

**Application Number:** 15/11599 Reserved Matters

**Site:** BEACH FRONT, HURST ROAD, MILFORD-ON-SEA

**Development:** 119 beach huts; associated works including slabs; ramps; steps; railings; temporary fencing & barriers; demolition of existing (Details of access, landscaping, siting, appearance and scale, development granted by Outline Permission 15/10061)

**Applicant:** New Forest District Council

**Target Date:** 30/12/2015

**1 REASON FOR COMMITTEE CONSIDERATION**

NFDC application

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Public Open Space Existing  
Green Belt  
Flood Zone

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 6. Towns, villages and built environment quality
- 7. The countryside
- 8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy

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

DM1: Heritage and Conservation

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Ch. 7 - Requiring good design  
Ch. 9 - Protecting Green Belt land

Ch. 10 - Meeting the challenge of climate change, flooding and coastal change  
Ch. 12 - Conserving and enhancing the historic environment

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Milford-on-Sea Village Design Statement

## **6 RELEVANT PLANNING HISTORY**

15/10061 119 beach huts; associated works including slabs; ramps, steps, railings; temporary fencing & barriers; demolition of existing (Outline Application). 11/03/2015 Granted subject to conditions.

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

Milford-On-Sea Parish Council: Recommend permission but would accept the decision reached by the DC Officers under their delegated powers.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

9.1 Environment Agency – No objection

9.2 Natural England – No objection

9.3 Southern Gas – Advice regarding excavations near gas system pipes

9.4 Coastal and Land Drainage – No comment

9.5 Conservation Officer – Supports the proposed scheme

## **10 REPRESENTATIONS RECEIVED**

53 representations have been received.

16 support the proposal in principal, however noting the following concerns;

- Set back of balustrades on beach hut roof insufficient to protect the privacy and safety of beach hut owners
- Aspects of detailed design of beach huts and associated structures are poor and galvanised finishes are unacceptable
- Disappointment over the revised positioning
- Application not in line with original design presented in August
- Beach hut owners should not be responsible for repair of hut roofs and public liability claims, as they would not have control over access

Potential to allocate private space at the front of the beach huts to avoid conflict with other beach users

35 object to the proposal for the following reasons;

- The railings will increase the height of the huts, increasing visual impacts and go against previous assurances that the beach huts would be no higher. Not like for like replacement
- Repositioning of huts inferior

- Should not be public access to the roofs, impacts on amenity of beach hut owners
- Set back of balustrades on beach hut roof insufficient to protect the privacy and safety of beach hut owners and public.
- Aspects of detailed design of beach huts and associated structures
- Visual impacts of detailed material finishes
- Potential for antisocial behaviour
- Flooding concerns and resilience of design
- Ventilation and damp issues
- Accessibility to beach huts and upper promenade
- Harm to setting of Heritage Assets
- Question revised positioning of huts and choice of final design proposed
- Licensing and liability matters
- Cost implications
- Time taken to replace the demolished huts

3 comment only, raising the following;

- Visual impacts from railings
- Set back of balustrades on beach hut roof insufficient to protect the privacy and safety of beach hut owners
- Aspects of detailed design of beach huts and associated structures
- Liability matters
- Concerns over the value of assurances previously made

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case the applicant is the Council.

## 14 ASSESSMENT

- 14.1 The site is located on the beach front at Milford-on-sea, between the White House, a Grade II Listed Building and the Needles Eye café. It is separated from residential premises along Hurst Road by an area of public open space, the pavilion and bowling green, and car park. The site is within the Green Belt and Flood Risk Zone 3.
- 14.2 On 11th March 2015 outline consent was granted under PA 15/10061 for 119 beach huts and associated works including slabs, ramps, steps, railings, temporary fencing & barriers; and demolition of those existing. This application seeks approval of the reserved matters which include details of the siting, scale, design, access and landscaping.
- 14.3 The proposal would see a change in the appearance and arrangement in comparison with the original beach huts however key aspects of their general design form, massing and materials would be reflected. Opportunity has also been taken to improve their appearance, particularly the rear aspect onto the upper promenade, removing the former gap between this and rear of the beach huts.
- 14.4 The new beach huts would be of a concrete construction, a key feature of the former beach huts and again would be positioned on the lower promenade with a structural height consistent with that of the former beach huts. The appearance of the huts would remain simple, however the frontage would be punctuated by coloured beach hut doors, the final colour of which can be controlled by condition.
- 14.5 Balustrading incorporated into the design would be a new feature along this part of the beach to meet safety requirements in association with the new inhabited roof and access points. Although this would project above the structural height of the beach huts, as a result of its wire infill design this would have little visual impact and becoming less discernible from distance when seen against its backdrop.
- 14.6 Ancillary structures, steps and ramps would integrate visually with the new beach hut terraces and existing sea wall. The new west end ramp would work with the constraints of the existing sea wall structures and pill box feature, providing visual context to its placement.
- 14.7 As with the final finished colour of the beach hut doors, it is considered appropriate to request the submission of further details of the final external finish of all elements of the proposal to ensure a suitable visual appearance.

- 14.8 The revised layout and inhabited roof design would enable improved access to the lower promenade and views of the sea. Although the steps at the rear of the beach huts would reduce the width of the upper promenade this already varies and as proposed this would still enable suitable access widths. Furthermore the accessible upper promenade area would be increased with the inclusion of the inhabited roof design, fully accessible from a series of ramps and steps at the rear of the beach huts.
- 14.9 The replacement beach huts and associated structures would remain vulnerable to flooding and storm wave actions. However, additional resilience has been integrated in their design to withstand a 1:200 year storm event. This includes aspects of their detailed construction and the revised positioning of the units away from the more vulnerable eastern end of the beach front. Owing to the use of the beach huts and the non-residential nature of their use, this would not increase flood risk and it is noted that the Environment Agency has raised no objection to these proposals.
- 14.10 Although the replacement beachhuts would have a reduced width, 2.0m compared to 2.14m previously, the depth would be increased from 2.44m to 2.6m. This would provide the same floor area of 5.2m<sup>2</sup>. Arrangements on the division of outside spaces for beach hut owners would be subject to a separate arrangement with the Council, as would any licensing agreements, liability arrangements or the internal decoration of the beach huts.
- 14.11 The balustrading provided above the huts would be set back from the edge of the roof such that views down into the private space would be restricted and the privacy of beach hut owners maintained in addition to protecting the safety of the roof users. It is recognised that the beach front is publicly accessible and therefore open to public views.
- 14.12 Moving the beach huts towards the western end of the promenade does change their location. However given the openness of the lower promenade and orientation relative to the White House this would not adversely affect the aspect or outlook of the beach huts.
- 14.13 Given the separation from nearby residential premises and that the design would reflect the general positioning and form of the former beach huts, it is not considered that this proposal would result in harm to the living conditions of nearby residents.
- 14.14 As the development would reflect the location and general massing of the previous beach huts on this site this should not lead to any harm to the setting of the nearby Grade II Listed White House.
- 14.15 The detailed design of the proposed development would integrate key aspects of the character of the former beach huts while improving the resilience of the design, access to the beach front and its aesthetic appearance. As such subject to the final detailing of the external materials it is considered that the proposal would be acceptable in its impacts on the appearance of the surrounding area and the amenity of beach hut owners, local residents and beach front users.

- 14.16 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

Reserved matters of access, landscaping, siting, appearance and scale specified in condition 1 of outline permission reference number 15/10061 dated 11 March 2015.

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans: 310 Rev P1; 309 Rev P1; 308 Rev P2; 101 Rev P3; 102 Rev P2; 201 Rev P3; 302 Rev P2; 304; 305; 306; 307; 902; 001 Rev P1; 002; 003; 004; 005; 051Rev P2; 052 Rev P4; 053 Rev P4; 301 Rev P3; 311 Rev P1; 901 Rev P1.

Reason: To ensure satisfactory provision of the development.

2. Before construction of the new beach huts commences, samples or exact details of all external facing materials and applied finishes for the beach huts, balustrades and surfacing 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 CS2 of the Core Strategy for the New Forest District outside the National Park.

#### **Notes for inclusion on certificate:**

1. This decision relates to amended / additional plans received by the Local Planning Authority on 12/11/2015 & 18/11/2015

2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case the Council is the applicant.

**Further Information:**

Householder Team

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**Planning Development  
Control Committee**  
January 2016

**Item No: 3t**  
Beach Front  
Hurst Road  
Milford on Sea  
15/11599  
SZ2891

Scale 1:2500

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

