

**Application Number:** 18/10800 Listed Building Alteration

**Site:** THE OLD MILL, BARNES LANE, MILFORD-ON-SEA SO41 0RL

**Development:** Refurbishment and extension of existing buildings to create a single dwelling with glazed links; provision of garage/car port; new access including bridge over mill pond; landscaping (Application for Listed Building Consent)

**Applicant:** Mr & Mrs Davies

**Target Date:** 03/08/2018

**RECOMMENDATION:** Refuse

**Case Officer:** Catherine Cluett

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Member and Parish Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up Area  
Aerodrome Safeguarding Zone  
Landscape Feature  
Plan Area  
Local Nature Reserve  
Flood Zone  
Conservation Area  
Listed Buildings Grade II

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

1. Special qualities, local distinctiveness and a high quality living environment

**Policies**

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

**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

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

SPG - Milford-on-Sea Village Design Statement  
SPG - Milford-on-Sea - A Conservation Area Appraisal

## **6 RELEVANT PLANNING HISTORY**

- 6.1 12/98409: Refurbishment and extension of existing dwellings to create a single dwelling; conversion of mill building to ancillary residential accommodation; provision of garage/store building; new access including bridge over mill stream. Application refused and subsequent appeal dismissed 15 February 2013
- 6.2 12/98410: Refurbishment and extension of existing dwelling to create a single dwelling; conversion of mill building to ancillary residential accommodation (Application for Listed Building Consent) Consent refused and subsequent appeal dismissed 15 February 2013
- 6.3 13/10772: Refurbishment and extension of existing dwelling to create a single dwelling; conversion of mill building to ancillary residential accommodation; provision of garage/store building; new access including bridge over mill stream. Granted permission 28 August 2013
- 6.4 13/10773: Refurbishment and extension of existing dwellings to create a single dwelling; conversion of mill building to ancillary residential accommodation (Application for Listed Building Consent) Permission granted 28 August 2013

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

**Milford On Sea Parish Council:** recommend permission Despite the lack of a Conservation Officer's report, the Parish Council supports this application to save, restore and enhance the historic Old Mill site

## **8 COUNCILLOR COMMENTS**

Cllr Kendal - supports the application.

## **9 CONSULTEE COMMENTS**

Conservation Officer: object to the proposal. Raise concerns over the relationship of the proposed extensions to this historic group and the appropriateness of alterations to the existing buildings. They also remain unconvinced on the soundness of the viability case put forward, to justify the nature and extent of works proposed and realisation of the works given the worsening condition of the buildings.

## **10 REPRESENTATIONS RECEIVED**

30 Comments received.

29 in support for the following reasons:

- Proposals have been well considered and are sympathetic to the historic character of the buildings and the environment of its setting. They would

offer opportunity to secure the future of the site, which has been subject to deterioration through vandalism and antisocial behaviour over recent years, enhancing its setting, benefiting the wider village and surrounding environment.

1 objection to the application noting the following:

- Concerns over the loss of significance in respect of the separate identity of the buildings, historic plan form and fabric. The former unsympathetic alterations to the buildings and their poor state does not justify accepting the current proposals which should form a basis for negotiation on a more sympathetic scheme.

## **11 CRIME & DISORDER IMPLICATIONS**

None relevant

## **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 paragraph 38 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.

This proposal has been submitted following extensive pre-application discussions. However, with reference to the pre-application advice offered it is noted that although much has been taken on board of note in respect of the design of the mill house rebuild, and mill house alterations, points of contention remain. In the light of the level of local support for this scheme, Officers have been in discussion with the applicant with regard to conditions that may be necessary.

## **14 ASSESSMENT**

14.1 This site is located near to the centre of Milford on Sea within the Conservation Area. It comprises a group of three buildings associated with the former water mill and includes the mill building, house and coach house with attached outbuildings. The mill building and house are both listed in their own right Grade II, with the coach house curtilage listed by association. The group of buildings sits well within their grounds which are heavily vegetated, completely screening them from any public vantage point, with the exception of some limited glimpses from the pathway along the western side of the site. They also include water features associated with the former use, including a pond and leat, with the Danes Stream defining the western side of the site. Neighbouring premises are located adjacent to the north and east of the site, however these enjoy a notable degree of separation from the buildings.

14.2 The buildings sit in a courtyard arrangement which once comprised five buildings. A former cottage enclosed the courtyard on its western side while another property projected to the south-west of the group. The historical access to the site runs to the southern side of the mill and arrives into this central area through the gap between the mill and mill house building.

14.3 The complex has been subject to neglect from the end of the C20 through the inability of the former owner to undertake maintenance and more recently as a result of vacancy, over the past 9 years. The condition of the site has led to notable vandalism of the grounds and buildings an episode of which resulted in a substantial fire in the mill house in 2015 which destroyed the roof, and much of the upper floor. To stop any further damage to the site and buildings the new owners have made best efforts to secure the buildings to protect them from further decline, and are currently living on site within the coach house building

### **14.4 The Development Proposed**

The development proposes work to all of the existing buildings on site, including refurbishment, repair and alterations to upgrade and increase the areas of habitable accommodation, including conversion of the mill building and new extensions. A new detached garage building would be provided to the rear of the coach house, connected by a covered walkway and new access driveway created over a new bridge. The proposals also include associated renovations to the wider site, including new landscaping and works to maintain the mill pond and leat.

### **14.5 The Conservation Officer Comments**

There are a number of detailed elements of these proposals which alone and cumulatively, led to objection from the Council's Conservation

Officer. These are detailed more extensively in their formal comments, however to summarise these include concerns over the relationship of the proposed extensions to this historic group and the appropriateness of alterations to the existing buildings. They also remain unconvinced on the soundness of the viability case put forward, to justify the nature and extent of works proposed and realisation of the works given the worsening condition of the buildings.

#### 14.6 The Key Elements of the Development

The linkage elements: A core element to these proposals is the linkage of the group of buildings, which incorporates the new extensions. Reflecting on the buildings individually and as a wider group within the landscape, the separation between them makes an important contribution to their character and significance. The proposed link extension would see the loss of this physical separation between the mill house and coach house, however it is recognised that the principle of this has been established under the 2013 scheme. This said there are differences in the design of the extension which would result in a more expansive addition, in terms of its continuation across the south and west elevations of the mill house and the comparative depth of the linking corridor between the south-west wing and coach house.

14.7 Although it is noted the single storey nature of the extension would assist in emphasising its subservience to the original buildings as a result of its footprint this would nonetheless add significant mass to the west of the group. Cumulatively this would result in a comparatively bulky extension which would move away from the concept of a light touch link between the original and new 'buildings' as was established with the former approval. This would harmfully erode the separation between these two buildings and be unsympathetic to the established relationship that exists. Although concern has been raised by Conservation regarding the contemporary design of this addition, in itself this is not considered wholly inappropriate. However this is subject to achievement of an appropriate design which is not considered to be the case in this instance.

14.8 The applicant contends that a corridor style link was found to be problematic in terms of the viability of implementing the former approval and also that the Council has previously advised that an addition larger than simply a corridor may be acceptable. To this effect it is recognised that indeed the former approval saw the inclusion of a habitable room along this section. However it is the articulation of this space which is crucial to the acceptability of this element of the proposals.

14.9 The Mill House: In respect of the mill house the proposals intend to preserve the remaining fabric, reinstate the lost upper floor and roof, incorporating a subtly contemporary design approach in the use of a modern roof material and treatment of window openings. A new celestory glazed element would also be incorporated between the wall plate and new roof. Given the current condition of this building its reinstatement is welcomed and it is noted the form would follow the outline of the original building as requested at pre-application stage. Furthermore there is no "in-principle" objection to following a more contemporary approach for the choice of materials and agreement could potentially be reached on solar panels of appropriate finished appearance.

14.10 This said, concerns remain over further alterations to the remaining fabric

given that so little is still present following the fire and subsequent vandalism of the building. Alterations to the window cill heights would diminish their value, affecting their Georgian proportions which are integral to their character, as would the substitution of the former traditional timber windows for plain double glazed aluminium units. The façade of the building would also be further diminished through the wrap around nature of the new extension. It is recognised that the intention is to relate the rebuilt elements to the contemporary design of the new extension. However given the limited historic fabric of the building remaining it is considered appropriate to ensure this is retained and reflected where possible. Although the applicants have suggested amendments to retain the window cills at their current height, which is welcomed, it is not considered this would overcome these concerns.

- 14.11 The proposed void to create a double height space in the kitchen area has raised concern over the lack of justification for the further loss of fabric, although it is noted that the ceiling in this area is already badly damaged and as such the principle of this may not be unacceptable. Another matter for consideration is the realisation of the proposed works, insofar as the current application has not been accompanied by an updated structural report. Although a covering letter from the agent's engineer is included, this references further remedial works and repairs which have not been fully detailed and therefore their potential extent cannot be fully understood.
- 14.12 The Mill Building: Works to the mill building would include a number of interventions to provide a suitable layout for use as habitable accommodation and to bring it up to the required standards. Internally this would see the insertion of a new staircase, provision of services, insulation and new partitions; and externally this would see the addition of new roof light windows and window replacement with double glazed units. All of these works would impact on the fabric of the building and furthermore erode its simple industrial character, which is reflected in its simple plan form and external appearance. Furthermore in respect of the necessary internal alterations, although additional information has been provided, this remains limited such that their full implications cannot be understood in detail at this stage.
- 14.13 It is recognised that the addition of roof lights was previously considered acceptable in respect of the 2013 approval, following on from the Inspector's decision on the 2012 refusal. However the former proposal sought a less intensive use for the mill building. In this case more extensive works are required and, together, it follows these would have a more significant impact on the building. There is no in-principle objection to the continued use of the mill building to support the residential accommodation, however it is the implications of this more intensive use which give rise to concerns.
- 14.14 The applicants have agreed to consider changes to the plan form in light of the Council's concerns. This would include the removal of a modern partition on the first floor and omission of the originally proposed partitions at first and second floor level. With reference to the comments from Conservation, this would directly address concerns raised over these matters. Although viewed as a positive change, this would not however overcome the concerns expressed over other aspects of work to this building.

- 14.15 The proposals would also see the mill building linked to the mill house with a glazed corridor which would see the loss of the historical access route to the site. Although the intention is to maintain the presence of the track, the loss of this route and the separation between the buildings would further detract from the interest of this group.
- 14.16 The applicant contends that this was not likely the main access to the site, with reference to the likely original access to the Mill Building from the north and referencing to OS maps and historical photographs which show that the gap between the two buildings had a gate and possibly a fence. Although it may be likely the former original access to the Mill was from the opposite side, on the Council's assessment of the historical maps and photographs provided as part of the application, they appear to indicate that access to the site took this route between the two buildings. In any case it is not the original working frontage of the Mill that is of concern, it is the loss of the historical access route and relationship between the two buildings.
- 14.17 In terms of the new vehicular access route however, this was part of the former approved scheme albeit the bridge was in a different location, and is again considered to be acceptable. The design of the new bridge would be a simple timber construction, appropriate in this context.
- 14.18 The Coach House: The coach house would be subject to internal alterations including changes in plan form, staircases and also first floor levels in conjunction with increasing the height and eaves level of its two flanking wings. The coach house was converted to annex accommodation in the mid-late C20 and, as such, subject to notable modern alteration. Nonetheless it is still considered that some features of interest remain and the roof form of the building contributes to its appearance and context as an ancillary building within the wider group.
- 14.19 The retention of more of the building's plan form at ground floor level is welcomed, in comparison with the former approval. However the proposed increase in the height of the flanking wings and their respective eaves would increase the status of the building, elevating it from a subservient ancillary character. Furthermore the current internal floor levels and arrangement therein contribute to the interest of this building and reflect its former use. Although it is recognised the maximum height of the building would not be increasing, the overall size would see a proportionately significant increase which would impact on its relationship with the wider group.
- 14.20 The Garage/Car Port: The new garage/car port would be positioned to the north of the coach house, linked with a covered walkway and follow the alignment of the new extension. Further to advice offered at pre-application stage this is now proposed as a traditional style building however this continues to follow the alignment of the proposed extension and also incorporates a further linking structure. Although there is no in principle objection to the provision of a new garage building on this side of the group, there are concerns that its positioning would relate poorly to the historical layout of the site. Furthermore given its proximity it would read as further bulk in association with the new extension, detracting from the primacy of the original buildings and their setting. The applicant contends that the position of the garage would offer a more discrete option, however the assessment of impacts on the setting of heritage assets is not necessarily restricted to specific public or key vantage

points. It is a wider contextual appreciation of them, in how they are experienced and how this affects the ability to appreciate this significance.

- 14.21 For the reasons set out above it is considered the proposed extensions and alterations to the buildings would result in harm, less than substantial in the National Planning Policy context, to the significance of these heritage assets.
- 14.22 However, in cases where harm is identified planning guidance in the form of the National Planning Policy Framework 2018 (para 196) advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing an optimum viable use. Furthermore in para 202 it advises that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 14.23 This balance is particularly pertinent to this case. As previously noted, these buildings and the wider site have been subject to vandalism including a fire which has destroyed a large part of the mill house. The Council acknowledges that these are buildings at risk, and as such wishes to see them brought back into use. Contextually this is an important group of Listed Buildings within the Milford Conservation Area which are of public interest in both historical and communal value to the history of the village and its community.
- 14.24 In support of their case the applicants have provided comprehensive supporting statements including heritage assessments and financial information on the envisaged costs of the works. Although these may not meet fully with the English Heritage guidelines for demonstrating enabling development, they demonstrate that completion of the works, including maintenance of the waterways on site will entail significant financial investment.
- 14.25 On this basis the proposed extensions and increases in habitable accommodation are put forward as enabling development, such that the costs of renovating the historic buildings and site can be recouped in the final property value. This was a similar approach taken with the 2013 approval, albeit the circumstances on site have now altered given the further deterioration of the site and buildings such that further investment would be required. The proposal also seeks to address issues with the realisation of proposals for this site, the applicants arguing that the former approved scheme was not implemented as the resulting living accommodation would not meet the expectations of modern day living standards or those commensurate with this calibre of property. They consider a key factor in this to be the absence of inclusion of the mill building into the habitable accommodation, thus necessitating the current design. Although this has not been supported by marketing evidence, it cannot be disputed that the property failed to sell, even with the benefit of the former permission.
- 14.26 From understanding the background to this application the current applicants have clear intentions to carry out the works proposed and thus offer the opportunity to secure the long term future of this group of buildings and renovation of the wider site. They also have the full support



of the local Parish and community, with 76 representations of support being received to date and have taken the time to engage with them at an early stage which is encouraged by National Government Guidance. However, this needs to be balanced against the harm which would be caused. Although the use as a single residential unit would represent the optimum viable use, given the gravity of concerns over a number of aspects of these proposals it is not considered at officer level this balances in favour of the public benefit in respect of this particular scheme. The level of harm to these building would diminish their significance to the extent this would not be outweighed by the public benefit. This is however a value judgement.

14.27 It is recognised that the background to this application follows extensive pre-application discussions and also includes consideration of former refused and approved development as referenced in the planning history and referred to where relevant in the discussion above. However, with reference to the pre-application advice offered, it is noted that although much has been taken on board of note in respect of the design of the mill house rebuild, and mill house alterations, points of contention remain. These comprise overriding concerns in respect of the scale of the extension, level of intervention to the mill building, loss of the historical access route through linking the mill house and mill building, changes to the coach house roof, position of the garage, inappropriate alterations to the window openings on the mill house and the level of loss of original fabric from the mill house.

#### 14.28 Conclusion

On the basis of the above it is considered the scale and design of the extensions and new garage would visually overwhelm and diminish the separate architectural interest and historic functions of this group of buildings. Furthermore, the degree of alteration to the existing buildings which would result in harm to their historic fabric and interest. As such this would result in harm, less than substantial, to the significance of these heritage assets, diminishing their significance to the extent this would not be outweighed by the public benefit. This would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan and Section 16 of the National Planning Policy Framework (2012).

14.29 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.

## 15. RECOMMENDATION

### REFUSE LISTED BUILDING CONSENT

**Reason(s) for Refusal:**

1. As a result of their scale and design the proposed extensions and new garage building would visually overwhelm and diminish the separate architectural interest and historic functions of this group of buildings. Furthermore, the degree of alteration to the existing buildings would result in harm to their historic fabric and interest. As such this would result in harm, less than substantial, to the significance of these heritage assets, diminishing their significance to the extent this would not be outweighed by the public benefit. This would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan and Section 16 of the National Planning Policy Framework (2018).

**Notes for inclusion on certificate:**

1. This decision relates to additional plans received by the Local Planning Authority on 23/07/2018
2. In accordance with paragraph 38 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.

This proposal has been submitted following extensive pre-application discussions. However, with reference to the pre-application advice offered it is noted that although much has been taken on board of note in respect of the design of the mill house rebuild, and mill house alterations, points of contention remain. In the light of the level of local support for this scheme, Officers have been in discussion with the applicant with regard to conditions that may be necessary.

**Further Information:**

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