

Application Number: 21/11677 Full Planning Permission

Site:	MILTON BARNS, GORE ROAD, NEW MILTON BH25 6SJ (PROPOSED LEGAL AGREEMENT)
Development:	Residential development of 17 no. affordable homes comprising 3 flats, 14 houses with landscaping, access and parking.
Applicant:	Hanah Homes Ltd.
Agent:	Darryl Howells Planning Consultancy
Target Date:	26/09/2022
Case Officer:	James Gilfillan
Extension Date:	15/07/2022

1 Committee Update Report 09/11/22

- 1.1 On the 10th August 2022 members of the Planning Committee voted, contrary to their Officer's recommendation, to grant planning permission for the proposed development, subject to securing contributions as set out in the report and confirming conditions.
- 1.2 As a housing scheme in the Green Bet and outside the built up area of New Milton, in order to be acceptable, in accordance with adopted policy HOU5 of the New Forest District Local Plan Part 1: Planning Strategy 2020, it would have to be delivered as Affordable Housing.
- 1.3 Policy HOU5 states:

Rural housing exception sites and community-led housing schemes

New residential development will only be permitted on suitable sites outside the defined settlement boundaries where it is to meet an identified need of local people for affordable housing to meet local needs which cannot be provided in any other way.

The Council will support and encourage housing, and other ancillary or related development proposed alongside housing, by a qualifying Community-led Housing group on land it owns or controls, where the development has the support of the local community and is proposed to meet the identified local needs of the community it relates to.

Suitable sites will be located within or adjoining a settlement which either provides a range of local services and facilities, or is (or can be made) safely accessible to a larger settlement nearby which provides a wider range of services and facilities. The District Council will work with local communities to identify suitable sites, which may also be identified through Neighbourhood Plans.

Legal undertakings or other appropriate mechanisms will be required to ensure that the benefits of the scheme to the local area and/or specified community group are clearly defined and legally protected in perpetuity.

- 1.4 New Milton and the site in particular, do not fall within a 'Designated Protected Area', DPA, where Housing Legislation prevents 'Right to Acquire' in order to ensure affordable housing provided in rural areas is retained for those in need locally.

As the site is not protected, the right to buy, enshrined in primary legislation can not be resisted by the terms of the S.106 agreement.

- 1.5 As such the planning application can not be considered to comply with policy HOU5 in its entirety. That in itself does not render the scheme unacceptable, but is part of the consideration to be undertaken. It is commonplace for schemes to only comply with parts of policies and it is a matter for the decision maker to apply weight to those parts of policies directly relevant.
- 1.6 As the recommendation presented to the Planning Committee was to refuse the application, it was subsequently considered that this matter had not been properly explained to the Committee. As members of the Committee had placed significant weight on the benefit of delivering Affordable Housing, in balancing considerations, it was considered that the above described limits to retaining the development as Affordable Housing should be explained.
- 1.7 In addition members should note that the minutes for the August committee referred to securing mitigation for the recreational impacts, arising from the development, on habitats and species in the Solent. That was included in error. The site is outside the zone of impact and no contribution is required.

Conclusion

Based on the clarification provided, members are invited to confirm their decision to resolve:

That delegated authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

(i) the completion of a planning obligation entered into by way of a Section 106 Agreement to achieve:

- contributions towards New Forest recreational disturbance infrastructure and non-infrastructure
- contribution towards monitoring Air Quality in the New Forest
- Appropriate monitoring fees (in respect of: Commencement, Affordable Housing, and Bio Diversity Net Gain).
- Secure the site as 100% affordable housing for occupation by residents nominated by New Forest District Council
- Contribution towards education infrastructure

(ii) the imposition of the conditions as agreed with the Chairman of Planning Committee.

Proposed conditions to satisfy (ii) are listed at appendix 1 to this report.

Original Case Officer Report 10/08/22

SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the Development and Green Belt.
- 2) Impact on the character and appearance of the area.
- 3) Impact on heritage assets
- 4) Access, highway safety and parking

This application is to be considered by Committee due to the conflict between the responses received from Cllr Clarke & New Milton Town Council and the Officer recommendation.

2 SITE DESCRIPTION

The site is on the south side of Gore Road, outside the built up area of New Milton. It is located to the south of Milton Barn, a grade II listed barn, converted to a restaurant pub use. The site is vacant, grassed and falls within the South-West Hampshire Green Belt.

There are mature hedges around the edge of the site. The site is flat, but elevated approximately 1m above the level of the ground around the listed barn.

Beyond the southern boundary is Fawcetts Fields public open space, where there are junior football pitches marked out and further formal sports pitches and facilities beyond. To the west land is allocated as a strategic housing site, SS11.

3 PROPOSED DEVELOPMENT

Residential development of 17 no. affordable homes comprising 3 flats, 14 houses with landscaping, access via Milton Barn from Gore Road.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
08/92017 Use as playing field	02/05/2008	Granted Subject to Conditions	Decided	
02/75538 Conversion of barn to public house and construction of 10 guest bedrooms (Listed building application)	02/10/2002	Granted Subject to Conditions	Decided	
01/73089 Addition and alterations to form public house with guest rooms and access alterations	30/09/2002	Granted Subject to Conditions	Decided	
97/NFDC/62824/LBC Addns/alts to form pub/flat/access/parking :	08/04/1998	Granted Subject to Conditions	Decided	
97/NFDC/60911/LBC Addns/alts to form pub/restaurant/flat/access/parking	11/06/1997	Refused	Decided	Appeal Allowed

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy
Policy STR5: Meeting our housing needs
Policy HOU1: Housing type, size, tenure and choice
Policy HOU2: Affordable housing
Policy HOU5: Rural Housing Exception Sites and Community Led Housing Schemes
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV2: The South West Hampshire Green Belt
Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality
Policy CCC2: Safe and sustainable travel
Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM20: Residential development in the countryside

New Milton Neighbourhood Plan 2021

Policy NM1 - A Spatial Plan for New Milton
Policy NM2 - Diversifying Housing
Policy NM4 - Design Quality
Policy NM11 - Mitigating Effects on European Sites

New Forest District Core Strategy 2009

CS7: Open spaces, sport and recreation

Supplementary Planning Guidance And Documents

SPD - New Milton Local Distinctiveness
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites
SPG - Residential Design Guide for Rural Areas
SPD - Air Quality in New Development.

Relevant Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 66 General duty as respects listed buildings in exercise of planning functions.

Relevant Advice

NPPF 2021

Constraints

SSSI IRZ Wind and Solar Energy
NFSFRA Surface Water
SSSI IRZ Waste
Aerodrome Safeguarding Zone
Small Sewage Discharge Risk Zone - RED
Plan Area
SSSI IRZ Infrastructure
SSSI IRZ Minerals Oil and Gas
SSSI IRZ Combustion
SSSI IRZ Air Pollution
SSSI IRZ All Consultations
Listed Building Grade: Grade II 552.27.002

Plan Policy Designations

Green Belt
Countryside

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: STRONG SUPPORT (delegated) subject to adherence to Neighbourhood Plan policy NM4 (Design Quality) on the need to mitigate the impacts of climate change by consideration of Photovoltaic panel provision, thought the most cost-effective option for an affordable housing scheme and its occupiers.

7 COUNCILLOR COMMENTS

Cllr S Clarke expresses support for the scheme

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Conservation: Objects to the lack of a comprehensive heritage assessment complying with Historic England guidance on the content of such an assessment. The scheme does not bring any heritage benefit. The position, massing and layout of the scheme would cause harm to the historic setting of the Listed Building and the contribution of the space to the significance of the Listed Building. Based upon the submitted information the extent of harm would be less than substantial.

NFDC Ecologist: Recreational, air quality and water quality impacts would effect the integrity of designated sites of nature conservation interest and should be mitigated. Conditions can secure appropriate on site ecological mitigation and enhancement. However 10% Bio-diversity net gain has not been demonstrated.

NFDC Environmental Health Contaminated Land: No known contamination, but historic agricultural use justifies a standard unexpected contamination condition is imposed. No objection.

NFDC Housing: Identifies that there is a large number of residents in need of affordable housing who have New Milton as their preferred First Choice. Supports the scheme for making provision towards meeting this demand.

NFDC Landscape Team: Layout is overly intensive and will be unable to retain the existing boundary vegetation as indicated or provide capacity for adequate landscape and visual impact mitigation, which should be unnecessary if the scheme was designed to sit comfortably in the landscape.

NFDC Open Spaces: Revisions reduce the site area below that to trigger a Public Open Space contribution, but securing safe and convenient routes to nearby facilities is encouraged.

NFDC Urban Design: The proposal fails to achieve the 3 principles of ENV3, Functionality, Appropriateness and Attractiveness.

HCC Countryside Services: Public Rights of Way are unaffected. No objection.

HCC Education: Indicates the scheme would give rise to additional demand for primary and secondary school places, that can not be met by the existing schools and therefore mitigation is required. No objection subject to securing a contribution.

HCC Highways: Accepts that sufficient visibility, road widths and manoeuvring space is provided to meet the needs of the development and preserve highway and pedestrian safety, along the access road, junction with Gore Road and in the housing site. No objection.

HCC Surface Water: In the absence of agreement from the foul sewer operator, can not accept the proposed surface water drainage strategy that proposes to drain surface water to the foul drainage.

Hampshire & IoW Fire and Rescue: Advises compliance with Building regulations and detailed construction design. No objection.

Southern Water: Confirms sufficient capacity is available in the drainage infrastructure to serve the foul and surface water drainage requirements. No objection.

Sport England: No conflict with playing pitches. No objection.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Concerns regarding highway and pedestrian safety from speeding vehicles on Gore Road and increased movements associated with the development. Highway safety on site due to narrowness of the access drive.
- Impact of additional vehicle and pedestrian movements along the access drive on amenity of occupiers of adjacent houses due to disturbance and loss of privacy.
- Conflict with highway safety due to surface water flooding.
- Concerns regarding the lack of parking and potential abuse of the car park for 'The Barn' commercial premises.
- Loss of direct pedestrian access to Fawcetts Fields.
- Failure to undertake an appropriate heritage assessment and consider the significance of the heritage asset.
- Poor layout and inappropriate design to respect the setting of the listed Barn.
- Insufficient details of measures to combat climate change
- Impact on amenity from overshadowing, overlooking and loss of privacy.
- Support for the principle of affordable housing and new housing
- Support for the design, but important it adheres to Neighbourhood Plan policy NM4
- Comments regarding the opportunities for bio-diversity and ecological enhancements within the scheme.

For: 2

Against: 4

10 PLANNING ASSESSMENT

The site is currently vacant, used informally by the restaurant/pub business operating in the adjacent Milton Barn for events and additional external seating. The scheme proposes to erect four buildings comprising a total of 3 flats and 14 houses, accessed from Gore Road, via the existing service road serving the commercial business.

Principle of Development

The site is outside the identified built-up area of New Milton and in the South West Hampshire Green Belt. Strategic policies STR3 and STR4 direct development towards the established town and village centres, based on the hierarchy identified. Beyond the defined settlement boundaries and identified rural villages the primary objectives are to conserve and enhance the countryside and natural environment.

Whilst that does not preclude all development, based on a need to sustain rural areas and support rural enterprise, recreational facilities and farming, certain forms of development would be acceptable. However the scheme does not propose such a form of development.

The site does not therefore accord with the principal provisions of STR3 and 4, the principle of the development is therefore not accepted.

Similarly the New Milton Neighbourhood Plan, policy NM1, also directs significant residential development to the town of New Milton. But accepts that where a proposal meets Green Belt or National Park policies in can be considered acceptable outside the town centre.

Adopted policies HOU5 and DM20 of local plan parts 1 and 2 respectively do however allow for affordable housing schemes to be brought forward where they are adjoining a settlement which provides a range of local services and facilities, which can be safely accessed.

The description of development proposes the scheme to be delivered as an affordable housing scheme. The supporting Planning and Affordable Housing statement sets out the form that this would take, proposing 100% social rent. The consultation response received from the Councils Housing Services identifies a clear need for affordable housing in New Milton, that the scheme would make a significantly positive contribution towards meeting. By providing the entire scheme as affordable housing the scheme complies with the target of 50% being affordable as required by adopted policy HOU2.

Whilst the site is outside the built-up area and therefore in the countryside, it is close to the boundaries of the built up area and the character of the area includes residential, commercial and educational forms of development.

Whilst strategic scale housing numbers would be delivered on the allocated site to the west on Gore Road (SS11), including affordable housing, it is clear that the predicted delivery rates for that undetermined outline scheme would not deliver affordable homes in the short term. The current application proposals could be delivered in much shorter time scales, contributing to meeting existing need.

The Council has significant need for affordable housing, as such significant weight would be applied to the benefit of the delivery of such housing.

The site falls within the South West Hampshire Green Belt. New development therein is inappropriate and therefore harmful to the openness and purposes of including land within the Green Belt. There are however circumstances where new development would not be considered to be inappropriate. Exceptions to this are set out at para.149 of NPPF, including at f) limited affordable housing for local community needs under policies set out in the development plan.

The scheme is proposed to be 100% affordable housing, complying with the provisions of HOU5 and therefore would be in accordance with the identified exceptions to the presumption against new development in the Green Belt. As such the principle of the development in the Green Belt is in accordance with adopted policy ENV2 and can be accepted.

The scheme has minor economic benefits during construction and could introduce additional footfall and spend in New Milton town centre and the business in the listed barn. Despite being outside the built up area it has minor environmental benefits of abutting it. Delivering a mix of house types and sizes as affordable housing has social benefits.

These benefits would be applied to the planning and heritage balances. However they do not in themselves demonstrate delivery of a sustainable development, which should be considered against detailed aspects of the scheme as presented, rather than the principle of residential use of the site.

Design, site layout and impact on local character and appearance of area

The scheme seeks to deliver a courtyard of buildings designed in a contemporary agricultural style. Justified by its proximity to the Listed Barn and previous agricultural use of the site and surroundings. The principle of such an approach has merit, however it is not considered the scheme succeeds in achieving such a solution. The scheme is not supported by a Design and Access statement demonstrating how the scheme has regard to the context, especially consideration of the special qualities of the Listed Barn and how its scale and design has been integrated by the scheme. Nor does it analyse agricultural barn conversions or farm complexes to demonstrate how the scheme takes influence from their original form.

Furthermore and covered in more detail below, the scheme is not supported by a comprehensive Heritage Asset Statement that identifies what opportunities might exist to enhance the Listed Building through the design of the scheme

The scheme provides 4 blocks of built form to enclose the central parking court. Further enclosure of that space is provided by way of walls. Parking is largely open surface parking, but 3 car port structures do provide shelter to some spaces and contribute to the enclosing courtyard layout.

The scale of the development results in an intensive layout and significant extent of plot coverage through built form and hard surfaces. Whilst the agricultural courtyard approach would be likely to incorporate a high percentage of site coverage, the buildings and parking are tightly packed, buildings are particularly close to the edge of the site and the scheme is not particularly sympathetic to its setting, residents would feel hemmed in and the size of rear gardens would not offer particular relief.

The inclusion of car ports as part of the built form does provide an attractive solution to the provision of parking, however they are in the minority and cars would dominate the courtyard and three of the four buildings would be viewed with cars dominating their setting.

The layout turns it back on the listed barn and the open spaces around the site, presenting rear elevations and rear garden boundary treatment to its edges. The two houses either side of the drive into the site do provide active frontage and there would be ample engagement with and passive surveillance of the courtyard spaces.

The use of materials and design detailing is consistent across the scheme, however hipped roof forms, the extensive use of half dormered windows and staggered

footprints, clearly visible on blocks B, C and D especially rear elevations most visible from outside the site, to the south and west across the open space, where the scheme would create a new urban edge, particularly highlight the failure of the scheme to deliver a barn style design.

The agent seeks to justify the design as acceptable by reference to stable door cladding, dark stained timber windows and hay loft access doors. Whilst these features are common for agricultural barns they can not disguise the poor scale, roof form and layout of the buildings on which they are applied.

The agent also seeks to explain the half height eaves and windows breaking those eaves as a mechanism to deliver a barn like form and appearance, and absorb the first floor accommodation in to the roof. This rationale is not readily evidenced or understood.

Streetscene plans provided show the scale of the scheme and its dominant effect in the background of the Listed Barn, when viewed from Gore Road. Those plans also show the contrast with the respect shown by the simple forms and reduced scale of the recently completed development at Greenwood Place to the east.

It is considered that despite the response from New Milton Town Council, the scheme would fail to accord with aspects of policy NM4 of the neighbourhood plan. Failure to justify the design and execute the approach of the scheme would not reflect the distinctive character of the town, nor would it; be a high quality design; create a sense of place while addressing the character and scale of the surrounding buildings and landscape; contribute to local distinctiveness, enhancing local character.

Not only do the shortcomings of design conflict with the environmental strand of sustainable development, they would also conflict with the social strand, by way of failing to achieve well designed and beautiful places.

Landscape impact and trees

The site provides part of the historic landscape setting for the Listed Barn. It falls within the Green Belt and area of open land around the edge of the built up area of New Milton. Hedges around the edge of the site provide the principal landscape features of the site. There are no protected trees on site at present or any considered to be constraints to the development.

The scheme has not been supported by an analysis of the local landscape setting, identifying the key characteristics of the landscape or adjoining townscape. The lack of such an assessment leads to a similar conflict as with the design and layout of the scheme and heritage aspects, in that justification for the design rationale is lacking.

The layout of the scheme would dominate the landscape edge of the site, most notably where it is viewed in the context of the wider landscape. Furthermore it would obscure any views of the Listed Barn within that landscape setting. Unfortunately the less successful rear elevations, where the suburban roof forms would be most evident are those to be exposed in views of the landscape setting.

Whilst tree planting would contribute to the landscape, in the absence of an analysis of the existing baseline, there is no obvious masterplan for the proposed arrangement of trees, or how the buildings could be arranged around new landscape planting.

Potential changes to the wider landscape arising from development of the nearby strategic housing allocation would not justify development of this site in the absence of a review of the opportunities or constraints of the landscape setting.

As with the design, the principle of an agricultural style could be appropriate, but the poor execution, scale and layout do not readily succeed.

Listed Buildings

The application site is considered to be within the curtilage of the Grade II listed Milton Barn. Extended and occupied by a restaurant with hotel rooms it is statutory listed for its special architectural and historic interest. The works do not directly effect the fabric of the structure of the Listed Building, which is outside the application site.

Having regard to S.66 of the Listed Buildings and Conservation areas act, it is desirable to preserve the setting of the listed building, for which special regard is paid.

The application is supported by a brief Heritage Asset statement (HAS), provided within a Planning Statement. This has been updated over the life of the application, indicating it has been written to justify the scheme as designed, rather than assessing the heritage significance of the site and adjoining building to identify the development opportunities the application site presents. The Councils Conservation Officer has reviewed the HAS and advises that it does not meet the requirements for such an assessment as defined by the NPPF.

The assessment has no map regression analysis, no historic building analysis, no analysis of significance (as set out under Historic England Guidance AN 10) and no detailed assessment of the buildings setting and therein its contribution to significance (Historic England GPA3). There is no reference to the HER or other background research and no exploration of setting tests (GPA3) with which to inform the design evolution of the proposal.

The applicant was advised of the importance of such a document in informing and justifying their proposals in the pre-app response provided, but has chosen not to comply with this advice.

The application site formed part of open farm land associated with the barn, whilst much has been lost to the north, the area to the south remains largely free from built form and contributes to the character of the setting of the barn.

The applicant has reviewed other barn style developments, seeking to compare them to the proposed scheme, however such review does not replace analysis of the existing buildings and their heritage aspects. The proposed scheme is inward looking and incorporates many suburban design traits that would not sit comfortably alongside the Listed Building and confuse the effect of the design approach.

Works to provide appropriate access to the site, by way of wider junction access and on site road serving the development contribute to an erosion of the setting of the Listed Barn and further detrimental visual impact.

Due to the importance of the historic relationship to that space, the former function of the barns and the value of that remaining curtilage, the significance of the remaining curtilage is high. Based on the above concerns regarding the design, layout and scale of the scheme, the Conservation Officer concludes that harm would be caused to the significance of the listed barn building, by way of the erosion of its setting and context.

The identified harm would be less than significant, in accordance with NPPF para.202, this should be assessed against public benefits, however the NPPF directs

that great weight should be applied to the importance of conserving a heritage asset.

Highway safety, access and parking

The scheme proposes access to be shared with that existing for Milton Barn, sweeping around the southern side of that building before turning in to the site. Parking for the existing use would be retained as existing, to the west of the commercial Listed Building.

The access drive and junction with Gore Road would be widened to allow vehicles to enter and exit simultaneously and accommodate larger delivery and refuse vehicles, likely to be generated by the proposed and existing uses.

The scheme provides 30 parking spaces for the residential development. The adopted parking standards requires 27 unallocated spaces or 36 allocated spaces. Subject to ensuring the spaces are not allocated, sufficient parking is provided to meet the needs of the development. A condition could be used to secure provision of the spaces and retention as unallocated.

None of the parking spaces have been clearly designed as disabled spaces, however the parking layout provides flexibility that at least 7 spaces could suit residents or visitors with mobility restrictions and ensures flexibility over their use.

Each property would be provided with a bike store for 2 bicycles and visitor racks would be provided for. Whilst the parking standards SPD requires storage for 3 bikes on 3-bed houses, those properties have larger gardens so could readily accommodate larger or additional stores should residents require.

The plans indicate a refuse wagon could manoeuvre on site, entering and exiting in a forward gear. No provision has been made in the scheme for storage of wheeled bins. In some locations, rear garden access passes between parking spaces. Concerns exist regarding moving wheeled bins past adjoining parked cars, including support posts for car ports and the consequential impact of wheeled bins being left in the public realm parking courtyard. Whilst a condition could be imposed seeking details of bin storage facilities on site, due to the scale and layout of the development problems and conflicts, as identified above, are designed in to the scheme, as a result a condition may not be an appropriate mechanism to resolve these problems.

The application site excludes the existing parking area for the commercial use in the listed barn.

The commercial premises is currently serviced from its southern elevation, where a timber enclosure projects from the building. It is not clear if that structure would be removed to facilitate the development, however it does fall within the red line. The site plan does suggest deliveries would continue from this position. The width of the access and area provided for deliveries, is sufficient that vehicles could pass a delivery vehicle parked. Whilst deliveries are likely to be regular, they would not be for durations that would compromise highway or pedestrian safety, nor is the position likely to contribute negatively.

Pedestrian access to Fawcett Fields is currently possible. This appears well used, but is as a result of unauthorised forced entry through the boundary hedge and is not an identified formal route, or one that this scheme should protect. Whilst this demonstrates a degree of desire for such a route, a comprehensive holistic response to access linking Gore Road and Christchurch Road, is a pre-requisite of development on the nearby strategic housing site.

Numerous revisions to the size and layout of the access drive, to demonstrate it can serve the development safely, have been received over the life of the application and HCC as highway authority are content that the development can be adequately and safely served whilst preserving highway and pedestrian safety, on site and on Gore Road.

Residential amenity

Due to the location of the site, in respect of nearby residential properties, the proposals would not have any impact on the outlook, privacy and light to nearby residents, preserving their amenity.

Neighbouring residents have objected to loss of privacy due to the proximity of their properties to the access drive. The scheme would not give rise to excessive volumes of vehicle or pedestrian movements than would be experienced in any residential environment, or opportunities that don't already exist to view windows or gardens from the public realm. The concerns identified by those residents, about customers of the commercial use at the barn, would not be a matter for the applicant to resolve.

The layout of the scheme would result in a degree of overlooking and shading between properties on site, but not to a degree that would be out of keeping with standard residential arrangements. All properties would benefit from adequate outlook and light in to living areas to meet reasonable needs of residents.

Each property would benefit from rear gardens, some of which would be shallow in depth, however the small number of units with these shallow gardens would not render the scheme unacceptable and across the entire scheme adequate gardens are provided to serve the amenity needs of the occupiers.

The application site is below the 0.5ha threshold, in policy CS07, for provision of public open space.

The site is close to an equipped children's play ground provided in the Greenwood Place development to the east, soon to be adopted by the Council. It is also close to Fawcetts Fields public open space, with its wide range of formal and informal recreation opportunities and New Milton sports centre. Whilst access to those sites is not direct, subject to the design of the access drive serving this application, access to the play ground is short and safe, safe access to Fawcetts Fields is expected to be delivered across the adjoining strategic housing allocation and the sports centre is accessible via dedicated off carriageway cycle route.

Due to the location of the site in relation to nearby residential properties and space available within the red line for a construction compound, there would not be justification to impose a condition requiring a construction management plan to be agreed.

The amenity of neighbours would be preserved and needs of residents would be met.

Ecology

There are no protected or high value habitats on or adjacent to the site. Species identified, by the ecological survey, could be readily accommodated by mitigation and enhancement measures, captured by a condition.

A rare wild flower has also been identified along the east boundary. The Councils ecologist advocates retention of the Corky-fruited water dropwort (aka Water Parsley) on the site, protected and retained as part of a Construction Environmental

Management plan.

The scheme has not been supported by a plan or strategy demonstrating that 10% bio-diversity net gain on the site can be achieved in accordance with the development plan, adopted interim guidance and NPPF. As such an off-site provision of this biodiversity uplift is required to be made. Whilst no BNG offset schemes are identified at present, New Milton Town Council are working on the identification and implementation of BNG projects as part of their Green Infrastructure Plan. The recently approved scheme at Moore Close, to the south of the site across Fawcetts Fields, imposed a Grampian style condition allowing for off site provision of BNG. It would be reasonable to take a consistent approach on this matter.

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. Although the adverse impacts could be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

Air Quality Monitoring

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Nitrate neutrality and impact on Solent SAC and SPAs

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 could be imposed to secure mitigation.

Drainage, Sustainability and Air Quality

The site is not at risk of any flooding. Surface water flooding is identified to occur along Gore Road. The scheme is supported by a drainage strategy that demonstrates ground conditions preclude infiltration, as such proposes to dispose of surface water, via attenuation to the foul drainage sewers, this solution is accepted by Southern water, who confirm capacity is available in the existing infrastructure. The scheme would not contribute to existing local flood risk.

The site is close to services and facilities in New Milton reducing reliance on the private car for many trips and therefore the impact of vehicle emissions on air quality locally. The scheme does not make provision for chimneys or a layout indicating installation of solid fuel burners.

A condition could be used to secure a plan for the provision of Electric Vehicle charging. The unallocated courtyard parking arrangement would require detailed consideration of how best to make equipment available, however a solution for one charging unit per dwelling should be possible.

Other matters

The scheme would preserve sports pitches on the adjoining playing fields, Sport England has no objection.

Hampshire County Council and Local Education Authority have indicated the scheme would give rise to increased pressure on local schools, requiring mitigation by way of financial contribution towards schemes to provide additional capacity. As affordable housing there would be a degree of control over where occupiers move from, however the scheme still represents an increase in housing in the relevant catchment with likely back fill of existing occupation and overall increase in population, as such the contributions sought are justified and could be secured by way of an appropriately worded S.106 obligation.

Developer Contributions

As part of the development, the following is required to be secured via a Section 106 agreement to mitigate the impact of the development:

- £68,656 towards New Forest recreational disturbance infrastructure
- £10,387 towards New Forest recreational disturbance non-infrastructure
- £1,547 towards monitoring Air Quality in the New Forest
- £750.00 Commencement monitoring fee
- £750.00 Affordable housing monitoring fee
- £4,625.00 Bio-diversity Net Gain 30yr monitoring fee
- Secure the site as 100% affordable housing for occupation by residents nominated by New Forest DC.

- £57,372 towards provision of primary age school places
- £75,486 towards provision of secondary age school places

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	1768	0	1768	1768	£80/sqm	£180,608.00 *

Subtotal:	£180,608.00
Relief:	£0.00
Total Payable:	£180,608.00

11 CONCLUSION

The provision of housing, making a minor contribution to the overall supply of housing in an area where housing land supply is below 5 years has significant benefits, to which substantial weight in support of the scheme is applied. Alongside this are the benefits of the location close to services and facilities, minor economic benefits and significant social benefits arising from the provision of the scheme as affordable housing, also providing substantial weight in support of the scheme. Weighed against this are the failure to fully understand, assess and analyse the context of the heritage asset, the proposed design approach and landscape setting, resulting in an unsuccessful design solution that would not sit comfortably on its site or in the wider landscape context, that would erode the setting of the listed building resulting in harm to its significance and consequently causing harm to the environmental strand of sustainable development, to which great weight is applied. As such the public benefits would not outweigh the harm to the heritage asset, to which great weight against the scheme is applied.

Making optimal use of the site can not be considered in isolation of delivering development that meets all aspects of the development plan, in this case the environmental harm identified is considered to exceed the optimal use of the site. Contributions required to mitigate the effect of the development, preservation of residential amenity and highway safety weigh neutrally in the planning balance, as such the harm identified would outweigh the benefits of the scheme, which is therefore recommended for refusal.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The scheme is not supported by a comprehensive Heritage Asset Statement written in accordance with NPPF guidance. The scheme therefore fails to fully assess and understand the significance of the Grade II listed Barn and its setting and therefore demonstrate that the proposed scheme is appropriate and would preserve the setting and historical significance of the asset. The public benefits of the scheme would not outweigh the less than substantial harm and the scheme is therefore contrary to Policy DM2 of the New Forest District Local Plan Part 2: Sites and DM policies 2014 and chapter 16 of the NPPF 2021.
2. The design, layout and proximity to the edge of the site, extent of site coverage of built form and car dominance, proportions and roof form, fail to present a successful scheme, which achieves the intended design response. The scheme is not supported by a comprehensive design, landscape and townscape assessment and review to analyse and justify the scheme. The scheme fails to deliver a high quality design and layout, creating a sense of place that addresses the character and scale of the surrounding buildings and landscape that enhances local character and heritage and is sympathetic to the environment and context and would contribute positively to local distinctiveness. The proposals are contrary to policy ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020, NM4 of the New Milton Neighbourhood Plan 2021 and the NPPF.
3. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1: Planning Strategy 2020
4. The scheme would give rise to additional demand for school places at local schools where there is not capacity to accommodate them. Mitigation for this impact has not been secured as such the scheme would have an unacceptable impact contrary to policy STR8 of the New Forest District Local Plan Part One: Planning Strategy 2020.
5. The provision of the scheme as affordable housing is a critical aspect to justify its acceptability in respect of its location outside the built up areas and in the Green Belt. Occupancy of the scheme as affordable housing has not been secured as such the scheme is contrary to policies ENV2 and HOU2 of the New Forest District Local Plan Part One: Planning Strategy 2020, DM20 of the New Forest District Local Plan Part Two: Sites and DM policies 2014 and the NPPF 2021

Further Information:

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Appendix 1. 21/11677

Proposed conditions to support resolution to grant planning permission from Planning Committee 10th August 2022.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the approved plans:

Reason: To ensure satisfactory provision of the development.

3. Before development commences above damp proof course of the buildings hereby approved, samples or exact details of the materials to be used for the facing elevations, roofs, windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park

4. Before development commences above damp proof course of the buildings hereby approved, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:

- a. the existing trees and shrubs which have been agreed to be retained;
- b. a specification for new planting (species, size, spacing and location);
- c. areas for hard surfacing and the materials to be used;
- d. other means of enclosure;
- e. a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Prior to first residential occupation of the dwellings hereby approved, the works to the access from Gore Road, the drive and access in to the site as shown on the approved plans, including removal of any existing structures therein, shall be completed and available for use. They shall be maintained and thereafter retained.

Reason: In the interests of highway and pedestrian safety and in accordance with CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

6. The development hereby permitted shall not be occupied until the parking and manoeuvring spaces shown on the approved plans have been provided. The spaces shown for parking shall be retained and kept available for the parking for the dwellings hereby approved at all times and shall not be allocated to any particular dwelling, except in the event of allocation of space(s) for a disabled resident(s).

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. Before first occupation of the dwellings hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve each new dwelling shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

8. Prior to commencement of development above damp proof course of the buildings hereby approved, details of the bike stores and racks to be installed, as indicated on the approved plans, shall be submitted to and approved by the Local Planning Authority. The agreed details shall then be implemented prior to occupation of the relevant dwelling in the case of residential stores and prior to occupation of the final dwelling in the case of visitor racks. The stores and racks shall then be maintained and retained thereafter.

Reason: In order to support modes of travel other than the private vehicle and in the interests of the climate emergency and air quality and in accordance with STR1, ENV3 and CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

9. Prior to the commencement of development above damp proof course of the buildings hereby approved, details of the arrangements and structures for the storage of bins and presentation for collection, in accordance with the standards published by the Council, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to occupation of the relevant dwelling and thereafter maintained and retained for those purposes.

Reason: In order to ensure sufficient space and access is provided in the interests of efficient collection and the character and appearance of the site and the safety of residents and in accordance with policy ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

10. The development hereby permitted shall not be occupied until:

A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

11. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the [Local] Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

12. No development shall start on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority, which shall include:
 - a. Development contacts, roles and responsibilities
 - b. Public communication strategy, including a complaints procedure.
 - c. A programme method and phasing of construction works;
 - d. The provision of long term facilities for contractor parking;
 - e. The arrangements for deliveries associated with all construction works;
 - f. Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control dust.
 - g. Wheel washing facilities to be provided.

- h. Location of temporary site buildings, compounds, construction material, and plant storage areas;
- i. Details of parking and traffic management measures.
- j. Access and egress for plant and machinery;
- k. Protection of pedestrian routes during construction;
- l. Protection of ecology and mitigation as identified by the ecological appraisal
- m. Methods and timing to protect landscape features identified for retention including the Corky Fruited water dropwort known to inhabit the site.

All demolition and construction work shall only take place in strict accordance with the approved Construction Environmental Management Plan.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on residential amenity, highway safety and to protect features of ecological value and nature conservation interest and in accordance with Policy ENV3 and CCC2 of the Local Plan Part 1 Planning Strategy and DM2 of the New Forest District Council Local Plan Part 2: Sites and DM Policies 2014.

13. Prior to the commencement of development and concurrent with the preparation of a CEMP required by condition 12, a revised ecological mitigation report and plan, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a timetable for the implementation of the measures , which shall then be implemented as agreed and thereafter retained.

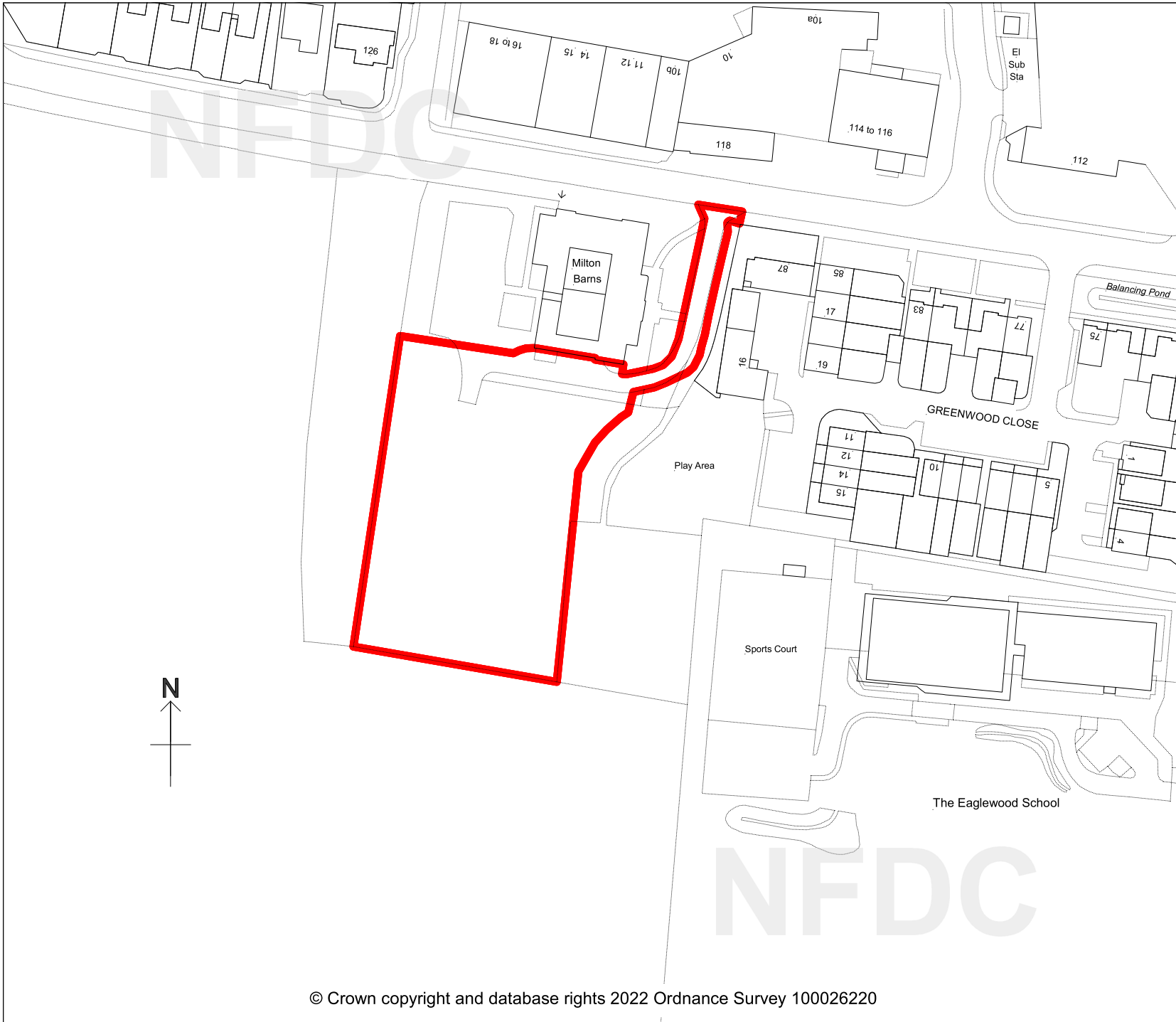
Reason: To reflect the amendments made to the scheme prior to approval and to protect and support features of ecological significance and sensitivity in the area and in accordance with policy STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and DM2 of the New Forest District Local Plan Part 2: Sites and DM Policies 2014.

14. Prior to first residential occupation of the development hereby approved details of a package of off-site Biodiversity Net Gain (BNG) has been submitted to, and approved in writing by, the Local Planning Authority. This package should secure the identified 10% BNG arising from the development and include:

- a. a calculation of the number of biodiversity units required to provide a 10% BNG in accordance with DEFRA Biodiversity Metric 3.1 Calculation Tool (Beta) (2022);
- b. details of the BNG project including its location;
- c. a timetable for the provision of the BNG project;
- d. details of the management of the BNG project
- e. details of the future monitoring of the BNG project in perpetuity.

The BNG package as approved shall be provided prior to the occupation of the penultimate dwelling on the site and thereafter retained as such.

Reason: To ensure Biodiversity Net Gain is secured as part of the development in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management), NFDC interim Biodiversity Guidance and the Environment Act 2021.



New Forest
DISTRICT COUNCIL

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PLANNING COMMITTEE

November 2022

Milton Barns
Gore Road
New Milton
21/11677

Scale 1:1250

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