

Application Number: 15/11682 Full Planning Permission

Site: 100 HIGH STREET, MILFORD-ON-SEA SO41 0QE

Development: Use of ground floor shop as flat; elevational alterations

Applicant: Mr R Waters

Target Date: 23/03/2016

1 REASON FOR COMMITTEE CONSIDERATION

No affordable housing contribution being sought in this case

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Conservation Area
Local Shopping Frontage

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 3. Housing
- 4. Economy
- 6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- CS15: Affordable housing contribution requirements from developments

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM18: Local shopping frontages in Marchwood, Blackfield, Holbury, Fawley, Milford on Sea, Hordle, Bransgore

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

Milford-on-Sea Village Design Statement
Parking Standards Supplementary Planning Document

6 RELEVANT PLANNING HISTORY

03/78806 Conversion to form 1 flat; 1 maisonette Granted: 17 September
2003

7 PARISH / TOWN COUNCIL COMMENTS

Milford-on-Sea Parish Council: recommend refusal but would accept delegated officer decision

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

- 9.1 Planning Policy: objection
- 9.2 Conservation Officer: further information requested
- 9.3 Drainage Engineer: no comment
- 9.4 Hampshire County Council Highways Engineer: no objection

10 REPRESENTATIONS RECEIVED

- 10.1 The Agent writes in support of the application and comments that there are other shopfronts in the immediate locality, other shop uses have been lost to residential uses and there are other empty shop units in Milford.
- 10.2 One letter received in support of the proposal stating that a residential use would be appropriate in this location; would be better than an empty shop and would provide much needed residential accommodation.
- 10.3 One letter received objecting to the proposal stating that UPVC is not appropriate on this location and the retail use should be retained.

11 CRIME & DISORDER IMPLICATIONS

n/a

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and a new dwelling is provided, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

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

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 application is contrary to planning policy and the applicant was advised of this through the Parish Briefing given that this application was not supported by any pre-planning application. It is not considered that this policy objection could be overcome through negotiation.

14 ASSESSMENT

14.1 The Proposal

- 14.1.1 The application seeks planning permission for the change of use of a shop to provide a one bedroom ground floor flat and relates to an existing retail unit on the south side of the High Street, Milford-on-Sea. Planning permission is required for this change of use because the application site is within a Conservation Area (the proposal does not fall under Part M (retail or betting office or pay day loan shop to dwelling houses) of Schedule 2 Part 2 of the General Permitted Development Order).
- 14.1.2 The application would also allow changes to the entrance area of the existing residential accommodation at 100 High Street which is accessed via a side passage to the north side of the premises. Additionally, the

Design Statement advises that the shop front is over 100 years old and would need replacing with a UPVC frontage, which would be similar to the existing, with the exception of the front door that would form a domestic half glazed unit.

14.2 Principle of Development

- 14.2.1 The application site lies within the defined local shopping frontage in Milford-on-Sea where planning policy DM18 applies; this policy does not allow for residential development on the ground floor, thus there is a policy objection to the proposal.
- 14.2.2 The shop is currently vacant but it was occupied at the time of the most recent survey in 2015 and shows a long period of occupancy prior to that (with one exception in 2010). There would appear to be no evidence of prolonged vacancy in this shop and in general the level of vacancies within Milford-on-Sea is quite low (approx. 6% of units). Further, no particular problem has been identified with the commercial viability of the area and no evidence has been provided which might suggest that an exception to the policy is justified in this instance.

14.3 Design/ Conservation Area

- 14.3.1 The site lies within the Milford-on-Sea Conservation Area and proposes replacement of the existing shop front with a new UPVC frontage. No details have been provided of the existing shop front (which is of good design) or its proposed replacement and the proposed change to UPVC is likely to have a detrimental impact on the front elevation of this building in the Conservation Area.
- 14.3.2 The further external changes proposed to the side of the building would not be readily visible and there is no objection to this element of the scheme, subject to a condition (in the event that planning permission were granted) in respect of the detailing of the openings proposed.

14.4 Residential Amenity

- 14.4.1 The proposal would provide a small one-bedroom flat with a separate lounge/ kitchen and bathroom. While internal space would be limited (and with no garden space proposed), on balance it is considered that this would be unlikely to substantiate any refusal reason.
- 14.4.2 Concerns have been raised with regards to the impact of the proposal on the residential amenities of the occupier above primarily given the perceived poor quality of conversion works to date and anticipated noise disturbance. These issues are likely to be addressed by Building Regulations and it is not considered that planning permission could reasonably be withheld on this basis.
- 14.4.3 It is not considered that the proposal would cause any significant adverse impact to the residential amenities of those within the flat to the rear at 100 High Street (the Garden Flat) or to the amenities of other neighbouring occupiers.

14.5 Highway Safety

14.5.1 The site currently has no parking facilities and there are no proposals to provide any parking; having regard to the Council's Supplementary Planning Document on parking standards, there is a requirement for the existing retail premises to provide 1 space and the proposed one-bedroom flat 2 spaces. However, the site is close to good public transport links and local amenities. While parking controls exist in the locality to help prevent the possibility of displaced vehicles causing an undue highway danger/ inconvenience. In view of the above, there is no highway objection.

14.6 Affordable Housing

14.6.1 This proposal for a one-bedroom flat would typically generate an affordable housing contribution having regard to the provisions of planning policy CS15. However, in this instance, given that the proposal only requires planning permission because of its location within the Conservation Area (alternatively the proposal might have been considered as a part of the prior notification procedure), it is considered unreasonable to seek an affordable housing contribution in this instance.

14.7 Habitats Regulations

14.7.1 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.8 Conclusion

14.8.1 In conclusion, it is considered that residential use would not be appropriate in this local shopping frontage and there are concerns that the changes to the shopfront would be inappropriate within the Conservation Area.

14.9 Human Rights

14.9.1 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.

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	40	40	0	£0.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The application site lies within the defined local shopping frontage in Milford-on-Sea where residential development is not permitted at ground floor. The proposal is therefore contrary to the provisions of the National Planning Policy Framework, Planning Policy CS10 of the New Forest District Core Strategy Document (Adopted October 2009) and Planning Policy DM18 of the Local Plan Part 2 (Sites and Development Management) Adopted 2014.
2. It is considered that the changes to the shopfront would have an adverse impact on the character and appearance of the Conservation Area. The proposal is therefore considered to be contrary to the provisions of the National Planning Policy Framework, Planning Policies CS2 and CS3 of the New Forest District Core Strategy Document (Adopted October 2009) and Planning Policy DM1 of the Local Plan Part 2 (Sites and Development Management) Adopted 2014.

Notes for inclusion on certificate:

1. 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 application was contrary to planning policy and the applicant was advised of this through the Parish Briefing given that this application was not supported by any pre-planning application. It was not considered that this policy objection could be overcome through negotiation.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee**
April 2016

Item No: 3c
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High Street
Milford on Sea
15/11682
SZ2991

Scale 1:1250

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

