

DELEGATED OFFICER REPORT

Application Ref: X/22/94365

Site Address: NETLEY WATERSIDE HOUSE, ABBEY HILL, NETLEY ABBEY, SOUTHAMPTON, SO31 5FA

Case Officer: Rebecca Altman

Description: Variation of condition 2 to extend time limit of planning permission F/22/92732 for temporary change of use to House of Multiple Occupation (HMO) (sui generis) for up to 20 persons for a further period of 6 months.

Particular Site Constraints?	Yes ☒	No ☐
• Within countryside and Strategic Gap • Within Netley Abbey Conservation Area • Within an area of archaeological potential • Close to listed buildings including Netley Abbey and Netley Castle • Close to Netley Abbey historic park and garden • Close to Netley Castle Scheduled Ancient Monument (SAM) • South-west side of garden in Flood Zone 2 • Adjacent to Netley and Hamble Shore Site of Importance for Nature Conservation (SINC) • Adjacent to Solent SPA and RAMSAR site, and Lee-on-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI) • TPO area on opposite side of Abbey Hill • Adjacent to secondary support area for Brent Geese and Solent Waders		

Planning History?	Yes ☒	No ☐
• F/22/92732 – Temporary change of use to HMO for up to 20 persons – temporary permission 09/06/2022 until 10/12/2022 • F/22/92347 – Construction of replacement respite care and holiday centre – permitted 09/08/2022 • C/06/55903 – Construction of new roof to utilities block – conservation area consent granted 14/2/2006 • C/15315/012/00 – addition of conservatory, WC extension and bay window – permitted 10/2/1999 • C/15315/011/00 – construction of two and three storey staff accommodation and new vehicle egress – permitted 15/6/1998 As well as the above, there have been various applications for extensions and alterations dating back to 1979.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	One query raised about who would occupy the HMO. Officer response given on 18 January 2023.		
Parish Council:	No objection.		
Highway Authority:	No objection.		
Natural England:	Concurs with Local Authority conclusion that the use would not have significant effects on protected areas.		
Environmental Health:	No objection.		

Housing Team:	No objection.
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Site Visit:	Yes ☒	No ☐
Site visit carried out in 2022 for previous applications.		

Policy: National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u>. The most relevant policies are Strategic policy S1 and Development Management policies DM1, DM11, DM12, DM14. Supplementary Planning Documents: Residential Parking Standards.

Assessment: <u>Site and proposal</u> The application relates to a former respite centre located on the south-west side of Abbey Hill. The building has up to 3 floors and accommodates 31 rooms. The respite use of the building ceased in 2021 and an application for the construction of a new respite facility on the same site was permitted in August 2022, but has not yet been implemented. A temporary change of use of the building to a HMO for up to 20 persons was permitted in June 2022 for a period of 6 months. This was to allow occupancy by 'property guardians' to maintain security for the building while it was vacant and before redevelopment took place. The redevelopment of the site has since been permitted but the implementation has been delayed and the current application is to vary condition 2 of the previous permission to extend the HMO use for a further period of 6 months. <u>Principle of the proposal</u> Given the temporary nature of the proposed HMO use, there is no objection in principle. <u>Impact on heritage assets</u> The use of the building as a HMO has resulted in no alterations to the layout of the site or external appearance of the building, and has not resulted in an intensification of use. The use therefore does not impact upon the character of the Conservation Area or the setting or architectural / historic significance of any of the nearby heritage assets. <u>Standard of accommodation</u> The occupants are living in some of the rooms previously used by the residents, which have a good level of light and outlook and en-suite facilities. There are no specific space standards set out in the Local Plan for HMO schemes and the acceptability of the accommodation would be assessed separately by the Council's Housing Team when considering whether to grant a licence. The Housing Team has raised no objection to this application to extend the time period for the HMO use. <u>Impact on neighbouring residents</u> During the original application for the HMO use, some of the neighbouring residents raised concerns regarding noise disturbance and potential loss of privacy. However, the

Environmental Health Team raised no concerns, noting that the nature of the use is unlikely to impact on expected noise levels within the area. Issues relating to noise in the early hours can be dealt with by separate environmental legislation.

With regard to privacy, the layout and position of windows on the building have not been changed, and the number of people occupying the building is less than when it was in use as a respite centre. It is therefore not considered that the use has any significant impact on the privacy of neighbouring residents.

Parking

There are 17 parking spaces and 4 light goods vehicle spaces on site, which is considered sufficient to serve the HMO use. There would be no change to the vehicle access arrangements and the Highway Authority has raised no objection.

Impact on the European protected sites

It has been identified that certain new developments have the potential to impact on the Solent Special Protection Areas and New Forest SPA through increased nitrogen release, and increased recreational disturbance. This includes developments for new houses as well as some tourist accommodation.

In this case, the level of occupancy of the temporary HMO would be less than that of the building when it was in use as a respite centre. The building continues to have an authorised use as a respite centre and could operate in that use at any time. It is therefore the Local Authority's view that the development would not increase nitrogen loads or recreational pressure on the Solent SPAs or New Forest SPA.

A Habitats Regulations Assessment Screening Assessment was issued to Natural England under the previous application for HMO use, and they confirmed agreement to the Council's conclusion that the development would not cause likely significant effects on designated sites.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and emerging plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.

The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. In this case the proposed use is temporary until such time as a more modern respite facility can be constructed, and the new facility would incorporate various measures to reduce emissions and increase energy efficiency.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion

The extended time period for HMO use is considered acceptable to maintain security for the building. The use does not impact on the external appearance or layout of the site and does not have a significant impact on the amenities of neighbouring residents. The proposal is therefore in accordance with relevant local and national policies.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Temporary permission until August 2023.