

**02 Reference Number:** 22/00293/FUL

**Description of application:** Change of use from commercial (former bank) to a dwelling

**Site Address:** 14 High Street, Sandown, Isle of Wight, PO36 8DA

**Applicant:** Mr & Mrs Conkleton

**This application is recommended for:** Refusal

### **REASON FOR COMMITTEE CONSIDERATION**

The application is considered to raise marginal and difficult policy issues and therefore in accordance with the Council's Constitution has been referred to the Planning Committee for consideration.

### **MAIN CONSIDERATIONS**

- Impact on the vitality and viability of the Town Centre
- Impact on the character and appearance of the designated Conservation Area
- Impact on neighbouring residential properties and the resultant residential amenity
- Impact on highways
- Impacts on Solent Marine Sites
- Financial Contributions

#### **1. Location and Site Characteristics**

- 1.1 The application site is located on the south side of Sandown High Street and comprises a mid-terraced, traditional Victorian building that was previously occupied by Lloyds Bank. This part of the High Street comprises buildings within commercial use at ground floor (retail, restaurants etc) and some with residential use above. The application site is situated in a designated Conservation Area and Town Centre Boundary.
- 1.2 The ground floor has a large window of three panes, mostly white painted frame with a central horizontal bar on the central glazed panel. There are decorative curved fan lights above the window with black coloured frames. There are pilasters that border the window and one on the other side of the entrance door. The remaining wall is rendered white.
- 1.3 The upper floors have red brick walls with pilasters going up the sides. The first floor has a large bay window, and the second floor has a standard window, both windows having vertical and horizontal bars.

## 2 **Details of Application**

- 2.1 Consent is sought for the change of use of the building from a former bank (use class E) to a residential dwelling (use class C3).
- 2.2 The floor plans submitted show changes to the internal layout of the building to provide a four bedroom dwelling, with two roof terraces to the rear. No external changes are proposed but some works may be needed which would be confined to repairs and renewals.

## 3 **Relevant History**

- 3.1 21/02169/3OPA | Prior approval for change of use from commercial to residential was refused in December 2021 for the following reason:

The proposed development would fail to comply with the conditions contained within paragraphs MA.2(2)(d) and M.2(2)(e) of Schedule 2 Part 3 Class MA of the General Permitted Development Order 2015 by virtue of substantial harm to the Conservation Area due to the loss of the commercial unit and domestication of the site and unacceptable noise disturbance generated by the neighbouring commercial units.

## 4 **Development Plan Policy**

### National Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) sets out three roles (economic, social, and environmental) that should be performed by the planning system. The Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages
- moving from a net loss of biodiversity to achieving net gains for nature
- replacing poor design with better design
- improving the conditions in which people live, work, travel and take leisure and;
- widening the choice of high-quality homes

### 4.2 Local Planning Policy

- 4.3 SP2 - Housing  
SP5 - Environment  
SP7 - Travel  
DM2 - Design Quality for New Development  
DM4 – Affordable Housing  
DM9 – Town Centres  
DM11 - Historic and Built Environment  
DM17 - Sustainable Travel

- 4.4 Affordable Housing Contributions Supplementary Planning Document (SPD)
- 4.5 The Bird Aware Strategy sets out the mitigation for impacts on the Solent Special Protection Area as a result of increased recreational pressure from certain types of residential development that are located within 5.6km of the Solent Special Protection Area
- 4.6 LPAs Position Statement on Nitrogen neutral housing development
- 4.7 Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document (SPD)
- 4.8 Guidelines for Recycling and Refuse Storage in New Developments Supplementary Planning Document (SPD)

## 5 **Consultee and Third Party Comments**

### Internal Consultees

- 5.1 The Council's Environmental Health Officer has not raised any formal objections to the proposal on grounds of contamination or noise/odour impacts.

### External Consultees

- 5.2 The Highways Engineer on behalf of Island Roads has recommended approval.
- 5.3 Natural England have made the following comments
- Requested further information to determine impacts on designated sites with regard to nitrates
  - No comments regarding recreational disturbance subject to appropriate mitigation being secured for the Solent Recreational Mitigation Partnership.

### Third Party Representations

- 5.5 Councillor Ian Ward, the local member, supports the application for the following reasons:
- It is Government policy to encourage empty retail buildings within high streets to be adapted for residential use to stop the steady decline of high streets.
  - It does not have a conventional shop front so there will not impact upon the street scene.

## 6 **Evaluation**

### Impact on the vitality and viability of the Town Centre

- 6.1 The Island Plan Core Strategy identifies the site as being located within the Town Centre Boundary, but outside of the Primary Retail Frontage for Sandown. Policy

DM9 seeks to preserve the retail function of Town Centres and Primary Retail Frontages and states that the Council will support proposals that contribute to the diversity, choice, vitality and viability of town centres. It states that development proposals will be expected to ensure proposals within the Town Centre Boundary for changes of use of ground floor premises to other non-retail uses will not be permitted unless it can be demonstrated that either individually or cumulatively, the development would have no significant adverse impacts on the retail function, design, character, vitality and viability of the town centre.

- 6.2 The area surrounding the application site comprises a wide variety of commercial uses including retail, hot food takeaways, cafes and hairdressers. The building itself is located within a key commercial area, within the middle of a row of properties, which all contain active frontages that are in non-residential use.
- 6.3 The loss of the ground floor of the application property to residential use would see a non-commercial use within the centre of a row of commercial properties, stopping the free flow of pedestrians, having a potential impact on the viability of units further along the High Street while also negatively impacting on the character and appearance of the surrounding Conservation Area, by introducing a use that would appear incongruous and denude the vitality of the street scene. This would be further exacerbated by the need for blinds or obscure glazing to provide privacy to the 'family room', which would have a window facing directly onto the street.
- 6.4 Whilst officers acknowledge that the proposed change of use would bring a vacant building within the Town Centre back into operation, it is considered that the benefit of approving the use of the ground floor of the building for residential purposes would not outweigh the harm that would be caused to the vitality and viability of the Town Centre as a result of the loss of commercial floor space in what is considered to be a key commercial area. For these reasons it is considered that the proposed development would be an undesirable change of use that would result in an adverse impact to the viability and vitality of the town centre and therefore would fail to comply with policy DM9 of the Island Plan Core Strategy.

#### Impact on the character and appearance of the designated Conservation Area

- 6.5 Policies DM2 and DM11 of the Island Plan Core Strategy state that development should be supported where it would protect, conserve and enhance the special character of the Island's historic and built environment. As detailed above, permission is sought for a change of use of the whole building from a former bank to a residential dwelling. The surrounding area comprises buildings with commercial use at ground floor (retail, restaurants etc) and some with residential use above, which officers consider to be an important characteristic of the Conservation Area.
- 6.6 There are no external changes proposed to the building that would alter its appearance. Despite this, officers have concerns that, in order to ensure that there would be adequate privacy for the resultant occupiers, certainly in respect of the ground floor windows, there would be a need to install curtains, blinds or

similar, despite the building not being a conventional shop front. It is considered that this would have an impact on the visual appearance of the building when viewed from the street, which would fail to preserve or enhance the appearance of the Conservation Area.

- 6.7 It is acknowledged that the current vacant unit does not preserve the character of the Conservation Area due to it being empty, but the complete loss of the commercial use of the ground floor, within this part of the High Street would have a more permanent detrimental impact. The Conservation Area Appraisal for the commercial (resort) character area summary states that “The potential for restoration to revive the former glory from under a temporary coat of neglect is important to the significance of the area and its heritage value.” Officers consider that the permanent loss of the active commercial frontage would impact on this heritage value of this commercial character area. The proposal would not be in keeping with the prevailing pattern of development at ground floor level and would have a detrimental impact on the overarching retail/commercial character and appearance of the area contrary to policies DM2 and DM11 of the Core Strategy.

Impact on neighbouring residential properties and the resultant residential amenity

- 6.8 As detailed above, the application site previously operated as a bank. The proposed development seeks to change the use of the entire building to a residential dwelling. The application site is bordered by commercial units at ground floor (takeaway restaurants), with the upper floors occupied by residential flats or used for storage purposes.
- 6.9 When considering changes of use in commercial areas due consideration must be given to the potential impact on the ability of neighbouring business to meet their commercial needs, should a conflict of use occur. In this instance it is noted that the existing commercial uses co-exist with residential at first floor and therefore it is unlikely there would be a risk of complaints significant harm from the inclusion of further residential use.
- 6.10 The Council’s Environmental Health Officer has highlighted that the noise/odour produced by the neighbouring commercial uses could result in disamenity to the future occupiers of the proposed residential property. However, due consideration has been given to the commercial context and mixed use of the surrounding area and as a result, the Environmental Health Officer has advised that any disamenity would not likely amount to a significant adverse impact. Furthermore, it is likely that the future occupiers of the proposed residential property would be aware of the nature and limitations of the dwelling before committing themselves to it. However, should the degree of odours or noise generated by the neighbouring commercial uses be found to cause unreasonable disturbance, Environmental Health would be able use its powers under the Environmental Protection Act to resolve any issues.
- 6.11 The proposed development includes two roof terraces, to provide external amenity areas for the occupiers. These would be positioned on the large flat roof areas at the rear of the building. One of these is shown to be existing, while the

other would be new. The existing however is not used in conjunction with residential activities. Officers have concerns that these spaces are shown to be very large, which could result in significant disturbance to neighbouring residential uses as well as resulting in overlooking and the perception of overlooking, from having these large external spaces in these elevated positions. As a result, officers consider that there would be an unacceptable impact on the amenities of existing neighbouring properties.

- 6.12 For the above reasons it is considered that the proposal would have a harmful impact on the amenity of neighbouring residential uses. As such it is considered that the proposal would be contrary to policy DM2 of the Island Plan Core Strategy to this regard.

#### Impact on highways

- 6.13 The application would provide no parking for the resultant dwelling. This site falls within Zone 1 as defined within the Guidelines for Parking Provision as Part of New Developments SPD whereby there is no obligation to provide onsite parking due to the sustainability of the site in respect to its proximity to local bus routes, public car parks and on-street parking facilities.
- 6.14 Having regard to the above, Island Roads have confirmed that the proposal would be acceptable from a highways perspective and therefore would comply with policies SP7, DM2 and DM17 of the Island Plan Core Strategy.

#### Impacts on Solent Marine Sites

- 6.15 As the development would result in a net increase in housing there is the potential that it would add to existing problems within the Solent as a result of nitrate enrichment, which is currently having detrimental impacts on protected habitats and bird species. Protected species of birds use mudflats within the Solent for feeding. However, research carried out by Natural England has shown that nutrients discharged by sewage treatment works into the Solent causes eutrophication of the SPA and this compromises the ecological value of the designated site. The Council's Position Statement and Natural England's published guidance Advice on Achieving Nutrient Neutrality for New Development in the Solent Region provide guidance for this issue and outlines potential methods of mitigation.
- 6.16 To ensure housing development would not add to existing nutrient burdens in the Solent and adversely impact on the designated SAC and SPA / Ramsar sites within it, the Position Statement explains that it must be demonstrated that either the development is nitrate neutral or that its wastewater would be treated at Southern Water's Wastewater Treatment Works (WwTWs) at Brighstone, Sandown, Shorwell or St Lawrence, all of which discharge to the English Channel and not the Solent, thus avoiding harm to protected Solent Marine sites. Southern Water have confirmed that the foul sewage for the existing property is sent to and managed by the water treatment in Sandown and therefore into the Channel and not the Solent. As such is it considered that the proposal would not result in harm to the Solent Marine sites through an increase in nitrate enrichment.

6.17 Natural England have advised that the proposal could result in an increase of recreational disturbance to coastal Solent Protection Areas (SPA) and Ramsar sites whereby some form of financial contribution may be required to mitigate against the impacts from recreational disturbance. The Bird Aware Solent Strategy has updated the mitigation for impacts on the SPA as a result of increased recreational pressure from certain types of residential development that are located within 5.6km of the designated SPAs. The application site is located with 5.6km of the designated SPA and as the proposal would result in a net increase in residential development, a financial contribution would be required to mitigate against the impacts from recreational disturbance. An agreement has been sent to the applicant but has not been returned signed, to confirm that they would pay the required mitigation. As the application is recommended for refusal and the agreement has not been completed this forms a further reason for refusal.

Affordable Housing

6.18 Policy DM4 and the Affordable Housing Contributions Supplementary Planning Document requires that developments that result in a net increase in residential development contribute to affordable housing. In instances where a contribution cannot be secured due to viability the SPD outlines that an open book assessment would need to be submitted. In this instance the applicant has outlined that they cannot make the required contribution but have not provided an assessment.

6.19 The figure required by the SPD was set following a detailed consultation process, with a working party from the Chamber of Commerce to ensure that any contribution would not impact on the viability of a scheme and would be payable on occupation, opposed to commencement. The figure is calculated based on a formular,

Property Value	-	Threshold	=	Remaining value
(a)	-	<b>(b) £100,000</b>	=	(c)
Remaining value	x	Tariff	=	Affordable Housing Contribution Sum
(c)	x	<b>3%</b>	=	(d)

If the property is being sold the value would be based on a solicitor's letter based on an arm's length transaction. In instances where the property is not being sold the value is based on a RICS Surveyor in accordance with 'RICS Red Book method.

6.20 In the absence of a commitment to provide this contribution (by way of a Unilateral Undertaking) the proposed development would be contrary to policy DM4 and the Affordable Housing SPD.

**7 Conclusion**

7.1 Having taken all comments received in relation to the application into account and having had regard to all relevant material considerations, it is considered that the proposed development would have a detrimental impact on the viability and vitality of the town centre while failing to preserve and enhance the conservation

area and the proposed large areas of roof terrace would result in an unacceptable impact on neighbouring residential properties, contrary to policies DM2 (Design Quality for New Development), DM9 (Town Centres) and DM11 (Historic and Built Environment) of the Core Strategy. The development would also fail to contribute required mitigation to the Solent Special Protection Area and provide for policy compliant Affordable Housing.

8 **Recommendation**

8.1 Refusal

9 **Statement of Proactive Working**

9.1 ARTICLE 31 - WORKING WITH THE APPLICANT

In accordance with paragraphs 38 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

- The IWC offers a pre-application advice service
- Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the application was not considered to be a sustainable form of development and therefore, no further discussions were undertaken.

**Reasons for refusal**

1. The proposed change of use of the ground floor of the building from commercial to residential would cause adverse harm to the vitality and viability of the Town Centre as a result of the loss of commercial floor space contrary to policy DM9 (Town Centres) of the Island Plan Core Strategy.
2. The proposed development would result in the residential use of an existing commercial unit that is located within a terrace of commercial units and an area of Sandown that is characterised by commercial uses that significantly contribute to the vibrant and active character of the surrounding conservation area. The residential use would appear incongruous in relation to the terrace that it is situated within and the character of the wider High Street and conservation area, compromising their character and appearance and therefore failing to preserve or enhance and would therefore be contrary to policies DM2 (Design Quality for New Development) and DM11 (Historic and Built Environment) of the Island Plan Core Strategy.
3. The proposed large roof terraces would result in unacceptable levels of disturbance, overlooking and the perception of overlooking on the amenities of



neighbouring properties and would therefore be contrary to policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

4. The application site is located within the Solent Special Protection Area (SPA) buffer zone and the proposal has the potential to result in increased recreational disturbances to the interest features of the Solent SPA alone and in combination with other development projects. To mitigate for these potential impacts to the Solent SPA, the applicant is required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a contribution from the development towards the Solent Recreation Mitigation Strategy. In the absence of such an obligation or any other proposed measures to mitigate for these potential impacts, it is considered that the proposal would be contrary to the aims of Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and the National Planning Policy Framework.
5. A contribution towards affordable housing provision is required from this development proposal in accordance with the requirements of Policy DM4 (Affordable Housing) of the Island Plan Core Strategy and the Council's adopted Affordable Housing Contributions Supplementary Planning Document. In the absence of such an agreement to provide for affordable housing contribution under Section 106 of the Town and Country Planning Act 1990 (as amended), it is considered that the proposal would be contrary to the aims of Policy DM4 (Locally Affordable Housing) of the Island Plan Core Strategy and the Council's SPD.