

**Application Number:** 16/11030 Full Planning Permission

**Site:** 27 HIGH STREET, MILFORD-ON-SEA SO41 0QF

**Development:** Use as craft beer bar (Use Class A4)

**Applicant:** Mr J Woodsford

**Target Date:** 13/10/2016

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## **1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

## **2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area  
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
4. Economy
6. Towns, villages and built environment quality

#### Policies

##### Core Strategy 2009

- CS1: Sustainable development principles
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS9: Settlement hierarchy
- CS20: Town, district, village and local centres
- CS24: Transport considerations

##### Local Plan Part 2 (Sites and Development Management DPD) 2014

- 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**

None

**6 RELEVANT PLANNING HISTORY**

Change of use from retail to launderette (45070) Granted with conditions on the 29th June 1990

**7 PARISH / TOWN COUNCIL COMMENTS**

Milford On Sea Parish Council: recommend refusal. The Parish Council welcomes new businesses to the village but felt this application is in the wrong location. Noting the Environmental Health Officer's report, the Parish Council was concerned by the possible negative effects of late night noise, anti-social behaviour and highway issues on neighbouring residents which could result from this application.

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

Environmental Health Officer (Pollution):No objection subject to conditions

**10 REPRESENTATIONS RECEIVED**

10.1 6 of support. This will be good in Milford and would offer a new facility for the area.

10.2 5 letters of objection concerned over noise and disturbance to residential properties. The outside area will have chairs and tables. The outside area will also be used as a smoking area for patrons. There are already many licensed trading premises. The Red Lion is just across the road. Concern over deliveries. The High Street is already restricted in width, additional deliveries will exacerbate the problem.

**11 CRIME & DISORDER IMPLICATIONS**

Crime Reduction Officer: Awaiting comments

**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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

## 14 ASSESSMENT

- 14.1 The application property is a two and a half storey 'mock tudor' building which lies within the central part of Milford on Sea. The premises is currently vacant, but was previously used as a launderette on the ground floor with a residential flat above. The main entrance to the building is from a narrow public pavement which runs under a large canopy. It is understood that the use of the launderette ceased back in March 2015. The premises is relatively small in size measuring around 38 square metres with two large windows fronting the High Street.
- 14.2 This proposal seeks the change of use from a launderette (Class A1) to a craft beer bar (Class A4). It is proposed that the use will operate between 11:00 and 23:00 all week. No external changes are proposed to the building. The applicant seeks to make internal alterations to the building including installing sound proofing to mitigate against noise emanating from the premises. The upper floor of the premises would be used as a residential flat.
- 14.3 The site lies within the central part of Milford On Sea which comprises a mixture of uses including residential, retail, commercial, and other community uses. There is a Public House known as the 'Red Lion', across the road, but not immediately opposite. The application building is not listed but lies within the Conservation Area. The neighbouring property on one side is used as a shop, with a chiropodist on the other side with residential above. There are residential properties across the road and to the rear.

- 14.4 Starting with the policy position, Local Plan Part 2 Policy DM18 permits uses in this part of the village centre of Milford which provide for the day to day shopping and service needs of the area and seeks to retain 50% of ground floor units in retail (Class A1) use. The current survey indicates that 53% of the defined local shopping frontage in Milford is in retail use. The village centre of Milford retains a relatively high proportion of units in retail use, and the place seems well used and supported by the local population. The proposed use is likely to attract people to the area during the day and at night time.
- 14.5 The former use of the premises as a launderette has now ceased and the premises is vacant. While the premises lies within the central part of the village centre, the unit has a small floor area and there can be no certainty that an alternative retail use will be found. Nevertheless, the use of the premises as a small bar would add to activity during the day and in particular the evening hours that would complement the existing uses. Accordingly, it is considered that the proposed use would accord with Policy DM18 and would not have any adverse impact on the vitality and viability of the village centre.
- 14.6 In terms of the effect on the character of the Conservation Area and locality, the site lies within the central village location and the proposed use may well enliven the area, and there are no concerns in this regard. No external changes are proposed and the use will not have any impact on the Conservation Area.
- 14.7 The main issue is the effect of the development on the living conditions of the neighbouring residents, with particular regard to noise and disturbance. This includes noise from patrons within the building, noise from patrons outside the premises, particularly those smoking, noise from plant, chillers and extraction systems, and noise from patrons arriving and leaving the premises.
- 14.8 There is residential accommodation at first floor level above the premises and the age of the buildings would suggest that the building structure provides a poor level of sound insulation between these two uses. There are also residential properties to the rear and front of the premises. In assessing the proposal, it is noted that the previous uses of the launderette would have generated some noise during the day, but this would have only affected the upper floor residential flat. It is noted that there is a Public House in the vicinity of the site, which includes an outside area to the front.
- 14.9 The Environmental Health Officer does not raise any objections to the proposal subject to conditions. The premises have been inspected and have high ceilings which will enable sufficient space to provide sound insulation within the building and underneath the outside canopy. These details can be provided through a carefully worded planning condition. The applicant has appointed a noise consultant and has no objection to providing sound proofing within the building. The proposed use is for a craft beer bar and the applicant does not wish to have any 'live or acoustic music' played from the premises. A condition can be imposed which prohibits the use of amplified music and restricts the opening times.

- 14.10 Accordingly, it is considered that subject to appropriately worded planning restrictions, and other control through separate licensing, there is no reason why the proposed use cannot operate without causing unacceptable harm to residential amenity. While there will be an increase in activity during the evening, the premises will close at a similar time to the Public House across the road and the proposed use is appropriate in this village centre location.
- 14.11 In conclusion the proposal accords with local plan policy and would provide additional activity in the area which would not have any material harm on local amenity. The site lies within the central part of the village centre where this type of A4 use is appropriate.
- 14.12 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**

#### **Proposed Conditions:**

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 following approved plans: Location plan, Ground floor plan, .  
  
Reason: To ensure satisfactory provision of the development.
  
3. No activity shall take place on the site in connection with the approved use other than between the hours of 09:00 and 23:00 Hours Monday to Sunday.  
  
Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. There shall be no playing of amplified music.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before the use hereby approved is operated, details of measures to be undertaken to reduce sound transmission emanating from the building to an agreed level, shall be submitted to and approved in writing by, the Local Planning Authority. The submitted details shall include an acoustic assessment of the sound insulation quality of the fabric of the building to be undertaken by an appropriately qualified consultant. The development shall only take place in accordance with the approved details.

Reason: In the interest of the amenity of the adjoining neighbouring properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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Planning Development  
Control Committee  
November 2016

Item No: 3i  
27  
High Street  
Milford on Sea  
16/11030  
SZ2991

Scale 1:1250

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

