differ to this scheme in terms of highway implications.

## 10 REPRESENTATIONS RECEIVED

10 residents have written (some more than once) in objection to the application for the following reasons (in summary):

- this proposal is very similar to the previously refused scheme
- the proposal would be cramped on too small a plot resulting in a loss of open space which would be out of character of the area
- density too high
- the design would be out of character and unsympathetic in an area where houses sit on spacious plots
- the dwelling would dominate the street scene
- reference is made to a dismissed appeal 11 Whitby Road where the plots were found to be too narrow and the proposed plot would be narrower than those
- inadequate parking and the level of parking would be reduced with no garaging provided
- rear access would be limited
- 2 dwellings might work subject to Victoria Cottage being demolished
- the frontage lighting would be out of character
- storage and planting would be severely restricted

## 11 OFFICER COMMENTS

### Introduction

This proposal is similar to the previously refused scheme and the other current application (Item 2b on this agenda). The main difference is the treatment of the roof on the front north west corner of the proposed dwelling as a pitched roof element has been deleted. Otherwise the footprint and overall scale and height of the building remains essentially the same.

### Relevant Considerations

In assessing this proposal consideration needs to be given to whether the principle of the development is acceptable, the impact of the development on the character of the area having regard to the previous refusal of permission, impact on the residential amenities of the area and impact on highway safety and parking.

#### Principle of the proposal

In principle, new residential development can be acceptable within the built up area, subject to there being no material harm on residential amenity, the character of the area or highway safety.

#### Impact of the proposal on the character of the street scene

The previous refusal is a material consideration in the assessment of this proposal. The current proposal is similar to that scheme the main difference being the treatment of the roof at the north west corner. The previous reason for refusal was that the proposed development would result in a "*cramped and unsympathetic form of development which does not enhance local distinctiveness and would be out of character with the area*".



While the minor changes to the scheme are acknowledged there has been no reduction in the footprint of the proposal or changes in its relationship to the boundaries of the site. The scheme as now proposed would have very similar impacts and the concern that the plot would not be contextually appropriate in this area which is characterised by much wider plots than that proposed have not been addressed. As such the current proposals do not overcome the previous concerns.

The assessment that was undertaken in respect of the previous refusal of planning permission (Ref 19/11357) that was considered by this Committee in February 2020 therefore remain relevant.

The application has been supported with a package of information to seek to justify the proposal. Details of the proposed dwelling have been provided on the submitted plans which include the approved scheme for Victoria Cottage. This was a full application for a front extension determined in 2019. Whilst permission has been granted for front additions to this property and the foundations implemented, the building works have not progressed beyond this and the current form of the building is still visible.

The proposed dwelling would have a modern design and would be sited more than 1.5m forward of the front of the existing Victoria Cottage. The proposed dwelling would be set back 6.5m from the highway, in contrast to the 10m set back of the host dwelling at present. It is accepted that the adjacent garages to the west are closer to the highway than the proposed dwelling although there are single storey and flat roofed, the three storey flats behind them are clearly visible and therefore, an open, spacious aspect remains.

The proposed dwelling would project further towards the road than others in the immediate area. At present, the staggered side elevations of the host dwelling and Limestones to the east are clearly visible from some distance away to the west and although the host dwelling will be extended in the near future, the existing verges would remain visible, breaking up the impact of the approved front extension. This view would be lost behind the modern side elevation of the proposed dwelling which would be very prominent when seen from the west. This reflects the view of the Inspector in determining the appeal for three dwellings at Victoria Cottage where she concluded that the proposal would 'undoubtedly dominate the street scene'. Although a different proposal and design, the current scheme would be closer to both the road and western boundary than the dismissed scheme. However, it is not considered to be of such concern to justify a refusal of planning permission on this ground.

It is understood that the applicant has considered the design of the building in relation to the adjacent flats. Although the building provides surveillance for the adjacent parking forecourt to those flats, it would not be read as part of the flatted development given the close boarded fence which is proposed to remain between the two. The proximity of the proposed building to this boundary would leave no space for any meaningful planting to mitigate against the impact of the proposed building in the street scene, particularly given the full height bedroom windows located at ground floor level behind the boundary fence. It is noted in the perspective drawing that the building would sit comfortably when seen from the north-west, but there are no comparison drawings or a view from further west along Victoria Road which might emphasise the proposed forward siting and design of the proposed building. However, this was not raised as a concern in the previous refusal and it would not be reasonable to raise this at this time.

It is noted that Milford on Sea has a variety of dwelling types and styles which include a few, very modern dwellings. Having regard to this, it is not considered that the principle of a modern dwelling or modern additions to existing dwellings is inappropriate in this location.

There has been much concern raised locally in respect of the amount of development proposed on the Victoria Cottage site. The extant permission to the host dwelling provides a substantial addition to the property and a lawful development certificate would enable the provision of a large detached outbuilding to the side with a similar footprint to the proposed dwelling.

Inserting a two storey flat roofed property as an alternative to that outbuilding on an 8m wide site would emphasize the cramped nature of the proposal. Subdividing the existing plot would result in two uncharacteristically narrow frontages each with their own access and frontage parking and limited space for planting. This is in contrast to other dwellings along this side of the road where plots are more generous and parking areas are interspersed with larger planted or lawned areas.

Opposite the site, front boundaries are verdant and only glimpses of large gardens/parking areas are possible. While the proposal would be different to the prevailing character this was not raised in the previous refusal of planning permission.

The applicant has referred to densities in the area and provided an annotated plan with plot densities of dwellings ranging from the western end of Victoria Road to Kensington Park, half a kilometre away to the east. Clearly an area of this size would result in great differences between densities. It is considered that this plan helps to illustrate the inappropriately small size of the plot when compared to others in this part of Victoria Road. It also shows that the proposal (32.3dph) would be more than twice the density of at least two dwellings in the immediate vicinity (Limestones and Three Seasons to the east of the site) and 4 or 5 times greater than the more spacious properties opposite the site. It is considered that in this area, the protection of local distinctiveness and character outweighs the desire to create higher densities and the proposal fails to enhance this and so cannot be supported for these reasons.

#### Impact on the residential amenities of the area

In terms of neighbour impacts this scheme is very similar to the previously refused scheme where no concerns were raised on this issue.

The proposed dwelling includes a balcony to the southern (rear) elevation. This is more than 21m from the side elevation to Osborne Court, to the rear, where there are high level windows to each flat over three floors. It is also noted that there is a privacy screen to the side the balcony at second floor level (but not at first floor). It is not considered that amenity, in terms of unacceptable overlooking or loss of privacy, to the properties at Osborne Court would be adversely affected by the proposal given this separation distance of 21m.

The proposed first floor balcony is just 12m from kitchen windows and 15m from bedroom windows to the Hurst Court flats which are to the south west of the site. Given this proximity, the balcony is proposed to have a privacy screen to the western side in order to minimise the potential for overlooking albeit at an oblique angle. There is a roof light approved to the single storey rear projection to Victoria Cottage which would be protected from any loss of residential amenity through the provision of a privacy screen to the eastern side of the balcony.

The box bay windows to the western elevation look directly across the parking forecourt of Hurst Court and not towards any private amenity space or flat and as such, are not considered to be of concern in this respect.

#### Highway safety and parking

No concerns were raised in respect of this issue in relation to the previously refused scheme and the impacts would be the same in relation to this proposal.

The proposed dwelling would utilise the existing access for Victoria Cottage with a new access sought for the host dwelling. Given the relatively straight nature of Victoria Road, there are no concerns relating to highway safety and the proposed visibility for both accesses are acceptable. A total of 4 parking spaces are proposed for the new and host dwellings. Whilst on plot parking standards for three bedroom properties recommend 2.5 spaces each, these figures are maximum standards and as such, it is not considered appropriate to refuse permission on the grounds of a lack of a single parking space across the two properties.

Concern has been expressed locally that permission was only granted to extend the host dwelling in view of the fact that the garage would be retained. Whilst this was one of the matters raised by the officer in determining that application, there were no restrictions placed on the approval requiring the garage to be retained.

#### Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications took place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

#### Ecological Matters

##### *Habitat Mitigation*

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided as the applicant has entered into a Section 106 Agreement to secure the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. A legal agreement was completed on 16th April which addresses this matter.

### *Nitrate neutrality and impact on the Solent SPA and SACs*

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and would be attached to the decision if permission were granted.

With regard to ecology on the site the applicant has submitted a report that has been assessed by our Ecologist who has confirmed that the proposals would be acceptable subject to conditions.

### Other Matters

Interested parties have also raised concerns about the proposed low level lighting across the frontages of both the existing and proposed dwellings, while these concerns are noted the lighting would be fairly inconspicuous and not intrusive in the area that has street lighting in any event. Comments have also been made that the replacement of the existing dwelling with two dwellings might be appropriate, this is not proposed at this time and would need to be assessed on its merits should such a proposal come forward.

The applicant has also referred to other developments in Milford on Sea which he considers establishes a precedent for the development currently proposed. These are at Courtlands, Ravens Way and 19 Hurst Road in Milford. These two sites are a considerable distance away from the application site and are set in different contexts. The Courtlands planning permission was for the replacement of a block of two flats with two dwellings following the established pattern of development in and around Ravens Way (ref: 20/10026 granted on 28/04/2020) where there has been much redevelopment of a similar form over the past 20 or more years. The Hurst Road scheme was allowed on appeal in December 2002 (ref: 02/73903) and is at the eastern end of the cliff top development in Milford. This decision was made almost 18 years ago and is not considered to be directly comparable to the current scheme.

## **12 CONCLUSION ON THE PLANNING BALANCE**

The proposal would, as before, result in a cramped and unsympathetic form of development which does not enhance local distinctiveness and would appear out of character with the area.

The previous reasons for refusal have not been addressed and as such, refusal is recommended.

## 13 OTHER CONSIDERATIONS

### Crime and Disorder

N/A

### Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £1224 in each of the following four years, subject to the following conditions being met.

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development is CIL exempt as a self-build scheme.

Tables setting out all contributions are at the end of this report.

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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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

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#### **Further Information:**

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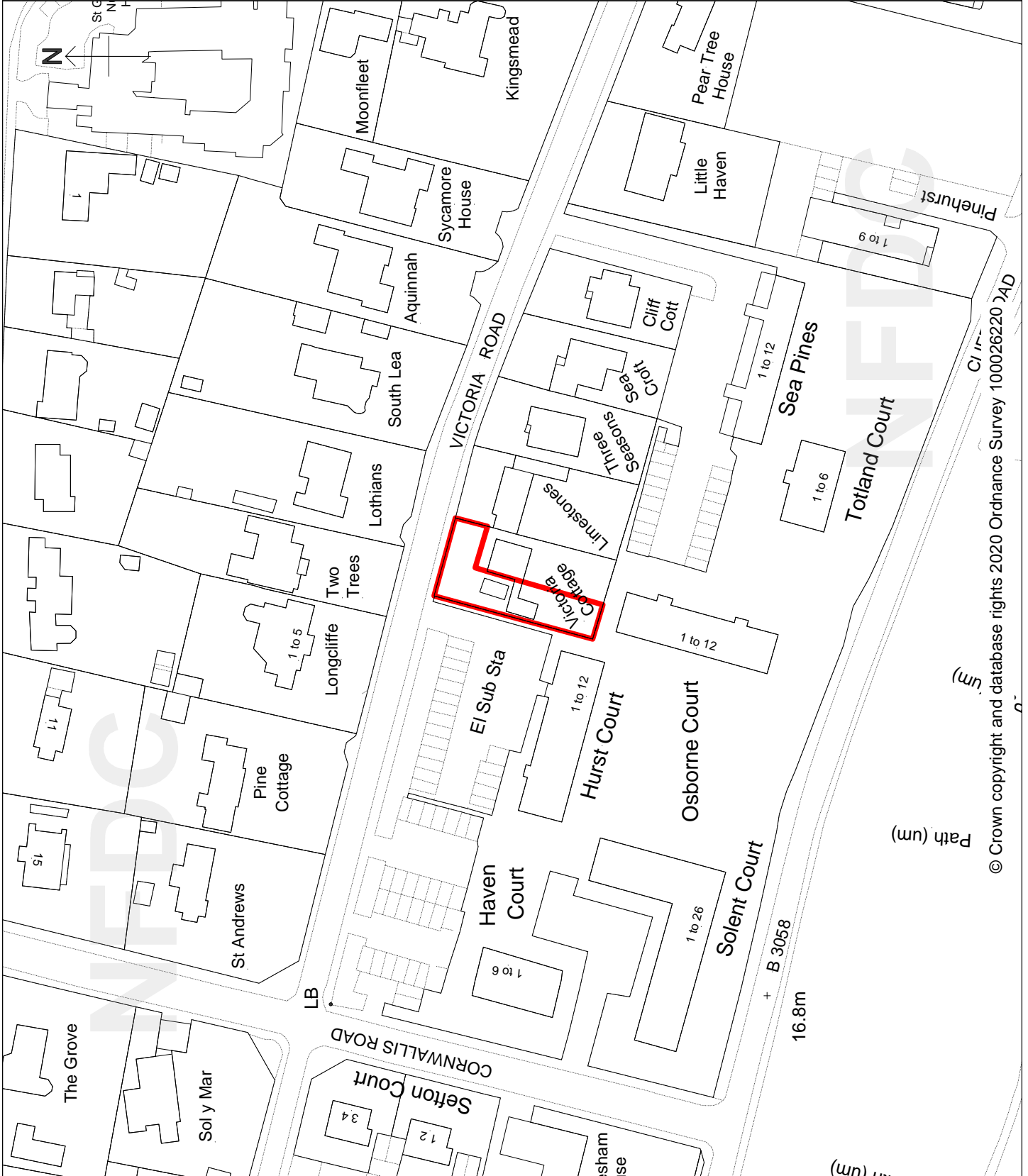
**PLANNING COMMITTEE**

May 2020

Land of Victoria Cottage  
Victoria Road, Milford on Sea  
SO41 0NL  
20/10172

Scale 1:1250

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